

NOTICE

THE POSSESSOR OF THIS PROPERTY HAS PRIVACY INTEREST IN THE PROPERTY AND ITS CONTENTS AND RESERVES ALL RIGHTS TO PROTECT SUCH PRIVACY FROM SEARCH OR SEIZURE UNDER THE STATE AND FEDERAL CONSTITUTIONS. THIS PROPERTY IS NOT ABANDONED. THE POSSESSOR OF THIS PROPERTY DOES NOT CONSENT TO ITS SEARCH OR SEIZURE WITHOUT A WARRANT.

U.S. Constitution, Fourth Amendment

California Constitution, Article I, Section One

provides, "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

NOTICE

CRUEL and UNUSUAL

Martin v. City of Boise
920 F. 3d 584 (9th Cir., 2019)

Under Martin v. Boise ...“so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters],” the jurisdiction cannot prosecute homeless individuals for “involuntarily sitting, lying, and sleeping in public.”

8,102 total homeless	2019 PIT	most recent data
4,476 unsheltered	2019 PIT	most recent data
1300 congregate shelter beds with exposure to COVID	1/13/22	“We've increased our shelter beds by 21% to over 1,300. ” Mayor Todd Gloria via Twitter.
0 shelter beds without exposure to COVID	1/16/22	“homeless San Diegans may return to packed shelters after only five days of isolation. And that conflicts with <u>Centers for Disease Control and Prevention guidance</u> ”

As of January 13, 2022, there were a greater number of homeless individuals in the City of San Diego than the number of beds in shelters and there are no beds that are adequate at present for persons seeking to avoid congregate settings to reduce exposure to contagion.

NOTICE

QUARANTINE

THIS TENT HAS BEEN DESIGNATED A
RESTRICTED AREA

Until removal of this notice, avoid direct contact with tent or occupants. In the event of an emergency, responders are advised to put on PPE prior to entering. This quarantine is a proactive and precautionary COVID-19 measure to protect the safety and well-being of its inhabitants and to prevent further spread of contagion.

The California Department of Public Health advises in concurrence with the CDC that individuals who test positive for COVID-19 and those exposed to persons testing positive for COVID-19 quarantine for at least 5 days, *regardless of vaccination status.*

CDC Director, Dr. Rochelle Walensky:

“The Omicron variant is spreading quickly and has the potential to impact all facets of our society. CDC’s updated recommendations for isolation and quarantine balance what we know about the spread of the virus and the protection provided by vaccination and booster doses.”

NOTICE

CDC GUIDANCE for ENCAMPMENTS

- If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are.
- Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.
- Encourage people staying in encampments to set up their tents/sleeping quarters with at least 12 feet x 12 feet of space per individual.

NOTICE

Occupant of tent is a member of a minority racial or ethnic group.

RACIAL JUSTICE ACT

745. (a) The state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin. A violation is established if the defendant proves, by a preponderance of the evidence, any of the following:

(1) The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin.

NOTICE

**Occupant of tent is crime victim whose
privacy and dignity is protected by**

MARSY'S LAW

**California Constitution,
Article I, Section 28(b)**

(b) In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

(1) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

NOTICE

This tent and its contents is protected by

FREE SPEECH

**U.S. Constitution, First Amendment
California Constitution, Article I, Section 2**

BE IT KNOWN ... The erection of this tent on public property bears witness to the failures of the City of San Diego to meet the basic housing needs of its most vulnerable residents.

BE IT KNOWN ... This tent is the only structure upon which the tent occupant can freely display its protected political speech and support of enactment of RIGHT to REST legislation.

BE IT KNOWN ... Destruction by the city would act to abridge the tent occupant of their state and federal constitutional rights to FREE SPEECH, FREEDOM of EXPRESSION and POLITICAL DISSENT.

PASS the Right to Rest law!

53.81.

(a) It is the intent of the Legislature that this section be interpreted broadly so as to prohibit policies or practices that are discriminatory in either their purpose or effect.

(b) Persons experiencing homelessness shall be permitted to use public space in the ways described in this section at any time that the public space is open to the public without discrimination based upon their housing status, and without being subject to criminal, civil, or administrative penalties.

Permitted use of the public space include, but are not limited to, all of the following:

- (1) Free movement without restraint.
- (2) Sleeping or resting, and protecting oneself from the elements while sleeping or resting in a nonobstructive manner.
- (3) Eating, sharing, accepting, or giving food in a space in which having food is not otherwise generally prohibited.
- (4) Praying, meditating, worshiping, or practicing religion.

NOTICE

This tent and its contents is protected by

FREEDOM of RELIGION

**U.S. Constitution, First Amendment
California Constitution, Article I, Section 4**

BE IT KNOWN ... This tent is a place of worship, inside which the tent occupant and/or others freely practice their religion.

BE IT KNOWN ... This tent is the only structure within which the tent occupant can freely practice their religion privately and with dignity.

BE IT KNOWN ... Destruction by the city would act to abridge the tent occupant of their state and federal constitutional rights to FREE EXERCISE OF their RELIGION.

NOTICE

An occupant in this tent suffers from a physical or mental impairment that substantially limits one or more of the person's major life activities and is entitled to a

REASONABLE ACCOMMODATION

under the

Americans with Disabilities Act

A "reasonable accommodation" is a change, modification, alteration or adaption in policy, procedure, program or facility that provides a qualified person with a disability the opportunity to participate in and benefit from government programs and activities.

Existing shelter space is inadequate to allow tent occupant to participate in and benefit.

The "reasonable accommodation" requested by the tent occupant is to be permitted to continue to occupy tent until housing or a non-congregate hotel room is secured.

**NO
TRESPASSING**

KNOW YOUR RIGHTS

ASK: Am I being detained?

If Answer NO: [If you wish to leave] “Am I free to leave?”

If Answer NO: [If you wish to remain] “Please request my right to privacy and dignity and leave me alone.”

If Answer YES: [remain silent as anything you say may be entered into a police database and used against you at a later time.]

IF ASKED TO PROVIDE IDENTIFICATION:

(and you have it) “I will provide my identification if I am being charged with a crime. Am I being charged with a crime?”

(and you don't have it) “I will provide my name and birthdate if I am being charged with a crime. Am I being charged with a crime?”

IF ASKED BY POLICE:

- “I do not consent to a search of my person or property.”
- “I do not consent to talk to you without an attorney present.”