

Interactions with inewsource

“No convictions, but San Diego police continue to arrest unhoused people”

Dec. 21, 2022

Questions:

My colleague Jake Harper and I are working on a follow-up to the [reporting](#) we did in September about how your office is handling cases involving unhoused folks (encroachment, illegal lodging, etc.). Based on the information provided, it appears your office continues to reject most of these cases and hasn't secured a single conviction in the ones it has pursued. Can you describe what's happening here?

Why continue to pursue cases if they don't go anywhere?

Has the city attorney's office communicated at all with the police department about these arrests?

Experts have described a disconnect between the mayor and the city attorney – where police continue to bring cases that are never prosecuted. How would you respond to that description?

Is there anything else I should know? Anything I'm failing to consider since our last reporting on this issue?

Response:

Being homeless is not a crime, and our Office does not prosecute individuals experiencing homelessness just because they are experiencing homelessness. We prosecute violations of the law like trespassing, illegal lodging, and encroaching on the public right-of-way.

Our Office exercises our independent discretion when reviewing a case. Politics is never a consideration when deciding on a prosecution. We do not collude with the mayor on prosecutions. That would be inappropriate.

Our Office must prove our cases beyond a reasonable doubt. If we cannot do so, our Office rejects the case.

Our Office educates SDPD officers when a case is rejected. We also attend lineups and assign Deputy City Attorneys to police stations throughout the City.

While our Office prosecutes violations of specific laws, the underlying issues pertaining to homelessness need to be addressed and are most effectively addressed outside the criminal justice system.
