



Pottinger v. City of Miami

810 F. Supp. 1551 (S.D. Fla. 1992)

Country: United States

Region: Americas

Year: 1992

Court: United States District Court for the Southern District of Florida

Health Topics: Poverty

Human Rights: Freedom from discrimination, Freedom from torture and cruel, inhuman or degrading treatment, Freedom of movement and residence, Right to health, Right to liberty and security of person, Right to property

Facts

The plaintiffs brought a class action lawsuit on behalf of themselves and about 6,000 other homeless persons against the City of Miami, Florida. They claimed that by arresting and seizing the property of the plaintiffs, the City's police officers violated the plaintiffs' rights under the United States and Florida Constitutions. The plaintiffs claimed that it was not the relevant laws that were unconstitutional. Rather, the police action as part of a custom or policy of the City was unconstitutional.

Specifically, they claimed the police's actions violated protections against cruel and unusual punishment and unreasonable search and seizure under the 8th and 4th Amendments. Further, they claimed that the actions violated their rights to due process, privacy, and equal protection under the 4th, 5th, and 14th Amendments.

The action arose from the systematic mistreatment of homeless individuals by police officers. This included thousands of arrests, a large majority of which were for harmless, everyday activities and led to no charges or further action. Evidence showed that police would use arrests to clear areas of homeless persons, often in advance of public events. The mistreatment also involved seizure and destruction of the homeless' property, including instances of personal effects being burned and entire camps being cleared away with heavy machinery. Evidence showed that much of this activity was under the direction or knowledge of city officials and high-ranking officers.

The trial was bifurcated, with the Court deciding the question of the City's liability and any injunctive relief, while a jury decided damages.

Decision and Reasoning

The Court held that the City was liable. The mistreatment met the requirement of being a "policy or custom": it was widespread and the City was aware of it but took no steps to prevent it.

The Court held that the police's actions were cruel and unusual punishment, violating the 8th Amendment. The Court found that homelessness is involuntary and, per the United States Supreme Court, punishing individuals for their involuntary status amounts to cruel and unusual punishment. While there is a distinction between punishing conduct and status, homelessness renders the two inseparable. Thus "arresting homeless people for harmless acts they are forced to perform in public effectively punishes them for being homeless."

The Court held that the arrests were not unreasonable seizures violating the 4th Amendment. While there was an invalid ulterior motive to the arrests overall, the plaintiffs failed to show that in each individual case a reasonable officer without that motive would not have made an arrest.

The Court held that seizing and destroying the homeless persons' property violated the right against unreasonable search and seizure under the 4th Amendment. The intrusions on the property were significant, the plaintiffs had a subjective expectation of privacy, and that expectation would be accepted by society as reasonable. The Court held that the need to protect the last trace of privacy these individuals had militated against a strict application of the test.

The Court held that the plaintiffs' right to privacy under the Florida Constitution was not violated. The Court found no recognized expectation of privacy in eating, sleeping, and doing other similar activities in public.

The Court also held that the City violated the equal protection clause of the 14th Amendment. This occurs when the government either targets a group as a "suspect class" (discrete and insular minority) or a group's fundamental constitutional rights and freedom are infringed upon. The Court did not find that the homeless are a suspect class, nor did it find that there is a recognized right to "life-sustaining activities." Instead, the Court held that preventing the homeless from performing those activities effectively infringes on the well-established right to travel. The United States Supreme Court has held that the right to travel is infringed if a "necessity of life" is denied. The City's conduct essentially denied the homeless anywhere they could go to satisfy the necessities of sleeping, eating, or taking shelter without fear of arrest. The City lacked any compelling objective to justify this infringement except the prevention of crime, and their actions were clearly not minimally impairing means of achieving that objective.

Lastly, the Court held that the infringements on constitutionally protected interests indicated that the City's actions violated the plaintiffs' right to due process because they were overbroad.

Decision Excerpts

"While a mental or physical illness may cause some people to become homeless, health problems are also aggravated by homelessness." (Page 1557)

"An individual who loses his home as a result of economic hard times or physical or mental illness exercises no more control over these events than he would over a natural disaster." (Page 1564)

"[T]he City cannot argue persuasively that the homeless have made a deliberate choice to live in public places or that their decision to sleep in the park as opposed to some other exposed place is a volitional act. As Professor Wright testified, the lack of reasonable alternatives should not be mistaken for choice." (Page 1565)

"Obviously, the ideal solution would be to provide housing and services to the homeless. However, assembling and allocating such resources is a matter for the government "at all levels" to address, not for the court to decide. Rather, our immediate task is to fashion relief that accommodates the two predominant interests in this litigation. First, such relief must protect the homeless from one approach that clearly is not the answer to homelessness, that is, arresting homeless people for innocent, involuntary acts. Second, any relief granted must not unduly hamper the City's ability to preserve public order." (Page 1583)