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**Homeless Plaintiffs Seek Temporary Restraining Order**

**to Prevent Officials from Destroying their Property Unlawfully**

**ACLU Says Officials Continue to Violate Rights of Homeless Persons**

The ACLU of Washington has filed a motion seeking a Temporary Restraining Order prohibiting the City of Seattle (the City) and the Washington State Department of Transportation (WSDOT) from seizing and summarily destroying homeless people’s property without good reason, constitutionally adequate notice, or opportunity to be heard. Plaintiffs in the suit are two homeless individuals, the Episcopal Diocese, and Real Change newspaper.

The violations of rights have continued unabated since the Plaintiffs sued the City and WSDOT on January 19, 2017. For example, on January 26, during one of the coldest months of the year, Plaintiff Brandie Osborne was told without notice that she had to pack up everything she owned and leave her place of residence within 30 minutes. When Ms. Osborne explained that she had been provided no notice, she was told that Defendants did not have to issue notice. Because Ms. Osborne could not move everything in such a short time, many of her belongings were destroyed.

The Defendants have recently doubled down on their illegal policies and practices. On January 31, without any consultation or outreach to the Plaintiffs, the City proposed new rules that would enable it to remove without notice the belongings of virtually any unhoused person on City-owned or City-controlled property or many of the other areas where homeless encampments currently exist. Moreover, the Defendants’ ongoing practices demonstrate that even if they were to adopt official policies and procedures that comply with constitutional rights, there is no guarantee that Defendants actually would follow them without a court order.

“Such unfettered government action is neither healthy nor desirable without the check of the judicial branch to ensure that individuals’ rights are protected. The Plaintiffs do not seek to prevent the collection of actual garbage or waste on public property; they simply ask that their constitutional rights not be violated in the process,” said ACLU-WA legal director Emily Chiang.

The City and WSDOT regularly conduct “sweeps” where they seize and destroy the property of unhoused people living within the City without constitutionally required notice, without a warrant or probable cause, and without providing an opportunity to be heard, or a meaningful way to reclaim any property that was not destroyed. The frequency and number of these “sweeps”—and the harm wrought by them—has increased steadily. Approximately 1,000 sweeps have been conducted since 2015 alone.

The individual Plaintiffs in this litigation are two unhoused women who have been victims of the City and WSDOT’s ongoing practice and policy of seizing and destroying the property of unhoused people living outside without adequate and effective notice, an opportunity to be heard, or a meaningful way to reclaim any property that was not destroyed. Over the past 18 months, each has had critical personal belongings taken and destroyed during “sweeps” or “cleanups” conducted by the City and WSDOT. Neither were ever given an opportunity to contest the confiscation and destruction of their property, nor did they receive notice or any reason to believe that any of their property would be stored and could be later retrieved.

“The continued unconstitutional actions by the City and WSDOT are depriving unhoused persons of belongings that are critical to their health, safety, and survival. This is particularly true during the winter months when those living outside may be deprived of shelter, bedding, or other cover that is essential to their survival,” said the ACLU’s Emily Chiang.

Representing the Plaintiffs are ACLU-WA cooperating attorneys Todd Williams and Blake Mark-Dias of Corr Cronin Micheslon Baumgardner, Fogg, and Moore LLP, and ACLU-WA staff attorneys Emily Chiang, Nancy Talner, and Breanne Schuster.