



Seattle Human Rights Commission

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Resolution No. 16-02-Seeking the Immediate Release of Homeless Encampment Sweep Data & Termination of the Use of Department of Correction Workers for Homeless Encampment Sweeps

WHEREAS, the City of Seattle (hereafter the “City”) was declared to be a Human Rights City on December 10, 2012, committing itself to protect, respect, and fulfill the full range of inherent human rights for all, as set forth in the Universal Declaration of Human Rights and numerous other international human rights instruments; and

WHEREAS, the Seattle Human Rights Commission (hereafter the “Commission”) is committed to protecting and advocating for justice, human rights, and the equal treatment of all people who live in Seattle; and

WHEREAS, Article 24 of the Universal Declaration of Human Rights guarantees all the protected right to rest with peace and dignity; and

WHEREAS, Article 25 of the Universal Declaration of Human Rights guarantees all the right to an adequate standard of living, including the right to security in the event of unemployment or other lack of livelihood in circumstance beyond control; and

WHEREAS, roughly 4,500 adults and children live without shelter within King County, almost 3,000 of which are in Seattle;^[1] and

WHEREAS, Seattle leaders adopted a plan in 2008 requiring City officials provide homeless residents a 72-hour notice before clearing an encampment, and to provide outreach workers to connect homeless residents with shelter beds or other services;^[2] and

WHEREAS, the City and State of Washington (hereafter the “State”) have engaged in a practice of “sweeping” homeless encampments within the City, displacing the residents and seizing or discarding of personal property; and

WHEREAS, in recent years, the City has engaged in more than 500 such sweeps per annum;^[3] and

WHEREAS, the City and State have often discarded the personal property of encampment residents, including identification cards, critical medication, and necessities of life, which residents may be unable to replace;^[4] and

WHEREAS, this practice is exacerbated by official policy to destroy or dispose of items without an “apparent utility” or valued by city workers at less than \$25, allowing the destruction of sentimental personal objects and items that impoverished residents cannot easily replace; and

WHEREAS, even when property is stored for the purposes of return to encampment residents, it may be stored in facilities at a distance from residents, precluding access to the personal property;^[5] and

WHEREAS, the City declared its intention to have outreach workers present at encampment sweeps to connect encampment residents with social services; and

WHEREAS, advocates and the Commission are concerned that, at times, the City is sweeping encampments without outreach workers present and/or without providing proper advanced notice per the 2008 City plan; and

WHEREAS, the sweeps displace encampment residents and, therefore, disrupt efforts by social service organizations to reach and provide services to these residents; and

WHEREAS, sweeps without outreach resources and without notice represent a sudden and violent intrusion upon the lives of encampment residents who may struggle with trauma and mental illness; and

WHEREAS, the State has previously employed Department of Corrections (hereafter “DOC”) offender work crews to conduct these sweeps in Seattle;^[6] and

WHEREAS, DOC work crews are comprised of individuals who are at risk of homelessness due to our area’s housing shortage and barriers to housing for formerly incarcerated individuals; and

WHEREAS, DOC work crews are less likely than City employees to be familiar with City policy respecting the property and rights of homeless individuals;^[7]^[10] and

WHEREAS, as of 2012, the average wages for state prisoners ranged from \$0.13 to \$0.32 per hour,^[8] and it is believed the DOC pays similar wages; and

WHEREAS, the employing of DOC work crews allows the City to cut costs incurred by paying minimum wage or market rate, and

WHEREAS, the widespread use of prison labor in the United States developed following the end of slavery as a means of procuring cheap labor outside the traditional market system;^[9] and

WHEREAS, the City, despite requests from the Commission, has failed to provide additional meaningful information about DOC work crew use for encampment sweeps; and

WHEREAS, the City has also hired private contractors from Cascadia Cleaning and Removal, a company in the business of making urban spaces inhospitable to the homeless;^[10] and

WHEREAS, Mayor Ed Murray has conceded “making up [his policy towards encampment sweeps] as we go along”;^[11] and

WHEREAS, the District Court for the Western District of Washington held that similar sweeps using DOC work crews in Clark County violate the constitutional rights of the homeless based on the the wanton destruction of the personal property of encampment residents by police;[\[12\]](#) and

WHEREAS, the United States Department of Justice has characterized practices such as that engaged in by the City as “essentially criminalizing the status of being poor or homeless,” and urged the City to adopt more stringent regulations on encampment sweeps, so as to minimize intrusions on the constitutional rights of the homeless;[\[13\]](#) and

WHEREAS, the City of Olympia is transitioning away from using penal labor to conduct encampment sweeps;[\[14\]](#) and

BE IT RESOLVED, the City immediately release information concerning the use of DOC work crews and private labor in homeless encampment sweeps, past and present, including all relevant contracts, decision-making documents, and project reports; and

BE IT FURTHER RESOLVED, the City immediately release to the Commission and Public , information outlining the full extent of the City’s use of and/or engagement of DOC work crews from November 6, 2013, to present, including but not limited to encampment sweeps; and

BE IT FURTHER RESOLVED, the City immediately cease employing or partnering with DOC work crews and private for-profit companies to conduct encampment sweeps, which is an essential municipal function deserving of fairly paid public employees, if it has not already; and

BE IT FURTHER RESOLVED, the City commit to end the use of DOC work crews, particularly when essential municipal functions are at issue.

Adopted by the Seattle Human Rights Commission on November 21st, 2016



Marcel Baugh, Co-Chair



Danielle Wallace, Co-Chair

[\[1\] 2016 One Night Count](#), Seattle/King County Coalition on Homelessness, *available at*

http://www.homelessinfo.org/resources/one_night_count/2016_ONC-Street%20Count%20chart.pdf.

[\[2\] Multi-Agency Administrative Rules Re: Unauthorized Encampments](#), City of Seattle, *available at*

http://www.thestranger.com/images/blogimages/2016/04/05/1459901444-dr_mdar_08-01.pdf.

[3] Ansel Herz, Privatizing the Clearing of Homeless Encampments, The Stranger, May 4, 2016, *available at* <http://www.thestranger.com/news/2016/05/04/24038273/privatizing-the-clearing-of-homeless-encampments>.

[4] Mike Baker, Chaos, trash and tears: Inside Seattle's flawed homeless sweeps, The Seattle Times, Aug. 19, 2016, *available at* <http://www.seattletimes.com/seattle-news/chaos-trash-and-tears-inside-seattles-flawed-homeless-sweeps/> (stating that a maintenance superintendent for the Washington State Department of Transportation acknowledged that encampment clearing crews have thrown away items they likely should have kept and interviewing a camper who experienced this); Ansel Herz, How the City of Seattle Trashes Homeless People's Belongings and Chases Them Around Town, SLOG, Apr. 6, 2016, *available at* <http://www.thestranger.com/slog/2016/04/06/23909768/how-the-city-of-seattle-trashes-homeless-peoples-belongings-and-chases-them-around-town>.

[5] Baker, *supra* note 4 (“Salvaged items are in a building . . . in an industrial area that’s about an hourlong walk from the City’s downtown core”; “Kenny Alcantara, who manages the Seattle DOT sign shop, said only 1 or 2 percent of the materials that are stored in the shop are ever picked up. The department doesn’t have the resources to seek out homeless residents to reconnect them with their belongings, he said, so almost all of it ends up in the trash”).

[6] Herz, *supra* note 4.

[7] *Id.*

[8] Heather Ann Thompson, The Prison Industrial Complex: A Growth Industry in a Shrinking Economy, New Labor Forum, Volume 21, Number 3, Fall 2012, pg. 41 (2012), *available at* <http://havenscenter.wisc.edu/files/Thompson.NewLaborForm.pdf>.

[9] Whitney Bennis, American Slavery, Reinvented, The Atlantic, Sep. 21, 2015, *available at* <http://www.theatlantic.com/business/archive/2015/09/prison-labor-in-america/406177/>.

[10] Herz, *supra* note 3.

[11] Daniel Beekman and Bob Young, Mayor Murray on clearing out The Jungle: ‘We’re actually making this up as we go along’, The Seattle Times, May 25, 2016, *available at* <http://www.seattletimes.com/seattle-news/politics/clearing-homeless-from-the-jungle-may-take-more-time-mayor-says/>.

[12] The Associated Press, Sweeps of Homeless Camps in Washington State Violated Rights, Judge Rules, N.Y. Times, Sep. 17, 2016, *available at* http://www.nytimes.com/2016/09/18/us/sweeps-of-homeless-camps-in-washington-state-violated-rights-judge-rules.html?_r=1; *Ellis v. Clark Cty. Dep't of Corr.*, No. 15-5449 RJB, 2016 WL 4945286 (W.D. Wash. Sept. 16, 2016).

[13] Heidi Groover, DOJ: Seattle Encampment Sweeps Legislation Recognizes Homeless People's Rights "Must Be Respected", SLOG, Oct. 13, 2016, *available at* <http://www.thestranger.com/slog/2016/10/13/24620200/doj-seattle-encampment-sweeps-legislation-recognizes-homeless-peoples-rights-must-be-respected>.

[14] Andy Hobbs, Private company sought to clean up homeless camps in Olympia, The Olympian, Nov. 18, 2016, *available at* <http://www.theolympian.com/news/local/article115532683.html>.