



KITSAP COUNTY COUNCIL FOR HUMAN RIGHTS

614 Division Street, MS-4, Port Orchard, WA 98366
<https://kcowa.us/hrc>

December 6, 2024

To the Bremerton City Council and Mayor Wheeler,

Council for Human Rights

Augustine Lujan, Chair
Elizabeth Holmes
Jim Manlove
Erika Anderson
Kirsten Dahlquist
Shannae Peters
Barbara Dennis
Jeffrey Hora
Timothy Mangrum
Wilder Kruzan
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Rebekah Wilkins
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Vision

Kitsap County shall be a caring, supportive, and safe community for all its citizens—a community which values each individual, celebrates individual differences, and recognizes the importance of each person's contribution.

Mission

The mission of the Kitsap County Council for Human Rights is twofold:
1) To advise county government and Kitsap County residents on issues related to discrimination, violence and harassment based on race or national origin, religion, age, gender, gender expression, sexual orientation, disability, or economic status;
2) Promote the equitable treatment of all citizens and reduce prejudice through education, resource referrals, and advocacy.

Board of County Commissioners

Christine Rolfes
Charlotte Garrido
Katherine Walters



On August 7, 2024, the Bremerton City Council voted to amend Chapter 9.32 of the Bremerton Municipal Code via Ordinance 5496. This amendment removed verbiage protecting homeless individuals from having their camps dismantled and citations issued when there were *no shelter beds available*. The discussion at the council meeting August 7 included statements and data from law enforcement, followed by public comment, with specific information included in the materials for that meeting (pgs. 90 through 136).

Undoubtedly, the push for the amendment came on the heels of the June 28, 2024 United States Supreme Court decision in Grants Pass v. Johnson, 144 S. Ct. 2202. That case began with two homeless individuals who filed suit against the city of Grants Pass, Oregon, claiming three city ordinances that criminalized public camping violated the 8th Amendment's Cruel and Unusual Punishments Clause. The Ninth Circuit agreed and issued an injunction prohibiting Grants Pass from enforcing the ordinances; after the appeal that followed, the U.S. Supreme Court reversed the Ninth Circuit, stating the "Constitution's Eighth Amendment serves many important functions, but it does not authorize federal judges to...dictate this Nation's homelessness policy." *Id.* at 2226.

Not all the Supreme Court justices joined in the majority's ruling, however. "Sleep is a biological necessity, not a crime," wrote Justice Sonia Sotomayor in the dissenting opinion. She continued, "...for people with no access to shelter, [jails and fines] punishes them for being homeless." To criminalize the consequences of poverty, the lack of available resources, and the lack of shelter is a violation of human rights at a visceral level.

It is within this context that the Kitsap County Council for Human Rights sends this letter to urge the council to reconsider its amendment. As public comment during this meeting set forth and as uncontroverted data (see below) supports, the act of removing this verbiage does not address the crisis facing our unhoused neighbors and this community. The council recognizes the Supreme Court opinion now allows municipalities to enforce "no-camping" laws even though it carries a disproportionate response against the homeless population. Just because one *can* do something does not mean one *should*. Even the majority opinion in *Grants Pass v. Johnson* reminded us that "nothing in today's decision prevents states, cities, and counties from going a step further and declining to criminalize public camping altogether."

The Bremerton Chief of Police shared in an introductory statement at the August 7 council meeting that "I cannot always measure peace and safety for [the Bremerton City Council], but I know it when I see and experience it." Anecdotal experiences such as this one do not make a case to further dehumanize our vulnerable community members. We would raise the question "what about the experiences of unhoused individuals?" Is there peace and safety for this community when there is no stability in their shelter, their finances, or even in access to places where they can publicly and safely use the restroom? Indeed, how does the City expect the unhoused to avoid leaving waste on the sidewalks when there are no public facilities available for them to utilize when they need to relieve themselves? Why has the City taken no action to address this basic human need, when there are funds specifically earmarked for this purpose?

Time and again, research tells us that punitive approaches to addressing homelessness are ineffective, perpetuate homelessness, manifest in enormous “criminal” debt, and result in social exclusion and ongoing discrimination based on the need for survival.

The Kitsap County Council for Human Rights applauds the City for discussing permanent shelter options for the future but wants to underscore that people need help *right now*. What temporary but immediate solutions are underway, and if the answer is none, then *why?* Homelessness in Kitsap County is not going to be “solved” in one step or with one measure. It may take several parallel programs to make any lasting change. Because the issues causing our community members to be unhoused are as diverse as they are themselves, and there is no “one size fits all” answer. But progress starts with the first step, and that step must be immediate. The decision on August 7 was, in the humble opinion of our council members, a step in the opposite direction.

We ask that the City consider immediate alternatives to their current course of action as the weather gets wetter and colder here in Washington. We encourage the City to return to the previous verbiage of the ordinance until shelter beds and locations are available and accessible, particularly as the Salvation Army will be closing its overnight shelter in 2025. Open-air camping spaces and portable restrooms can meet immediate community needs for shelter and hygiene. This can provide a more central location for housing support programs to outreach and connect to this vulnerable population.

The Kitsap County Council for Human Rights would love to provide support and additional perspective to nurture the City’s vision of a sustainable community where *everyone* can thrive. Below you will find an additional link to information provided by the American Civil Liberties Union (ACLU) regarding the wider impacts of decisions criminalizing homelessness.

- [Short FAQ from the ACLU](#)

Respectfully and with compassion,

Kitsap County Council for Human Rights

Cc: Kitsap County Board of Commissioners
Bainbridge City Council and Mayor Joe Deets
Poulsbo City Council and Mayor Erickson
Port Orchard City Council and Mayor Putaansuu