



Kevin Kish  
Director  
Department of Fair Employment and Housing  
2218 Kausen Dr. Ste. 100  
Elk Grove, CA 95758-7178

March 14, 2019

Dear Director Kish:

The American Civil Liberties Union Foundation of Southern California (“ACLU SoCal”) has conducted a yearlong investigation of conditions inside three Orange County emergency homeless shelters. The investigation has uncovered a dangerously unregulated emergency shelter system that subjects shelter residents to toxic living conditions, abuse, and discrimination. Today we publish a report outlining our findings and recommendations for reform, and we enclose a copy of the report with this letter for your review. We document alarming violations of the Fair Employment and Housing Act, the Unruh Civil Rights Act, the Ralph Civil Rights Act, the Tom Bane Civil Rights Act. The abuse and discrimination detailed in the report require your immediate attention and action. We call on the Department of Fair Employment and Housing to initiate an independent investigation into the Orange County shelter system and bring all necessary enforcement action against perpetrators of bias-motivated abuse and discrimination.

The widespread violations revealed by the investigation are especially troubling given the extreme vulnerability of the population the emergency shelter system serves. Shelter residents, many of whom are among the most economically disadvantaged, elderly, and disabled people in our communities, often have no alternative to living in shelters and no recourse when the shelters violate their rights and abuse them. Immediate action by the Department of Fair Employment and Housing is warranted to ensure that the county and its shelter operators are held accountable to the highest possible standards when serving this vulnerable population.

### **Summary of our findings**

Our report, *“This Place is Slowly Killing Me”: Abuse and Neglect in Orange County Emergency Shelters*, is based on more than 70 first-person interviews with residents, staff members, and shelter volunteers at three facilities — the Courtyard Transitional Center and SAFEPlace in Santa Ana, and Bridges at Kraemer Place in Anaheim. Our investigation finds that conditions at these shelters are inhumane and violate the civil and human rights of residents living in them:

- **Discrimination and abuse:** Residents, volunteers and staff members reported discrimination against people using the shelters based on disability, age, sex, and race.

**Executive Director** Hector O. Villagra

**Chair** Shari Leinwand **Vice Chair** Sherry Frumkin

**Chairs Emeriti** Danny Goldberg Allan K. Jonas\* Burt Lancaster\* Irving Lichtenstein, MD\* Jarl Mohn Laurie Ostrow\* Stanley K. Sheinbaum\* Stephen Rohde

\*deceased

- People seeking homeless services were turned away or evicted due to their disabilities and denied reasonable accommodations.
- Female residents were subjected to incessant degrading comments about their bodies and sexual advances by staff, including quit pro quo sexual harassment. We also uncovered policies that segregate transgender residents in separate sleeping areas.
- Residents of color endured racial epithets and disparate treatment from staff, including being sent to the end of food and phone charging lines because of their national origin.
- Elderly residents were neglected and allowed to deteriorate until their health became a dire emergency.
- Residents also reported widespread physical and verbal abuse by emergency shelter staff as a means of enforcing discipline and exerting power and control over residents.

This systemic abuse and discrimination violate a variety of federal, state and local civil rights laws, including but not limited to: the Fair Employment and Housing Act (and its forthcoming regulations), the Unruh Civil Rights Act, the Ralph Civil Rights Act, and the California and United States constitutions.

- **Suppression of constitutionally protected freedom of expression:** Residents of the shelters we examined reported that they have been denied their fundamental right to express themselves without threat of reprisal, including when they seek to redress abuse or substandard conditions inside emergency shelters. This report details shelter policies and practices that systematically strip residents of their fundamental right to express themselves without reprisal, and to document abuse and substandard conditions inside public emergency shelters. Residents are intimidated out of exercising their rights through threat of eviction in violation of the Tom Bane Civil Rights Act and retaliated against when they do stand up against abuse.
- **Deprivation of fundamental rights without due process:** We found evidence that shelter staff steal, confiscate, and destroy residents' property, curtail their freedom of expression, and subject them to sanctions (up to and including eviction) arbitrarily and without due process. We also found policies that unreasonably infringe on residents' right to freedom of movement by preventing people from coming and going from the shelter by foot and confining people inside a locked facility if they are unable to get a place on a shuttle or access a private vehicle to leave the shelter. These policies and practices deprive residents of their fundamental rights protected by both the California and United States Constitutions.
- **Impunity and lack of accountability:** Residents reported the lack of effective means to hold staff accountable for violating their rights. Existing grievance procedures are ineffective and residents are not provided clear information or access to those procedures. To the extent that grievance procedures do exist, some residents fear the very real, documented threat of reprisal for making use of them. This vacuum of accountability enables shelter operators and staff to engage in a wide range of misconduct with apparent impunity.

## **Immediate System-Wide Reforms Required**

ACLU SoCal's report demonstrates the need for urgent and far-reaching reforms to protect the health and safety of people using Orange County's emergency shelters. The pervasiveness of the problems we uncovered suggests that bad systems, not bad apples, are behind the mistreatment of shelter residents. It is a mistake to assume that closing down violators and opening new shelters will solve the problem. To protect the health, mental health and dignity of shelter residents throughout the growing shelter system, the DFEH should require the county to establish and implement systemic reforms that will hold all shelters to the highest possible standards.

ACLU SoCal makes ten critical recommendations to address the civil and human rights violations that currently go unchecked in the shelters we investigated.

- **Recommendation #1:** Establish uniform health and safety standards for all shelters and hold shelter operators accountable to those high standards.
- **Recommendation #2:** Establish an Orange County Office of Civil Rights whose mission is to protect the civil rights of people experiencing homelessness in Orange County and an Oversight Board to set the office's agenda and oversee its work. The Office of Civil Rights would be empowered to provide mandatory training to shelter staff and operators on standards for compliance with civil rights law with a focus on eliminating all types of bias and sexual abuse from shelter programs.
- **Recommendation #3:** Create a countywide reasonable accommodation policy to protect shelter residents with disabilities to create consistency and promote compliance across programs.
- **Recommendation #4:** Establish policies to refer residents to higher levels of care when appropriate.
- **Recommendation #5:** Create a system for secure storage of personal property and eliminate policies that limit freedom of movement.
- **Recommendation #6:** Create a system of due process for admission denials, evictions, and other sanctions.
- **Recommendation #7:** Safeguard protected speech in emergency shelters.
- **Recommendation #8:** Prohibit sweeping bans on residents taking photographs, video, or audio recordings inside the shelter facilities.
- **Recommendation #9:** Create a safe and confidential whistleblower policy for employees and residents of emergency shelters.
- **Recommendation #10:** Create meaningful opportunities for democratic participation in shelter operations by residents.

We urge you, Director Kish, to stand with ACLU SoCal in demanding that Orange County implement these reforms immediately to create a humane emergency shelter system. We have also forwarded our findings to the Office of the Attorney General, the California Department of Housing, and Community Development (CDHCD), and the Homeless Coordinating and Finance Council. We call on the DFEH, the Office of the Attorney General, and CDHCD to initiate independent investigations into the findings of our report and bring all necessary law enforcement action against perpetrators of abuse and discrimination against people experiencing

homelessness in Orange County emergency shelters. We look forward to collaborating with all relevant state enforcement agencies to address the urgent issues we uncovered.

While our report focuses on the emergency shelter system in Orange County, we do not advocate for an expansion of the shelter system; even the best-run, accountable, and safe shelter system cannot end homelessness. To address the humanitarian crisis presented by homelessness, every county must develop sufficient affordable and permanent supportive housing for all those who need it. Orange County has the resources to do this. All it lacks is the political will. But while those in dire need wait for the county to develop enough affordable housing, they must have safe and habitable interim options. ACLU SoCal urges the DFEH to launch an independent investigation into the abuse and discrimination we have uncovered and require Orange County to adopt the recommendations detailed in our report to ensure that it provides safe and humane emergency services to people experiencing homelessness.

Sincerely,



Julia Devanthery  
Dignity for All Staff Attorney\*

\*Not admitted in California; admitted to practice law in Massachusetts and selected Federal Courts



Eve Garrow  
Homelessness Policy Analyst and Advocate, Dignity for All Project, ACLU of Southern California