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10 Attorneys for Defendants, City of Chico
11 and City of Chico Police Department

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION

15 BOBBY WARREN; ANDY
16 LAMBACH; JOHNATHON
17 WILLIAMS; MICHAEL
18 SAMUELSON; TRACY MILLER;
19 TONA PETERSEN; CAROL BETH
20 THOMPSON; CHRISTA STEVENS,

21 Plaintiff,

22 v.

23 CITY OF CHICO; CITY CHICO
24 POLICE DEPARATMENT

25 Defendants.

Case No. 2:21-cv-00640-MCE-DMC

DECLARATION OF PAUL RATTO
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION

Date: April 23, 2021
Time: 10:00 a.m.
Courtroom: Videoconference

26 I, PAUL RATTO, declare as follows:

27 1. I am currently employed full-time by the City of Chico Police
28 Department holding the rank of Sergeant. I have been employed by the City of
Chico Police Department for over 17 years.

2. I declare that all the statements contained herein are true and correct
to the best of my knowledge and that I could and would testify as to the truth and
veracity of each statement herein.

1 3. I am familiar with the allegations and contentions contained in
2 Plaintiffs' Ex Parte Motion for Temporary Restraining Orders, as I have reviewed
3 the entire motion.

4 4. I currently supervise the Chico Police Department Target Team
5 which is the primary unit within the Chico Police Department that is tasked with
6 acting as a liaison between the Department and the homeless/unsheltered
7 population of Chico.

8 5. Although a law enforcement unit, the Target Team's primary mission
9 is to connect the homeless unsheltered population with local resources. For
10 example, the Target Team works closely with Butte County Mental Health, the
11 Torres Shelter, and the Jesus Center to guide as many people to resources,
12 including housing.

13 6. Currently, I, along with a Park Ranger, two sworn Chico Police
14 Officers and a sworn Community Service Officer, on a daily basis consistent with
15 our work schedules, make visits to the park areas where the homeless and
16 unsheltered adults are known campers.

17 7. Upon contacting these individuals, each is told and informed about
18 the services at the Torres Shelter in Chico, a free, year-round emergency shelter
19 that is available to unsheltered adult men and women.

20 8. The Torres Shelter recently re-opened its facilities in March 2021 for
21 full service to the unsheltered. Currently, the number of shelter beds available
22 every night at the Torres Shelter varies daily between 40/50. On April 14, 2021,
23 there were 38 shelters beds open and available. To my knowledge, there are open
24 beds every night that go unused. As such, there are enough shelter beds available
25 for those that want to use them.

26 9. I declare that on every contact I've made with an adult unsheltered
27 individual while out in the field, I've explained the free services and open beds
28 which are available at the Torres Shelter.

1 10. I declare that none of the unsheltered individuals with whom I
2 contacted in 2021 during the time when Torres Shelter was open and still
3 receiving the unsheltered, agreed or accepted the invitation to use the services and
4 shelter beds of the Torres Shelter.

5 11. I declare that the Target Team did move the unsheltered from the city
6 parks and waterway when there were no available shelter beds from
7 approximately February 10, 2021 to March 9, 2021. This was based on an area
8 specific enforcement, however, and not a citywide ban on camping.

9 12. It is my opinion and belief that the unsheltered individuals do not
10 want to accept the services of an open bed at the Torres Shelter for a number of
11 reasons, including rules and regulations regarding conduct and behavior, as well
12 as restrictions as to drug and alcohol use while at the facility.

13 13. I declare that the City's Anti-Camping Ordinance is only enforced by
14 the Target Team inside the City's parks and waterways, not in any other area,
15 including the public sidewalk, unless an individual blocks ingress or egress to
16 pedestrians, businesses, or residences. The enforcement is "area specific," and not
17 a citywide ban on camping.

18 14. In addition to the Torres Shelter, the City has made available to the
19 unsheltered Project Roomkey, a program which accommodates unsheltered adults
20 65 years and older, although there is a full-time waiting list at the moment. There
21 are approximately 71 individuals currently being housed at this facility.

22 15. In addition, the Sabbath House, an emergency shelter formerly
23 located at the Jesus Center in Chico, has been closed due to COVID-19 and has
24 not re-opened as the Jesus Center moves to another location. I am informed and
25 believe that the Jesus Center plans to re-open the Sabbath House in April 2021. It
26 was an overnight shelter for woman and children (boys up to 12 years old). When
27 it was open, the Sabbath House had a capacity of 26 beds.

28 16. Prior to the COVID-19 outbreak, the Target Team would be the

1 primary Chico Police Department Unit to enforce camping within the City of
2 Chico parks and waterways.

3 17. Following the COVID-19 outbreak, the City suspended meaningful
4 enforcement of camping within the city parks and waterways.

5 18. As a result, camping became rampant throughout the city parks
6 systems, making most of it unusable for the citizens of the City of Chico and
7 causing significant ecological damage.

8 19. Starting in January 2021 the Target Team re-instituted enforcement
9 of the Anti-Camping Ordinance as to the designated areas inside of the city parks
10 and waterways only. Again, this was not a citywide ban on camping.

11 20. After January 2021 the Target Team would contact unsheltered adults
12 at the city parks where the campers were verbally notified that they would need to
13 move and vacate the park.

14 21. On or about January 12, 2021, the Target Team began enforcing the
15 area specific Anti-Camping Ordinance through the issuance of a 72-hour Notice,
16 providing the campers 72-hours to vacate their camps, while at the same time
17 identifying 16 beds which were made available at hotel rooms offered by the
18 Torres Shelter.

19 22. When the Target Team arrived at the locations upon the expiration of
20 the 72-hour Notice, the Target Team never “cleared out” the unsheltered but
21 provided additional time to gather their personal property and belongings.

22 23. For those unsheltered campers who didn’t vacate after the 72-hour
23 warning, only four (4) individuals out of an approximately two hundred (200)
24 were cited for illegal encampment by the Target Team. None of the Plaintiffs in
25 this case were issued citations or arrested.

26 24. When the Target Team had contact with the unsheltered campers,
27 neither I nor any of the Target Team members, recommended that unhoused
28 campers move or relocate to alternative locations including, other locations within

1 parks or other public land where unhoused people have traditionally slept.

2 25. The unhoused campers were directed to relocate to public right of
3 ways, including public sidewalks where under the City of Chico's "Sit and Lie"
4 Ordinance, the homeless can legally sit, lie down and sleep without violating any
5 City Ordinance from 11:00 p.m. to 7:00 a.m., at which time they are required to
6 leave.

7 26 It's been my experience that most of the unhoused campers that I've
8 spoken to over the past several years, would prefer to live outdoors, rather than
9 use the free shelter services like Torres Shelter.

10 27. I further declare that after the expiration of the 72-hour Notice, the
11 campers are told that they can take all their personal property and personal
12 belongings with them when they vacate.

13 28. I, along with members of the Target Team, tell the campers that if
14 they can't take all of their personal property when vacating, they should place
15 their personal property and belongings in one area and place all their trash and
16 unwanted items in another area.

17 29. Those articles that are identified as items to be kept and not destroyed
18 or thrown away, are placed in large storage bins, and are driven to the Chico
19 Police Department for safe keeping and storage. Any item valued over \$100.00
20 are booked into Chico Police Department evidence in compliance with Civil Code
21 Section 2080.1.

22 30. As to the items designated as trash or unwanted items, those articles
23 are disposed of by the City.

24 31. At no time have I or any member of the Target Team thrown away
25 the campers' personal property, belongings or bedding when having campers
26 vacate after the 72-hour Notice. The only items disposed of are abandoned,
27 contaminated, and infested property or those items designated to be disposed of by
28 the campers.

1 32. At the time of the first enforcement, Torres Shelter staff were present
2 with the Target Team to offer services, including shelter and storage bins, but only
3 during the time the Torres Shelter was open for new unsheltered individuals.

4 33. The Target Team and the City does not, as alleged, “methodically”
5 enforce its ordinance throughout the city. The enforcement is only for specific,
6 designated areas and is not a citywide ban on camping.

7 34. The Target Team does not enforce the ordinance during inclement
8 weather.

9 35. Additionally, the Target Team has partnered with Butte County
10 Mental Health to help during enforcement. The Target Team is a first point of
11 contact to inform the unsheltered about the amount and availability of beds at
12 Torres Shelter.

13 36. The Target Team has also offered the H.E.L.P. Program to the
14 unsheltered in order to help them re-connect with family and friends with a place
15 to stay.

16 37. The Target Team has not directed anyone who is unsheltered from
17 the City of Chico, to another unsheltered city or town.

18 38. The Target Team, in enforcing the ordinance, will make multiple
19 contacts with the unsheltered about upcoming enforcement and attempt to gain
20 voluntary compliance.

21 39. I have recently observed that the unsheltered campers have not only
22 erected tents for sleeping, but multiple tents which are being used for storage.

23 40. Based upon my experience as outlined above, I can state that the City
24 of Chico has made all reasonable attempts to provide the unsheltered with access
25 to adequate shelter facilities, even if the unsheltered, as I have declared above,
26 have chosen not to utilize these facilities.

27 ///

28 ///

1 I declare under penalty of perjury to the laws of the United States of
2 America that the foregoing is true and correct. Executed this 16th day of April
3 2021 at City of Chico, State of California.

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5 /S/ Paul Ratto _____
6 Paul Ratto, Declarant
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court, Eastern District of California by using the Court’s CM/ECF system on April 16, 2021.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/S/ Liza Slaughter
Liza Slaughter

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