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14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA: FRESNO DIVISION
16

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18 Pamela Kincaid, Doug Deatherage, Charlene
19 Clay, Cynthia Greene, and Joanna Garcia,
Individually on Behalf of Themselves and All
20 Others Similarly Situated,
Plaintiffs,

21 v.

22 City of Fresno, Fresno Police Department,
23 California Department of Transportation, Alan
Autry, Jerry Dyer, Ralph Garner and Will
24 Kempton, individually and in their official
capacities; DOES 1-100, inclusive,

25 Defendants.
26
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Civil Action No.:

**DECLARATION OF PAMELA
KINCAID**

1 I, Pamela Kincaid, hereby declare as follows:

2
3 1. I am a resident of Fresno, California and am currently homeless.

4 Unless otherwise indicated, I personally observed and experienced the events that are
5 described in the following paragraphs of this declaration.

6 2. For the last 5 or 6 years, I have lived in the area just south of
7 downtown Fresno. I make a little money from recycling and selling crafts, but not
8 enough to afford an apartment or other housing. I have occasionally stayed at the
9 Naomi House, which is the one women's shelter in town. However, I am
10 claustrophobic and have had panic attacks when I have stayed there before, so I have
11 not done that for the last 2 years. Also, I have a dog who stays with me for
12 protection and for company, and he cannot stay with me if I am in a shelter. So most
13 of the time, I live outside.

14 3. Approximately one year ago, I had set up a makeshift tent by the
15 railroad tracks, just south of the downtown area of Fresno. I believe that this is the
16 railroad's property. A man who works for the railroad comes through the area every
17 month or so, basically to check on things. He asks for people's names, but has never
18 asked me to leave, and I have not heard him ask anyone else to leave. Except for a
19 dock in the back of Wilson's Motorcycle Warehouse, I have never seen any signs in
20 that area telling people they can't be there.

21 4. I had also seen Fresno police and sanitation workers come through the
22 area every month or so, taking homeless people's property. I was usually able to
23 keep my belongings from being taken by moving them when the workers came
24

1 through. Unfortunately, this one time approximately one year ago, I left my property
2 unattended, and when I came back, it was all gone.

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4 5. Almost all of my possessions were taken, including important
5 documents like my identification, my birth certificate, and my telephone/ address
6 book, which had important contact information for people I want to keep in touch
7 with. Worst of all, I lost family photos, including the only pictures I had of my
8 sister, my daughter, and my deceased mother. Those photos can never be replaced.

9
10 6. No one, either from the City or from anywhere else, told me
11 beforehand that City workers were going to come through that day and take
12 homeless people's property. No one told me any way to get my property back once
13 it was taken. Having previously seen City workers just throw away other people's
14 belongings into a dump truck as if it were trash, I have no doubt that this is what was
15 done to my belongings that day.

16
17 7. Approximately 2 months ago, I was again staying near the railroad
18 tracks, just south of downtown. Since the previous time that my property was
19 destroyed, I had managed to accumulate a few things that I was keeping with me. I
20 had many of my belongings in a shopping cart, covered by a tarp. This was an old,
21 outdated cart that had been abandoned and I was using it to store my possessions.
22 This is one of the ways I could move my possessions. I left for an hour or two in the
23 middle of the day, and when I returned, the cart had been taken. Items that had been
24 stored in the cart had been dumped onto the ground. Some items, such as clothing,
25 were still there. However, other important items had been taken. These included a
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1 toolbox and various tools (screwdriver, wire strippers, flashlight). Those tools were
2 very important to me because I used them to make a little income. For example, I
3 used the wire strippers to take wire off of metal items so they can be recycled. I used
4 my other tools to take apart metal items to sell for scrap. Also, I used these tools to
5 make crafts, such as jewelry and "dreamcatchers," which I was able to sell to make a
6 little bit of money.
7

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9 8. Since I knew that City workers often came through the area and took
10 homeless people's belongings, I was sure that this is what had happened that day. I
11 later confirmed with other homeless people in the area that City workers had been in
12 the area that day, and that the workers had been particularly focused on taking
13 shopping carts. I never received any notice from the City or from anyone else that
14 people from the City were going to be coming through the area taking carts or
15 anything else, and I was not given any way to get my belongings back after the fact.
16

17 9. I have also personally observed other raids, including one that
18 happened approximately 4 ½ months ago. In that raid, I saw City workers destroy
19 homeless people's property, even though it was clearly owned. For example, I saw
20 City workers use a bulldozer-type machine with "claws" to scoop up and destroy an
21 eight-man tent that was set up near the railroad tracks. That tent belonged to a
22 homeless man I knew from the area, who was living in the tent but who just
23 happened to be gone when the City people came by. He also had some cats staying
24 with him. I think the cats may have been inside the tent at the time it was destroyed;
25 at any rate, I never saw them again after that. I saw a very similar raid about a month
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1 earlier. One of the City workers told me at that time that they were doing these raids
2 because local politicians were upset about having seen stories on the news about how
3 homeless people were living on the streets of Fresno.
4

5 10. Before I became homeless, I used to have a house and a job. I lost both
6 when I developed injuries at work that made it impossible for me to keep my job. I
7 hope that someday I will be able to get off the streets and into permanent housing.
8 But the fact that the City keeps taking and destroying my property makes that goal
9 seem that much harder to achieve. I always live with the fear that the City will come
10 and take what few possessions I have left.
11

12 I declare under penalty of perjury under the laws of the State of California at
13 the foregoing is true and correct. Executed on October 11, 2006 in Fresno,
14 California.
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17 _____
18 Pamela Kincaid
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