



Sacramento County District Attorney's Office

THIEN HO

District Attorney

June 30, 2023

Sacramento Councilmember Katie Valenzuela
Council District 4
Sacramento City Hall
915 I Street, 5th Floor
Sacramento, CA 95814

Re: Request for Consistent Enforcement of City Code and Ordinance Violations

Dear Councilmember Valenzuela,

As the representative of District 4, I respectfully request your immediate assistance to address critical public safety concerns surrounding the Gordon D. Schaber Courthouse by formally requesting the *consistent* enforcement of city code and ordinance violations. Unfortunately, significant public safety concerns are affecting the public, District Attorney employees, jurors called to fulfill their civic duty, defendants appearing on their cases, and victims of crime seeking justice.

People are entitled to the fundamental right of fair and equal access to justice. But to obtain justice, members of our community require unfettered access to the Courthouse and the District Attorney's Office without threats to their safety or well-being. Unfortunately, this is not the experience for those having to navigate the city blocks surrounding the courthouse. Every day, people encounter growing unhoused encampments with open air drug use and dealing, tents blocking sidewalk access, unhoused individuals engaged in erratic and violent behavior - all within the three-block area that encompasses the Courthouse, the District Attorney's Office, and Sacramento City Hall.

In the past 12 months, my office documented 86 incidents in and around the District Attorney's Office often involving unhoused individuals. For example: while walking back from court, a young deputy district attorney was accosted and struck in the head by an unhoused individual; while returning from a court run to file documents, a female D.A. employee received threats and hateful racial slurs from an unhoused man regarding the Hijab she wore; a fire was recently set in a nearby alleyway; a man exposed his genitalia across the street from the office; a rock was thrown through the window of the G Street Café; a man entered the lobby of the D.A.'s Office with a hammer; and encampments are growing in and near the area parking lots. These incidents do not include our daily exposure to feces, urine, broken furniture and trash littering the area. Some sidewalks are inaccessible as rows of tents and other items make walking

impossible, thus forcing pedestrians into our busy streets. It is a sad state of affairs when citizens choose to step out into the street over the dangers lurking on our city sidewalks.

When these issues in the downtown area have been raised by members of the public, some in elected positions point the finger of responsibility to others or misinterpret legal precedent by citing *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018), as an excuse not to enforce the law or delay enforcement of city ordinances and codes while waiting for increased shelter beds. However, *Martin* does not suggest that unsheltered individuals are immunized from law enforcement in any capacity, nor does it allow for the City to ignore the problems in a way that creates a public nuisance. Just this year, a Court in Arizona ruled the City of Phoenix “created, maintained, and/or failed to abate a public nuisance” in an area called “The Zone” for refusing to enforce laws prohibiting loitering, obstruction of streets and sidewalks to remove homeless encampments that had taken over several city blocks in the downtown area. (*Freddy Brown, et al. v. City of Phoenix* (2023) Under Advisement Ruling filed March 27, 2023). Additionally, just this month, the City of Portland reached a tentative settlement brought by people with disabilities who argued homeless tents and encampments prevented them from accessing the city sidewalks. The Plaintiffs filed their lawsuit in federal court and argued the City violated the Americans with Disabilities Act by failing to “maintain its sidewalks clear of debris and tent encampments.” (*Tozer v. City of Portland*, 3:22-CV-01336 (U.S. District Court for the District of Oregon)).

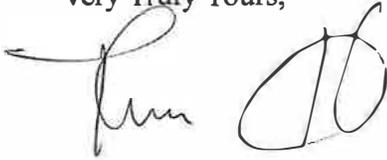
Furthermore, many who are experiencing homelessness are often victims of crimes, and their plight should not be dehumanized. I recognize the need for increased outreach, services and shelter by both the City and County as a component to addressing this crisis. Being unhoused is not a crime and we should not seek to criminalize homelessness. However, my office has a duty to prosecute offenses in violation of California’s criminal statutes. In fact, the Sacramento District Attorney’s Office has entire units dedicated to prosecuting misdemeanor and felony cases. But our constitutional authority is limited. We can only prosecute the cases presented to us by law enforcement after an individual is cited or arrested. In non-violent offenses, our office strives to address the underlying drug addiction and mental health issues that can accompany homelessness. But we cannot act alone.

The responsibility to enforce and prosecute Sacramento City Ordinances and Code violations rests squarely upon the City of Sacramento and the City Attorney’s Office. The proliferation of encampments on downtown streets has closed businesses, endangered people’s safety and is slamming the door of justice shut on those that need it most. Our Sacramento County residents do not want to come downtown to patronize our businesses and perform the duties we need and require them to fulfill.

I am cognizant that the homeless crisis stretches beyond our downtown region but as one of only three constitutional officers for Sacramento County and the only one whose office is headquartered in downtown Sacramento, I see the direct impact this crisis has on the access and administration of justice. Therefore, I respectfully ask that you request the Sacramento City Attorney’s Office, Sacramento City Code Enforcement and the Sacramento Police Department to *consistently* enforce existing Sacramento City Codes and Ordinances to address the public safety

concerns that so many people who live, work, and visit downtown see and feel every day. I look forward to further discussion on this matter with you and my office stands ready to assist.

Very Truly Yours,

Handwritten signature of Thien Ho, consisting of a stylized 'T' followed by 'H' and 'O' in a cursive script.

Thien Ho
Sacramento County District Attorney

Enclosures: Photographs

CC: Mayor Darrell Steinberg
Sacramento City Council
Sacramento City Attorney Susana Alcala Wood
Sacramento Police Chief Kathy Lester
Sacramento City Manager Howard Chan





