



Grants Pass v. Johnson Update from Youth Law Center

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Youth Law Center Updates

- You can always email me at cmiddleton@ylc.org with your questions/requests for assistance.
- Monthly drop-in Office Hours every fourth Monday! Next session June 24, 2024. Link: <https://YLCQPI.zoom.us/j/81303894551>
- Emergency Shelter Listening Sessions Date TBD: Foster Youth to Independence (FYI) vouchers & Access to Speciality Mental Health Services.
 - Session 1: June 13, 2024 at 3:00 pm; Link: <https://YLCQPI.zoom.us/j/84338186457>
 - Session 2: June 20, 2024 at 3:00 pm; Link: <https://YLCQPI.zoom.us/j/83651461634>

Disclaimer

- *This presentation by the Youth Law Center is provided for educational and/or informational purposes only, and should not be construed as legal advice.*

Agenda:

- Background on Grants Pass, OR
- Review of Relevant City Ordinances
- Case Walkthrough: District Court to SCOTUS
- Highlights from Oral Arguments/Possible Outcomes SCOTUS Might Reach
- What this all Might Mean for our Work



Background on Grants Pass, Oregon

- Grants Pass Oregon is a city of around 38,000 people with a population of 600 folks experiencing homelessness.
- Grants Pass has 4 identified places where folks experiencing homelessness might be sent:
 - Two Sex-Segregated Facilities operated by Gospel Rescue Mission
 - Sobering Center
 - Hearts with a Mission Youth Shelter
 - Warming Center
- Since at least 2013 city leaders have adopted a policy centered around driving folks experiencing homelessness out of town. Setting a goal “to make it uncomfortable enough for [people experiencing homelessness] in [their] city so they will want to move on down the road.”

Review of City Ordinances

- At issue in Grants Pass are five city ordinances, described as 1 “anti-sleeping” ordinance, two “anti-camping” ordinance, 1 “park exclusion” ordinance, and a “park-exclusion appeals” ordinance.

District Court Decision

- This current lawsuit was filed six weeks after the 9th circuit released its initial opinion in *Martin v. City of Boise*, 902 F.3d 1031 (9th Cir. 2018).
- This present lawsuit filed a class action complaint challenging that the city's anti-sleeping and anti-camping ordinances violated several positions of the U.S. Constitution including the Eighth Amendment.
- The district court, certified the class, and found that the City's enforcement of its anti-camping and anti-sleeping ordinances violated the Cruel and Unusual Punishment Clause of the Eighth Amendment. The district court entered an injunction blocking Grants Pass from enforcing its laws.

Map of 9th Circuit



9th Circuit Case Decision

- The city of Grants Pass appealed the injunction and class certification to the 9th Circuit.
- The 9th Circuit panel affirmed the lower court's decision and held that the city's anti-camping and anti-sleeping ordinances violated the Cruel and Unusual Punishment clause of the Eighth Amendment.
- The panel largely relied on the 9th Circuit's 2018 decision in *Martin* and the Supreme Court Decisions in *Robinson v. California*, 370 U.S. 660 (1962) and *Powell v. Texas*, 392U.S. 514 (1968).

Grants Pass v. Johnson at the Supreme Court of the United States

- The city of Grants Pass appealed the 9th Circuit's decision to the Supreme Court of the United States (SCOTUS).
- Oral arguments were held on April 22, 2024.

Things Gleaned from Oral Arguments

- Doesn't appear like there is a majority in favor of just affirming the 9th Circuit's opinion.
- The bulk of the questions asked, especially from the current six Republican appointees, focused on the difficulty in drawing a line between status and conduct.
- Three Justices questioned whether the federal courts have jurisdiction.
- Justice Barrett suggested a potential approach would be to narrow the court's decision in *Robinson* and require that homeless people must wait until they are charged with violating the law and then raise the logic in *Robinson* as a defense against those charges.

Possible Outcomes

- Court holds that it lacks jurisdiction (standing/mootness) and doesn't make a decision on the merits. *Martin* remains the controlling law in the 9th Circuit.
- SCOTUS affirms, but narrows the decision of the 9th Circuit.
- SCOTUS reverses or limits *Martin v. City of Boise*
- SCOTUS holds that *Robinson* doesn't apply to homelessness or that homelessness is not a status per *Robinson*.
- SCOTUS doesn't prohibit City's enforcement of ordinances, but allows a necessity defense to be made under *Martin* or *Robinson*.
- ???????

What this Means for our Work

- **Changes in how SCOTUS interprets *Martin* and/or *Robinson* will impact what enforcement of anti-camping/anti-sleeping laws look-like across the state.**
 - Los Angeles, San Francisco, and Gov. Gavin Newsom all filed briefs concerning this case.
 - Even if cities don't have laws on the books today, they might pass laws/ordinances in the future.
- **Further criminalization of homelessness doesn't automatically have a carveout for youth experiencing homelessness. Young people you support may increasingly need legal representation to address criminal cases.**
- **Potential increased need to advocate for local/state policies and laws that that prohibit the criminalization of homelessness in our local communities.**

Questions?

