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

17
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
27

Civil Action No.:

**DECLARATION OF JOANNA
GARCIA**

1 I, Joanna Garcia, 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
7 2. I was born and raised in Fresno. Until a few years ago, I had a secure
8 job and a family. I worked as a house manager at a group home for developmentally
9 disabled adults. I had worked at one group home for 5 years, and had been working
10 in various group homes for 12 years. That all changed when my husband, who
11 abused me, decided to drive my truck to rob a house. I was at work at the time, but
12 my husband took my bright blue 1957 Chevy Classic, and parked it right in front of
13 the house he robbed. He did not tell me what he had done, and he dropped the truck
14 off for me to drive while I was at work, even though I had nothing to do with it and
15 was at work when it happened. A few people from my work saw the arrest, and as a
16 result, I was fired. Later, all charges against me were dropped. Even though the
17 charges were dropped, a person from community care licensing wrote a letter about
18 the incident that has prevented me from getting any other work in that field. I was 40
19 years old and had never before been arrested, but as a result of this incident, I
20 became homeless. I have asthma and need to use an inhaler. I currently work 5 or 6
21 days a week at the Holy Cross Women's Center and receive payment for that work in
22 food vouchers. I also work part time for an independent newspaper. However, I
23 cannot afford to pay the security deposit and first and last month's rent on an
24 apartment.

25 3. During the past year, I have witnessed many occasions when the police
26 and City of Fresno workers come to take the belongings of homeless people. The
27 City has taken some or all of my belongings approximately five times since January
28 2006. None of that property has been returned. I believe almost all of it was

1 destroyed. I do not recall the exact dates of each of these events, but below is my
2 best recollection of the City raids in which I lost the most property.

3 4. In March or April 2006, my belongings and my boyfriend's belongings
4 were on the grassy strip across the highway from E Street. They were neatly kept.
5 My boyfriend and I had left for the day; I was working at Holy Cross. When we
6 came back that evening, I said to my boyfriend, "I can't see our home." All of our
7 belongings were gone, including tents, blankets, personal papers, clothes, my pink
8 bicycle, and irreplaceable pictures of my grandmother and my son. I also lost my
9 son's ponytail; I had grown his hair out when he was little, and I still had the ponytail
10 from when I finally let him get it cut. At that time of year, it was raining a lot, and
11 we could not stay dry without our tents and blankets. At Holy Cross during that
12 time, we had 500 blankets that were all given out in one week, because the City had
13 taken property from so many people.

14 5. During the first week of May 2006, the City came again and took my
15 belongings. I was on E Street at the time, with my neatly packed belongings. Again,
16 I lost everything I had accumulated for shelter, including a tent, blankets, and
17 clothes. Worst of all, at that time, the police took my dog and her brand new
18 puppies. The puppies were just a few days old. I tried to save the puppies instead of
19 all the rest of my belongings, and Officer Wallace assured me that they would not be
20 taken with the rest of my property. Despite these assurances, the City workers took
21 my dog and her puppies. Eventually, the dogs were all put to sleep at the pound. I
22 was heartbroken.

23 6. Then, in August 2006 – I believe it was Saturday, August 26, 2006, we
24 received some notice that the City was going to come and take all our belongings if
25 we did not move them. At the time, I was at work, and my belongings were on the
26 CalTrans strip of land on E Street, around the corner from the Poverello House. The
27 notice the City gave was confusing. First, on Friday at 11:00, they told us we had
28 one hour to move everything. Then, someone called Liza Apper, an advocate for

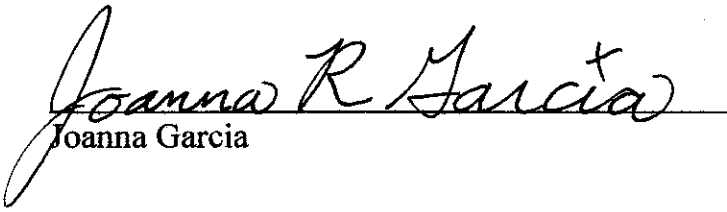
1 homeless people, who negotiated with the City to give us longer. That afternoon, the
2 Mayor came, and the City crews did not confiscate everything right away. As a result
3 of the conflicting messages, we were not sure when or whether City workers would
4 actually take our belongings. By the time City crews came on Saturday morning, I
5 had moved most of my belongings, but I was not able to save the cart that had my
6 medication, including some of my blankets and clothing. The City put up fences on
7 the CalTrans strip of land on E Street.

8 7. As a result of the new fences on E Street, Cynthia Greene and I moved
9 our property to the other side of the fences, near the bridge on Santa Clara that goes
10 over the highway. We had all of our things neatly packed into carts. The very next
11 morning, I believe on Sunday, August 27, we saw a police car, a garbage truck, a
12 scooper truck, and some City pickup trucks parked across E Street, in front of the
13 dairy. We thought they might go around the corner to the people camped near the
14 Poverello House. Very soon after we noticed them there, the vehicles all came close
15 to where we were. The police came and told us we had seven minutes to move our
16 belongings, or else they would take our belongings. We each grabbed one cart of the
17 four or five carts we had, and started moving them across the street. A friend of
18 ours, Terry, saw what was happening, and he started to come over to help. However,
19 as soon as Cynthia and I started moving away with one cart each, the scooper truck
20 came in and started picking up the rest of our property. The scooper put all of it
21 directly into the dump truck. We had four or five carts, and even though we ran back
22 to tell the workers that we had a place to move everything, they continued to take
23 and throw away our personal property. Meanwhile, other City employees were
24 sitting in their cars and laughing. Even though we could have moved our belongings
25 with just a little time, they started scooping things up only about 30 seconds after
26 they warned us to move. As a result, I lost my medication, including inhalers for my
27 asthma and antibiotics, lots of important personal papers, my ID, food, tents,
28 blankets and sleeping bags.

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8. I have repeatedly lost belongings that had personal meaning, as well as belongings I needed for survival, as a result of the City's actions. City employees have consistently treated me like I am not a person. Based upon my experience, wherever I go as a homeless person in the City of Fresno, the City of Fresno workers, accompanied by the Fresno Police Department, will come to take and destroy my personal possessions. This has happened to me several times already and I believe it will happen again. The City of Fresno has made it clear to me by destroying my property and by the way in which they did that, that because I am a homeless person, I will always be vulnerable to having my property taken and destroyed by City of Fresno workers and police.

I declare under penalty of perjury under the laws of the State of California at the foregoing is true and correct. Executed on October 11, 2006 in Fresno, California.


Joanna Garcia