



FOR IMMEDIATE RELEASE
Mar. 18, 2016

Media Contact: Marie Condron, 213-925-9605
mcondron@publiccounsel.org

Homeless Individuals in City of Pomona Take Legal Action To Stop City's Seizure and Destruction of Essential Property

The City of Pomona is seizing and destroying homeless people's IDs, medications, legal documents, and priceless sentimental objects, in blatant violation of clearly established law

LOS ANGELES — Today a group of homeless individuals and a local church that serves the homeless in Pomona took legal action to stop the City of Pomona from continuing its illegal practice of summarily seizing and destroying the personal possessions of homeless people, violating their Constitutionally protected rights.

"The City of Pomona is breaking the law and endangering its citizens. In a civilized society, it's unacceptable for the government to seize and destroy individuals' personal property for no reason," said **Margaret Morrow**, President and CEO of Public Counsel. "What makes Pomona's practices so much worse than those of other local cities is that the property poses no threat whatsoever to the public but is nonetheless destroyed on the spot. There is no justification for taking and destroying someone's benefits card, life-saving insulin, or personal identification documents. Our courts have already determined that doing so violates homeless individuals' constitutional rights. The practice, moreover, perpetuates the cycle of homelessness by leaving homeless people, who start off with little, without items they need to survive."

The plaintiffs, represented by Public Counsel and Munger, Tolles & Olson LLP, filed a motion for a preliminary injunction in federal district court challenging the City's policy and practice of seizing and confiscating homeless persons' property, without notice and over the objections of the property owner. They seek to represent a class of homeless individuals who continue to be placed in danger and lose essential property as a result of this unlawful practice. After each confiscation, homeless residents of Pomona must expend their scant material and emotional resources in reacquiring these essential items and rebuilding their lives.

This practice by the City of Pomona has resulted in irreplaceable losses of some of the plaintiffs' most essential belongings, preventing them from putting their resources into seeking more stable lives. The City's shocking violations include the following:

- **James Morgan** had his schizophrenia medication taken, causing him to hear voices and have severe anxiety attacks. His medical paperwork, California identification

card and Social Security card were taken as well, which left him unable to collect his Social Security benefits for several months.

- **Veronica Delgado** lost not only her insulin and high blood pressure medicine, leaving her dizzy and vomiting for days, but also all the materials she needed for the job applications she was submitting in a County-sponsored program. Without identification, she was unable to apply for jobs at a job fair.
- **James Spry**'s tools, which he uses in his occasional work as a handyman, were taken by City officials. As a result of the seizure, he was unable to make even the small income that he could sometimes earn with the tools.

"Everything important has been taken from me, and I live in constant fear of it happening again," said plaintiff **Kelley Wilcox**, whose property was confiscated by City officials three times in 2015 without notice and without an opportunity to reclaim it. City officials confiscated, among other things, food she had just purchased with food stamps, her birth certificate, clothes, and a tent. Most devastating, officials threw her mother's ashes into a dump truck with a trash compactor. "When I lose my tent, tarp and food, I struggle for a while to replace them, and life is even harder than usual. But losing my mother's ashes is devastating. I will never get the chance to put my mother where she wanted to be."

"Seeing all that you have thrown into a dump truck is an extremely demoralizing and traumatizing experience," said plaintiff **Julie Williams**, whose property has also been seized and destroyed three times by Pomona officials. "I want to save up my SSI funds for an apartment, but with each confiscation it becomes more difficult. I have to start over at ground zero."

"The City of Pomona's conduct shocks the conscience. The few things the Pomona homeless possess are items essential to their physical and emotional survival. Yet with nowhere to keep their property, these residents live in constant fear that the City will again strip them of everything they own," said **Christina Giorgio**, staff attorney of Public Counsel's Community Development Project.

The City seizes personal property when the homeless owners are present, telling them that everything they cannot carry in their arms is going into the garbage truck. The City also seizes the belongings individuals leave with a friend while attending to necessary tasks such as showering, eating, using restrooms, or seeing a doctor. Unable to leave their property even briefly, Pomona's homeless have an especially difficult time seeking and keeping jobs and taking medical prescriptions regularly. The property seizures work to perpetuate homelessness by preventing homeless individuals from taking steps to increase the stability of their lives out of fear of losing all their possessions.

Last year, the City concluded that it has nearly 1,000 homeless residents and nearly 600 of those residents sleep on the streets on a given night. Despite a significant shortage of emergency shelter and affordable housing, the City has failed to invest in proven solutions to combat homelessness and instead began to systematically seize and destroy the only belongings of individuals whose sole source of income is often General Relief funds of, at most, \$221 per month.

In *Lavan v. City of Los Angeles*, the Ninth Circuit made it clear that the government may not “seize and destroy with impunity the worldly possessions of a vulnerable group in our society.”

Plaintiffs ask the court to order the City of Pomona to immediately stop destroying the property of homeless individuals when that property is not abandoned and does not pose a threat to public safety.

“Since the City recently stepped up its activities seizing the property of our clients, I’ve noticed a marked increase in the level of despair and desperation, and the need for food and blankets, from the homeless individuals coming to our church,” said **Rex Wolins**, senior pastor of North Towne Christian Church, which provides food, clothing and blankets to the homeless of Pomona. “The added strain caused by police confiscation is taking a terrible toll on members of our community who are already suffering tremendous hardships.”

““By confiscating homeless persons’ property, the City treats its homeless residents as beyond the reach of the Constitution,” said **John B. Major** of Munger, Tolles & Olson LLP. “It also puts an already vulnerable group in real danger. Through this lawsuit, homeless residents of Pomona seek to defend their constitutional rights and protect themselves from further serious harm.”

For more information on the case and to view the legal documents, visit <http://www.publiccounsel.org/>.

###

About Public Counsel

Public Counsel is the nation's largest pro bono law firm. Founded in 1970, Public Counsel strives to achieve three main goals: protect the legal rights of disadvantaged children; represent immigrants who have been the victims of torture, persecution, domestic violence, trafficking, and other crimes; and foster economic justice by providing individuals and institutions in underserved communities with access to quality legal representation. Through a pro bono model that leverages the talents and dedication of thousands of attorney and law student volunteers, along with an in-house staff of more than 75 attorneys and social workers, Public Counsel annually assists more than 30,000 families, children, immigrants, veterans, and nonprofit organizations and addresses systemic poverty and civil rights issues through impact litigation and policy advocacy. For more information, visit www.publiccounsel.org.

About Munger, Tolles & Olson LLP

Munger, Tolles & Olson LLP is a Los Angeles and San Francisco-based law firm that is a frequent pro bono partner with Public Counsel. MTO was recently named a Pro Bono Firm of the Year by Law360.