

May 13, 2020

To:

Carlos Gimenez, Mayor, Miami-Dade County

Audrey M. Edmonson, Chairwoman, Miami-Dade County Board of County Commissioners

Frances Suarez, Mayor, City of Miami

Keon Hardemon, Chair, City of Miami Commission

Victoria Méndez, City Attorney, City of Miami

Ron Book, Chair, Miami-Dade County Homeless Trust

James Wolfe, District Six Secretary, Florida Department of Transportation

We – the Greater Miami ACLU, litigants in *Pottinger v. City of Miami*, Southern Legal Counsel, and other advocates attempting to protect the rights of our local homeless residents – write to express our outrage at the indefensible and inhumane assault conducted this morning on the personal safety, health, and property of homeless persons under the I-395 overpass on 11th Street Northwest.

Many homeless persons have been sleeping in this relatively isolated part of Overtown without incident for many months, perhaps years. Recently, community groups including Dream Defenders have given them tents to facilitate social distancing in the face of the Covid-19 pandemic.

This morning, with little to no warning, garbage collection trucks, City Green Shirt workers armed with rakes, brooms and shovels, and City of Miami police appeared at this location to break up the encampment. The workers began seizing the personal belongings of the homeless residents, smashing their tents, and piling them up for removal by a menacing grapple truck. The homeless residents were frightened and understandably traumatized by this onslaught, evicting them from the place where they have been peacefully sleeping and inhabiting for many months. Two videotapes can be found [here](#) and [here](#).

As every recipient of this letter knows, the very aim of this action directly contradicts [CDC guidelines](#), which state:

“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.”

Individual housing options were **not** available. Shelters are full, and while there are announced plans to move unsheltered homeless individuals to hotel/motel rooms, the implementation of these plans remains slow and partial. A few people said they were offered shelter by the Miami City Green Shirt workers – but only for 24 hours. One day in a shelter and back out on the street again is not an “individual housing option.” Indeed, no 24-hour stay at an unknown and unfamiliar shelter, likely with a long list of onerous rules and regulation, could be worth the trauma of being removed from a stable, peaceful location.

There was almost no advance warning. To be sure, notice is not the main issue: This sweep should not have taken place, period. But the lack of advance notice adds to the cruelty of the City and County’s actions. There were a few signs posted announcing this was state property and anyone there was trespassing. But persons there variously reported that the signs had been posted immediately before the property destruction and eviction action, earlier this morning, or yesterday afternoon. Whatever account is true, even notification the afternoon before does not provide time for homeless people with all their belongings to find adequate alternative locations.

Every agency involved in any way in this action is fully responsible. These include the Florida Department of Transportation, which we understand has control of the site; the City of Miami; and the Miami-Dade County Homeless Trust. The video shows that a City of Miami police car was present at the site, along with a worker with a shirt saying “solid waste” (whom we understand to be a City employee). Further, residents recognized Green Shirt workers (employed by the City and funded by the Trust), including one whom they identified by name.

In our letters of April 12 and 23 to City and County officials, we expressed our concern about the extreme difficulties that homeless persons face during this pandemic, and their CDC-endorsed needs to be placed in hotel/motel rooms, and provided public restrooms, handwashing stations, and PPE in the meantime. Such measures, sufficient to provide of the needs of even the approximately 650 homeless residents of Miami, still have not been taken.

We demand to know:

- how and why this action was planned amidst the cataclysmic pandemic;
- who was responsible for it and who knew about it and failed to stop it;
- why we, persons with a manifest interest in the protection of the rights of this vulnerable population, were not warned or advised.

In terminating the Pottinger consent decree, Judge Moreno cited what he called “a total cultural change in the way the homeless were treated by all City employees,” in which respect for constitutional rights was so engrained in the City’s policies, rules, and culture that no further policing by the court was necessary. Today’s sweep shows the culture of abuse has not changed.

It would be unfortunate if the only way for us to secure the City’s, County’s, and State’s respect for the constitutional rights of these vulnerable homeless residents, particularly amidst the global pandemic, were to return to federal court with another lawsuit.

Please respond to us with the immediacy demanded by the situation.

Sincerely,

Nicole Sinder, President, Greater Miami Chapter,
ACLU of Florida

David Peery, Pottinger Class Representative

Benjamin Waxman, ACLU Cooperating Attorney

Stephen Schnably, ACLU Cooperating Attorney and
Professor of Law, University of Miami*

Kirsten Anderson, Litigation Director, Southern Legal
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