

Denver's sweeps of homeless camps latest to face lawsuit

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DENVER - When Jerry Burton's sleeping bag and tent were removed by city workers from his campsite near a rapidly developing area close to downtown Denver, he was able to start over again with backup gear he keeps hidden for emergencies - whether his or someone else's. Now he's one of nine homeless people suing in federal court to try to stop the city's sweeps of homeless encampments and, as he sees it, restore the dignity and respect of people who can't find a home of their own in a growing city.

Burton, a former Marine who has had trouble finding housing despite veterans' rental assistance, compared the city's seizures of the homeless' property with someone walking into a home and taking a television.

"It's going to continue to go on until the court stands up," he said of the sweeps after the first hearing in the lawsuit that drew dozens of homeless people and their advocates even though the Oct. 12 session was mainly to discuss scheduling.

Regardless of the lawsuits, the sweeps in the city appear to be ineffectual, reports CBS Denver.

City officials say the downtown encampment they cleared out in March is back and there is little that can be done to stop it.

"Since the beginning of the summer it seems like there are more people on the streets and sidewalks," says Stephanie Mills, who works at a nearby fitness club. "It just seems to be getting worse and worse as the weeks go by."

The lawsuit in Denver is the latest to challenge homeless sweeps around the country.

Last month, a federal judge in Washington state found that Clark County was liable for clearing out homeless encampments and seizing the residents' belongings, including tents, stoves, medication and documents, leading the county to settle the case for \$250,000. Earlier this year, Los Angeles agreed to pay \$822,000 to settle a lawsuit by homeless people who said that the city had seized and destroyed their possessions.

Honolulu also settled a lawsuit filed by the American Civil Liberties Union claiming that the city had deprived homeless people of food and other belongings during raids. It paid \$48,500 to 21 homeless people, but the deal allows the city to continue enforcing its policy of clearing sidewalks as long as it gives more notice. It also can only throw away items that pose a serious public health hazard and agreed to make it easier for homeless people to retrieve their belongings.

Maria Foscarinis, the executive director of the National Law Center on Homelessness & Poverty, said she thinks such lawsuits have been bolstered by the U.S. Justice Department's decision to file a brief opposing punishing homeless people for violating public camping bans when there is no room in shelters, in a lawsuit challenging Boise, Idaho's enforcement of its ban, a case her organization is involved in.

Mark Silverstein, legal director of the ACLU of Colorado, which has been critical of Denver's sweeps, said she thinks there have been more lawsuits because there have been more crackdowns.

The Denver lawsuit says the city, as part of an effort to clear the homeless from areas being gentrified, is violating their constitutional rights to be protected from unreasonable searches and seizures and to be treated equally under the law.

At the Oct. 12 court hearing, the judge overseeing the case, Craig Shaffer, allowed people without identification to pass through security as long as they were vouched for by attorneys in the case. Some were forced to stand in the aisle of the crowded courtroom. One man clutched blankets in front of him as he listened.

Denver has not yet responded to the lawsuit in court. But the spokeswoman for the city's human services department, Julie Smith, said the city tries to connect people with services and treatment and typically gives people multiple notices before taking enforcement actions.

"These are complex challenges, and we strive to be as compassionate as possible while also ensuring safety and public health for all Denver residents," she said.

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