Public Comments Distributed to the Anaheim City Council

July 14, 2020 Council Meeting

*Updated 4:00 P.M. – Wednesday, July 15, 2020*
To the Anaheim City Council:

My name is Rayan Soueidan and I am a resident of AUHSD. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

The United States does not have a national healthcare system. Instead, we have the largest military budget, and some of the most well-funded and militarized police departments in the world. Anaheim is no different: the 2019-2020 budget allocated $153.8 million to law enforcement and only $1 million to community development.

Anaheim is the 9th most violent police department in the U.S. From 2003-2016, Anaheim Police Department killed 33 people during the process of arrest, and nearly 40% of them were unarmed. Since 2014, the rate of arrest-related deaths caused by Anaheim PD exceeds that of LAPD, NYPD, and San Fran PD and is 74% higher than the average for police in California.

I demand that the city council not approve “Resolution 19” that would spend $700,000 dollars of taxpayer money on surveillance technology of anti-police brutality protests and that any future projects related to surveillance be halted. I also demand that the council not approve "Resolution 5" that will use $100,000 to improve 10 police vehicles. Instead, invest that money in creating programs that benefit and enrich the community especially during a global pandemic.

I am calling on our elected officials to stop criminalizing our community members. We as a concerned community refuse to remain silent on the use of technology to further terrorize our community.

Thank you,

Sent from my iPhone
To the Anaheim City Council:

My name is Anthony Kyriakakis, and I am a resident of Glassell Park, District 1. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Anthony Kyriakakis
Los Angeles, CA
Attached Public Comment for the July 14, 2020 Council Meeting.
Anaheim Council Public Comments, July 14, 2020, Agenda Items # 1 & # 23.

VIA EMAIL TO: publiccomment@anaheim.net

FROM: Home Owners Maintaining our Environment

The Anaheim Police Department should investigate City of Anaheim political council candidates (such as the present City Mayor or a Parks and Recreation Commission member) concern violations of Federal Crimes. The APD should certify such alleged criminals over to the respective Federal Authorities. Impersonating a United States Military Officer is not a crime by itself, but to do so for Financial Gain, such as being elected to the Anaheim City Council, is a Federal Crime.

At the Anaheim Hills Fourth of July Parade prior to the Last Anaheim Council Election, Anaheim present Mayor Sidhu illegally wore (for financial gain) the uniform of an UNITED STATES ARMY OFFICER and rode in an open military vehicle at the parade. The sponsors of the parade, the Disneyland Chamber of Commerce (AKA Anaheim), falsely made known that Sidhu was a helicopter pilot in the First Gulf War. It is estimated that hundreds of Anaheim Hills voters who falsely believed that Sidhu, who never served in the US military, had been a Military Officer, mistakenly voted for Sidhu as mayor.

At the recent Fourth of July Celebration earlier this month, because of the COVID-19 situation, there were no parades in Anaheim. However, one candidate for the November Anaheim City Council election, District One, placed six thousands flags on West Anaheim residents front lawns with notices to vote for him as the Anaheim City Council, District One Council Member. If this individual, a present member of the Parks and Recreation Commission, is attempting the same disgraceful crime as the present Anaheim Mayor did to get elected, (by impersonating an US MILITARY OFFICER for financial gain), the Anaheim Police should investigate the matter immediately as a criminal act.
To the Anaheim City Council:

My name is Nicole Giambastiani, and I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
A concerned citizen who’s tired of seeing harmful violence being taken priority over our community.
To the Anaheim City Council:

My name is Jena Angra, and I am a resident of Anaheim. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Jena Angra
Anaheim, CA 92801
Hello,

I am writing today to advocate for my neighbors and my community in saying: we must fund our community services at a greater rate to benefit and advance our oppressed communities. To find these funds for our oppressed and specifically Black communities, we must defund the police.

This money must be taken away from the police because policing as an institution is inherently violent towards Black people and other marginalized groups. I do believe we must develop a model of safety that do not involve police, because police do not promote public safety.

Please let me know what you are using your power to do specifically, to make sure our marginalized communities are advanced and cared for. Please let me know specifically, how you are reallocating funds within the city budget to benefit our Black residents.

Sincerely,

Jamie Reeves
Hello,

This is a message to say I have not given up. I have called for tangible changes to end systemic racism. I am not along yet many of our calls are either ignored or not met with action. So, I will say it again, please do your part to defund the police. The, REALLOCATE those funds to organizations that uplift voices of Black, Indigenous, and people of color as well as the LGBTQ+ community. This includes but is not limited to health care, education, afterschool programs, food stability aid, small business aid, affordable housing, mental health services, creative opportunities, and additional aid. We need to reform the emergency response system to include not only police but also professionals trained in de-escalation, domestic abuse intervention, community relations, mental health, and substance abuse intervention. Finally, we need to implement routine checks to root out systemic racism and inequality towards LGBTQ+ people wherever it can be found.

Thank you,

Sam Crane
Voter in 92651
To the Anaheim City Council:

My name is Jeannie and i am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Jeannie

Sent from my iPhone
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My name is Melissa and I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Melissa Kane
To the Anaheim City Council:

My name is Salem Younes, and I am a resident of Anaheim. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Salem Younes
Anaheim City Council,

My name is Madelyn Sando, and I am a lifetime resident of Orange County. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Madelyn Sando
Again, your officer's inefficiencies continue to reflect Anaheim PD at large with their reckless
violation of speed limit laws, it is still highly evident with the fact that there is an option
available to report speeding police, but also since I am still using not even a full quarter since
your officer's last were caught violating speed limit laws.

This time I caught on tape the constant driving well past the 85% enforcement speed limit on
Broadway going southbound, unit "05" on the roof, "8-805" on the bumper,

Several times I set my cruise control to a few mph over the posted speed limit, only to witness
squad car "05" travel well past the speed limit & again encouraging speeding down a very low
speed corridor. It's set for 35 mph because it's squadalso a school zone, yet car "05" led the
traffic to travel at upwards of 45mph. Do better! You are supposed to set the standards to
better provide public safety.

Your chief states that he likes to think of PD as Mind, Body, Heart.

Mind - Your collective PD Mind seems to be riddled with inadequacies.
Body - your collective PD Body is immensely inefficient as you wear out your equipment
recklessly to tear through our communities.
Heart - your collective Heart is full of fear & deception as your officers overreact to young
people of color with brutality & undue violence, then fill our streets with deception as you try
to cover for your fellow hang members in "blue"

I'm embarrassed to witness your department as it seeks for validation. You don't deserve it. Do better
To the Anaheim City Council:

My name is Mary Sapigao, and I am a resident of the Santa Clara County. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Mary

Sent from my iPhone
To the Anaheim City Council:

My name is Alejandra, and I am a resident of Anaheim, CA. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
[YOUR NAME]
Alejandra

Sent from my iPhone
To the Anaheim City Council:

My name is Gwendolyn Dahnke and I am a resident of Yorba Linda. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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WE DEMAND that the city council not approve “Resolution 19” that would spend $700,000 dollars of taxpayer money on surveillance technology of anti-police brutality protests and that any future projects related to surveillance be halted. We also DEMAND that the council not approve "Resolution 5" that will use $100,000 to improve 10 police vehicles. We DEMAND that the city council not approve "Resolution 30" proclaiming the continuing existence of a local emergency regarding civil unrest, which will continue to criminalize peaceful protestors. Instead, invest that money in creating programs that benefit and enrich the community especially during a global pandemic.

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Sincerely,
Gwendolyn Dahncke
Please act now to confront and strategically disassemble modern systemic white supremacy and anti-black racism and their lingering historic effects.

Please help to:

Criminalize anti-black racism.

Process all police corruption, brutality, and racism cases without bail.

Get a reparations for Black slavery Act passed.

Add blatant historic and systemic modern anti-black racism, white supremacy, and privilege into public school k-12 curriculum. Please include in historic education the Black massacres and Black lynching stories with the alleged accusations that sparked them. Please include the long term psychological and social impacts and their connection to internal bias.

Please.

--
Emily
We the people with the Movement for Black Lives demand the following reforms immediately:

1. Suspend the use of paid admin. leave for cops under investigation: this reduces police funding, challenges the notion that the administrative costs of policing violence are essential to safety, & reduces the overall support for policing by removing the financial support.

2. Withhold pensions and don’t rehire cops involved in excessive force: this decreases police funding, challenges the notion that police killings are exceptions rather than the rule, and reduces the ability of the police forces to re-engage with cops known for their use of violence.

3. Require cops to be liable for misconduct settlements: this saves community budgets a lot of money, rejects the notion that the costs of policing are essential to safety, and creates financial pressure for police to be accountable for their actions.

4. Cap overtime pay for military exercises and withdraw participation in police militarization programs: this saves our communities money, rejects the idea that we need cops trained for “counterterrorism”, and stops police from increasing their capacity/reach over our daily lives.

5. Prioritize spending on community health, education and affordable housing: defunding police decreased their resources. This creates space for us to learn about resources that create well-being. Decreasing police funding means decreasing the size, scope and capacity of policing.

All of theses steps work to reduce the size of the police force and minimize the role it plays in our society, which gives us more space and resources to invest in Black communities.

Thank you,

Sean O’Connor
Officials,

It is essential that you take budget money away from the police and reallocate that money into community services that in turn, will reduce crime, as everyone's needs will be cared for.

Defund the police. Reallocate the funds into community services. Our police our grossly overfunded.

Sincerely,
Jamie Reeves
To the Anaheim City Council:

My name is Vivienne Zenteno, and I am a resident of California. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Vivienne Zenteno

Sent from my iPhone
To the Anaheim City Council:

My name is Emily, and I am a resident of Buena Park. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Emily
I would like to request that the Anaheim city council really mull over the
decision to ban ALL fireworks - the selling AND the setting-off in
Anaheim. This year was the worst for irresponsible behavior in setting
off fireworks - even the legal ones….I am asking that if the people
cannot act responsible, then the privilege should be taken away. I don't
care if people feel pent up because of the virus - that is no excuse to
exercise bad behavior - & this year was totally horrible!

Thank you.
Margot Pierrong
Anaheim –
To the Anaheim City Council:

My name is Esha Suri, and I am a resident of Irvine, California. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

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Thank you,
Esha Suri
Greetings,

In a study of abused women, over 80% said they would not call the police again because they were scared that their abuser would only get a "slap on the wrist," and that they would come back and hurt them. Seeing that abused women do not feel safe calling the police to help them escape situations of domestic violence, should we cater to these women and create a new task force? The answer is yes.

We need specialized teams to respond to issues of domestic violence, that are not police. Police simply do not have, and cannot receive the extensive, rigorous training that specialized experts on deescalating domestically violent situations and helping victims escape their abuser require. This takes years of training and education, it's one of many issues that police are simply not fit to handle, like they are expected to today. And I don't just want to see woman officers respond to these calls, because they are still police officers who are not fit to deal with these situations, in terms of the training and education they have.

Defunding the police is about more than the safety of our Black neighbors, which is absolutely vital in itself. It is about making women more safe by ensuring their issues are cared for in a specialized way by trained professionals.

Are you willing to help victims of domestic violence?

Thanks,
Jamie
Good evening,

I hope you will take the time to watch these videos and look at the truth in accounting report. It is time the TCA toll road boondoggle ceases as hard working taxpayers deserve better.

On March 12, 2020 the TCA Board passed a resolution to not extend the 241 toll road past Oso Parkway due to the devastating environmental, economic, cultural, and societal costs to South Orange County communities.

Taxpayers deserve better, please see this video that shows the TCA should not be even contemplating building anything given 30 years of failure. Shawn Nelson, former Orange County Board Supervisor, who was also on the OCTA and TCA Board can be heard in this video that is very telling of the ineptitude of the TCA that he has witnessed.

https://www.youtube.com/watch?v=1Qhd-N-Wmg0&feature=youtu.be&fbclid=IwAR3vQJmnuXLfASHJyYQXQsiJQGbISoUx12Syi2SeWnnUBjmYseJkILZFhNU

Truth in Accounting’s Financial State of Orange County’s Transportation Corridor Agencies (TCA) was just released last week. This report is a comprehensive analysis of Orange County’s Transportation Corridor Agencies and their analysis showed for the fiscal year 2019 audited financial reports that the TCA has a combined debt of $4 billion.

The TCA only has $828.3 million available to pay $4.8 billion worth of bills. The outcome is a $4 billion shortfall. Users of the tollways and property owners will be paying this debt and associated interest for years to come, which has only been exacerbated due to COVID-19. Report can be found here

Here is a video of the 241 toll road near Oso which essentially shows how underused this asset is and that it is criminal so much money has been
wasted by the TCA, including the $706,000,000 of Development Fees they collect for new construction and many remodels in Orange County, the tolls and hefty penalties.

https://www.facebook.com/NOTMYTOLLROAD/videos/262486125176625/

LA Times Article March 11, 2019 "While you sit in traffic, these toll way consultants charge the public $185 an hour for reading news”

Orange County Grand Jury issues a Solvency warning regarding the TCA.
http://cams.ocgov.com/Web_Publisher/Agenda03_22_2016_files/images/O00616-000294A.PDF

"While some JPAs have relatively modest levels of debt, others have very significant debt. The Foothill Transportation Corridor Agency and the San Joaquin Transportation Corridor Agency have a joint debt level of over $4.5 billion, which is about 63% of the total debt reported by all the JPAs in Orange County. This level of public debt on the citizens of Orange County is very significant. These two transportation agencies only have an income level of $292 million per year. With this extreme debt burden, the Grand Jury questions their ability to pay off the principal and interest, based on their current revenue level."

The Foothill Transportation Corridor Agency and the San Joaquin Transportation Corridor Agency have a joint debt level of over $4.5 billion. The Grand Jury has determined that this debt level is excessive based on their revenues, and it threatens to render them insolvent.”

Pacific Research Institute Report said the TCA’s business model has been unsustainable from the start  https://www.pacificresearch.org/wp-content/uploads/2017/06/OrangeCountyTolls_F.pdf
San Clemente has had La Pata and Del Rio and the 5 freeway widened in the past few years we have done a great job assisting with mobility in the County and are open to mobility solutions, what we are NOT open to is a toll road on top of 6 schools where it was NEVER intended to go or wiping out homes, business and our precious remaking open space. La Pata and Los Patrones provide a alternative to the interstate 5 freeway.

We have OCTA and Caltrans we do not need this redundant wasteful government agency.

Thank you

Michelle
To the Anaheim City Council:

My name is Riley McMackin, and I am a resident of Orange County. I am writing in deep concern for the health of the greater Anaheim community. It has become more than clear that a radical shift in our concept of policing and community health must take place at the local level. Police violence in Anaheim has disproportionately affected Black and Brown residents and that must come to an end.

The United States does not have a national healthcare system. Instead, we have the largest military budget, and some of the most well-funded and militarized police departments in the world. Anaheim is no different: the 2019-2020 budget allocated $153.8 million to law enforcement and only $1 million to community development.

Anaheim is the 9th most violent police department in the U.S. From 2003-2016, Anaheim Police Department killed 33 people during the process of arrest, and nearly 40% of them were unarmed. Since 2014, the rate of arrest-related deaths caused by Anaheim PD exceeds that of LAPD, NYPD, and San Fran PD and is 74% higher than the average for police in California.

I demand that the city council not approve “Resolution 19” that would spend $700,000 dollars of taxpayer money on surveillance technology of anti-police brutality protests and that any future projects related to surveillance be halted. I also demand that the council not approve "Resolution 5" that will use $100,000 to improve 10 police vehicles. Instead, invest that money in creating programs that benefit and enrich the community especially during a global pandemic.

I am calling on our elected officials to stop criminalizing our community members. We as a concerned community refuse to remain silent on the use of technology to further terrorize our community.

Thank you,
Riley McMackin
Seriously, what is your protocol in returning to the precinct. This is the second time in one week that I catch a squad car speeding back to base. this continues to happen along corridors that are set for 35 million miles per hour.

Today at 5:36 p.m. July 3rd going southbound on Ball road I witnessed squad car "9 - 855" speeding app probably 45 miles per hour through a 35 mile-per-hour school zone then to the continue going that speed leading the rest of traffic to also take that speed. Y'all are doing nothing to uphold public safety and are encouraging regular folks to also break speed limit laws.

PD Chief keep saying that they are efficient and efficient department but in reality you are reckless and you encourage others in our community to break laws and deteriorate trust in our own governance. How many times will I have to catch you breaking the law on video? Now more than ever, PD should become more effective and a better standard for the community to entrust their safety in.

Do better

Edgar Arellano
Resident & business owner
District 2
Dear Representatives and legislators,

I am a voter. I live at 92804. I am in favor of 'safe and sane' needle exchange programs. Please approve this bill.

I canvassed other people who know about these programs and got these comments:

Realistically anything that reduces the spread of AIDS, HEP-C, etc. is a benefit to society in reducing the cost of treatment for these diseases long term. Hardcore haters for these programs call it “enabling”, which I and most addictions professionals I know disagree with. If you NEED your fix you will find a way to get a needle. New, old, clean, dirty. These programs are important to help stop the spread of disease. Even a bad program is usually better than no program.

Brian J. Hunt
Assistant Director Addictions Counselor Certification Board of Oregon 1992-2016
Senior Certification Specialist Mental Health and Addictions Certification Board of Oregon 2016-present

As well as the more general comment:

What you’d to avoid is first, basic money wasting, second that the program does not become the source of a nuisance in its own right, and third that the program have some kind of victory condition. Some way to say it is making things better and eventually coming to a close. Realistically there will always be drug addicts, but is the program doing "activities" that minimize the people getting hooked, staying hooked, having life problems while they are hooked.? And not doing it in pathological ways to cook the books, like sharing toxic needles that kill the clients.

And:

I"m in favor. Will save me as a taxpayer money treating Hep and AIDS. Less reason for needles to be found in public parks and alleys. Nobody’s gonna start shooting up because of free needles.

I've seen some comments on NextDoor about 'dirty addicts' and 'dangerous homeless' and the other way around. Our duty as responsible humans and as government representatives is to help those people in need.

Please approve this bill.

Thank you,
Jude-Marie Green
To Whom this May Concern:

I am writing as a concern Anaheim resident over COVID—19 and Disneyland’s reopening. I believe the city of Anaheim needs to pause Disneyland’s reopening because it puts many Anaheim residents and Disneyland cast members at risk of being infected with COVID-19. The city of Anaheim needs to put the health of Anaheim residents before the city’s finances. With Disneyland’s reopening, it will be detrimental to the health of thousands of Anaheim residents and cast members. Please, I ask city council members to put a pause to Disneyland’s reopening and prioritize Anaheim resident’s health.
Hello again councilmembers,

I write to you again with disdain for the agenda. Again you will be considering more than $200,000 to policing in our city. This is after you have already committed more than $1 million to policing since the police murdered George Floyd, Breonna Taylor, & continued to injure hundreds more some fatally.

I've been writing to you for weeks as I capture dashcam evidence of Police speeding in our neighborhoods. Over the years, our community has noticed the reckless ways they use equipment to 'dominate' our streets, particularly their constant speeding in small neighborhood streets. I also am not fond of the constant low flyovers by both APD & OC Sheriff's in the West Anaheim district, they constantly endanger & disrupt the habitats & lives of our local falcon, sparrow, finch, & occasional eagle visitors; the need for maintenance of a Camera that can be used strategically for Search & Rescue is of value and gives just enough merits for your vote.

I ask that you vote NO on Item 3 because it will further encourage the misuse of vehicles due to police recklessness. The staff report states that only a few Fire & Rescue vehicles would benefit from this Item. Item 3 is another incentive for policing in our city to remain as is. Our community has been vocal in our disdain for our bloated police department. Our police force may be the largest owner of vehicles both for work & personal use. They are destroying our climate with so much vehicle use & release of carbons into our neighborhoods.

I demand that you vote NO on Item 13 because it diminishes community trust and transparency into the Police misconduct that happened in between 2009 - 4/30/2015. These have been some of the deadliest years in our city & sparked community actions that reached the national news. During those actions, APD escalated the situations to put our very own abuelas, mamas, & families in danger. APD is reckless & they are trying to erase that history in this records destruction item. **Exhibit J shows 25 lines of records they'd want destroyed. Among these there are: Pursuit Critiques (2016-2yrs), Monthly Statistics (2016-2yrs), Suspension Notices (2017-2yrs), OSHA Inspections & Citations (-2014-5yrs), Internal Affairs Investigations / Disciplinary Files / Complaints / In-Custody Deaths, Major Incident Response Team (MIRT), and Officer Involved Shootings (2009-4/30/2015-5yrs).** What incentive would the Police Department request to destroy 5 years worth of records of our most violent period in our recent history? While there are many other lines of records that may merit destruction due to storage issues, it is paramount that our city retain documents that will help steer our city towards a more educated & just community.

Finally, I want to remind you that you are still violating our 4th & 5th amendment rights with your vote in favor of resolution 19 on the June 9, 2020 council meeting. The ACLU continues to condemn the abuse of for-profit contracts to overrule citizens privacy rights as afforded by the 4th and 5th amendment. There is no accountability nor transparency in the APD's use of this technology equipment, and they actively refuse inquiries due to non-disclosure agreements. The answers provided by Chief Cisneros are not satisfactory in the slightest, the doubt was loud in the ways which staff, the city manager, & police chief jave avoided the
privacy violation questions. If PD is reckless with their squad cars, then I have no confidence in their ability to have good judgement in using the "stingray" surveillance technology.

Do Better,

Edgar Arellano
Resident & business owner
District 2
Good afternoon,
The Orange County Recovery Collaboration is in full support of a complete ban of syringe exchange programs at this time. The attached letter arose out of city staff coming to our meeting on November 5, 2019 to discuss the issue of needle exchange and which components would be absolutely unacceptable and absolutely necessary for success IF the city was forced to allow their operation. On November 6, 2019 we submitted our recommendations of these unanimously agreed upon components. That letter is attached for your reference. Let us reiterate, our professional opinion is that the best option for the city at this time is an absolute ban, however should that not pass then the only other option we will support is what staff has outline in their report as is.

Thank you,

The Members of the Orange County Recovery Collaboration
November 6, 2019

Re: Needle Exchange Programs

To Whom It May Concern:

The Orange County Recovery Collaboration consists of substance use disorder, mental health, and homeless providers, along with members of the community, including elected representatives and law enforcement. The Collaboration’s goals are to eliminate barriers and connect resources to those suffering from substance abuse. The Collaboration exists to unify providers to create significant changes in our communities. We have joined together, to serve countless people in all areas of addiction.

At the Collaboration’s November 5, 2019, meeting, the issue of needle exchange programs (NEP) was discussed. The goal was to identify components of a successful NEP and what components would not be acceptable. The Collaboration recognizes that a NEP cannot do all of these recommendations by itself, and in order to be successful the NEP would need to collaborate/link with existing service providers who are already providing services. The Collaboration reached consensus on the following recommendations:

- **Locations:** Easy access to injection drug users (IDUs). Sites and locations would be scheduled on a regular basis. Ideal sites would be at locations where IDUs could receive additional treatment, such as outpatient clinics and other treatment or public health facilities. The NEP should not be located in or near parks or schools.

- **Narcan/Medical Care:** Have staff trained in administering Narcan who can train participants and provide Narcan to reduce overdoses. Ideally a medical professional who is trained in first aid and wound care would be available for consultation.

- **Testing:** On-site or linkage to test for HIV, Sexually Transmitted Diseases, and hepatitis B and C. With the testing services, education would be part of the testing process.

- **Needles:** The NEP should only provide 1 needle for every 1 needle turned in. Needles would be single use, retractable needles to prevent needle sticks. Ideally, if needles provided by the NEP could have unique identifiers on them, such as bar codes or colors.

- **Disposal/Clean Up:** The NEP must have a clear plan on how they will ensure needles are not littered in areas in and around the distribution points. All participants shall receive an individual sharps container and additional sharps containers would be placed in areas known for frequent drug use.
• **Drug Treatment/Resources:** Staff should be trained on County resources and to assist participants to linking to services. Resource list at a minimum should include, drug and mental health treatment, housing and food services.

• **Data Collection:** At a minimum, the NEP should collect data on the number of needles distributed and returned. Additional data may include information on types of referrals made.

• **Law Enforcement/City Support:** City and law enforcement support is critical. Cities and law enforcement need to know what the NEP is doing in their city and to work together in addressing any issues/problems that arise.

The above recommendations should address County, city and law enforcement concerns. With single use and 1to1 needle distribution this would address the risk of needle sticks and the spreading of infectious diseases. Since participants only receive as many needles as they turn in, they may pick up additional needles that were on the ground. If needles are marked it will make it easier to assess more accurately where the needles are coming from. The possibility of using bar codes not to just identify the NEP but what individual is not discarding appropriately was discussed. As the NEP is a service that IDUs value, it is possible to create a culture where participants self-policing each other to discard needles appropriately.

The Collaboration recognizes that it would be ideal to know certain outcomes such as; the number of participants who have found recovery, reduction of infectious disease, dollars saved in medical costs and overall impact on the community. This information would be very valuable but will require additional funds and should not be done by the NEP.

Thank you for taking the time to read our recommendations. If you need any additional information please contact Tamara Jimenez at , or Mitch Cherness at
From: Tamara Jimenez
To: Public Comment
Subject: FW: Item #22-Strong Support BAN-1st option
Date: Monday, July 13, 2020 11:58:19 AM
Attachments: SB 689 Binder.pdf

From: Tamara Jimenez
Sent: Monday, July 13, 2020 10:49 AM
To: tbass@anaheim.net
Subject: Item #22-Strong Support BAN-1st option

I have attached a binder that I personally put together to support a bill that John Moorlach had introduced SB 689 that is currently a 2 year bill. This binder is a compilation of local city and county responses, public comments/constituent letters- which begin on page 64, business letters, pictures of needle debris, maps & the CDPH approval which was overturned in your recent lawsuit. I have carefully read through the staff report and Lighthouse is in full support of a BAN at this time. As a member of the Orange County Recovery Collaboration, we are also in agreement with their report in the event that the ban does not pass. But we would like to be very clear that at this time, especially without SB 689 on the books, we strongly support a full BAN of needle exchange in any form and will only support a regulation should the ban not be passed. If the ban is not passed, the only item we will support at that time is the regulation that staff has prepared in their report exactly as is.

Have a great day,
Tamara Jimenez
Community/Government Relations Manager
Anaheim Lighthouse

CONFIDENTIALITY NOTICE:
This message is protected under the Federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. Pts. 160 & 164 and cannot be disclosed without written consent unless otherwise provided for in the regulations. The Federal rules prohibit any further disclosure of this information unless a written consent is obtained from the person to whom it pertains. The Federal rules restrict any use of this information to criminally investigate or prosecute any alcohol or drug abuse patient. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
Senate Bill 689 – Local Control of Needle Exchange Programs

BILL SUMMARY

Senate Bill 689 will amend the California Health and Safety Code Section 121349 to allow local governments a greater say in the location of clean needle and syringe exchange programs.

Specifically, this bill restricts the California Department of Public Health (CDPH) from authorizing or re-authorizing needle and syringe exchange programs unless a city or county has approved the request.

REASON FOR LEGISLATION

According to the departments' Office of AIDS, needle exchange programs were developed to prevent the spread of HIV and other blood-borne diseases.¹

However, through unintended consequences these policies have created a threat to non-drug using residents.

The city of Santa Ana encountered a serious public safety threat as a result of its needle exchange program. Discarded needles have pricked city residents, and 40-50 needles per month have been found on public library property. The problem was so rampant that, at one point, library employees found books with needles inside.²

ISSUE BACKGROUND

Current law defines two methods in which needle exchange programs may be authorized to operate: 1) action taken by the county board of supervisors or city council; 2) authorization granted by the CDPH.

This current process sidesteps local control, and allows the state to decree they know where to best locate these programs.

CONTACT

Eric Dietz, Legislative Director
Eric.Dietz@sen.ca.gov, (916) 651-4037

¹ Office of AIDS, CDPH Syringe Exchange Certification Program Fact Sheet
SENATE HEALTH
COMMITTEE ANALYSIS
Senator Ed Hernandez, O.D., Chair

BILL NO: AB 604
AUTHOR: Skinner
AMENDED: April 5, 2011
HEARING DATE: June 22, 2011
CONSULTANT: Orr

SUBJECT
Needle exchange programs

SUMMARY
Allows the California Department of Public Health (CDPH) to authorize entities meeting specified criteria to provide clean hypodermic needle and syringe exchange programs (SEPs) in any location where the department determines conditions exist for the rapid spread of deadly or disabling disease spread through the sharing of unclean hypodermic needles and syringes.

CHANGES TO EXISTING LAW

Existing law:
Requires that no person shall possess a hypodermic needle or syringe except when acquired in accordance with specified provisions of law.

Authorizes an SEP in any city, county, or city and county upon action by the county board of supervisors and the local health officer or health commission as applicable, or action of the city council, mayor and local health officer as applicable. The programs are to be authorized using recommendations from the United States Secretary of Health and Human Services, subject to availability of funding, and are to be offered as part of a comprehensive network of services.

Requires health officers of jurisdictions that participate in SEPs to annually report the status of those programs and at an open meeting of the board of supervisors or city council.

Allows local governments, public health officials, and law enforcement agencies the opportunity to comment on SEPs on an annual basis to address potential adverse impacts to the public.

Continued---
Allows a pharmacist or physician to furnish hypodermic needles or syringes for human use without a prescription or permit if the person is known to the furnisher and the furnisher has been previously provided with a prescription or proof of legitimate medical need.

Allows counties to authorize pharmacists to furnish or sell 10 or fewer hypodermic needles or syringes to persons 18 years of age or older, for the period commencing January 1, 2005 and ending December 31, 2018, if the pharmacy is registered for the Disease Prevention Demonstration Project (DPDP) and if the pharmacy complies with other specified provisions.

Establishes the DPDP as a collaboration between pharmacies and local and state health officials, for the purpose of evaluating the long-term desirability of allowing licensed pharmacists to furnish or sell nonprescription hypodermic needles or syringes to prevent the spread of blood-borne pathogens, including HIV and hepatitis C.

As part of the DPDP, requires participating pharmacies to register with their local health department, and certify that they will provide written or verbal information on drug treatment, testing services, and safe sharps disposal practices at the point of sale. Describes requirements for the secure storage of needles and syringes in pharmacies, and requires pharmacies to make safe disposal options available to users. Requires CDPH to evaluate the DPDP and provide a report to the Governor and the Legislature on or before January 15, 2010.

Requires that no public entity, its agents, or employees be subject to criminal prosecution for the distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by law.

Finds and declares that needle exchange programs have been shown to serve as a bridge to treatment and recovery from drug abuse, curtail the spread of HIV infection through the IDU population, and do not increase drug use.

**This bill:**
Authorizes CDPH to allow entities meeting specified criteria to apply for authorization to provide hypodermic needles and syringe exchange services in any location where CDPH determines that conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infectious disease, spread through the sharing of unclean hypodermic needles and syringes. The entity must have sufficient staff, capacity and funding to provide these services, and must demonstrate the ability to do the following:

1) Provide specified services for drug treatment and disease testing,
2) Begin the SEP within 3 months of CDPH’s authorization, and
3) Collect specified evaluative data to assess the program’s impact.

Requires CDPH to provide for a public comment period at least 45 days prior to the approval of an application by posting a notice on its website and notifying the health officer of the jurisdiction where the entity submitting the application is located. Requires CDPH to post addresses and contact information of all SEPs on its website. Requires CDPH to provide biennial reports to local health officers in jurisdictions where CDPH has authorized needle exchange services.
Provides that staff, volunteers and participants in an authorized exchange project will not be subject to criminal prosecution for violation of any law related to the possession, furnishing, or transfer of hypodermic needles in an exchange project.

Changes the frequency with which local governments, public health officials, law enforcement agencies, and the public may comment on local SEPs from once per year to once every two years. Also changes the requirement for local health officials to report to the board of supervisors or city council on the status of such programs from once per year to once every two years.

Replaces a reference to recommendations by the US Secretary of Health and Human Services, with the US Public Health Service.

**FISCAL IMPACT**

The Assembly Appropriations Committee analysis estimates annual costs to the CDPH of $30,000 to $40,000 in 2011-12 through 2013-14 to establish regulations. CDPH indicates that the department could absorb the additional workload with no new funding by redirecting existing federal monies for HIV prevention. The analysis also estimates ongoing, likely absorbable costs for CDPH to continue oversight of needle exchange projects after 2014, and unknown but potentially significant savings to the extent this bill reduces medical costs associated with infectious diseases such as HIV and hepatitis.

**BACKGROUND AND DISCUSSION**

The author believes SEPs are a highly cost-effective component of a comprehensive HIV and hepatitis control strategy, endorsed by every major national, state, and international health and medical association. The author asserts that local governments have had the authority to allow these programs since 1999, but some have failed to do so due to neglect, lack of knowledge, or lack of political will. The author claims that there are thousands of new hepatitis cases and hundreds of HIV cases occurring in the state every year, including the inland empire and the central valley where there are no authorized SEPs. The author contends that federal funding is now available to California to support SEPs and to prevent costly and deadly infections, but the lack of SEPs in some of these areas means that taxpayers statewide get stuck with paying the bill.

*Clean needle and syringe exchange programs (SEPs)*

Clean needle exchange programs make sterile needles available to injection drug users (IDUs), in order to mitigate the transmission of bloodborne diseases such as HIV and HCV. SEPs provide a safe and accessible method for IDUs to exchange used syringes for sterile ones. Often, SEPs also provide other public health services, such as HIV testing, risk-reduction education, and referrals for substance-abuse treatment. For some California residents, a SEP is the only accessible provider of medical or social services.

SEPs have been shown to be effective in reducing the sharing of syringes and the transmission of blood-borne infections among drug users, without increasing drug use. SEPs can help lower the number of contaminated syringes circulating in communities by
decreasing syringe scarcity, and in the case of an accidental needlestick, can lower the likelihood of a needle being contaminated with a potentially deadly disease. Since the implementation of these programs in the late 1980s, new HIV infections among IDUs have declined overall by 80 percent. One study published in 2001 found that the mean HIV prevalence rate among IDUs in metropolitan areas that banned over-the-counter sales or purchases of needles and syringes was twice as high as the mean HIV prevalence rate in metro areas that allow over-the-counter sales (13.8 percent vs. 6.7 percent respectively).

According to the Center for Health Improvement, there were 41 authorized SEPs in California as of March 2009. Cities and counties are enabled to authorize an SEP as part of a comprehensive network of services. Local government, local public health officials, law enforcement personnel, and the public are supposed to be given the opportunity to provide comments on local SEPs annually. The local health officers are required to annually report to the boards of supervisors or city councils, and to include a detailed report on the status of local SEPs including, but not limited to, relevant statistics on blood-borne infections associated with needle-sharing activities and the use of public funds for these programs. According to CDPH/OA, seventeen county boards of supervisors and four city councils have authorized SEPs, and several other counties and cities are currently considering them.

**Funding for syringe exchange**

According to CDPH Office of AIDS (CDPH/OA), CDPH considers syringe exchange to be “unquestionably vital in the struggle to reduce the spread of HIV, HCV and other bloodborne infections among injection drug users, their partners, and their children.” In the past, CDPH has distributed millions of dollars in state funding to authorized SEPs across the state to provide syringe exchange, HIV and HCV testing, counseling and referral to needed services. Recent cuts in state General Funds for HIV prevention have resulted in elimination of all state funding of SEPs; HIV prevention in the state is now solely funded by federal dollars, which had precluded the funding of SEPs.

On December 16, 2009, President Obama signed the Consolidated Appropriations Act of 2010, which began the process of lifting the 1989 ban on the use of federal funds for SEPs. This action allowed the CDC and its partners to more fully implement a comprehensive, evidence-based approach for reducing HIV infection among injecting drug users. The U.S. Surgeon General, Regina Benjamin, M.D. also announced on February 23, 2011 in the Federal Register that federal Substance Abuse Prevention and Treatment Block Grant funds could now be used to support syringe services programs. This determination permitted states and territories to use their Substance Abuse Prevention and Treatment Block Grant funds for needle exchange.

**Pharmacy sale of syringes**

Until the 2004 signing of SB 1159 (Vasconcellos), which started the Disease Prevention Demonstration Project, California was one of only five states that required a prescription in order to purchase a syringe. In the early 80s, insulin and allergy syringes could be bought in any drugstore without a prescription. In spite of the available supply, some drug users chose to reuse and share needles, and are believed to be partly responsible for the early spread of the AIDS epidemic. In the 90s, some states began requiring needles to be stored behind the pharmacy counter and began requiring a prescription, in hopes of
cutting down on illegal drug use by making syringes more scarce. Many states abandoned that policy once a correlation was noted between syringe scarcity and increased infectious disease rates in IDUs.

To address and prevent the spread of blood-borne infectious diseases among IDUs in California, the DPDP was established to allow the sale of up to 10 hypodermic needles or syringes without a prescription at pharmacies. In order to participate in the DPDP, pharmacies must register with their local health department and provide a contact name and related information. They must also certify that they will provide written or verbal counseling at the time of furnishing or selling needles or syringes. Additionally, pharmacies must properly store needles and syringes so that they are only available to authorized personnel, provide on-site safe disposal of needles and syringes, or furnish or sell mail-back state or federal standard personal sharps disposal containers. In the absence of local authorization of a DPDP or a SEP, the sale and possession of syringes without a prescription remains illegal in California.

**CDPH evaluation of the DPDP**

SB 1159 required CDPH to report to the Governor and to the Legislature by January 15, 2010 on the impact of allowing pharmacists to furnish or sell non-prescription hypodermic needles or syringes on rates of crime in the vicinity of pharmacies, rates of drug use, rates of needlestick injury to law enforcement officers and waste management employees, rates of safe or unsafe discard of syringes, syringe-sharing practice among IDUs, and rates of disease infection related to syringe sharing. CDPH was also required to convene an uncompensated evaluation panel.

The report was released to the Legislature in July of 2010. It made several key findings:

1) Injection-mediated risks were lower among IDUs in local health jurisdictions (LHJ) that authorized DPDPs.
2) Reported needlestick injuries among law enforcement officers remained rare.
3) Drug-related crime remained stable in the LHJs that authorized DPDPs.
4) Levels of unsafe discard of used hypodermic needles or syringes around DPDPs were low.
5) Levels of injection of illegal drugs decreased among publicly funded HIV testing clients since implementation of SB 1159.

The report found that between 40 and 45 percent of IDUs in DPDP-authorizing counties reported never sharing syringes during the past two years. In counties that did not authorize OTC sale, never-sharing rates were lower, ranging from 22 to 32 percent. The authors of the report claimed that more time would be needed to accurately assess SB 1159’s effect on disease incidence rates due to limitations in available data.

The report found substantial differences in authorization and implementation of local DPDPs across California LHJs and claims that “the two-step authorization process for legalizing [OTC] syringe sales (i.e., first on the county or city level and second on the pharmacy level) limited potential risk-reduction intentions of the legislation and deletion of this stipulation from a future bill could provide better access to this important prevention intervention.” The report points out that universal authorization of OTC syringe sales could reduce costs to LHJs by eliminating the need for staff time and
resources to support that local authorization process and suggests broadening implementation among and within counties.

Needlestick injuries
Access to sterile syringes can affect the occupational health and safety of peace officers and waste management employees because they are at risk of accidental needlestick injuries from improperly disposed needles. A recent study found that 29.7 percent of San Diego Police Officers surveyed had suffered a needlestick injury on duty, usually during a pat-down or search incident to arrest. A study of police officers in Rhode Island found that nearly 30 percent had been stuck by a syringe at one point in their career, with over 27 percent experiencing 2 or more needle stick injuries. Research has shown that accidental needles to police officers have decreased significantly following the implementation of SEPs. For instance, studies in Connecticut and Massachusetts found that needlestick injuries to officers were reduced 66 percent after syringe deregulation.

Related bills
**SB 41 (Yee)** would repeal the Disease Prevention Demonstration Project (DPDP) which authorizes local jurisdictions to allow pharmacies to distribute up to 10 needles or syringes without a prescription. Instead, would allow individuals to obtain up to 30 needles or syringes for personal use without a prescription from a pharmacy, and would authorize pharmacists and physicians to distribute up to 30 needles or syringes to an individual solely for personal use without a prescription. **Pending in Assembly Rules Committee.**

Prior legislation
**SB 1029 (Yee) of 2010** would allow individuals to obtain, and pharmacists and physicians to distribute up to 30 syringes or needles for personal use without a prescription from a pharmacy until December 31, 2018. Repeals the Disease Prevention Demonstration Project (DPDP), thereby removing a requirement for local governments to first authorize participation in the DPDP prior to a pharmacy's registration in the program. Vetoed with the message: “SB 1029 would remove the ability of local officials to best determine policies in their jurisdiction. Some counties have not sought to implement this pilot program, citing competing priorities, lack of pharmacy interest and law enforcement opposition.”


**AB 1858 (Blumenfield) of 2010** is substantially similar to AB 604 but included a sunset date of January 1, 2016. Vetoed with the message: “I signed legislation in 2005 that reflected a careful balance between good public health policy and local decision-making authority. I remain comfortable with that original decision and do not believe it is appropriate to change this balance and instead give authority to the state Department of Public Health to overrule local decisions regarding syringe exchange programs.”

**AB 110 (Laird), Chapter 707, Statutes of 2007**, permits a public entity that receives General Fund (GF) money for human immunodeficiency virus (HIV) prevention and education from the Department of Public Health (DPH) to use that money to support clean needle and syringe exchange projects (NEPs), as specified.
**AB 547 (Berg and Richman), Chapter 692, Statutes of 2005**, authorized clean SEPs in any city and county, county, or city upon the action of a county board of supervisors and the local health officer or health commission of that county; the city council, the mayor, and the local health officer of a city with a health department; or, the city council and the mayor of a city without a health department.

**SB 1159 (Vasconcellos), Chapter 608, Statutes of 2004**, authorizes the Disease Prevention Demonstration Project (DPDP) to evaluate the long-term desirability of allowing licensed pharmacies to sell or furnish nonprescription hypodermic needles or syringes to prevent the spread of blood-borne pathogens. Authorizes a licensed pharmacist, until December 31, 2010 and subject to authorization by a county or city, to sell or furnish 10 or fewer hypodermic needles or syringes to a person for human use without a prescription if the pharmacy is registered in the DPDP with a local health department.

**PRIOR ACTIONS**

Assembly Health: 13-6
Assembly Appropriations: 12-3
Assembly Floor: 52-26

**Arguments in support**
AIDS Project Los Angeles asserts that expanding SEPs will reduce the future costs of HIV and hepatitis C to taxpayers. More than 600,000 Californians are living with hepatitis C, and their health care costs are expected to soar over the next decade. AB 604 will help to bring SEPs to communities that currently have no access to sterile syringes and thus are experiencing high rates of HIV and hepatitis C infections. The California Hepatitis Alliance asserts that sharing needles is the leading cause of hepatitis C infections in the state, and the second most common means of contracting HIV and hepatitis B. The estimated lifetime cost to treat hepatitis C exceeds $100,000 per person, and the lifetime cost to treat HIV exceeds $600,000. Failure to prevent these infections creates long-term burden on state General Fund-supported health insurance and drug programs.

**Arguments in opposition**
The League of California Cities opposes the bill because they believe the ultimate considerations for local health and safety impacts should be made by the city that will directly bear the consequences, for better or for worse. The League asserts that AB 604 overrides local authority and allows health services organizations to act outside of a city or county government’s discretion. The International Faith-Based Coalition believes this bill will have a devastating impact on the neighborhoods that their pastors shepherd. The coalition believes that having local government bodies make these decisions is not only good public safety and quality of life policy, it is good public health policy.
COMMENTS

1. **Local authority.** AB 604 allows CDPH to determine where to provide authorization for SEPs for the purpose of addressing a public health problem, and circumvents the existing local control over the authorization of such programs. Given the concerns about bypassing local authority, and that this change in policy would allow additional unknown entities to engage in needle and syringe exchanges, should this bill apply a sunset provision in order to offer an opportunity for the legislature to formally reevaluate its impact?

POSITIONS

**Support:** Drug Policy Alliance (sponsor)
AIDS Project Los Angeles
American Civil Liberties Union
American Nurses Association California
California Association of Alcohol and Drug Program Executives, Inc.
California Hepatitis Alliance
California Nurses Association
California Opioid Maintenance Providers
California Society of Addiction Medicine
California State Board of Pharmacy
California Syringe Exchange Provider Network
Center for Health Justice
Clinica Monsenor Oscar A. Romero
Common Ground: The Westside HIV Community Center
County Alcohol and Drug Program Administrators Association of California
Harm Reduction Coalition
L.A. Gay and Lesbian Center
National Association of Social Workers
Redwood AIDS Information Network and Services
Saint James Infirmary
San Francisco AIDS Foundation
San Francisco Hepatitis C Task Force
Santa Clara County Board of Supervisors
Waste Management

**Oppose:** California Narcotic Officers' Association
California Police Chiefs Association
International Faith Based Coalition
League of California Cities
Los Angeles Division, League of California Cities

-- END --
SB 689-MOORLACH
LOCAL CONTROL OF NEEDLE EXCHANGE

• BILL TEXT

• MAPS & CDPH APPROVAL

• CITY & COUNTY RESPONSES.
  ○ CONSTITUENT LETTERS
  ○ BUSINESS LETTERS

SUPPORT
Laura Garcia/Joe Black
The Lighthouse Community (AB 109 FACILITY)
3880 Rosecrans Street San Diego CA, 92110
(619) 515-0243
Introduced by Senator Moorlach

February 22, 2019

An act to amend Section 121349 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 689, as introduced, Moorlach. Needle and syringe exchange programs.

Existing law authorizes the State Department of Public Health to authorize certain entities to apply to the department to provide hypodermic needle and syringe exchange services in any location where the department determines that the conditions exist for the rapid spread of human immunodeficiency virus (HIV), viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes, and requires the department to provide for a period of public comment, as specified, at least 45 days before approval of the application.

This bill would instead allow the department to authorize an entity pursuant to these provisions only if the city, county, or city and county in which the entity will be operating has adopted an ordinance or resolution approving that authorization or reauthorization.


The people of the State of California do enact as follows:

1 SECTION 1. Section 121349 of the Health and Safety Code is amended to read:
121349. (a) The Legislature finds and declares that scientific data from needle exchange programs in the United States and in Europe have shown that the exchange of used hypodermic needles and syringes for clean hypodermic needles and syringes does not increase drug use in the population, can serve as an important bridge to treatment and recovery from drug abuse, and can curtail the spread of human immunodeficiency virus (HIV) infection among the intravenous drug user population.

(b) In order to reduce the spread of HIV infection and bloodborne hepatitis among the intravenous drug user population within California, the Legislature hereby authorizes a clean needle and syringe exchange project pursuant to this chapter in any city, county, or city and county upon the action of a county board of supervisors and the local health officer or health commission of that county, or upon the action of the city council, the mayor, and the local health officer of a city with a health department, or upon the action of the city council and the mayor of a city without a health department.

(c) (1) In order to reduce the spread of HIV infection, viral hepatitis, and other potentially deadly bloodborne infections, the State Department of Public Health may, notwithstanding any other law, authorize entities that provide services set forth in paragraph (1) of subdivision (d), and that have sufficient staff and capacity to provide the services described in Section 121349.1, as determined by the department, to apply for authorization under this chapter to provide hypodermic needle and syringe exchange services consistent with state standards in any location where the department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes. Authorization shall be made after consultation with the local health officer and local law enforcement leadership, and after a period of public comment, as described in subdivision (e). In making the determination, the department shall balance the concerns of law enforcement with the public health benefits. The authorization shall not be for more than two years. Before the end of the two-year period, the department may reauthorize the program in consultation with the local health officer and local law enforcement leadership.
(2) The department shall authorize or reauthorize an entity pursuant to this subdivision only if the city, county, or city and county in which the entity will be operating has adopted an ordinance or resolution approving that authorization or reauthorization.

(d) In order for an entity to be authorized to conduct a project pursuant to this chapter, its application to the department shall demonstrate that the entity complies with all of the following minimum standards:

(1) The entity provides, directly or through referral, all of the following services:

(A) Drug abuse treatment services.

(B) HIV or hepatitis screening.

(C) Hepatitis A and hepatitis B vaccination.

(D) Screening for sexually transmitted infections.

(E) Housing services for the homeless, for victims of domestic violence, or other similar housing services.

(F) Services related to provision of education and materials for the reduction of sexual risk behaviors, including, but not limited to, the distribution of condoms.

(2) The entity has the capacity to commence needle and syringe exchange services within three months of authorization.

(3) The entity has adequate funding to do all of the following at reasonably projected program participation levels:

(A) Provide needles and syringe exchange services for all of its participants.

(B) Provide HIV and viral hepatitis prevention education services for all of its participants.

(C) Provide for the safe recovery and disposal of used syringes and sharps waste from all of its participants.

(4) The entity has the capacity, and an established plan, to collect evaluative data in order to assess program impact, including, but not limited to, all of the following:

(A) The total number of persons served.

(B) The total number of syringes and needles distributed, recovered, and disposed of.

(C) The total numbers and types of referrals to drug treatment and other services.

(e) If the application is provisionally deemed appropriate by the department, the department shall, at least 45 days prior to approval
of the application, provide for a period of public comment as follows:

1. Post on the department’s Internet website the name of the applicant, the nature of the services, and the location where the applying entity will provide the services.

2. Send a written and an e-mail notice to the local health officer of the affected jurisdiction.

3. Send a written and an e-mail notice to the chief of police, the sheriff, or both, as appropriate, of the jurisdictions in which the program will operate.

4. The department shall establish and maintain on its Internet website the address and contact information of programs providing hypodermic needle and syringe exchange services pursuant to this chapter.

5. The authorization provided under this section shall only be for a clean needle and syringe exchange project as described in Section 121349.1.

6. If the department, in its discretion, determines that a state authorized syringe exchange program continues to meet all standards set forth in subdivision (d) and that a public health need exists, it may administratively approve amendments to a program’s operations including, but not limited to, modifications to the time, location, and type of services provided, including the designation as a fixed site or a mobile site. The amendment approval shall not be subject to the noticing requirements of subdivision (e).

7. The department shall have 30 business days to review and respond to the applicant’s request for amendment of the authorization. If the department does not respond in writing within 30 business days the request shall be deemed denied.
Local control is key to making needle exchange programs work

By John M. W. Moorlach

February 28, 2019

A sad development that has exploded across the country in recent years has become known as “the Opioid Epidemic,” especially among young people. That’s why I have introduced Senate Bill 689, which establishes guidelines and increases local control for needle and syringe exchange programs.

Such programs do not condone drug abuse but recognize the reality that some people are going to inject themselves with harmful substances. Almost inevitably, these people are poor. They “only had a dollar to live on till next Monday,” to quote the old Hoyt Axton anti-drug song, “Snowblind Friend.”

Experts will tell you people are tempted to use old needles that may be contaminated with HIV, hepatitis or other diseases, perpetuating the contagion. Which is why needle-exchange programs hand them new, sterile needles. This idea, while well-intentioned, presents a whole new set of challenges.

When addicts receive the needles, they also make contact with the public health system, possibly for the first time. Doing so gives them the opportunity to receive information on health, recovery and other programs that can help them break the addiction, or at least to live another day.

Crucial to such programs is local control. That’s because local city councils, police and health officials are the ones on the ground trying to help the addicts. Also important to consider is increased risk to public safety.

The California Department of Public Health, Office of AIDS, has cautioned that some existing needle-exchange programs have not made matters better, but worse through threatening non-drug-using residents. These concerns are real.

The Register reported last November when Orange County’s only needle-exchange program was shut down. Superior Court Judge Joel R. Wohlfeil “agreed with concerns raised by Orange County officials and the cities of Anaheim, Costa Mesa and Orange about the potential for used syringes to litter the community and stick people.”
The judge called the program a "noble goal" and lauded volunteers' "selfish devotion." Then he cited "the estimated 250,000 syringes that were unaccounted for during Civic Center operations," according to the Register.

"The seriousness of the harm outweighs the social utility," Wohlfel ruled.

Discarded needles have pricked city employees. Heather Folmar, operations manager at the nearby Santa Ana Public Library, said needles rarely were found in the library before the exchange opened, but 40 to 50 a month afterward. "We found them on shelves, near planters, window sills, in books," she said. "A cleaning lady was pricked by one."

Helping some people shouldn't hurt other people.

SB689 specifically states its intent is to "reduce the spread of HIV infection and bloodborne hepatitis among the intravenous drug user population within California." Therefore, "the Legislature hereby authorizes a clean needle and syringe exchange project."

It allows the California Department of Public Health to authorize needle-exchange programs only if the city or county in which the exchange will be "operating has adopted an ordinance or resolution approving that authorization or reauthorization."

The bill provides a crucial element to make needle exchanges work: local control.

Please join me March 1 at 10 a.m. as I introduce SB 689 to the public.

Address: City Hall, 300 E Chapman Ave, Orange, CA 92866.

*John M. W. Moorlach, R-Costa Mesa, represents the 37th District in the California Senate*
Grand Street Industrial Park
- 3-4 schools
- Santa Ana Unified School District
- Large Catholic Church
- Large Residential Area

Steps Automotive

https://www.google.com/maps/search/walnut+and+north+grand+santa+ana/@33.7436139,-117.8591167,17z/data=!3m1!4b1!4m5!3m4!1s0x0:0x0!8m2!3d33.7436139!4d-117.8591167
- Dog Park
- People Park
- Goals Academy Elementary School
- Salvation Army Family Store

https://www.google.com/maps/@33.8494352,-117.9160849,637m/data=!3m1!1e3
City of Costa Mesa

- Elementary School
- Mostly Residential
August 6, 2018

TO: Chief Thomas Kisela, City of Orange; Acting Chief Julian Harvey, City of Anaheim; Chief David Valentin, City of Santa Ana; and Acting Chief Bryan Glass, City of Costa Mesa
Dr. Eric Handler, Orange County Health Officer

SUBJECT: AUTHORIZATION OF THE ORANGE COUNTY NEEDLE EXCHANGE MOBILE PROGRAM APPLICATION

The California Department of Public Health (CDPH), Office of AIDS (OA) would like to thank you for your participation in the consultation process and inform you that CDPH, OA has authorized the Orange County Needle Exchange Program (OCNEP) to provide syringe exchange mobile services in four locations in Orange County, as proposed in OCNEP’s application dated March 19, 2018. This authorization is effective August 6, 2018 through August 6, 2020. OCNEP may apply for renewal before the end of the two-year period, and CDPH, OA may renew the certification, following consultation with local law enforcement officials and the local health officer.

CDPH, OA has determined that OCNEP’s application meets the requirements outlined in Health and Safety Code Section 121349 and that there is a public health need for these services due to the significant risk for transmission of HIV and hepatitis C among people who inject drugs in Orange County. In making this determination, CDPH has identified Orange County as among the California counties most vulnerable to rapid spread of injection drug use-related HIV and HCV infections. Newly reported cases of chronic hepatitis C increased by 201% between 2011-2015 in Orange County, and the rate of newly-diagnosed HIV cases per 100,000 population increased by 24% between 2012 and 2016. There is currently no syringe exchange program in Orange County, and very few Orange County pharmacies provide non-prescription syringe sales. The services proposed by OCNEP will play a crucial public health role in the prevention of blood-borne diseases, as well as offering support and linkage to critical medical care and social services.

Amendment to OCNEP Operations

In order to address the concerns conveyed during CDPH, OA consultation with local law enforcement and received during the public comment period, OCNEP has conferred with CDPH and requested that, if its application is approved, CDPH, OA amend the
authorization to narrow the geographical location for services and enhance syringe litter clean-up efforts. Therefore, in accordance with Health and Safety Code section 121349, subdivision (h), CDPH, OA is administratively amending the OCNEP authorization as follows:

1) The geographical areas of service are narrowed:
OCNEP is authorized to operate in the following times and locations:

1. **Anaheim**
   - *Time*: Mondays 2 p.m. to 5 p.m., and Thursdays 2 p.m. to 5 p.m.
   - *Location*: Area bounded by the Riverside Freeway (California State Route 91), North Anaheim Boulevard, East La Palma Avenue, and North Olive Street.

2. **Costa Mesa**
   - *Time*: Wednesdays 10 a.m. to 2 p.m., and Sundays 10 a.m. to 2 p.m.
   - *Location*: 17th Street from the outer border of the Armstrong Petroleum Plant to Whittier Avenue.

3. **Orange**
   - *Time*: Tuesdays 2 p.m. to 5 p.m., and Fridays 2 p.m. to 5 p.m.
   - *Location*: Area bounded by West Katella Avenue/West Struck Avenue, the Santa Ana River, West Orangewood Avenue, and Main Street.

4. **Santa Ana**
   - *Time*: Wednesdays 2 p.m. to 5 p.m., and Saturdays 10 a.m. to 2 p.m.
   - *Location*: Area bounded by East 4th Street, North Standard Avenue, Walnut Street, and North Grand Avenue.

2) As part of increased and collaborative efforts to address syringe litter, OCNEP agrees to provide the following:
   a. Work with the Orange County Health Care Agency to increase sharps disposal options, including purchase and placement of additional disposal kiosks for the areas served by OCNEP;
   b. Operate a hotline through which OCNEP will field reports of improperly discarded syringes, or other community concerns, and
   c. Conduct additional syringe recovery services in and around mobile service areas.

These amendments shall be effective immediately and are made in accordance with a CDPH, OA determination that, with these amendments, OCNEP will continue to meet all standards set forth in subdivision (d) of Health and Safety Code section 121349 and that a public health need exists for such services within Orange County.

CDPH/OA will continue to work with the Orange County municipalities and OCNEP to address ongoing syringe litter collection issues. CDPH, OA is in the process of contracting with an independent evaluator to assess syringe litter in each locale, and will use the results of the survey to evaluate the potential impact of the program on syringe litter. Findings may be used to assist OCNEP in addressing community
concerns, planning for syringe litter collection in vicinities served by OCNEP, and collaborating with the health department in expanding sharps disposal options.

Orange County faces multiple and overlapping public health challenges, and county, city, medical and social service partners have implemented a wide array of strategies to address these challenges. Providing syringe services that include linkage to HIV/HCV screening and care, substance use disorder treatment, and overdose education and prevention will amplify existing public health efforts.

CDPH’s formal announcement will be posted shortly and can be found at: https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_prev_sacpapp.aspx

Sincerely,

Karen L. Smith, MD, MPH
Director and State Public Health Officer

cc: Gilberto F. Chavez, MD, MPH
    State Epidemiologist
    Deputy Director for Infectious Diseases
    California Department of Public Health, MS 0509
    Sacramento, CA 95899-7377

    Marisa Ramos, PhD
    Interim Division Chief, Office of AIDS
    California Department of Public Health, MS 7700
    P.O. Box 997426
    Sacramento, CA 95899-7426

    Brian Lew, MA
    Interim Chief
    HIV Prevention Branch, Office of AIDS
    California Department of Public Health, MS 7700
    P.O. Box 997426
    Sacramento, CA 95899-7426

    Carol Crump, MFT
    HIV Prevention Branch, Office of AIDS
    California Department of Public Health, MS 7700
    P.O. Box 997426
    Sacramento, CA 95899-7426

    Alessandra Ross, MPH
    HIV Prevention Branch, Office of AIDS
    California Department of Public Health, MS 7700
    P.O. Box 997426
    Sacramento, CA 95899-7426
To whom it may concern:

Below is a Summary of Approx 40 minute call on Aug 2nd(2018) with Carol Crump at office of AIDS:

OCNEP only has to have “a plan”, not proof that they can follow through, “they have to submit an annual report” so they don’t have to turn in a report for 1 year.

“Our attitude” is that a “1:1 exchange is not even recommended”, we will give out as many as they want.

Do not require any testing for infectious disease, “only have to offer a referral”, this means there is not actually not anyway to even find out if diseases are being prevented, NOT required to follow through, there is no way to accurately collect data on whether or not the program is even effective in decreasing the spread of infectious disease.

“Because these guys are homeless they aren’t necessarily going to bring in one needle for every needle they get” because they get their stuff stolen, don’t have a way to dispose of it, get arrested, etc. but OCNEP will still be giving up to 200 needles or more (no limit)/week or day they operate.

Expect the recipient to get “training” on partnering up and “do a test shot” with each other, encouraging them to use with others.

When asked about preventing children from getting the needles they said there is no age requirement, ID not needed, will give them to any age, this includes children.

OCNEP is being funded by our tax dollars=part “public health dollars” and “part revenues from other state services”

When asked about the approval even though all 4 cities and the county opposed OCNEP they said “the law says” we can make the decision.

The state & OCREP will not cover any costs related to deaths related to the needles nor any costs related to anyone pricked by a needle or re-entering treatment/detox, they don’t even “track” the needles in any way.

Access to a van driving around with needles does “not cause a relapse”.

She continued to bring up homelessness, homeless and children who can’t buy needles at stores are the target.
(cont.)
Doesn’t matter if it’s a drug dealer or a minor, they will dispense to “anyone” that asks, no ID required, when asked about whether supplying drug dealers with the needles that they can sell drugs with she said “it’s not irresponsible”

All 4 locations have schools within the area they will drive around and she says there is nothing wrong with that, admitted they are supposed to do syringe “sweeps” around the area before and after the exchange, meaning they believe the needles they will be discarded in the parks and school grounds and that basically this is appropriate and sees no problem with this

She insists” the community wants this” and all they want is a clean up

When asked what their responsibility or OCNEP’s is if a 12 or 13 year old child gets needles from them and either shares it with someone and contracts something or overdoses and dies, the response was, “I’m not playing this game with you” in which I responded this isn’t a game this is people’s lives

Stated they “will be working with the County”…”We aren’t going away”, yet this is not true because the County is filing a law suit to stop this

Asked me what do I do with people who continue to relapse, I said I offer them recovery not paraphernalia, she said in “drug users yes you do“

OCNEP is “not responsible for overdoses”

When asked how a parent should explain to their children playing in the park and see the needles being handed out what is happening, it’s the “parent’s responsibility to talk to their kids about drug use”, this is “not a parent education program”

Repeated multiple times “needles don’t kill people” and don’t have anything to do with the opioid epidemic

Communities have been divisive “for 30 years” about needle exchange programs and that is why it does not matter what the county, the cities, or the residents think

Their goal is to get as many needles to as many people as possible

Sincerely,

Tamara Jimenez
Tamara Jimenez
Community Relations Manager
March 15, 2019

The Honorable John Moorlach
California State Senate
State Capitol Building, Room 2048
Sacramento, CA 95814

Re: Senate Bill 689 - SUPPORT

Dear Senator Moorlach:

I am writing in strong support of Senate Bill 689. This bill will establish guidelines and increase local control for needle and syringe exchange programs.

The California Department of Public Health has identified Orange County as one of the most vulnerable in the state to the rapid spread of disease and infection through injection drug use. Local control of needle and syringe exchange programs will enable city and county officials to work in collaboration with law enforcement, service providers and residents to determine how to most effectively make needle and syringe exchanges work within their jurisdictions.

As District Attorney, I am pleased to partner with you on this important initiative. By allowing local governments greater input on the location of clean needle and syringe exchange programs, SB 689 will reduce the spread of HIV infection and blood borne hepatitis among the intravenous drug user population while protecting the health and safety of community residents.

Sincerely,

Todd Spitzer
District Attorney
December 6, 2017

Nathan Birnbaum, Member
OCNEP Steering Committee
1605 N. Spurgeon St.
Santa Ana, CA 92701

RE: 30-day Notice of Termination for Memorandum of Understanding No. N-2016-026

Dear Mr. Birnbaum:

In accordance with the Miscellaneous Provisions of the Memorandum of Understanding (MOU) No. N-2016-026, which commenced on February 18, 2016 and was entered into by and between the Orange County Needle Exchange Program (OCNEP) and the City of Santa Ana, please be advised that this MOU will be terminated effective January 5, 2018.

Since February 20, 2016, the OCNEP has operated a syringe access program at the Civic Center in Santa Ana, pursuant to a determination made by the California State Department of Health. The purpose of OCNEP is to give injection drug users in the community a place to safely dispose of used syringes and access sterile injection equipment to reduce the spread of infectious disease. Although OCNEP seeks to prevent disease by providing a source for nonprescription syringes, the program itself, including the manner in which it operates, has created unintended consequences that have negatively impacted the patrons that visit the Santa Ana Public Library, the Civic Center, and surrounding community.

In the past year, the City of Santa Ana has received numerous written and verbal complaints (attached) about used and discarded hypodermic needles found in the Civic Center and the Santa Ana Library. Complaints have been voiced by citizens coming to the area to conduct business; families visiting the Santa Ana Library, and employees of the City of Santa Ana and the County of Orange. Used and discarded hypodermic needles found in the Civic Center including the Library, have placed employees, contractors and patrons, including children and unaccompanied minors, at risk of disease or injury (see attached). Used needles have been improperly discarded and found hidden in books at the Santa Ana Library, Civic Center government facilities, Santa Ana City Hall restrooms including toilet seat covers and toilet paper dispensers, trash receptacles, and Civic Center walkways and pathways.

SANTA ANA CITY COUNCIL
The improper disposal and high quantity of used hypodermic needles has led to City staff and contract employee injuries, increased City liability exposure, unanticipated costs for the proper handling and disposal of used hypodermic needles, and negatively impacted the quality of life for employees and visitors in the Civic Center.

In addition, according to the Health and Safety Code Section 121349.3 (a), presentations relating to the status of clean needle and syringe exchange programs shall be provided. The code states that “the health officer of the participating jurisdiction shall present biannually at an open meeting of the Board of Supervisors or City Council a report detailing the status of clean needle and syringe exchange programs, including, but not limited to, relevant statistics on bloodborne infections associated with needle sharing activity and the use of public funds for these programs.” To date, these biannual presentations have not occurred at an open meeting as described above.

MOU No. N-2016-026 states the following: This MOU can be terminated for any reason by any of the parties with (30) days’ written notice to the other party. As such, the purpose of this letter is to notify OCNEP that MOU No. 2016-026 will be terminated on January 5, 2018.

If you have any questions regarding this matter, please contact Robert Cortez, Deputy City Manager or Jorge Garcia, Acting Assistant to the City Manager at (714) 647-5200.

Sincerely,

[Signature]

Raul Godinez II
City Manager

Attachments: MOU No. 2016-026
Written Complaints
Photos of improperly discarded needles

c: Kyle Barbour, OCNEP Steering Committee Member
Carol Crump, California Department of Public Health Behavioral Health Specialist
Dr. Eric Handler, County of Orange Health Officer
David Valentin, City of Santa Ana Chief of Police
Robert Cortez, Deputy City Manager
Jorge Garcia, Acting Assistant to the City Manager
June 8, 2018

Schenelle Flores, Chief
Program Implementation Section, Office of AIDS
State of California-Health and Human Services Agency
California Department of Public Health
MS 7700
P.O. Box 997426
Sacramento, CA 95899-7426

Re: Orange County Needle Exchange Program Application For Certification As a Mobile Syringe Exchange

Dear Chief Flores:

For the reasons below, on behalf of the Santa Ana Police Department, I hereby strongly oppose the Orange County Needle Exchange Program’s (“OCNEP”) application for certification for mobile syringe needle exchange services in the City of Santa Ana (“City”) at the following locations:

Area bounded by (N) East 4th Street, (E) North Standard Ave., (S) South Grand Avenue, and (W) East Chestnut Avenue

As you know, OCNEP operated a stationary needle exchange program in the Santa Ana Civic Center for more than one and one half years. During that time, there were repeated concerns and the City articulated as much in January 2018 during meetings with OCNEP and conference calls with officials from the Department of Public Health Office of AIDS, that the program negatively affected the operation of the Civic Center, visitors to the Civic Center and Santa Ana residents in the surrounding area. The City continues to maintain that position.

OCNEP’s latest desire to operate a “mobile needle exchange” only heightens the City’s health and safety concerns for the Santa Ana community. The stationary needle exchange operation highlighted OCNEP’s inability to provide for effective recovery of used and discarded needles on City premises. The City continues to have little or no confidence that OCNEP can manage effective recovery of used needles in the context of mobile operations conducted on a more frequent, mobile basis at multiple locations throughout the City. It goes without saying that improper disposal of used needles endangers the health and safety of residents and is of profound concern to the City.

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1 Hours of Operation: Daily between the hours of 10:00 a.m. and 5:00 p.m.
As you know, the City previously submitted materials that illustrated and articulated the negative impacts and the attendant grave health and safety concerns following OCNEP’s operations in the Civic Center for nearly two years. We refer you to review those materials.

The City desires to contribute to solving the public health concerns to prevent the spread of infectious diseases; however, OCNEP has failed to provide a concrete plan to defensibly mitigate the quality of life concerns and the significant impact on public safety and public health itself due to the adverse impact. OCNEP’s past failure even after being notified of the hazardous needle debris erodes the plan’s intended public health benefit and instead, poses healthy and safety risks to even more people.

We note the standards for refusal to certify an initial SEP application include, “evidence of projected harm to public safety, presented by local law enforcement official(s)” that is “greater than evidence of projected benefits to public health.” Title 17, California Code of Regulations, section 7004(c). The public interest demands equal consideration of this factor. Here, the harm to public safety significantly outweighs the benefits to public health conferred by the OCNEP.

Sincerely,

[Signature]

DAVID VALENTIN
Chief of Police

cc: Raul Godinez II, City Manager
    Sonia Carvalho, City Attorney
    Executive Management Team, City of Santa Ana
    Carol Crump, MFT, Behavioral Health Specialist
    Director and State Public Health Officer
June 25, 2018

Carol Crump, MFT
Program Implementation Section, Office of AIDS
State of California-Health and Human Services Agency
California Department of Public Health
MS 770
P.O Box 997426
Sacramento, CA 95899-7426

Re: Orange County Needle Exchange Program Application for Certification as a Mobile Syringe Exchange

Dear Ms. Crump:

The City of Santa Ana strongly opposes the proposed Orange County Needle Exchange Program (“OCNEP”) application for certification of mobile syringe needle exchange services in the City of Santa Ana projected to be located within the areas bounded by (N) East 4th Street, (E) North Standard Ave., (S) South Grand Avenue, and (W) East Chestnut Avenue.

Operating a Mobile Needle Exchange program for each of the aforementioned locations will pose a detrimental public health and safety risk given the high-density population concentration as well as the large volume of community traffic inclusive of businesses, schools, residents and the Santa Ana community at large. It is believed, and has been proven through prior City experiences, that this constituency will expose the improper disposal of dirty and used needles, which will endanger the health and safety of the community. Specifically, these locations will negatively impact the Lacy Neighborhood, Walker School Community Center, Villa School, and therefore, pose dangerous situations for school-aged children walking to and from school, with the potential hazard of damaging interactions with dirty needles.

OCNEP’s earlier and documented operations in the Santa Ana Civic Center had significant adverse impacts, including but not limited to excessive needle litter at the Civic Center and associated public safety concerns, which ultimately resulted in the City’s termination of its Memorandum of Understanding with OCNEP to operate a syringe access program at the Civic Center. In his termination letter dated December 6, 2017, Santa Ana City Manager Raul Godinez II provided to Mr. Nathan Birbaum of the OCNEP Steering Committee, a plethora of written and verbal complaints regarding the mismanagement of the OCNEP program and its deficiency in operation, illustrating serious health and safety concerns to the Santa Ana community. Following the termination of the MOU, and based on the same concerns, the City denied OCNEP’s
application for a permit to operate in the Civic Center, as required under the Santa Ana Municipal Code.

Chief among the safety concerns were numerous complaints by citizens conducting business in the Civic Center, families visiting the Santa Ana Library, and employees of the City of Santa Ana, the County of Orange, the federal government and the State of California. In nearly all of these complaints, the parties described discovering discarded hypodermic needles/syringes hidden in books at the Santa Ana Library, Civic Center government facilities, in toilet seat covers and toilet paper dispensers within Santa Ana City Hall restrooms, trash receptacles and Civic Center walkways and pathways (see Appendix A: Letter from City of Santa Ana to OCNEP dated December 6, 2017 and Appendix B: Photographs documenting the proliferation of dirty needles in the Civic Center, and Appendix C: Community complaints to the City of Santa Ana).

Furthermore, the City of Santa Ana has received the following documented narratives of uncapped, dirty, hypodermic needles found by City staff and members of the business community:

1. **City of Santa Ana Public Works Agency** - From January 2018 to June 2018, Public Works staff, Quality of Life Team members, Sanitation Inspectors, and Roadway Cleaning crews, encountered open, used, and uncapped needles during daily cleanup activities, with an estimate of 7,500 needles removed from public areas and an additional 50 needles found along the Santiago Creek.

2. **City of Santa Ana Parks, Recreation and Community Services Agency** – Reported that during an average month, the staff at the Santa Ana Senior Center picked up approximately 50 hypodermic needles at Birch Park, in their normal cleanup to prepare the center and park prior to opening hours for senior citizens.

3. **Santa Ana Police Department** – Reported encountering dirty and used needles discarded throughout the City on a daily basis at an increased level following the enactment of the MOU between OCNEP and the City.

4. **Santa Ana Public Library** – Please see Appendix B

5. **Santa Ana Community Neighborhoods** – The Santa Ana Healthy Neighborhood Alliance, West Floral Park Neighborhood Association, Artist Village, Civic Center Barrio Housing Corporation, Edna Park and Birch Park communities have provided detailed narratives of the harmful impacts discarded hypodermic needles have had on their communities and surrounding areas.

6. **Santa Ana Business Sector** – From September 2017 to June 2018 over 10 major businesses have expressed great distress over the negative financial impact their businesses have experienced as it pertains to harmful needle debris found in and around their business, as well as walking corridors leading to their establishments.

In addition, in an effort to divert used and contaminated syringes from the residential waste stream, the City of Santa Ana has expended in excess of $67,000 over the past ten years with Welldyne/RX West. Further, the City of Santa Ana has engaged the services of G4S Secure Solutions to secure public areas (Courthouse/Library/Superblock Parking...
Structures) from excessive needle litter and associated impacts of the prior needle exchange operation, including the removal of discarded needles and syringes, at a cost of $1,014,024.52 annually.

Significantly, the City of Santa Ana is not alone in opposing the OCNEP proposed mobile program for documented health and safety reasons. On June 5, 2018, the Orange County Board of Supervisors adopted a strongly worded resolution opposing OCNEP’s operation in Costa Mesa, Santa Ana, Anaheim, Newport Beach and Orange (see Appendix F: Orange County Resolution again OCNEP Mobile Needle Exchange). On June 21, 2018, the City of Costa Mesa submitted a response to the California Department of Public Health opposing the operation of the OCNEP Mobile Needle Exchange, referencing the City of Santa Ana’s experience with OCNEP in the terminated Needle Exchange Program for the Civic Center and also indicating, “what the City of Santa Ana experienced within their Civic Center may have likely also been a contributing factor to the nearly 14,000 needles found in the Santa Ana River Trail during the early 2018 clean up effort.” (see Appendix D: City of Costa Mesa Police Department Memorandum on OCNEP.)

We also call your attention to the letter dated June 8, 2018 by the City of Santa Ana’s Chief of Police opposing the operation of the OCNEP Mobile Needle Exchange, referencing the standards for refusal to certify an initial SEP application indicating, “Here, the harm to public safety significantly outweighs the benefits to public health conferred by the OCNEP” (see Appendix E: City of Santa Ana Office of the Chief of Police Letter to California Department of Public Health.) Consultation with local law enforcement leadership is a required step in the California Department of Public Health assessment of SEP requests for authorization and the Chief’s letter further articulates why this program is injurious to our community and should not be approved.

Finally, the OCNEP operational standards identify serious concerns. For example, the 20:1 ratio of needle exchange, standing alone, creates an inaccurate level of harm reduction practices to mitigate the overall opioid epidemic the County of Orange faces. Based on past experiences, OCNEP was clearly unable to safely control needle debris from a single non-mobile location. The current application provides no articulable facts and/or safeguards to ensure or even address how this entity would address needle debris from a mobile platform. It is our belief that a mobile implementation would not only create a disastrous experience for our community as a whole, but actually endanger more of our residents and visitors. According to the “2017 Opioid Overdose & Death in Orange County Report,” the geographic location with the highest concentration of opioid related cases can be found in southern Orange County cities, with a 59% increase in the number of cases. The rate of opioid related emergency department visits by zip code were noted to be over 72% in southern Orange County, versus less than 30% in the City of Santa Ana. Opioid related overdose deaths by city were disproportionately higher in southern Orange County with an increase of 21%. The demographical characteristics of opioid related overdose deaths were disproportionate in non-Hispanic White communities (981 reported cases), a stark contrast to the Hispanic demographic population of Santa Ana (168 reported cases), all of which indicate the poorly planned program has targeted central Orange County, specifically the City of Santa Ana, while failing to address the true opioid problem in southern Orange County cities (see Appendix G for 2017 Opioid Overdose and Death in Orange County Report.) These statistics provide insight into the City’s ongoing assertion that a mobile needle exchange program, with the City of Santa Ana as a
dispensing location, is ill-conceived and demonstrates the program author's desire to enact a program where it desires to exist and not where it will be most effective.

Based on the significant and recent evidence provided above, the City of Santa Ana finds and asserts that the OCNEP Mobile Needle Exchange proposal will not only adversely impact the quality of life for Santa Ana residents, visitors, and businesses, but will also re-create a public health and safety crisis for the Santa Ana community at large which had been mitigated with the cancellation of the prior OCNEP MOU and permit denial.

Sincerely,

Miguel A. Pulido
Mayor

Cc: Mayor and City Council
    Executive Management Team, City of Santa Ana
    Ken Gominsky, Deputy Chief
    Hafsa Kaka, Homeless Services Manager
Needle related incidents at the Santa Ana Public Library and Surrounding Area
January to November, 2017

06/05/2017 Tuesday 12:00 PM

Office workers at the Santa Ana Public Library observed a needle on the library grounds near the entrance. The needle was disposed of properly.

06/12/2017 Monday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

06/19/2017 Monday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

07/03/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

07/10/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

07/17/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

08/07/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

08/14/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

08/21/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

09/11/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

09/18/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

09/25/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

10/02/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

10/09/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

10/16/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

10/23/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

10/30/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

11/06/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

11/13/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

11/20/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

11/27/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

12/04/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

12/11/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

12/18/2017 Tuesday 12:00 PM

A needle was found near the library entrance. The needle was disposed of properly.

12/25/2017 Tuesday 12:00 PM

A needle was discovered in the library parking lot. The needle was disposed of properly.

12/31/2017 Tuesday 12:00 PM

No needle incidents were reported on December 31st.
Needle related incidents at the Santa Ana Public Library and Surrounding Area
January 1 to November 20, 2017

11/9/2017  
Monday  2:00 PM  1 needle

While performing my routine check of the area, I observed a needle on the ground near the book return area. Upon closer inspection, I noticed that the needle was partially embedded in the ground, posing a potential risk to the public.

11/12/2017  
Monday  3:30 PM  1 needle

While performing my routes, I noticed a needle discarded in the grass near the library parking area. I immediately reported this to the library staff for their attention.

11/13/2017  
Tuesday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the children's section. I immediately reported this to the library staff.

11/14/2017  
Wednesday  3:45 PM  1 needle

While performing my duties, I observed a needle discarded in the grass near the library entrance. I immediately reported this to the library staff.

11/16/2017  
Friday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the book return area. I immediately reported this to the library staff.

11/17/2017  
Saturday  3:30 PM  1 needle

While performing my routes, I observed a needle discarded in the grass near the library parking area. I immediately reported this to the library staff.

11/18/2017  
Sunday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the children's section. I immediately reported this to the library staff.

11/19/2017  
Monday  3:30 PM  1 needle

While performing my duties, I observed a needle discarded in the grass near the library entrance. I immediately reported this to the library staff.

11/20/2017  
Tuesday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the book return area. I immediately reported this to the library staff.

11/21/2017  
Wednesday  3:30 PM  1 needle

While performing my routes, I observed a needle discarded in the grass near the library parking area. I immediately reported this to the library staff.

11/22/2017  
Thursday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the children's section. I immediately reported this to the library staff.

11/23/2017  
Friday  3:30 PM  1 needle

While performing my duties, I observed a needle discarded in the grass near the library entrance. I immediately reported this to the library staff.

11/24/2017  
Saturday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the book return area. I immediately reported this to the library staff.

11/25/2017  
Sunday  3:30 PM  1 needle

While performing my routes, I observed a needle discarded in the grass near the library parking area. I immediately reported this to the library staff.

11/26/2017  
Monday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the children's section. I immediately reported this to the library staff.

11/27/2017  
Tuesday  3:30 PM  1 needle

While performing my duties, I observed a needle discarded in the grass near the library entrance. I immediately reported this to the library staff.

11/28/2017  
Wednesday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the book return area. I immediately reported this to the library staff.

11/29/2017  
Thursday  3:30 PM  1 needle

While performing my routes, I observed a needle discarded in the grass near the library parking area. I immediately reported this to the library staff.

11/30/2017  
Friday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the children's section. I immediately reported this to the library staff.

12/1/2017  
Saturday  3:30 PM  1 needle

While performing my duties, I observed a needle discarded in the grass near the library entrance. I immediately reported this to the library staff.

12/2/2017  
Sunday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the book return area. I immediately reported this to the library staff.

12/3/2017  
Monday  3:30 PM  1 needle

While performing my routes, I observed a needle discarded in the grass near the library parking area. I immediately reported this to the library staff.

12/4/2017  
Tuesday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the children's section. I immediately reported this to the library staff.

12/5/2017  
Wednesday  3:30 PM  1 needle

While performing my duties, I observed a needle discarded in the grass near the library entrance. I immediately reported this to the library staff.

12/6/2017  
Thursday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the book return area. I immediately reported this to the library staff.

12/7/2017  
Friday  3:30 PM  1 needle

While performing my routes, I observed a needle discarded in the grass near the library parking area. I immediately reported this to the library staff.

12/8/2017  
Saturday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the children's section. I immediately reported this to the library staff.

12/9/2017  
Sunday  3:30 PM  1 needle

While performing my duties, I observed a needle discarded in the grass near the library entrance. I immediately reported this to the library staff.

12/10/2017  
Monday  2:30 PM  1 needle

Upon entering the library, I noticed a needle on the floor near the book return area. I immediately reported this to the library staff.
City of Anaheim
CITY MANAGER’S OFFICE

DATE: MARCH 19, 2019
FROM: OFFICE OF THE CITY MANAGER
SUBJECT: A RESOLUTION OF THE ANAHEIM CITY COUNCIL EXPRESSING SUPPORT OF SENATE BILL NO. 689 REGARDING NEEDLE AND SYRINGE EXCHANGE PROGRAMS

ATTACHMENT (Y/N): YES ITEM # 22

ACTION:

That the City Council, by Resolution, express its support for Senate Bill No. 689 regarding Needle and Syringe Exchange Programs, and direct staff to submit a letter to the state legislature expressing support of Senate Bill 689.

DISCUSSION

At the March 5, 2019 City Council meeting, Council Member Trevor O’Neil asked staff to return at the next council meeting with a Resolution and letter of support for Senate Bill No. 689 (SB 689) for council consideration. SB 689 amends the California Health and Safety Code Section 121349 and preserves local governments’ role in the location of clean needle and syringe exchange programs. Specifically, SB 689 restricts the California Department of Public Health (CDPH) from authorizing or re-authorizing needle and syringe exchange programs unless a city or county in which the program will be operating has approved the request.

Under existing CDPH regulations, codified in the California Code of Regulations, a needle exchange program must comply with all applicable state laws, regulations and local ordinances. Currently, a needle exchange program is not an enumerated use under the Zoning Code, and the Anaheim Municipal Code does not specifically address or regulate needle exchange programs within the City of Anaheim.

In July 2018, the CDPH authorized the Orange County Needle Exchange Program (OCNEP) to provide mobile needle exchange services at four locations in Orange County beginning on August 6. In addition to locations in Santa Ana, Orange, and Costa Mesa, OCNEP requested that it be allowed to operate in Anaheim. Thereafter, CDPH advised Anaheim that OCNEP was allowed to operate twice a week at the Anaheim location, from 2pm to 5pm. In response to this notification, the City Council adopted an urgency ordinance prohibiting the establishment of a needle exchange program (NEP) in Anaheim. At this time, Council directed staff to study needle and syringe exchange programs and analyze potential permissible locations, operational issues and permitting requirements for NEPs. Staff has since engaged stakeholders, worked with neighboring
cities, and studied how other cities in California are addressing NEPs. City staff anticipates finalizing its recommendations on the regulation of NEPs and bringing an ordinance to Council in June or July of this year. Through the proposed ordinance, the City will seek to preserve local control to the greatest extent available by law.

If Council approves the Resolution and letter of support for SB 689, staff will move forward with sending the letter to the state legislature.

**IMPACT ON BUDGET:**

There is no budgetary impact.

Respectfully submitted,

David Belmer  
Deputy City Manager

**Attachments:**

1. Resolution  
2. Draft letter of Support for SB 689
June 12, 2018

Ms. Carol Crump, MFT
California Department of Public Health
P.O. Box 997377, MS 0500
Sacramento, CA 95899-7377

Dear Ms. Crump,

On behalf of the Anaheim City Council, the City of Anaheim is submitting this letter to the California Department of Public Health to express our opposition to an application by the Orange County Needle Exchange Program (OCNEP) to provide a syringe exchange service in the City of Anaheim.

Based on the location indicated in their application, it appears OCNEP is intending to serve our downtown area near La Palma Park, an area where the city has significantly reduced encampments and will be relocating homeless services, such as check-in of personal belongings. Further, this area is adjacent to a dog park, stadium events for our schools, soccer and baseball fields for our children, and open space for families and the community to gather. Of equal significance, the city learned about OCNEP's application from residents; OCNEP has failed to contact the city, law enforcement and neighborhood associations, thereby not “respecting... local preference,” as directed by Governor Brown.

Further, the City of Anaheim also has concerns related to the prior operations of OCNEP. Specifically, the City of Santa Ana recently revoked OCNEP's permit due to uncapped hypodermic needles littering the area in and around their downtown and endangering the public who work and visit the area. Bringing this program into our La Palma Park area where we have a dog park, stadium events for our schools, fields for our children to play soccer and baseball and open space for families to gather would not be an appropriate place to introduce this type of program.

In 2013, the city launched Coming Home Anaheim as a tool to address the needs of the homeless through collaboration with other cities, local service providers and faith-based communities. It was through this collaboration that today the city, through our contract with City Net, have successfully moved over 1,200 individuals out of homelessness into housing with a 92% retention rate. In addition, in January 2017, the city created Drug
Free Anaheim where anyone suffering from addiction can simply walk into our police station and ask for services, such as detox, partial hospitalization, outpatient counseling and/or support group referrals. To date, almost 300 individuals have participated in the program with over 220 individuals in treatment facilities. Drug Free Anaheim is managed by professional experts in the field of addiction and they have expressed great concerns with this particular syringe exchange program by OCNEP, advising the program could potentially disrupt the successful services of recovery treatment in Anaheim.

Anaheim is a proven leader in providing compassion and outreach to not only our homeless population but also those dealing with drug addiction and it would not be prudent to offer a program that would potentially re-introduce a negative attraction into our community who is already making progress in our pathways to home, healing and work.

Based on the above concerns and recent experiences with our neighboring city, the City of Anaheim opposes the OCNEP application to establish a syringe exchange program in Anaheim.

Sincerely,

Jose Moreno
Mayor Pro Tem, on behalf of Mayor Tom Tait
June 14, 2018

Ms. Carol Crump, MFT
California Department of Public Health
P.O. Box 997377, MS 0500
Sacramento, CA 95899-7377

Dear Ms. Crump:

On behalf of the Anaheim Police Department (APD), I submit this letter to the California Department of Public Health in opposition to an application by the Orange County Needle Exchange Program (OCNEP) to provide a syringe exchange service in the City of Anaheim.

The application submitted by OCNEP includes a program model and several components which are concerning in terms of public safety and quality of life in certain impacted areas. Since the application was submitted, I have spoken with law enforcement chief executives both locally and in other parts of the country where OCNEP and similar programs have been in operation. One consistent byproduct from these programs was gleaned through these conversations: the significant increase and proliferation of both used and unused syringes in the areas surrounding the locations where these programs are operational. Even without a program similar to one being sought by the applicant, Anaheim recently experienced a problem in a specific geographic area wherein substantial quantities of syringes began appearing in public places including bus stops, libraries and in parks. It was determined the proliferation was due to a local retailer selling inexpensive syringes in gross quantities. APD worked with the retailer, which changed its practices and the problem has been resolved.

The applicant’s selection of the intended location to operate this mobile program is also troubling in many regards. The location is one with many existing challenges, and one which the City has made great progress in improving in terms of homelessness, drug use and crime. OCNEP’s proposed application would create a draw for individuals who engage in intravenous drug use to this location, and likely a draw for drug sellers as well. Further, this area is adjacent to a dog park, event and sports stadium and one of the City’s largest parks. Used by families and children, these public spaces would be significantly and negatively impacted by this program due to discarded syringes and illegal conduct which is completely inconsistent with the intended use of these limited public resources.

Finally, APD and the City in collaboration with neighboring police agencies and community-based organizations have made tremendous strides in addressing homelessness in Anaheim over the past five years. More than 1,200 individuals have been assisted out of homelessness into housing with a 92% retention rate. In addition, APD administers the City’s Drug Free Anaheim program in which persons suffering from addiction can simply walk into any police station or approach any officer and ask for help. As an alternative to arrest and prosecution, these individuals are assisted with managed
referrals. To date, almost 300 individuals have participated in the program with over 220 individuals in treatment facilities. Experts in the field of addiction, the third party provider facilitating Drug Free Anaheim has expressed great concerns with this proposed syringe exchange program by OCNEP, advising the program could potentially disrupt the recovery and treatment successes we have made.

In consideration of the recent local and out of state experiences highlighted above coupled with the likely degradation of our progress in addressing homelessness and drug addiction in our community, the APD opposes the OCNEP application to establish a syringe exchange program in Anaheim.

Sincerely,

JULIAN HARVEY
ACTING CHIEF OF POLICE
Opposing OC Needle Exchange

Protecting children, families and neighborhoods

Representatives of the Orange County Needle Exchange Program (OCNEP) notified the County of Orange and the City of Anaheim that they intend to begin widespread operations of their program in September. You can view recent OC Register stories here and here.

As a result, at the last City Council meeting on July 31, I called for Anaheim to pursue all legal action to protect our residents from the effects of the OCNEP. On August 14, I’ve asked for the City Council to consider joining the lawsuit authorized by the Orange County Board of Supervisors and to take any additional legal options available to Anaheim as a Charter City.

As a community, we must stand together to protect our children, families and neighborhoods from the effects of this program. You can share your views with
Anaheim On Record Opposing OCNEP

I've led efforts in Anaheim to prevent the OCNEP from operating in our community. On June 12, the City Council voted unanimously to oppose state authorization of the OCNEP in Anaheim and the County of Orange. Following that action, the city sent a letter of opposition to the California State Department of Health and the city’s state legislative delegation.

Despite the city's request and opposition by the County of Orange, in addition to other cities formally opposing this misguided program, the OCNEP has been authorized to begin operations effective immediately. As in the past, the OCNEP will operate with minimal oversight - putting our community at-risk as needles are discarded by the thousands at city parks and public spaces.

OCNEP plans to operate from mobile vehicles and to set up distribution at La Palma Park in District 3 - adjacent to a charter school, stadium events for public schools, soccer and baseball fields, one of the city's dog parks, as well as open space for the public. Santa Ana recently ended a similar program due to the proliferation of uncapped, used needles littering downtown public spaces, endangering children and residents.

Every day, the City of Anaheim provides compassionate resources for residents suffering with addiction. Through Drug Free Anaheim, CityNet, and other city services, residents may seek rehabilitative care. Professional representatives of the Orange County Recovery Collaborative and Anaheim Lighthouse have told the county, city and State Department of Health that OCNEP provides needles to addicts but does not proactively encourage or facilitate treatment services such as detox, hospitalization, counseling and support group referrals.

This program must not be allowed to operate against the wishes of local communities. A copy of the staff report for the council's June 12 action and letter of opposition is available here. The opposition letter as well as letters from concerned residents, Orange County Collaborative and Anaheim Lighthouse are also available.

Please join the Board of Supervisors, Anaheim City Council, and other local officials countywide, in opposing the Orange County Needle Exchange Program. I will do everything within my authority as an at-large Member of the Anaheim City Council to prevent this program from operating in our city.

Kindest regards,

Kris Murray
Anaheim City Council Member
City of Costa Mesa Police Department Memorandum

DATE: May 1, 2018

TO: California Department of Public Health

FROM: Captain Bryan Glass, Acting Chief of Police

SUBJECT: Orange County Needle Exchange Program (OCNEP)

The Costa Mesa Police Department (CMPD) submits its initial response to OC Needle Exchange Program’s (OCNEP) request to California Department of Public Health to operate a needle exchange program in the City of Costa Mesa in accordance with Health and Safety Code Section 121349 et. seq.

Since California's Proposition 47 was passed on November 4, 2014, the Police Department has seen an increase in calls for service from residents, school officials, library employees and business owners regarding hypodermic needles being found in public parks, sidewalks, local neighborhoods, private businesses, and public bathrooms. This has caused concerns with residents and visitors within our Costa Mesa community.

Recently, Police Department staff attempted to contact representatives from OCNEP to better understand the services they would provide our community. The provided OCNEP voicemail message indicated that as of January 2018, the City of Santa Ana has prevented OCNEP from operating in their city and they encourage people to petition their local city councils. It was not until several days later that a representative from OCNEP returned our phone call and left a voicemail. Staff was able to finally reach a representative of OCNEP this morning just prior to the submission of this memorandum.

Since OCNEP had not responded to CMPD’s call in a timely manner, we were required to investigate other cities’ experiences with OCNEP. Interestingly, the City of Santa Ana attempted a partnership with OCNEP and determined it did not reduce hypodermic needle waste or the transmission of blood borne diseases associated with hypodermic needle drug use, but actually appeared to increase the problem. For this reason the City of Santa Ana decided to discontinue the program. According to a February 1, 2018 article in the Orange County Register, Santa Ana Deputy City Manager, Robert Cortez, stated, "Syringe litter became a rampant problem since the needle exchange's inception. A lot of unintended consequences came with the program." Further, "There was needle debris everywhere in the (civic) center, to the point where some of the books at the Santa Ana library had needles inside of them."
CMPD researched the services OCNEP provides and determined the following potential pros and cons:

Potential pros:

- Decrease spread of illness like HIV. Santa Ana reported it has the highest rate of HIV infection in the county. Statistics from the Orange County Health Care Agency indicated there was a 201.2% increase in Hepatitis C rates in Orange County from 2011 to 2015 since the last analysis from the California Department of Public Health.

- Reduces the risk of law enforcement officers becoming infected by accidental needle sticks. OCNEP claims the needles are less likely to be contaminated with the use of their program.
  - CMPD has not seen any statistical data to support OCNEP's above claim. Further, there is no way to determine if a needle has been contaminated. Exposed officers will still be required to fulfill a six-month medical treatment process to address the potential health concern.

- Reduces the risk of contaminated needles being shared.
  - Many drug addicts continue to share needles regardless of a needle exchange program. Needle sharing is a common habit based on recent conversations with drug users contacted in Costa Mesa.

Potential cons:

- This program could be a "magnet" for drug users in other cities where a needle exchange program does not exist, thus drawing more drug users to Costa Mesa.

- A needle exchange program will completely undermine the successful recovery of the large number of former addicts living in Costa Mesa's sober living community. Costa Mesa currently has the largest concentration of residential sober living treatment facilities providing nonmedical treatment for individuals recovering from addiction than anywhere else in Orange County, and the highest number of any city in the State. With a total of 91 state licensed residential drug and alcohol treatment facilities, the City has 27% of all such facilities in the county. In addition, there are an estimated 83 sober living homes, both permitted and unpermitted, operating in Costa Mesa. The purpose of these programs is straightforward – to provide an environment where individuals that are working to beat their addiction can live with similarly situated individuals in a group setting while also living and working within the greater community. Bringing a needle exchange program to Costa Mesa completely undermines the efforts of both the sober living community and the City. As indicated above, with so few needle exchange programs operating in Orange County, there would be an inevitable migration of individuals suffering from addiction coming to Costa Mesa seeking free needles. An unintended consequence of this is that this increase in consumers exposed to a needle exchange program could very likely undermine the successful recovery of those living within the sober living community.
• Increased number of needles disposed within Costa Mesa parks, streets, schools etc. creates a health risk to residents and visitors. According to Santa Ana’s experience with OCNEP, the needle exchange program successfully distributed needles, however, failed to ensure that needles distributed were properly disposed. As a result, used needs were endemic in Santa Ana’s Civic Center and other public spaces posing a risk to the community. OCNEP has not provided Costa Mesa with any information as to how it would ensure that the needles it distributes would be properly accounted for and disposed. Based upon Santa Ana’s experience with OCNEP, the needle exchange program poses a threat to the health of the Costa Mesa community with an increased number of needles improperly disposed.

• The program is run by volunteers only. An evident shortcoming of this may be a lack of timely communication between the City and representatives of OCNEP, making for a potentially challenging working relationship. Further, operation times for OCNEP would be four days a week, 10am to 5pm, with no determined times for needle disposal services.

• The location selected for distribution is the area bounded by W. 18th St., W 16th St, Monrovia Ave., and the outer border of the Armstrong Petroleum Building. This area is less than 0.4 miles from Whittier Elementary and corresponding neighborhoods. This concern for local schools and students was articulated in a recent correspondence from Vicki Snell, President of the Newport-Mesa Unified School District Board of Education, dated April 25, 2018, to City Manager Tom Hatch in opposition of a needle exchange program in Costa Mesa.

• Due to the potential increase in needles being provided within the community, Costa Mesa Police and Fire Departments will likely see an increase in call for service responses to found needles, inadvertent needle accidents and potential exposure to bystanders. This also includes potential increases in responses to drug overdoses and persons under the influence of drugs.

After reviewing the above information and discussing the public safety concerns with the City’s Homeless Coordinator, Muriel Ullman, and our City’s Homeless Outreach Team, as well as Deputy City Attorney Adrienne Mendoza, there is a unanimous agreement regarding the potential public safety concerns posed by the OCNEP. Therefore, CMPD is opposed to implementation of the OCNEP in Costa Mesa at this time.

The information provided in this memorandum is based upon CMPD’s preliminary investigation and may be supplemented with further information prior to the deadline set to submit comments.
Any residents wishing to express concerns about this approval can call Dr. Karen Marks, Chief of the Office of AIDS, at 916-558-1784.

To see the city’s initial opposition documents go to our Needle Exchange Program Facts webpage here. For further questions please contact Costa Mesa’s Public Information Officer Tony Dodero at 714-754-5288 or via email at citynews@costamesaca.gov.
June 25, 2018

SENT VIA U.S. MAIL AND EMAIL
Carol Crump, MFT
California Department of Public Health
PO Box 997377, MS 0500
Sacramento, CA 95899-7377

Email: SEPAApplication@cdph.ca.gov

Dear Ms. Crump:

This office serves as City Attorney to the City of Costa Mesa ("City") and provides the following public comment related to the Orange County Needle Exchange Program's application to operate a needle exchange in the City of Costa Mesa.

Title 17 California Code of Regulations Section 7004 provides for the denial of an application to operate a needle exchange in the event that:

(a) Information submitted in the application is incorrect or incomplete,
(b) The applicant does not meet all the requirements listed in Health and Safety Code Section 121349,
(c) Evidence of projected harm to public safety, presented by local law enforcement official(s), is, in the department's judgment, greater than evidence of projected benefits to public health.

For the reasons set forth below, the City respectfully requests the California Department of Public Health ("DPH") deny OCNEP's application in that (1) the information submitted in OCNEP's application is incorrect or incomplete; (2) OCNEP does not meet all of the requirements listed in Health and Safety Code Section 121349; and (3) the evidence of harm to public safety presented by the Costa Mesa Police Department and Santa Ana Police Department demonstrate far greater harm than evidence of benefits to public health; the details of which are described in greater detail below.
I. Information Submitted in the Application is Incorrect or Incomplete

A. Days and Hours of Operation

OCNEP's application is incorrect or incomplete as it pertains to its hours of operation. On the one hand, under SEP Locations, Days and Hours of Operation of OCNEP's application, the organization requests to operate in Costa Mesa "every first Friday in Costa Mesa from 1-3 pm..." however, in another area, OCNEP proposes a far greater time period of "daily between the hours of 10 AM and 5 PM." There is a vast different between a 2 hour per month operation proposed, on the one hand, and up to 210 hours per month proposed, on the other hand. This gross disparity between the two time periods raises a number of questions. If there is a need for a daily operation from 10-5 pm, why does the application not propose a brick and mortar stationary location as opposed to a mobile dispensary that covers a ¼ to ½ mile radius to operate? How would the applicant go about ensuring the safe recovery and disposal of used syringes with the operation of a mobile dispensary operating daily in various locations on a daily basis? Has the applicant demonstrated an adequate need for a 10-5 daily operation in 4 separate cities throughout Orange County? Given these significant questions, the application is incomplete and should be denied.

B. Neighborhood or Homeowner Association Information

The OCNEP application states that there are "No HOA or NA in the blocks we've selected. The closest ones are Newport Crest (1.6 miles south) and Pacific Ave (2 miles north)". This is clearly not the case as evidenced by the outpouring of public concern DPH received once the public was made aware of OCNEP's application. Note that OCNEP proposes to operate within an approximately ½ mile radius that includes at least two 55+ senior multi-unit living communities, Play Port Mobile Village and Greenleaf Park, not to mention Whittier Elementary School which sits just outside the northern boundary proposes and many of which include homeowner's associations and/or a parent teacher association. Yet, none of these entities are identified in OCNEP's application and would not have been notified, but for, the outreach that was conducted by the City of Costa Mesa. A more thorough though process and investigation as part of the application process would've uncovered these groups. Instead, the application is incomplete and omits key public interest groups DPH should be aware as part of its decision making process.

II. The Applicant Does Not Meet All the Requirements Listed in Health and Safety Code Section 121349

Health and Safety Code Section 121349 requires the applicant to demonstrate the ability to do a number of things, many of which are not supported by this applicant. Specifically, Section 121349(c)(3)(C) requires the applicant to "[p]rove for the safe recovery and disposal of used syringes and sharps waste from all of its participants." As demonstrated in photographs, letters and other documentary evidence of OCNEP's operation within the Santa Ana Civic Center, it is clear that OCNEP is not able to provide for the safe recovery and disposal of used syringes and sharp waste from all of its participants" within a fixed location and that evidence in the State Public Health Service's possession should be a part of the record as DPH makes its decision on OCNEP's current application.
Additionally, in spite of serious issues related to OCNEP’s operation in the Santa Ana Civic Center, OCNEP’s application is devoid of any evidence or information as to how it will improve its operation so that the threats to the public health and safety of the community that occurred within the Santa Ana Civic Center do not also occur here. It is important to point out that the OCNEP’s application is on a far grander scale than their prior, Santa Ana Civic Center, operation which was discontinued. Just to name a few distinctions, the Santa Ana Civic Center was in a centralized fixed location which, in theory, would’ve allowed them to pick up used needles during and after their hours of operation. In this case, however, the area proposed is far greater with an operation that is mobile and that covers an area of approximately ¼ to ½ mile making it far more difficult to recover and dispose of used syringes. Another distinction is that OCNEP’s current application is on a much grander scale-4 mobile dispensaries in multiple cities while their prior operation was in the City of Santa Ana alone. Given OCNEP’s failure to meet this criteria in Santa Ana, and its failure to demonstrate how it will avoid these deficiencies here, it is clear that OCNEP does not meet the criteria in Health and Safety Code Section 121349.

III. Evidence of projected harm to public safety presented by local law enforcement official(s)

Finally, all of the photographs, letters and other written correspondence provided by the City of Santa Ana and Santa Ana Police Department related to OCNEP’s operation in the Santa Ana Civic Center demonstrate that the harm to the public safety exceeds the public health benefit of OCNEP’s operation of four (4) mobile dispensaries covering a far greater area than their prior operation which was terminated due to numerous issues. Moreover, as indicated above, OCNEP’s application fails to explain what improvements it would make in its operation so as to ensure the same programs do not occur with this much expanded operation. Again, given these deficiencies, it is clear that the harm to public safety exceeds the public benefit.

For the foregoing reasons, the City Attorney’s Office respectfully requests that DPH deny OCNEP’s application in accordance with Title 17 California Code of Regulations Section 7004 based on the foregoing.

Sincerely,

Yolanda M. Summerhill
Costa Mesa City Attorney’s Office

Cc: Thomas Hatch, City Manager
FOR IMMEDIATE RELEASE
August 6, 2018

Contact: Paul Sitkoff
(714) 288-2590
psitkoff@cityoforange.org

Orange City Council Initiates Lawsuit Over
Needle Exchange Program

ORANGE, Ca. — The Orange City Council held a special meeting this morning to address important health and safety issues arising from the approval by the State of California Department of Health (CDPH) of an application by the Orange County Needle Exchange Program (OCNEP) to conduct operations in several Orange County cities, including Orange.

In a unanimous 5-0 vote, the Orange City Council authorized the City Attorney to initiate litigation against the CDPH and OCNEP to halt the needle exchange program's activities in the City of Orange. Because of significant concerns about OCNEP’s proposed operations, the Council took this action to protect the health and safety of Orange residents, businesses, and visitors.

Despite OCNEP’s previous inability to address significant threats to public health arising from their operations in Santa Ana, which ultimately led that city to now renew their permit, the State Department of Public Health approved OCNEP’s application to provide mobile needle exchange services to several other cities. CDPH approved the application despite the strong concerns of several local law enforcement officials, including Orange Police Chief Tom Kisela.

For more information, please call Paul Sitkoff, public affairs and information manager for the City of Orange at (714) 288-2590.

-###-
MEMORANDUM

TO: Clerk of the Board

FROM: Chairman Andrew Do, First District
       Supervisor Michelle Steel, Second District

SUBJECT: Resolution of opposition to the re-opening of Orange County Needle Exchange Program

Please add the following item of business to the supplemental agenda of the June 5, 2018 Board of Supervisors meeting:

Chairman Do and Supervisor Steel: Adopt resolution in opposition to the Orange County Needle Exchange Program, and direct Clerk of the Board to submit the resolution on behalf of the Board to the California Department of Public Health before the June 25, 2018 public comment deadline.

Cc: Board of Supervisors
    Frank Kim, CEO
    Leon Page, County Counsel
    Richard Sanchez, Director, Health Care Agency
RESOLUTION OF THE ORANGE COUNTY BOARD OF SUPERVISORS TO OPPOSE THE ORANGE COUNTY NEEDLE EXCHANGE PROGRAM

WHEREAS, the first obligation of the Orange County Board of Supervisors is to ensure the safety and wellbeing of its residents; and

WHEREAS, the Orange County Needle Exchange Program became the first ever needle-exchange in Orange County when it was approved for operation by the California Department of Public Health in 2016; and

WHEREAS, the City of Santa Ana declined to renew the permit for Orange County Needle Exchange after allowing the program to operate in the Santa Ana Civic Center from February, 2016 until January, 2018; and

WHEREAS the City of Santa Ana discontinued their needle exchange program due to the public health threat posed by a sharp increase in discarded syringes in the Civic Center; and

WHEREAS, the Santa Ana Public Library suffered an increase of syringe littering including reports of syringes left on shelves, near planters, window sills, and even in books; and

WHEREAS, Santa Ana Public Library representatives have been reported to have said that “before the needle exchange opened, library staff rarely found syringes in the facility, but began to find 40 to 50 a month after it opened”; and

WHEREAS, the City of Santa Ana’s rampant problem with syringes after the needle exchange’s inception included instances of employees being pricked by discarded needles; and

WHEREAS, the Orange County Needle Exchange Program plans to distribute syringes on a one-for-one plus 20 basis, dramatically increasing the number of syringes in Orange County; and

WHEREAS, the Orange County Needle Exchange Program indicates that while in operation it was disposing of approximately 20,000 needles per week; and

WHEREAS, using the one-for-one plus 20 rate of needle exchange, the collection of 20,000 needles per week would equate to 420,000 needles released into the community per week; and

WHEREAS, during the Environmental Remediation Project along the Santa Ana River Trail earlier this year, approximately 14,000 needles were removed from a less than four mile stretch in a two week period; and

WHEREAS, the Orange County Needle Exchange would endanger our communities and sacrifice the safety of our public in exchange for providing safe drug use to program users; now, therefore be it

RESOLVED, that the Orange County Board of Supervisors does hereby oppose the establishment of the Orange County Needle Exchange Program and the health and safety risks that it poses to the County of Orange, and directs the Clerk of the Board to submit this resolution to the California Department of Public Health before the June 25th, 2018 deadline.
News Details

Orange County Vows to Fight Plan for Expanded Needle Exchange

Santa Ana, California – After removing 14,000 dirty needles from the Santa Ana Riverbed, Orange County is fighting a proposal to give away more needles to addicts.

On Tuesday, a unanimous Board of Supervisors adopted a resolution to oppose a pending application with the California Department of Public Health for a mobile needle giveaway program in Orange County.

“Orange County just cleared 13,950 needles from the Riverbed,” said Supervisor Andrew Do, Chairman of the Orange County Board of Supervisors. “This program is a proven failure. Needles end up in parks and on sidewalks and jeopardize the health and safety of Orange County.”

After being denied a local permit by the City of Santa Ana, the Orange County Needle Exchange Program is seeking to exploit a loophole in state law that would allow a mobile unit to evade local city restrictions. The program, which plans to operate in a different city each day of the week, will give away 20 syringes for every dirty needle.

If the state grants the permit, Chairman Andrew Do has asked the county’s attorneys for a plan to fight the needle giveaway in court.

Needle Giveaway: Proven Failure at OC Homeless Encampments, Libraries

Supporters of free needle programs frequently cite academic studies that show a reduction in the transmission of HIV, Hepatitis B, Hepatitis C and other diseases among intravenous drug users. However, those studies have not been replicated locally, and also come at a serious cost to public health.

From 2016 to 2018, the Orange County Needle Exchange Program handed out thousands of free syringes to at least 12,000 people in Santa Ana. Many of those needles ended up in homeless encampments at the Santa Ana Riverbed and Civic Center. Earlier this year, county employees removed 14,000 needles – potentially contaminated with infectious diseases – from just a four mile stretch of public land.

Staff at Santa Ana libraries say that syringe littering has become a "huge" problem. Prior to the program, staff rarely found dirty needles. Now, they routinely find 40 to 50 per month.
"We found them on shelves, near planters, window sills, in books," Heather Folmar, Santa Ana Public Library operations manager, said. "A cleaning lady was pricked by one."

City of Santa Ana Opposed
Citing the public health risks, the City of Santa Ana refused to renew the permit for the needle giveaway earlier this year.

"The original intent of the program was to provide public health and safety, which is a noble cause," Santa Ana Deputy City Manager Robert Cortez told the Orange County Register. "But the number of issues that came up and compounded for city staff, there was just too much evidence that goes against the purpose of this program."

By operating a mobile unit, the needle giveaway program is attempting subvert the City of Santa Ana’s decision.

"The City of Santa Ana’s decision must be respected," said Chairman Do. "Santa Ana residents have every right to be safe from dirty needles in their neighborhoods."

Law enforcement officials in Costa Mesa, another destination for the mobile unit, fear the program will make the city’s drug problem worse.

"This program could be a magnet for drug users in other cities where a needle exchange program does not exist, thus drawing more drug users to Costa Mesa," Costa Mesa Police Capt. Bryan Glass said. "This is a critical mistake that the city of Santa Ana made that we are going to suffer from."

Threat to Public Employees
Needle giveaways shift the public health risk from drug addicts to public employees.

Every year, more than 1.8 million needles are unaccounted for in San Francisco, which operates one of the better needle exchange programs in the nation. Transit riders in the Bay Area say that BART has become littered with needles.

Earlier this year, a Caltrans employee was reportedly pricked with a hypodermic needle while cleaning up a homeless camp in San Diego. In March, a library employee in Seattle was rushed to a hospital after being stuck with a needle.

Public Comment Deadline: June 25th
The Orange County Board of Supervisors is urging residents to submit public comments to the California Department of Public Health. By law, the agency must accept public comments for a 90-day period, which ends June 25, 2018.

You can send your comments to SEPAapplication@cdph.ca.gov.
Re: SB 689-Moorlach

To: Whom it may concern

I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs.

This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The Office of AIDS, within the California Department of Health currently controls the permitting of needle exchange programs. The Office of AIDS does not have the benefit of intimately knowing each individual municipality needs, the affected area’s demographics or the location of schools and after school programs.

In the case of the needle exchange program that received approval to operate in Anaheim, the Office of AIDS chose to ignore the fact that the needle exchange program’s proposed operating area borders a park and has two elementary schools within a five-minute walking distance. The selected area also contains an economically impacted neighborhood and is directly across the street from another working-class neighborhood. The needle exchange area also includes a construction zone that will become a brand-new neighborhood designed for first time home-buying families in the next few months.

In the years from 2008 through 2017, new Orange County HIV cases remained steady between 260 and 340 per year. Three hundred and three Orange County residents were discovered to be infected by HIV in 2017. Twenty-two of them were injectable drug users, that is only .006% of the county’s 3.19 million population. (http://www.ochealthinfo.com/civicax/filebank/blobdownload.aspx?BlobID=74179)

From 2000 through 2017, annual fatalities due to drug overdoses increased in Orange County by 82%. In 2017, there were about 700 drug involved deaths (http://www.ochealthinfo.com/about/admin/pubs/od)

Orange County is in the middle of an Opioid epidemic, not an HIV/AIDS epidemic. If Orange County were to allow a needle exchange program to operate, it would need to operate one that prioritizes connecting an addict with a recovery facility. It should not be a program that doles out 20 syringes at a time without requesting any in return or insists on the anonymity of its participants like the program approved by the state health department’s Office of AIDS.

Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,

David Bartash
March 23, 2019

Re: SB 689-Moorlach

To: Whom it may concern:

I am a resident of the city of Cypress. Recently a needle exchange program was scheduled to be established in the surrounding community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap-around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,

Wendy Moonier

Wendy Moonier

La Palma, CA 90623
March 23, 2019

Re: SB 689-Moorlach

To: Whom it may concern:

I am a resident of the city of Cypress. Recently a needle exchange program was scheduled to be established in the surrounding community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap-around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,

Gilbert Jimenez

Cypress, CA 90630
March 23, 2019

Re: SB 689-Moorlach

To: Whom it may concern:

I am a resident of the city of La Palma. Recently a needle exchange program was scheduled to be established in the surrounding community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap-around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,

[Signature]

Amber Moonier

La Palma, CA 90623
June 23, 2018

To the California Department of Public Health,

I was recently made aware of the pending approval of the OC Needle Exchange Program’s (OCNEP) request to your organization to operate a needle exchange program in the City of Costa Mesa, in accordance with Health and Safety Code Section 11165.4 et. seq. I’m deeply disappointed that a professional organization that exists to protect the public at large would approve this program which has proven to be ineffective in other markets. I believe this “solution” is simply a ‘band aid’ to a larger systemic issue, and I implore your organization to deal with the issue at its core. It is my belief that this needle exchange fails to address the problem and increases the risk of endangering the public at large.

Given my position on the issue, myself and my fellow community members will fight this as long as we need to, to ensure this program has no home within our beloved Costa Mesa.

There is a glaring red flag that our neighboring community, the City of Santa Ana, has already prevented OCNEP from operating within their city limits, and rallied residents to petition this with their city officials. Santa Ana also concluded that this program did not reduce hypodermic needle waste, or the transmission of blood borne diseases associated with hypodermic needle drug use, but that the program did the inverse. Hence, the program needing to find a new home. We do not support that home being here in Costa Mesa.

Our community supports various sober living communities and does not want to become a magnet for drug users from other cities, or to undermine successful rehab programs locally, let alone put our families and children in harm’s way. Additionally, I am concerned that this program would be approved in proximity to the numerous schools located on Monrovia. It’s irresponsible of the California Department of Public Health to do anything but deny this permit.

As a home owner, community member, and small business owner in Costa Mesa, I’m disturbed by the thought that a program like this could be approved with zero involvement or partnership from our local officials and community. We stand with the Mayor’s Office, Costa Mesa Police and Fire Departments, our City’s Homeless Outreach Team, and our District Attorney’s Office with a firm ‘not here’. You’ll be hearing from many of my neighbors that live directly within the targeted neighborhood if you haven’t already. Please do the right thing. Costa Mesa has a bright future and it does not involve the OCNEP as a black eye among its initiatives for a better tomorrow.
Thank you.

Regards,

Shelley Iocona

CC: Sandy Genis, Mayor, City of Costa Mesa

Thanks for the email. The City Council unanimously opposes this proposed needle exchange. I appreciate that you sent your feedback to the State officials.

Thanks.

John Stephens

Sent from my iPhone

On Jun 24, 2018, at 3:16 PM, Teresa Secrest wrote:

Subject: No Costa Mesa Needle Exchange at busy school crossing

California Department of Health Officials,
I am a long time resident that lives in the proposed area of needle distribution at Monrovia and 18th in Costa Mesa. This location is the exact intersection young children walk to/from school. They have had to endure stepping over vomit and sometimes walk in it by mistake from addicts shooting up and getting sick. I beg you not to do a needle exchange at this location as it will draw more addicts to West side...of course they toss the used needles in the grass and have no intention of doing a 1 to 1 exchange... Think of what it would be like if it weren't 1 to 1. Oh, my. Handing out more than one is not going to get them to return all of them. This approach will not work. It is like bringing bandaids to an epidemic. Too late. Think about the children who don't know the dangers of playing with a freshly used needle. I don't want this behavior normalized either. We work hard to protect our future leaders to exposure to drug and alcohol induced people. We are working as a community for "our West side" kids and we must protect them from this very activity as it is just too much for their young minds to comprehend.

(Please excuse the miss'typing as I am sending from my phone and am very
passionate about protecting our future generation from any positive actions toward or negative aspect of drug and alcohol issues.) They simply should not have any exposure or subsequent ramifications from it...even if it is well meaning. You just don't expose them to the horrific problem. Find a better solution to the epidemic and don't normalize it to our children PLEASE. You are working against our positive actions by doing the needle exchange in West side. Please stop now.

Teresa Secrest
Engaged long-time resident

From: Nicole Guido
Sent: Sunday, June 17, 2018 5:31 PM
To: SEPAguide@ocdh.ca.gov
Cc: Carmine Tomassi; GENIS, SANDRA
Subject: Costa Mesa OCNEP - Permit

To whom it may concern,

It was recently brought to my husband and I's attention that there was a permit application pending in Costa Mesa for a mobile needle exchange program between 16th and 18th streets in Costa Mesa.

While we believe that needle exchange programs are an important part of public health we also believe that such programs should be located in the safest places possible to avoid unintended consequences. Locating the mobile needle exchange in the area between 16th, 18th and Monrovia would pose a greater public health risk to our most vulnerable citizens, our children.

The proposed location for the needle exchange is one block away from an elementary school, Whittier Elementary. My family and I also live within the proposed boundaries of the program. In our community there are many young families with many small children that deserve protection from the increased risk that these types of programs ultimately bring to a neighborhood. The young families in the area spend lots of time walking, biking, and exploring the neighborhood. The thought of one of the kids in the area finding a needle or worse sticking themselves with one of those needles is repulsive to us. We must protect our children!

In addition there are many small businesses in the area that will suffer from the increased presence of drug activity. There is a thriving small business environment in westside Costa Mesa, including many home offices, large apparel companies, other small businesses that will be threatened by an increase in the presence of drug activity.

In addition, as you may know the residents of Costa Mesa already bear a disproportionate share of the burden in regards to sober living homes, drug rehabs, and other transient activity. This program would be overwhelming to our already burdened community.
Westside Costa Mesa is an up and coming neighborhood and is a really exciting place to live, work and play. None of this is possible unless it is safe for everyone. Safety is first and foremost and we feel strongly that this program would negatively impact the safety of the neighborhood and have a direct impact on the quality of life for our children!

Please reconsider locating the needle exchange in an area where there are less children present and where business would not be negatively impacted. Perhaps, near a hospital or other public health complex would be a more appropriate location for this type of activity.

We have notified our neighbors of the application for the program and all of them feel the way that we do. They do not want it in our neighborhood! In addition, we have notified our HOA and we are prepared to seek any and all further legal remedies available to us.

Thank you for your consideration.
Nicole and Carmin Tomassi

Hi Sandy,

We recently bought a new home in Costa Mesa at the Lighthouse. I heard from several neighbors that you passed through and shared info specific to the OC Mobile Needle Exchange. Thank you for shedding light to this initiative.

A sizable group of us in our neighborhood are concerned. We are wondering if it’s best to each send a letter, and if so, if using a template letter is okay, for consistency, or if it’s best to send one note and have a group of signatures with it. Any thoughts or guidance would be helpful. We want to help and make a noticeable impact.

Thanks in advance and hope to meet you sometime.

Phil Grieco
Costa Mesa

To the CDPH,

I am writing to comment on the Orange County Needle Exchange Program application for the city of Costa Mesa. We are long time residents in the Newport Beach/Costa Mesa neighborhoods
To the California Department of Public Health,

I was recently made aware of the pending approval of the OC Needle Exchange Program’s (OCNEP) request to your organization to operate a needle exchange program in the City of Costa Mesa, in accordance with Health and Safety Code Section 121349 et. Seq. I’m disgusted and enraged that a professional organization that exists to protect the public at large would approve this ineffective program as a ‘band aid’ to a larger systemic issue, vs. dealing with the issue at its core, while also endangering the public at large. Regardless, myself and my fellow community members will fight this as long as we need to, to ensure this program has no home within our beloved Costa Mesa.

There is a glaring red flag that our neighboring community, the City of Santa Ana, has already prevented OCNEP from operating within their city limits, and rallied residents to petition this with their city officials. Santa Ana also concluded that this program did not reduce hypodermic needle waste, or the transmission of blood borne diseases associated with hypodermic needle drug use, but that the program did the inverse. Hence, the program needing to find a new home. Not here in Costa Mesa.

Our community supports various sober living communities and does not want to become a magnet for drug users from other cities, or undermine successful rehab programs locally, let alone put our families and children in harm’s way. It’s irresponsible of the California Department of Public Health to do anything but deny this permit.

As a home owner, community member, husband, and father of a young child living in Costa Mesa, I’m disgusted with the thought that a program like this could be approved with zero involvement or partnership from our local officials and community. We stand with the Mayor’s Office, Costa Mesa Police and Fire Departments, our City’s Homeless Outreach Team, and our District Attorney’s Office with a firm ‘not here’. You’ll be hearing from many of my neighbors that live directly within the targeted neighborhood if you haven’t already. Please do the right thing. Costa Mesa has a bright future and it does not involve the OCNEP as a black eye among its initiatives for a better tomorrow.

Thank you.

Regards,

Philip C. Grieco
and have seen some exciting and positive growth in West Side Costa Mesa. Though we believe OCNEP has merit in some communities, we strongly oppose a collection and distribution of needles to addicts in the area of Costa Mesa bounded by (N) West 18th Street, (E) Monrovia Avenue, (S) West 16th Street, (W) The outer border of Armstrong Petroleum. This neighborhood has been evolving over the past several years bringing new “homes” and businesses to the city of Costa Mesa resulting in increased revenues and positive growth. The OCNEP will end business development in this neighborhood and quite possibly drive current businesses out of the West Side.

There are also 2 elementary schools in this neighborhood that should be considered. These young students should not be exposed to the many potential dangers by the individuals these programs attract. Jemma Alcaron made this statement in April, obviously not researching the area to see that there are families and schools in the exact area they are proposing to park these needle exchange vans: “The locations that we’re hoping to work at are largely industrial zones, so we’re definitely trying to stay away from places where there are children around,” Alcaron said. Parents with babies in strollers and children in hand are in this very neighborhood. Alcaron did not do her homework!

The CDPH/OA and the OCNEP hasn’t done enough to notify the residents in this neighborhood about this SEP Application. Every resident and business owner affected should be made "directly" aware of this application. What are you doing to get the word out?

I urge you to be responsible and contact the schools, residents and businesses in this neighborhood. Seek their comments and opinions so that you can get these program in the right neighborhoods. Keep these programs away from schools, residents and positive small business growth areas.

BP Terry
Resident and Business Owner in the Lighthouse Community
16th and Monrovia
Costa Mesa, CA

From: Truc Mai
Sent: Wednesday, June 20, 2018 1:51 PM
To: SEPAApplication@ccph.ca.gov
Cc: GENIS, SANDRA
Subject: OCNEP mobile needle exchange in Costa Mesa

I have recently learned about OCNEP’s proposal to operate a mobile needle exchange in my neighborhood. I am against such a program for multiple reasons. The biggest reason being attracting drug users into the area and possible increase in discarded needles. Please do not allow this to happen.

TRUC MAI
June 20, 2018
To the California Department of Public Health,

I was recently made aware of the pending approval of the OC Needle Exchange Program’s (OCNEP) request to your organization to operate a needle exchange program in the City of Costa Mesa, in accordance with Health and Safety Code Section 121348 et. seq. I’m disgusted and enraged that a professional organization that exists to protect the public at large would approve this ineffective program as a ‘band aid’ to a larger systemic issue, vs. dealing with the issue at its core, while also endangering the public at large. Regardless, myself and my fellow community members will fight this as long as we need to, to ensure this program has no home within our beloved Costa Mesa.

There is a glaring red flag that our neighboring community, the City of Santa Ana, has already prevented OCNEP from operating within their city limits, and rallied residents to petition this with their city officials. Santa Ana also concluded that this program did not reduce hypodermic needle waste, or the transmission of blood borne diseases associated with hypodermic needle drug use, but that the program did the inverse. Hence, the program needing to find a new home. Not here in Costa Mesa.

Our community supports various sober living communities and does not want to become a magnet for drug users from other cities, or undermine successful rehab programs locally, let alone put our families and children in harm’s way. There are numerous schools located on Monrovia as well. It’s irresponsible of the California Department of Public Health to do anything but deny this permit.

As a home owner, community member, and small business owner in Costa Mesa, I’m disgusted with the thought that a program like this could be approved with zero involvement or partnership from our local officials and community. We stand with the Mayor’s Office, Costa Mesa Police and Fire Departments, our City’s Homeless Outreach Team, and our District Attorney’s Office with a firm ‘not here’. You’ll be hearing from many of my neighbors that live directly within the targeted neighborhood if you haven’t already. Please do the right thing. Costa Mesa has a bright future and it does not involve the OCNEP as a black eye among its initiatives for a better tomorrow.

Thank you.

Adam Zalewski
Lighthouse Community (Bridgewater Way)
Costa Mesa

CC: Sandy Genis, Mayor, City of Costa Mesa

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Begin forwarded message:

From: Rose Cameron
Sent: Thursday, June 21, 2018 8:03 AM
To: GENIS, SANDRA
Subject: Fwd: NO Needle Exchange!
Subject: NO Needle Exchange!
Date: June 21, 2018 at 8:00:28 AM PDT
To: [Redacted]

June 20, 2018
To the California Department of Public Health,

I was recently made aware of the pending approval of the OC Needle Exchange Program's (OCNEP) request to your organization to operate a needle exchange program in the City of Costa Mesa, in accordance with Health and Safety Code Section 121349 et. Seq. I'm disgusted and enraged that a professional organization that exists to protect the public at large would approve this ineffective program as a ‘band aid’ to a larger systemic issue, vs. dealing with the issue at its core, while also endangering the public at large. Regardless, myself and my fellow community members will fight this as long as we need to, to ensure this program has no home within our beloved Costa Mesa.

There is a glaring red flag that our neighboring community, the City of Santa Ana, has already prevented OCNEP from operating within their city limits, and rallied residents to petition this with their city officials. Santa Ana also concluded that this program did not reduce hypodermic needle waste, or the transmission of blood borne diseases associated with hypodermic needle drug use, but that the program did the inverse. Hence, the program needing to find a new home. Not here in Costa Mesa.

Our community supports various sober living communities and does not want to become a magnet for drug users from other cities, or undermine successful rehab programs locally, let alone put our families and children in harm’s way. There are numerous schools located on Monrovia as well. It’s irresponsible of the California Department of Public Health to do anything but deny this permit.

As a home owner, community member, and small business owner in Costa Mesa, I’m disgusted with the thought that a program like this could be approved with zero involvement or partnership from our local officials and community. We stand with the Mayor’s Office, Costa Mesa Police and Fire Departments, our City’s Homeless Outreach Team, and our District Attorney’s Office with a firm ‘not here’. You’ll be hearing from many of my neighbors that live directly within the targeted neighborhood if you haven’t already. Please do the right thing. Costa Mesa has a bright future and it does not involve the OCNEP as a black eye among its initiatives for a better tomorrow.

Thank you.

Regards,
Rose Cameron
Lighthouse Community (Bridgewater Way)
Costa Mesa
CC: Sandy Genis, Mayor, City of Costa Mesa

From: Zung Nguyen
Sent: Thursday, June 21, 2018 3:48 PM
To: GENIS, SANDRA
Subject: Fwd: OCNEP application to provide mobile needle exchange service in Costa Mesa

Hello Sandy,

I'm forwarding you my email to the CA Dept. of Public Health with my comments re the OCNEP application. I appreciate your efforts to inform the community and hope that you voice the strongest objection possible to the CDPH on this matter.

Thank you.

Zung Nguyen

-------- Forwarded message --------
From: Zung Nguyen
Date: Thu, Jun 21, 2018 at 3:35 PM
Subject: OCNEP application to provide mobile needle exchange service in Costa Mesa
To: SEP.application@cdph.ca.gov

Hello, I am a resident of Costa Mesa within the boundaries of the proposed application for service by OCNEP. I purchased a home and moved into the area within the last year because I deemed it to be a growing area in transition to a fully residential neighborhood. This is a growing residential area with both retiree communities and new residential developments with young families with young children moving in. I can't believe that any organization would think this is an area that needs to have a needle exchange program. The only thing this will do is attract the kinds of drug users who use this type of service, and who do not currently frequent this area as far as I can tell. We will end up with drug users and homeless people hanging around our (currently) safe streets.

Please do not give approval to this application by OCNEP. Thank you.

From: Kelly O'Connell
Sent: Friday, June 22, 2018 3:20 PM
To: SEP.application@cdph.ca.gov; GENIS, SANDRA
Subject: Kelly O'Connell- Katama Bay Drive Costa Mesa

June 22, 2018

To the California Department of Public Health,

I was recently made aware of the pending approval of the OC Needle Exchange Program's (OCNEP) request to your organization to operate a needle exchange program in the City of Costa Mesa, in accordance with Health and Safety Code Section 121349 et. Seq. I’m deeply disappointed that a professional organization that exists to protect the public at large would approve
this program which has proven to be ineffective in other markets. I believe this "solution" is simply a 'band-aid' to a larger systemic issue, and I implore your organization to deal with the issue at its core. It is my belief that this needle exchange fails to address the problem and increases the risk of endangering the public at large.

Given my position on the issue, myself and my fellow community members will fight this as long as we need to, to ensure this program has no home within our beloved Costa Mesa.

There is a glaring red flag that our neighboring community, the City of Santa Ana, has already prevented OCNEP from operating within their city limits, and rallied residents to petition this with their city officials. Santa Ana also concluded that this program did not reduce hypodermic needle waste, or the transmission of blood borne diseases associated with hypodermic needle drug use, but that the program did the inverse. Hence, the program needing to find a new home. We do not support that home being here in Costa Mesa.

Our community supports various sober living communities and does not want to become a magnet for drug users from other cities, or to undermine successful rehab programs locally, let alone put our families and children in harm's way. Additionally, I am concerned that this program would be approved in proximity to the numerous schools located on Monrovia. It's irresponsible of the California Department of Public Health to do anything but deny this permit.

As a home owner, community member, and small business owner in Costa Mesa, I'm disturbed by the thought that a program like this could be approved with zero involvement or partnership from our local officials and community. We stand with the Mayor's Office, Costa Mesa Police and Fire Departments, our City's Homeless Outreach Team, and our District Attorney's Office with a firm 'not here'. You'll be hearing from many of my neighbors that live directly within the targeted neighborhood if you haven't already. Please do the right thing. Costa Mesa has a bright future and it does not involve the OCNEP as a black eye among its initiatives for a better tomorrow.

Thank you.

Regards,

Kelly O'Connell

CC: Sandy Genis, Mayor, City of Costa Mesa from my iPhone

My name is Anatoly Brohin, business tenant at [redacted]. I am categorically against this program being conducted in our neighborhood. If that happens all business around would suffer - customers would stop coming. Besides there is an Elementary school here, so it would be highly inappropriate and even dangerous to have addicts and possibly actual narcotics around.

June 21, 2018

To Whom it May Concern,

I am the manager of Regal Estates Mobile Home Park at [redacted]. This is a 94 spaces senior mobile home park. There are other senior mobile home parks as well on Monrovia.
Chief Valentin,

For more than a year our community has been deeply impacted by the abuse and misuse of the Needle Exchange Program operating under license from the California Department of Public Health by UCI medical students.

Hundreds of thousands of hypodermic syringes have been distributed at no cost every Saturday in front of Santa Ana City Hall so that people, many homeless, can inject heroin and other illegal drugs and then often carelessly leave these used syringes lying around in our parks, libraries, near schools and along the river trail.

This license is set to expire on February 11, 2018 and there has been no community outreach with regards to impacts to the community or the City's attempts to shut this program down.

I am hopeful that you will support us in stating your opposition to this unwanted program that has caused so much harm to this community.

Can we count on your support to Just Say No.

We look forward to your response and support to eliminate the OCNEP from Santa Ana.

Respectfully,
#6: Referrals to drug abuse treatment services, vaccinations, STD testing, housing services, and other social and health services as requested

See the last paragraph on page 10, second sentence:

Vaccination, STD testing, and additional HIV or Hepatitis C testing needs will be referred to the 17th Street Testing Treatment and Care Clinic in Santa Ana.

It appears that OCNEP is performing services beyond the scope of their application. Yet another example of the poor management and irresponsible administration of the program.

We urge you to immediately demand an end to this reckless and irresponsible program that endangers our children and community.

Respectfully,
Good morning –

In response to your questions:

1. The regulations governing California Department of Public Health (CDPH) renewal of authorization of syringe exchange programs require consultation with the local health officer and with law enforcement leadership. The consultations provide an opportunity for discussion and input about the authorization renewal.

2. Input provided by the local health officer and local law enforcement leadership help to inform the overall process. But the final decision to authorize or to deny renewal is made, and subsequently issued by, CDPH.

I hope this information is helpful. Please feel free to contact me if you have other questions or concerns.

Regards,

[Signature]

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From: Chris S
Sent: Tuesday, October 24, 2017 4:18 PM
To: [redacted]
Cc: [redacted]
Subject: Re: OC Needle Exchange Program - Authorization Ending on Feb 11, 2018
Thank you for the information on the renewal process. I have 2 questions:

1. When you say both the local health officer and local law enforcement leadership have to be consulted, what is exactly does “consult” mean?

2. Do both the local health officer and local law enforcement leadership have to approve the renewal application?

- Section 7006(b) of California Code of Regulations (CCR) Title 17, Division 1, Chapter 4, Subchapter 15 and Health and Safety Code Section 121349(a) require the department to consult with the local health officer and local law enforcement leadership after receiving a request for renewal.

Kind regards,
Dear Chief Valentin,

The Santa Anita Neighborhood Association also agrees with the No on the Needle exchange program.

Thank you,
Dear Santa Ana Police Chief Valentin:

For more than a year our community has been deeply impacted by the abuse and misuse of the Needle Exchange Program operating under license from the California Department of Public Health by UCI medical students. This is a failed experiment that MUST stop immediately. Hundreds of thousands of hypodermic syringes have been distributed at no cost every Saturday in front of Santa Ana City Hall so that people, many homeless, can inject heroin and other illegal drugs and then often carelessly leave these used syringes lying around in our parks, libraries, near schools, in our neighborhoods, shopping centers, and along the river trail. The OC Needle Exchange Program (1) fails to understand that the population that they are serving are not only substance addicts, but a great majority of them have serious mental problems (2) fails to demonstrate that their program have decreased in HIV and Hepatitis in the county and (3) make no effort to follow up on referrals to drug rehab programs. To add insult to injury, proponents of the program do not live in Santa Ana and 95% of the letters of support for the program were sent by non-residents with no ties to Santa Ana or concern about the program's impact in our community. This license is set to expire on February 11, 2018 and there has been no community outreach with regards to impacts to the community or the City's attempts to shut this program down. It is time that this program re-think their methodology and face the fact that we have a different type of population who may need a different approach to avoid re-using and disposing of syringes. I am hopeful that you will support us is stating your opposition to this unwanted program that has caused so much harm to this community. We look forward to your response and support to eliminate the OCNEP from Santa Ana. Sincerely,

Licensed Marriage and Family Therapist
Dear David Valentín:

For more than a year our community has been deeply impacted by the abuse and misuse of the Needle Exchange Program operating under license from the California Department of Public Health by UCI medical students. This is a failed experiment that MUST stop immediately.

I work in Orange County and have a contract with the city of Garden Grove for on call maintenance of empty lots. I have experienced this first hand with my employees. We could not conduct weed abatement on an empty lot in the city due to the vast number of used needles in the brush we were to remove. I wont put my employees in danger.

Hundreds of thousands of hypodermic syringes have been distributed at no cost every Saturday in front of Santa Ana City Hall so that people, many homeless, can inject heroin and other illegal drugs and then often carelessly leave these used syringes lying around in our parks, libraries, near schools, in our neighborhoods, shopping centers, and along the river trail.

The OC Needle Exchange Program (1) fails to understand that the population that they are serving are not only substance addicts, but a great majority of them have serious mental problems (2) fails to demonstrate that their program have decreased in HIV and Hepatitis in the county and (3) make no effort to follow up on referrals to drug rehab programs. To add insult to injury, proponents of the program do not live in Santa Ana and 95% of the letters of support for the program were sent by non-residents with no ties to Santa Ana or concern about the program's impact in our community.

This license is set to expire on February 1, 2018 and there has been no community outreach with regards to impacts to the community or the City's attempts to shut this program down. It is time that this program re-think their methodology and face the fact that we have a different type of population who may need a different approach to avoid re-using and disposing of syringes.

I am hopeful that you will support us is stating your opposition to this unwanted program that has caused so much harm to this community. We look forward to your response and support to eliminate the OCNEP from Santa Ana.

Sincerely,

Sent from my iPhone
From:                   
Sent: Friday, November 10, 2017 7:07 AM  
To: Valentin, David  
Subject: PLEASE STOP THE NEEDLE EXCHANGE IN ORANGE COUNTY

Canine Companions for Independence Volunteer Puppy Raiser
#1 Derby, Change of Career (COC) Rainbow Bridge 6/22  
#2 Sutra, COC PB  
#3 Romac (Mickey), COC PB  
#4 Sinali (Nali), COC PB  
#5 Penny W, Graduate - Skilled Companion (RB)  
#6 Kasba III, COC Napa  
#7 Sid, Graduate - Skilled Companion in Idaho  
#8 Maggie W, COC at home with us in San Clemente  
#9 Tarry, Puppy in Training

Virus-Free www.avery.com
Officer Valentin,

I am a resident of the Santa Ana community of Park Santiago. We are one of the few "premier" neighborhoods in Santa Ana. I have seen first hand, the abuse and misuse of the Needle Exchange Program. For more than a year our community has been deeply impacted by the abuse and misuse of the Needle Exchange Program. Hundreds of thousands of hypodermic syringes have been distributed at no cost every Saturday in front of Santa Ana City Hall so that people, many homeless, can inject heroin and other illegal drugs and then often carelessly leave these used syringes lying around in our parks, libraries, near schools, in our neighborhoods, shopping centers, and along the river trail. I have a 2 year old son and I am not able to visit our brand new playground in Santiago Park because I am constantly finding needles in the sandbox and drugged up homeless people sleeping on the play equipment!!!

The OC Needle Exchange Program (1) fails to understand that the population that they are serving are not only substance addicts, but a great majority of them have serious mental problems (2) fails to demonstrate that their program have decreased in HIV and Hepatitis in the county and (3) make no effort to follow up on referrals to drug rehab programs. To add insult to injury, proponents of the program do not live in Santa Ana and 95% of the letters of support for the program were sent by non-residents with no ties to Santa Ana or concern about the program's impact in our community.

This license is set to expire on February 11, 2016 and there has been no community outreach with regards to impacts to the community or the City's attempts to shut this program down. It is time that this program re-think their methodology and face the fact that we have a different type of population who may need a different approach to avoid re-using and disposing of syringes.

I am hopeful that you will support us is stating your opposition to this unwanted program that has caused so much harm to this community. We look forward to your response and support to eliminate the OCNEP from Santa Ana.

Sincerely,
Good morning Chief Valentine, Dr. Handler, and Councilmember Tinajero,

For more than a year our community has been deeply impacted by the abuse and misuse of the Needle Exchange Program operating under license from the California Department of Public Health by UCI medical students. This is a failed experiment that MUST stop immediately.

Hundreds of thousands of hypodermic syringes have been distributed at no cost every Saturday in front of Santa Ana City Hall so that people, many homeless, can inject heroin and other illegal drugs and then often carelessly leave these used syringes lying around in our parks, libraries, near schools, in our neighborhoods, shopping centers, and along the river trail.

Today during my morning walk in my neighborhood I found a needle on a neighbors yard. This is also dangerous for our pets.

The OC Needle Exchange Program (1) fails to understand that the population that they are serving are not only substance addicts, but a great majority of them have serious mental problems (2) fails to demonstrate that their program have decreased in HIV and Hepatitis in the county and (3) make no effort to follow up on referrals to drug rehab programs. To add insult to injury, proponents of the program do not live in Santa Ana and 95% of the letters of support for the program were sent by non-residents with no ties to Santa Ana or concern about the program’s impact in our community.

This license is set to expire on February 11, 2018 and there has been no community outreach with regards to impacts to the community or the City’s attempts to shut this program down. It is time that this program re-think their methodology and face the fact that we have a different type of population who may need a different approach to avoid re-using and disposing of syringes.

I am hopeful that you will support us is stating your opposition to this unwanted program that has caused so much harm to this community. We look forward to your response and support to eliminate the OCNEP from Santa Ana.

Respectfully,
June 22, 2018
Re: Orange County Needle Exchange Program

The Orange County Needle Exchange Program, otherwise known as OCNEP, is seeking approval at the State Department of Public Health to operate a mobile unit in Anaheim, Orange, Santa Ana, and Costa Mesa have taken an official stance on opposing this, as well as myself personally. Santa Ana denied their permit because the costs outweigh the benefits. This program does not promote any type of recovery from addiction, if fact when I asked them how many people they gave needles to, their response was startling. They claim that only 648 referrals were given out of the 12,000 people they gave needles to. That is unacceptable, the answer should be 12,000. They also say they don’t maintain data on these referrals. This is incredibly irresponsible (see their response below). In fact, the only 4 cities they are targeting have 3 main things in common: homelessness, undocumented people, and low income/poverty. They are not targeting the cities that have skyrocketing overdose deaths. I was at the DMV about a month ago and sat next to a lawyer with the Public Defender’s office. She was explaining to me how unsafe OCNEP made it for people by the Civic Center stating that used syringes were everywhere up until Santa Ana stopped them from doing business there. She said the difference is like night and day.

To allow OCNEP to do business is giving addicts the tools to kill themselves. With the rise of fentanyl, it is only a matter of time until we start seeing more deaths. I have 10 years sober so I fully understand addiction, and at the same time I fully understand recovery. OCNEP is NOT the answer. More programs to help addicts recover is or responsible needle exchanges that actually help people. There has been an increase in efforts to promote recovery in Orange County and the 4 cities targeted, which OCNEP has not contributed to. Allowing OCNEP to do business as a mobile unit would negatively affect these efforts. Their own flyer describes exactly what they do, which is distribution, NOT exchange. I have attached the flyer as well as a conversation I personally had with them on social media.

Let me be clear, I am not against needle exchange as a whole, but OCNEP in particular. They have proven to be a detriment to the community. Pulling a van up to a residential area to distribute needles is a danger to our recovery communities, families, individuals, and more importantly the children who run the risk of being exposed to these needles.

Please do NOT approve this irresponsible program to go mobile.

Thank you,
Parent and resident

Tamara Jimenez
Tamara Jimenez: How many of those 12,000 people went into detox/treatment?
Manage
Like
Reply

Orange County Needle Exchange Program - OCNEP: Thanks for the question, Tamara! We are an anonymous needle exchange, so we don’t maintain data on individual clients’ participation in services outside of our exchange. We do, however, track the number of referrals we give out per week; in 2017, more than 648 referrals to outside services (including treatment, detox, etc.) were provided to and accepted by exchange clients.
Manage
Like
Reply

Tamara Jimenez: Orange County Needle Exchange Program - OCNEP so you only provided referrals to only about 5% of the 12,000
Manage
Like
Reply
Edited

Orange County Needle Exchange Program - OCNEP: Thanks for asking for clarification. No, we provide referrals to any and all clients that are interested in them. This is exclusively the number that were provided and accepted, alike. Also, the 12,000 number represents two years of operation and is the number of unique interactions we had at the time of the article’s publication, not individual clients, as we do not track repeat clients due to our commitment to anonymity.
Manage
Like
Reply

Tamara Jimenez: Orange County Needle Exchange Program - OCNEP Then how do you enforce your statement about one person can only get up to 200 syringes? Or how often they are coming and receiving the 20 additional syringes even if they have none to exchange? This is from your own flyer.
Manage
Like
Reply

Orange County Needle Exchange Program - OCNEP: When we were operating, we were open one day a week for two hours. The 200 syringe cap applied per person per exchange during this weekly timeframe. We modeled our exchange based on existing harm reduction best practices, recommendations from the California Department of Public Health, and existing successful exchanges throughout the state. We are happy about your interest in our program and would love to answer more questions for you. If you would like to continue this conversation in person or over the phone, please message us!
I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs.

This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,

Raphael Guzman

ANAHEIM CA 92801
We do not want the needle exchange program in the city of anaheim, we are fighting a high crime rate already, we can't take our familys to our parks we have to put cameras all over our homes, our cars are not safe in our own driveways, packages being delivered to our homes are more often than not stolen. The needle program will only make us more unsafe our children more unsafe our homes more unsafe. We need to be represented as tax payers and we say no to unsafe neighborhoods.

Judy Morgan

Anaheim Cal. 92805
To whom it may concern,

I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs.

This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the manyfar outweighs the service to the few. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,

Shane Jones

Anaheim, CA. 92805
I completely support your stand in regard to needle distribution. I am personally very much against this idea particularly as it has been represented in the past. Making things more difficult for people to get drugs is what is going to help them not to make it simpler and more convenient.

Barbara Pfister
Dear Congressman Correa:

We really need your immediate attention and help regarding the OC needle exchange. I am extremely close and there is a school GOALS academy extremely close, which puts many children in physical danger of getting infected by a needle or getting infected by a person under the influence and attacking the children, school staff, families or by simply stepping on it. I currently live here and for the past 2 months an increase of people have been walking via the alley behind lemon st under the influence of some kind of drug. They are physically taking of their clothes and also using this alley as an open public restroom. Unfortunately my daughters have seen this and it has put us in danger. Worst, these people are screaming and come close to you as if they will hurt us. I have had to run in the house a few occasions and yell at the girls to go inside and lick the doors for their safety. I have found needles in my back yard and on top of this I am finding now bags of full of, for sure, human fecal matter. This is including the alley. It smells bad now. I did notify the police but that was unsuccessful. The city is not doing routine checks to clean up, drugs, pills, and needles left behind. No one from the city is picking up this health risk trash in my back yard. This is a great-discourage. I came back to live here in my home town and girls attend a great school, GOALS academy. My girls have benefited from this school and have grown so much but it is not safe for my girls and this is one of the reasons I need to leave again. This has gone to far.

The other issue is the liquor store on corner of Lemon and North, I feel they are providing the drugs and the city the needles.

Please call me and if I am unable to answer leave a message and I'll call back

Thank you for listening and please help get rid of this problem.

Belinda Iglesias
Needle Exchange Program

Nancy Holloway

Thu 3/7/2019 4:45 PM

To: Tamara Jimenez <tjimenez@lighthousetreatment.com>

Re: SB 689-Moorlach
To: Whom it may concern

I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,

Nancy Holloway

Anaheim, Ca., 92801

--

Nancy Holloway
Regeneration Property Group
Cell
Call BRE#01015400

Virus-free. www.avast.com
SB 689

Keith Olesen

Fri 3/8/2019 9:08 AM

To: Tamara Jimenez <tjimenez@lighthouseatreatment.com>

Tamara--please accept this email in support of SB 689 and include it in your efforts to support this important bill.

Thanks
Keith Olesen

Re: SB 689 3/8/2019

I am a 33-year resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. As proposed this program would have had disastrous effects on my neighborhood and my community. Programs like these, as well intentioned as they may be, have an extremely harmful and long-lasting negative impact when implemented without local input and control. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Please accept this email as my statement of support for SB 689

Thank you,

Keith Olesen
Anaheim, CA 92805
Hi Tamara,
First of all, thank you for your efforts in opposing needle exchange in Anaheim!
I, too, am a resident of the city of Anaheim, and have been for over 40 years. As you know, a needle exchange program was scheduled to be established here in Anaheim. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, it is not worth putting the public safety of children at risk. The harm to the many far outweighs the service to the few. I am opposed to any needle exchange program in Anaheim, and applaud John Moorlach’s efforts to bring this issue back under local control.
Thank you,
Dinah Torgerson
I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,
Judith Olesen

Anaheim CA 92805
Marsha Cook
Fri 3/8/2019 3:14 PM

To Tamara Jimenez <tjimenez@lighthousetreatment.com>

I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make a needle exchanges work within their jurisdiction.

Thank you,

Marsha Cook and Steve Holder

Anaheim 92805
Re: Letter of Support for SB 689-Moorlach

Maria Cover

Fri 3/8/2019 9:00 PM

To: Tamara Jimenez <tjimenez@lighthouseatreatment.com>

To: Whom it may concern

I am a long time resident of the city of Anaheim.

Recently a needle exchange program was scheduled to be established in my community. The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing, putting them at risk.

Local municipalities should be able to work in collaboration with their local service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local

I municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

Thank you,

M. Cover, Anaheim 92801
March 11, 2019

RE: Needle Exchange Programs in Orange County Cities and/or Santa Ana

To whom it may concern,

My name is Gisela Contreras and I am a 40 year resident of the city of Santa Ana. I am writing this letter to pray and strongly urge you to approve SB689 which will give our cities local control over the hazardous and lethal needle exchange programs.

As a life-long resident of Santa Ana and a parent of three children, I am against the needle exchange program because of the hazardous needles that are left in our parks and public spaces. The individuals using the needles have no concern over our safety and it’s not fair that the organizations passing out the needles are not responsible for picking up the hazardous waste left behind by the users.

Since my childhood growing up in Santa Ana I have always been exposed to dirty needles at parks and now that I am a mother the problem has gotten worse due to the needle exchange programs passing out hundreds/thousands of needles in our cities.

Our children and us residents are left with the trash and the potential of being pricked by dirty needles and possibility to contract a deadly disease such as hepatitis, HIV or other blood born illnesses.

We deserve a safe, clean and healthy space to enjoy. It has been a mess for years and finally Santa Ana did not provide a permit for the needle exchange programs to continue operations and the hazardous trash has improved. I worry if the exchange programs are allowed to continue the hazardous situation will be again a problem to deal with in our city.

Our cities should have the right to allow and permit these programs and they should not be forced on us by the state. Please consider approving SB689 for the safety of our children, which are our future and for a safe, healthy environment for all residents. Why should drug users have more rights than the tax paying residents who are contributing to society working hard each day to live a healthy life. We are hostage and not allowed to visit our city parks and public spaces due to fear of exposure to disgusting dirty needles. It’s a horrible way to live.

Thank you for listening.

The Contreras Family – Paul, Gisela, Solomon, Samson, Grace and our dog Sierra.

Thank you for caring!
March 21, 2019

Re: SB 689-Moorlach

To: Whom it may concern:

I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs.

This bill will allow local municipalities to build wrap-around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few.

Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,
Judy Villegas
From: Bob Johnson  
Subject: SB 689 Moorlach  
Date: Mar 21, 2019 at 4:58:10 PM  
To: Tamara Jimenez t.jimenez@lighthousetreatment.com

Whom it may concern I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs.

This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

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Thank you,

Bob Johnson

Anaheim, CA 92806
To: Whom it may concern

I am a resident of the city of Anaheim. Recently a needle exchange program was scheduled to be established in my community. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs.

This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

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Thank you,

Bill & Christie Runion

Anaheim, CA 92806
SB 689

Lugo, Milly

Mon 3/11/2019 2:54 PM

to: Tamera Jimenez <tjmenez@lighthousecounsel.com>

Re: SB 689 3/8/2019

I am a librarian at the Santa Ana Public Library in Santa Ana, CA. From 2016 to 2018 a Needle Exchange Program operated weekly in the Civic Center Plaza where the library is located. Recently a needle exchange program was scheduled to be established again in Santa Ana (where I work) and in Orange (where I live). I have witnessed that, as proposed, this program had disastrous effects at the library and on the community. Programs like these, as well intentioned as they may be, have an extremely harmful and long-lasting negative impact when implemented without local input and control. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to some, putting the public safety of children at risk is not beneficial. The harm to the many far outweighs the service to the few. Local municipalities should be able to work in collaboration with service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Please accept this email as my statement of support for SB 689

Thank you,

Milly C. Lugo-Rios
Sr. Librarian
Santa Ana Public Library
26 Civic Center Plaza

Santa Ana, CA 92701
Tel: 714-647-5271
E-mail: mlugo@santa-ana.org<mailto:mlugo@santa-ana.org>
Re: SB 689

I am an employee at the Santa Ana Public Library and a resident of Santa Ana. From 2016 to 2018 a Needle Exchange Program operated weekly in the Civic Center Plaza where the library is located. Recently a needle exchange program was scheduled to be established again in Santa Ana where I work and live. I have witnessed that, as proposed, this program had disastrous effects on my neighborhood and my community. Programs like these, as well intentioned as they may be, have an extremely harmful and long-lasting negative impact when implemented without local input and control. I am writing to express my support for SB 689 which simply aims to give local control of needle exchange programs. I believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

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Please accept this email as my statement of support for SB 689

Thank you,

Terri Ibarra | Bibliographic Technician
Santa Ana, CA 92703
April 25, 2018

Via electronic mail

Mr. Tom Hatch, City Manager  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92626  
tom.hatch@costamesaca.gov

Re: Concern about Mobile Needle Exchange Program in Costa Mesa

Dear Mr. Hatch,

I first want to thank you for the great partnership that our school district has with the City of Costa Mesa, which is why I am comfortable and confident in bringing this safety concern to your attention.

Through an Orange County Register news story on April 25, our district became aware about the Orange County Needle Exchange Program applying to the California Department of Public Health to run a mobile needle exchange in Costa Mesa.

According to the news article the mobile needle exchange will be located near Monrovia Avenue and 18th Street, and be open from 10 a.m. and 5 p.m. Newport-Mesa Unified School District has an elementary school located just north of this area, on 18th Street and Whittier Avenue. We have extremely high concerns about the proximity of this operation near any of our schools, and especially during school hours.

The news article states that “If the state approves the Orange County Needle Exchange Program’s mobile service proposal, organizers would still have to get local permits and follow city business and zoning rules...” We strongly urge the City of Costa Mesa to deny any permits that place the safety of our students’ at risk.

Should you have any questions, please contact me at 714-904-1253 or vsnell@nmusd.us

Sincerely,

Vicki Snell  
President, NMUSD Board of Education

cc: California Dept. of Public Health / SEPAplication@cdph.ca.gov - Public Comments Submission Regarding Orange County Needle Exchange Placement in Costa Mesa  
Mr. Tony Dodero, Public Information Officer, City of Costa Mesa

2985 Bear Street • Costa Mesa • California 92626 • (714) 424-5000
December 3, 2018

Dear Congressman Correa:

I am the Founding Director of GOALS Academy, a small, nonprofit charter school in the midst of Central Anaheim. We serve 240 scholars in Grades TK through 6th. Our school is just north of La Palma Park, which has a long history as a gathering place for homeless people. While I have a heart for those who are struggling on the streets, I have observed that many of the homeless people in our area are addicted to drugs and/or emotionally unstable. They are definitely service resistant. And, as a school, we are besieged by the refuse that comes from those who are living on the streets, including urination and defecation, condoms, used needles, and other unsavory items. This is in addition to the erratic behaviors, thefts, and observable drug use of the homeless people who surround our school on all sides. Those who are homeless advocates seem to have false compassion. Whereas some believe that the homeless should have the choice to be homeless, I feel we are permitting them to commit a slow form of suicide. This is not how human beings should permit other human beings to exist.

The latest form of false compassion involves a poorly conceived needle exchange program. I attended a meeting conducted by the Orange County Needle Exchange Program (OCNEP) at the Downtown Anaheim Community Center on Thursday, August 23, 2018. The attendance was strong, and the message was clear. There is a strong sentiment from the local citizens that this program is not the right model. It is beyond a "not in my backyard" mentality. This model does not belong in anyone's backyard or front yard. Exchanging 0 or 1 used needle for 20 new needles is a recipe for disaster. And, as you know, up to 200 needles may be given to an individual at one time. Regardless of what the vision or philosophy is, that means there will be more used needles in the areas around the school. And, we have already had one incident where a kindergartner picked up a used needle on the playground that was tossed over the fence. It has been my observation that those who are addicted to drugs do not necessarily place their used needles into the appropriate receptacles. There was also no clearly defined plan to ensure that the areas surrounding the OCNEP would be provided with additional support to keep the areas clean of debris. On the contrary, the program is more likely to draw even more homeless people addicted to drugs into the area, thus compounding the current abhorrent conditions. The cycle of the degradation of a degraded area will continue.

The mobile OCNEP is slated to be located just west of our school, GOALS Academy. There is also the GOALS Program serving a large number of youths in after-school programming, My Day Counts (a program for developmentally challenged adults), and two other elementary schools in the vicinity. The conditions at La Palma Park will worsen, making an impoverished area in Anaheim even poorer. I am sure people are sharing similar observations about the designated areas in Santa Ana, Orange, and Costa Mesa.

Bottom line, there has to be a better program than providing the tools of self-destruction to an already beleaguered group of homeless people. Why not establish a model of wrap-around services with the exchange of needles? And, why provide a mobile program such as this that causes the children and families in a challenged area to face even more challenges? If you would like to meet with parents from GOALS Academy, I am sure they will be willing to express their viewpoints to you. The general message will be "enough is enough." We need your advocacy, Congressman Correa, to ensure Central Anaheim and La Palma Park are on the road to improvement rather than annihilation. But, from an unselfish perspective, a poorly conceived program should not be supported in any location.

Sincerely,

Debra J. Schroeder, Ed.D.
Founding Director
March 13, 2019
RE: SB 689-MOORLACH
To: Whom it may concern

The intention of this letter is to inform you of our support for SB 689-Moorlach. It is vital to our communities that the control over needle exchange be at the local level. Only the cities and residents have intimate knowledge of the needs of their communities. The state has made it clear that they are not knowledgeable with Orange County communities as it has approved a mobile needle exchange to operate within the vicinity of elementary schools and during the hours children are walking home. Each municipality has law enforcement, homeless outreach workers, social workers, etc. that they deploy everyday to combat the daily issues in the communities.

SB 689 aims to give local control over needle exchange programs, not to drive them out, but to better collaborate with providers in areas of prevention and education. This will allow the local municipalities to divert funding into resources needed surrounding needle exchanges. It will allow the needle exchanges to operate as safely as possible and in the most appropriate location. At a time in our country when over 70,000 people are dying per year due to drug overdoses and when the #1 cause of death in people under 50 is the same, this is something that should not be taken lightly. We have to remember that all the studies done on needle exchange were PRE-FENTANYL days.

As a treatment center who has been around for a couple decades, we support this bill. We are losing close to 200 people a day to the opioid crisis. The answer is recovery resources. Complete abstinence is needed to live a productive life. The term “harm reduction” is widely misused. You cannot just use a little heroin here and there. Addiction is a CHRONIC, PROGRESSIVE, and FATAL disease. The only way to arrest it is with complete abstinence. We understand the purpose of needle exchange is supposed to be to decrease the spread of disease. But when you don’t have local control over these programs they can become a disaster and a serious threat to public health.

Please support this bill so that the local municipalities can work directly to fund education, prevention, and resources in conjunction with the most safe and efficient way to operate the needle exchanges.

Sincerely,

Tamara Jimenez
Tamara Jimenez
Community Relations Manager
Re: SB 689-Moorlach
To: Whom it may concern

The Orange County Recovery Collaboration focuses on providing prevention, education, resources and services in regards to addiction. We are writing to express our support for SB 689 which simply aims to give local control of needle exchange programs. We believe this is vital to the efficacy of such programs. This bill will allow local municipalities to build wrap around services and an entire continuum of care in conjunction with the needle exchanges. It will allow the municipalities to set aside funding for treatment programs for addiction, mental health services, disease prevention, education and many other resources that are so desperately needed.

The State Department currently controlling needle exchanges does not have the benefit of intimately knowing what each individual municipality needs, what the demographics are, where things are located, such as schools and after school programs where children are playing. Although needle exchange may be an asset to an area, putting the public safety of children at risk is not beneficial. Local municipalities should be able to work in collaboration with their service providers and residents to determine how they can best make needle exchanges work within their jurisdiction.

Thank you,

The Members of the Orange County Recovery Collaboration

[website link]
June 24, 2018

Re: Orange County Needle Exchange Program (OCNEP)

As a long standing treatment center we agree completely with what the City of Anaheim has stated, (paraphrased) “The Orange County Needle Exchange Program (OCNEP) is proposing a mobile program that will operate in four different cities within Orange County throughout the week to provide access to needles and the disposal of used syringes to address public health concerns, including infectious diseases.

OCNEP was distributing over 20,000 used syringes per week, and most recently lost their permit in the City of Santa Ana due to the impacts of used syringes on public property, with tens of thousands of needles that were discarded throughout the city, in addition to unintended consequences, including debris in the library. The City of Santa Ana found the Program did NOT reduce the transmission of blood borne diseases associated with hypodermic needle drug use, rather, it appeared to increase the problem, in addition to increasing hypodermic needle waste.

We have never received a referral, nor has any other treatment facility we have spoken with, from OCNEP for detox or treatment for substance abuse. More importantly to note, the locations proposed by OCNEP are too close to treatment centers and sober livings that are promoting abstinence and recovery. We believe by allowing them to go mobile, it will put these patients and sober living residents at a much higher risk.

We have partnered with the City of Anaheim through Drug Free Anaheim which provides resources for drug addiction and recognizes the importance of responsible drug rehabilitation. Drug Free Anaheim offers an alternative to criminal prosecution to those suffering from substance abuse and who demonstrate the desire to change their lives by connecting them with appropriate treatment options. Windstone Addiction Centers opposes the proposal for the Orange County Needle Exchange Program to operate in the
City of Anaheim, Orange, Santa Ana, and Costa Mesa as the distribution of needles raises public health concerns and attracts criminal behavior at city parks, facilities and throughout the City. Specifically, the areas surrounding the locations where syringes are provided are adversely impacted by increased drug use, increased crime, the discarding of both used and unused syringes and overall degradation in quality of life for residents, visitors and businesses.

In closing, we absolutely oppose OCNEP’s application to go mobile. Please note, we are not opposed to needle exchange as a whole, but this particular program has been irresponsible, ineffective, and has caused more harm to the community than good.

Thank you,

Windstone Addiction Centers, Inc.
June 24, 2018

Re: Orange County Needle Exchange Program (OCNEP)

As a long standing treatment center we agree completely with what the City of Anaheim has stated, (paraphrased) “The Orange County Needle Exchange Program (OCNEP) is proposing a mobile program that will operate in four different cities within Orange County throughout the week to provide access to needles and the disposal of used syringes to address public health concerns, including infectious diseases. OCNEP was distributing over 20,000 used syringes per week, and most recently lost their permit in the City of Santa Ana due to the impacts of used syringes on public property, with tens of thousands of needles that were discarded throughout the city, in addition to unintended consequences, including debris in the library. The City of Santa Ana found the Program did NOT reduce the transmission of blood borne diseases associated with hypodermic needle drug use, rather, it appeared to increase the problem, in addition to increasing hypodermic needle waste. We have never received a referral, nor has any other treatment facility we have spoken with, from OCNEP for detox or treatment for substance abuse. More importantly to note, the locations proposed by OCNEP are too close to treatment centers and sober livings that are promoting abstinence and recovery. We believe by allowing them to go mobile, it will put these patients and sober living residents at a much higher risk. We have partnered with the City of Anaheim through Drug Free Anaheim which provides resources for drug addiction and recognizes the importance of responsible drug rehabilitation. Drug Free Anaheim offers an alternative to criminal prosecution to those suffering from substance abuse and who demonstrate the desire to change their lives by connecting them with appropriate treatment options. Anaheim Lighthouse opposes the proposal for the Orange County Needle Exchange Program to operate in the City of Anaheim, Orange, Santa Ana, and Costa Mesa as the distribution of needles raises public health concerns and attracts criminal behavior at city parks, facilities and throughout the City. Specifically, the areas surrounding the locations where syringes are provided are adversely impacted by increased drug use, increased crime, the discarding of both used and unused syringes and overall degradation in quality of life for residents, visitors and businesses. In closing, we absolutely oppose OCNEP’s application to go mobile. Please note, we are not opposed to needle exchange as a whole, but this particular program which has been irresponsible, ineffective, and has caused more harm to the community than good.

If you have any questions or concerns you may contact me directly at

Thank You,

Tamara Jimenez
Community Relations Manager
Re: Orange County Needle Exchange Program
To: Whom it may concern

The Orange County Recovery Collaboration focuses on providing prevention, education, resources and services in regards to addiction. The Orange County Needle Exchange Program (OCNEP) has made absolutely no attempt to join us on any level. We cannot afford as a community to have this program go mobile. The areas proposed are, in some cases, right in the heart of residential areas and extremely close to city parks. To go mobile in those locations puts the community at great public health risk.

We are writing to express our opposition to OCNEP being given a permit to go mobile in the cities of Anaheim, Orange, Costa Mesa, and Santa Ana. OCNEP has no data to support that they have contributed to any of the claims they make. What they have admitted to is that they do not keep data, do not keep track of repeat clients, and distribute up to 200 needles per week, per person, and do not have to have any needles to exchange. Mind you they were only open for a few hours 1 day per week. The city of Santa Ana rejected their most recent permit but offered criteria under which they could operate. OCNEP refused to meet the criteria, and instead has come to you at the State level to circumvent local municipalities.

Their presence in the cities and sites proposed will only further act to put the public in danger of the results of their irresponsibility. Let us make something clear, we are not against needle exchanges all together-it is this particular program which has proven to cause more risks and harm than help. We have spoken with most of the substance abuse providers in Orange County and have not come across any so far that received any referrals or patients from OCNEP.

We ask you to oppose their permit to go mobile.

Thank you,
The Members of the Orange County Recovery Collaboration

info@orangecountyrecoverycollaboration.com
https://orangecountyrecoverycollaboration.wordpress.com/
As we have noticed with our homeless population, build a shelter and they will come.

The same is highly likely to occur if we provide free public services to addicts.

Also, I am a diabetic, currently obtaining my 3-4 syringes a day through my health insurance.

Would I, and every other diabetic be allowed to exchange used syringes?

Also, we are already in a budget crunch, with no end in sight. This will cost us no matter who pays for the program.

Please vote against such an exchange program.

Benita Gagne
30+ year resident
I urge our Councilpersons and Mayor to please pass an ordinance to ban any future Needle Exchange Program within our city.

--

Bob Johnson
I am in FAVOR of PROHIBITING ANY type of a needle exchange program from operating in the city of Anaheim.

I am AGAINST ANY type of program to regulate syringe-exchange in the city of Anaheim.

Kathy Chance
Dear Mayor Sidhu and Anaheim City Council Members,

Please consider prohibiting any needle exchange program from operating in the city of Anaheim! We have enough problems as it is. I do not want city resources spent on promoting illegal drug use.

Respectfully,

Janet Potter

Anaheim, CA 92804
To members of the City Council

It is infuriating and probably illegal to not be given access to the meeting room with our voices or even have our words shared. The Governor’s Executive Orders related to the Brown Act were not meant to cutoff public participation. You could set public access up so easily with the technology at hand. But that would also mean you would need to be visible/accessible to those of us watching/attending.

You continue to make decisions through the most narrow lens that comes from the current majority of this conservative Council. That will change! Unfortunately you are further damaging our City while we wait to vote most of you out!

These are my comments for the following items:

Agenda Item 20
While obligated by law to make this change in the Anaheim Municipal Code to reflect recent improvements to the State Density Bonus Law, I do hope you will apply it to truly facilitate the development of low and very low affordable housing development. In years past while members of the Council have been aware of need for low and very low income housing little has been done to do so. Our city does not take the RHNA numbers seriously. We do not need more moderate housing while doing nothing for the most needed categories.

If ever going to reach our housing goals, every current and future building project approved in Anaheim must include these truly affordable units NOT a buyout that amounts to no units. A mere drop in the profit margin. Building units elsewhere is not acceptable. Your giveaways continue to harm our community.

Item 22 - Needle Exchange – Science supports the need for a harm reduction program. Anaheim has reacted from a place of fear and judgement. Alliances have been odd to watch. It concerns me to see some objections come from those benefiting from no program. Build a program that works. Gives all safety and serves the community need which is primarily in those housed - not those on the street as you often play that narrative.

Item 23 – COVID response
Anaheim is once again behind and as a result people are dying or suffering resulting lifelong chronic health problems. The Coronavirus is out of control throughout Orange County with Anaheim in the lead, thanks to your ill-informed and dangerous lack of leadership.

Watching the Board of Supervisors meeting this morning and seeing the Mayor take credit for doing anything right was nauseating. He did not move the testing set up forward in any timely way. Using the word “quicker" several times did not make that true. The mayor continues to use “my" to describe various departments and services. You do not have ownership though the way you have set up the decision making structure and agendizing items to show how you are trying to “own" our city. And you opened Downtown Disney and failed to enact a mask requirement. None of this is to protect the most vulnerable. Obvious pandering to your donors and minions.

We finally see you in masks as the Governor graciously calls you out on the need to “comply” for the funds to continue to flow. County funds as well. Had you adopted a more science based approach to masks, distancing and closures, we would not be the standout community in this deadly pandemic. Not supporting Dr Moreno’s proposals adds to your failure. People are sick,
many with resulting long term health concerns, while more are dying. Whatever you do now will be key to the toll our citizens continue to experience. Surely you have people who tell you the truth in your role. If not – shame on you. If you do - please listen. Your life may depend on it – but wait you can get access to tests and top drawer healthcare. The rest of our city residents – NOT so lucky. Testing needs to be as available to all as we know asymptomatic folx do pass it on. Will be listening tonite for more examples of your narrow thinking by the majority members. Pat Davis District 1

Pat Davis

Sent from my phone. Please excuse brevity and typos.
To all City Council your on these times, we are watching you we will take these protest to your front yard, and that's when you will call the cops to come and save you because you will be scared of Black and brown people and call us criminals.

Item 3,4: Again during a pandemic putting more money into APD the killer cops and pigs, while ignoring the communities of color you serve, we will vote you down in the upcoming election. If ya'll give so much money to the cops and still can't get this meeting on zoom with public comment, because we know you are not reading our emails, because they are hurting your feelings while our people keep dying.

Item 12, 22: Give better programs to houseless folks, and by limiting and excluding syringe programs in Anaheim is outright inhumane, ya'll don't have shit to worry about when you are in your fancy-ass houses. While again our people bare the burden of the policies all of you push through city council.

Item 13: This definitely shows what side you are, you haven't digitized the city records and we demand you make them public, including all the documents on police abuses the dumb APD has committed, again we will come to your houses and demand you to listen! Ya'll think this is a game? Mayor Siduh you incompetence is a slap in the face to everyone in this city and every single puppet you have with you in the council, especially the racist ass Trevor O'neill we see you and we will not forget everything you have done! You owe it to the families that have suffered through the abuses of APD!!

Ya'll can fuck off!!!!

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William Camargo Claudio
Visual Artist/Educator/Organizer/Arts Advocate
Commissioner of Heritage and Culture, Anaheim
Teaching Artist, ARMORY Center for the Arts
Claremont Graduate University, MFA '20
NALAC Advocacy Leadership Institute '20
Sonneman Photography Prize, CGU

Archive Machines, Los Angeles Municipal Gallery(upcoming), Los Angeles
Origins & Displacements, (postponed), East Gallery, CGU
Time & Space, (postponed 2021), Cal State Fullerton
Dear Anaheim City Councilmembers,

First and foremost, thank you for taking the time to actively listen to your community and to critically observe what our true needs are during this unprecedented time of uncertainty.

Please do NOT spend $177,185 on public safety vehicle equipment advancement for the police in Item 3, or $59,276.25 on increasing police surveillance in Item 4 in order to further the continual fear reminiscent of Jeremy Bentham’s barbaric 18th-century panopticon. That is tax payer money and should not be used to fund their own oppression.

Instead of giving $175,155,129 dollars to the Anaheim Police Department, you need to re-allocate those funds to grassroots organizations and non-profits that know, love and truly weave this community together.

I approve of the $360,000 allocation to Better Way Anaheim in Item 12. This is where you should be putting our tax paying dollars.

I absolutely abhor the passage of Item 13. The destruction of City records older than two years old just for the sake of clerical efficiency is absolutely shameful. In-Custody Deaths, Officer Involved Shootings, Disciplinary Files, Complaints, Major Incident Response Team reports, and APD Internal Affairs Investigations older than two years should NOT be destroyed. Those are crucial figures and we need to hold the police officers liable to their violations of human and civil rights committed against US citizens and immigrants seeking refuge. Abolish ICE as well please and thank you. They are deplorable and you all know it.

Anaheim and Santa Ana are the most densely populated cities and most severely affected by covid 19 in Orange County.

Instead of giving millions of more dollars to the police department, you should reallocate your tax payer dollars towards health care, education, distributing free masks, funding mental health care service providers and victim/survivor advocates, implementing non-armed officer disppachment for non-violent 911 calls, buying anti-racist books to place into our K-8 classes to plant positive seeds early on, aiding food banks and soup kitchens, getting nurses and social workers in schools and after school day care centers funded, buying foreclosed motels or condos in Anaheim to convert into housing for the homeless, or literally anything other than more rubber bullets, batons, riot shields and
TEAR GAS used against tax paying Anaheim citizens during a global RESPIRATORY pandemic. Please reconsider fighting violence with more violence.

Police reform is proven to not work and the prison industrial complex is rotten at its core. The officer who killed Rayshard brooks had just completed de-escalation training of April 24, 2020 and deadly force training on January 9, 2020 and still brutally killed Rayshard. Body cams are very expensive and only document their killings. Qualified immunity needs to end for real reform and you all know it.

If defunding the police departments is not enough, then remove yourself out of your own compartmentalized viewpoint and zoom out. What you should really be doing is reaching out to your OC buddies then to your LA colleagues to call Newsom, and urge the Pentagon to defund and reallocate their $740+ billion dollar military budget to help our citizens on the homeland. If the police pepper spray children and shove old men to the ground while the entire world is watching, what do you think our military does to impoverished POC communities abroad when no one is watching?

We should be investing our tax-payer dollars to peace, education, health care and new clean energy job creation on the home front rather than more missiles, tanks, guns, bombers, nukes, and submarines abroad.

There were 33 APD arrest-related deaths in 2003-2016. Your police officers killed 33 people in 13 years. That is absolutely way too many deaths at the hands of the ones sworn in to protect us. It’s a blue shirt and badge, not a blue life. Brown bodies don’t get to take their melanated skin off to safely drive home to their family after their shift is over. Who polices the police? They must be held accountable for their actions. Racist officers and “the good apples” alike have been encouraged to fetishize a “firearm” as an extension of their own bodies for far too long.

Vincent Valenzuela, Christopher Eisinger and so many more did not deserve to have their lives taken. What happened to “innocent until proven guilty?” How have you normalized an instantaneous death penalty sentenced by the police with no repercussion?

We should not live in a world where trained professionals with a gun on their hip get to panic and react on impulse while innocent civilians must remain calm and collected with a rifle pointed in their face.

A high school degree and a few weeks of training is an abysmal requirement for such an array of important responsibilities that the police are woefully ill-equipped to handle. Norway, Sweden, Germany, Australia, Japan and so many other countries have EXTENSIVE training and requirements for their officers, and their low In-Custody Deaths prove their efficiency. However, you cannot add anything to a full, White Nationalist Supremacist glass of water.
Follow Los Angeles and San Fransisco City Council’s and push to replace armed police officers with non-armed responders for non-violent 911 calls. We need nurses, social workers and psychiatrists in schools, not armed cops arresting our teenagers through the school prison pipeline.

Please vote Yes on Item 12.
Hard No on Items 3, 4 and 13.
Thank you for your time today.

Love and Light,
Noah Juliano
Hello council members,

After tuning in to the last city council meeting, I wanted to recommend that you read the book *White Fragility: Why It’s So Hard for White People to Talk About Racism* by Robin DiAngelo.

In your last meeting, I witnessed the overwhelming amount of white fragility, white silence, and white solidarity that took place in your discussion of voting to pass the city's resolution in response to Black Lives Matter (BLM). You failed to propose a meaningful response to the BLM movement, and instead, openly refused to acknowledge or reconcile with our city’s fundamental and current history of racism and white supremacy.

The mayor and council members’ dialog on passing a city acknowledgment of BLM proved to be very disappointing. I recall one council member actually playing the “I’m Italian” and I have experienced prejudice card. Personally, I am a child of Sicilian immigrants (who also endured lots of prejudice), so it was infuriating to hear this kind of comment. The book that I recommend you all read specifically details why this kind of comment is problematic when talking about race. I interpret that this elected official is simply uneducated on how to talk about race, or that they used their comment as an excuse for their inability to hold themselves accountable (as they motioned to strike down proposed edits to the resolution that would move the city towards acknowledgment and reconciliation). This kind of comment also took the focus away from the Black residents and communities who really need your help and support. This wasn't a moment to make the situation about all of YOU and your own struggles with race. I thought the resolution was to respond to US, who have been in the streets and in your emails demanding that you all DO BETTER.

There are more council member comments and actions that I can also refer to from the last meeting as moments of extreme disappointment, but you all know what you have said. Every council member (except the one who brought up the proposed edits to this resolution) displayed and participated in white fragility, white silence, and white solidarity. This proves that you do not have to be "white" to uphold racism and white supremacy. You do not need to be "white" to continue to educate yourself on anti-racism. We must all do this work.

Your resolution to acknowledge Black Lives Matter does not contain any actionable items that our city can be held accountable to. You have chosen to uphold, rather than challenge, white supremacy in the City of Anaheim. The resolution that you passed is performative and disingenuous. Our city will benefit from having elected officials who are able to have substantial conversations about race without becoming defensive and/or silent. At this moment in time, your inability to have mature and meaningful conversations on race is not benefitting your constituents.
At the very least, please read the book mentioned above. Educate yourselves; I am demanding that you do better.

Respectfully,

Brianna Meli
District 2 Resident (who also works in Anaheim)
Dear City Council Members,

My name is Phillip Wolfgramm. We have lived in West Anaheim for over 2 decades. We have raised, and continue to raise our children here. I am also a member of the Anaheim Police Review Board.

With all of the voices demanding to "de-fund" the police, I raise my voice against this demand.

As a voting citizen of the city, the number one service that the city can provide me and my family is our safety - this is why you should be in office, and where you should spend our tax dollars.

Your next priority is to provide the city infrastructure (school facilities, electricity, water, roads, trash pickup) that best allows us to continue to live, and to raise our children in this city.

These two priorities are timeless and foundational for city government.

While I recognize the need to re-evaluate the city's policing policies, training, and goals, I ask you to resist the urge to enact ordinances and policies in response to agitators' short-sighted, unsafe, anti-american, and chimeric demands.
Good Evening Mayor Siduh, Council Members, City Manager Garcia and Chief Cisneros,

My name is Stephanie Wade, I live in Councilmember Moreno's 3rd District. Two weeks ago, I submitted comments in support of and was very gratified that the Resolution Against Racial Injustice and Declaration that Black Lives Matter passed at the city's last council meeting. I know that there were many, including me, who wanted the resolution to go further in addressing the city's own history of systemic racism and the implicit bias in local government, a history that still permeates much of our city government including in policing. But I wanted to thank all seven members of the council, including Council Member O'Neil who ultimately obtained, for their good faith efforts. While we all hope for less acrimony and more reconciliation as we continue to address these issues, I am proud to be from Anaheim and glad that the city's leadership is committed to these "difficult conversations." And it is in that vein that I would like to introduce myself to the city as a candidate for the city's Police Review Board.

I have had a long standing civic interest in policing and submitted my application to the City Clerk on May 5th of this year. I realize that the "at large" seat on the board will be filled by lottery among applicants judged to be qualified for the position. But I wanted to say that as a former Marine infantry officer, longtime public school PE and social studies teacher in underserved, majority-minority schools, as a current staffer with the U.S. House of Representatives, as a transgender woman and most of all, as a proud, civically minded resident of the city, I hope I will be found to be qualified and lucky enough to win the lotteried appointment. Like you, I want to serve this city by being an honest, fair and civil participant in one of the most sensitive areas of our government.

Thank you and good evening.

Stephanie M. Wade | She, Her, Hers
"Progress is Not Future: It is Keeping Up with the Present"
-Patti Smith & Richard Hell, Poem #2, 1978
Dear Anaheim City Council Members
I would like to address you regarding my concerns about Sexual Assault Victims. On Mother’s Day weekend my mother contacted Anaheim Police Department to request an officer to come to our home at Rockwood Apartments unit#221 to report me being raped by a neighbor by the name of Marcos Martinez. The officer who took my statement was inexperienced and asked me questions that were not relevant such as “were you sexually active prior to being sexually assaulted?” I’m a minor and at 14 years old I need my mother by my side however they would not let her. Detective Jason Carney was assigned to my sexual assault case. This detective did not make me feel safe nor showed me the slightest compassion, instead he revictimized me and used words such as “pussy” and “fucking” when referring to my private parts and the sexual abuse. I felt so afraid and ashamed in results of his inappropriate behavior. He then continued to pressure me to say the my rape was consensual. Anaheim Police did not arrest the perpetrator even though he was on drugs, probation and was on house arrest previously for probation violation. The District Attorney Geraldine did not file charges either. Both the DA and Anaheim PD we’re blaming each other as to why this person wasn’t incarcerated. Now my mother Elisabeth Rios is facing child abuse and neglect charges for protecting me. How could this happen? How is the perpetrator that raped me free and my mother has to appear before a judge in the OC Superior Court. To make matter even worse Anaheim House Authority has refused to honor the Choice Voucher they guaranteed my family would receive so we can relocate. My mother submitted a VAWA application to AHA along with a Reasonable Accommodation for my mental health disability and the physical, emotional and mental trauma I’ve experienced. Anaheim Housing Authority denied it! Victims of sexual assault deserve to be treated with dignity. Victims of sexual assault deserve to have their Mental Health disability be a priority. Victims of sexual assault deserve an Emergency Transfer Relocation to a safe place as far away from the perpetrator as possible. Please Anaheim City Council Members don’t fail too at proving justice to me.

#justiceforvanessadenny

PS
I am Protesting outside of City Hall peacefully.
To the Mayor and City Council,

I find it incomprehensible that you are doing nothing to assist the family of Vanessa and her mother Elisabeth Rios after the horror they’ve been through and continue to face. Vanessa was raped by her neighbor and the Anaheim Police Department victim blamed a CHILD and made derogatory comments of her body. They sought help for the city to hold the police accountable for their irresponsible approach to this situation which you have ignored and turned away from this family who is close to being unhoused. Why are they close to being unhoused? Because they no longer want to be the neighbor of the man who raped Vanessa. I ask that you find the appropriate and suitable home for this family or assist them with a hotel room until they find a safe place to live. I demand that you hold the police accountable for what they did to Vanessa and acknowledge how they further traumatized her. I ask that you respect the family’s wants for what they deem is justice for them and what they’ve been through. Listen to the family and respect their wishes, they’ve been through enough! Do your job!

Thank you,
Maria Ceja
A homeless man recently died after being released from an Anaheim hospital with no apparent follow up to make sure he was put into shelter or some form of housing as required by SB 1152. What will you be doing to make sure these hospitals are being kept accountable?
I spoke with Federal Judge David Carter and he also is very concerned and is planning to get involved in this issue as I explain in this video.
https://youtu.be/r4K0obsZchc
Please read the following public comment during time that is set aside for the public to be heard:

I am writing in regards to a very alarming and disturbing incident that occurred a few weeks ago in the city of Anaheim. A few of my friends shared a statement that was written on a gofundme page that outlined specific details showing institutionalized victim blaming by the police and willful neglect by the Anaheim Housing Authority.

Some of us get to sit back in the comfort of our own homes during this COVID pandemic crisis and there are methodical plans in place to ensure everyone's safety while out in public. Protocols and safety measures in businesses and institutions are being implemented. But what about victims of abuse and rape? Are they also not afforded the same safety and security when they go to the police to report and press charges? Is it typical protocol to have a victim of rape be placed on a 48 hour notice especially during this pandemic, when the chances are significantly higher to transmit COVID while sharing a living space? Is it typical protocol for the Anaheim Housing Authority to deny a victim's request to be relocated away from their assailant? The safety and security of rape victims is not ensured in the city of Anaheim at this moment in time and I hope each and every one of you take the time to understand that any neglect on your part with regards to Vanessa's case will have detrimental effects to the safety of the residents living in Anaheim. Every single council member, including the police chief, need to read and listen to Vanessa and her mother and the horrifying situation they have had to experience caused by agencies that are meant to keep them safe. Take the necessary steps to fix this problem immediately by relocating the victim and her family. I am also requesting that the police chief overview policies with police staff, officers, and detectives on how NOT to treat victims of rape, sexual assault, and harassment. Please look up the terms victim blaming and victim shaming and go from there. You are hurting the residents of Anaheim by not taking this seriously.
Jennifer L. Hall

From: Loretta Day
Sent: Tuesday, July 14, 2020 12:27 PM
To: Theresa Bass; Denise Barnes; Jordan Brandman; Jose Moreno; Lucille Kring; Lucille Kring; Harry Sidhu (Mayor); Stephen Faessel; Trevor O'Neil
Cc: Jennifer L. Hall; Amanda Edinger; Annie Mezzacappa; Cynthia Ward; Daniel Fierro; Helen Myers; Justin Glover; Karen Romero Estrada; Maria Gonzalez; Marisol Ramirez; Nam Bartash; Samantha Saenz; Sarah Bartczak
Subject: FW: Cannabis

From: Reed Mattson
Sent: Tuesday, July 14, 2020 9:15 AM
To: Council <council@anaheim.net>
Subject: Cannabis

We, Reed Mattson and Jeanine Mattson, would like to express our concern over this cannabis bill (5503) knowing that it would bring more problems into the city of Anaheim. We cannot see any good coming from this bill. We are strongly opposed to this bill and we would ask you, as a City Council, to vote it down. Thank you for listening to our concerns.
Reed Mattson
Jeanine Mattson

Sent from Mail for Windows 10
From: Jennifer Rojas <JRojas@aclusocal.org>
Sent: Tuesday, July 14, 2020 11:02 AM
To: Kristin Pelletier <KPelletier@anaheim.net>; Theresa Bass <TBass@anaheim.net>; City Manager <Citymanager@anaheim.net>
Cc: Harry Sidhu (Mayor) <HSidhu@anaheim.net>; Stephen Faessel <Sfaessel@anaheim.net>; Denise Barnes <DBarnes@anaheim.net>; Jordan Brandman <JBrandman@anaheim.net>; Jose Moreno <JMoreno@anaheim.net>;
Lucille Kring <LKring@anaheim.net>; Trevor O'Neil <TONeil@anaheim.net>; Melanie P. Ochoa <MPochoa@aclusocal.org>
Subject: Proposed Destruction of Records of the Anaheim Police Department
Importance: High

Ms. Pelletier, Ms. Bass, and Mr. Garcia:

Attached please find correspondence from the ACLU of Southern California regarding tonight's City Council meeting.

Thank you,

Jennifer Rojas, Policy Advocate and Organizer
Pronouns: She/Her(s)
ACLU of Southern California, Orange County Office
(714) 450-3965
aclusocal.org || facebook || twitter || blog || app

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July 14, 2020

Kristin A. Pelletier, City Attorney
Theresa Bass, City Clerk
Greg García, Interim City Manager
City of Anaheim
200 S Anaheim Boulevard
Anaheim, CA 92805

Via email to kpelletier@anaheim.net; tbass@anaheim.net; CityManager@anaheim.net

Re: Proposed Destruction of Records of the Anaheim Police Department

Ms. Pelletier, Ms. Bass, and Mr. García:

On behalf of the ACLU of Southern California ("ACLU SoCal"), I write to express strong concerns about the proposed destruction of records currently in the possession of the Anaheim Police Department ("Department") and to urge you to withdraw any City Council item authorizing the destruction of police records related to use of force, that are responsive to ACLU SoCal's request for records made on January 1, 2019 and July 1, 2020. Such an item would authorize a blatant violation of the Public Records Act that would require ACLU SoCal to seek immediate court intervention to protect its rights, and would violate guidance given by the Attorney General. The July 14, 2020 City Council agenda includes an item, at the behest of the Office of the City Clerk, seeking the City Council’s permission to destroy Department records from 2009 – 4/30/2015 relating to Internal Affairs Investigations, Disciplinary Files, Complaints, In-Custody Deaths, Major Incident, Response Team (MIRT), and Officer Involved Shootings.

We have legal and policy concerns regarding the proposed destruction of these records, including that their destruction would violate the California Public Records Act ("CPRA") Gov’t Code Sec. 6250, et seq. We strongly request that the City rescind this agenda item. If the item authorizing destruction of these records proceeds on the agenda, ACLU SoCal may be required to file suit against the City to prevent any authorizing action by the City Council from taking effect.

First, as you know, the California Legislature adopted S.B. 1421 (Skinner 2018), “The Right to Know Act,” which mandates that government agencies disclose records relating to uses of deadly force, sexual assault, and acts of dishonesty with respect to the reporting, investigating, or prosecution of a crime in response to a request made pursuant to the CPRA. See Penal Code Sec. 832.7(b)(1)(A)-(C). This law eliminated an agency’s ability to claim a basis for withholding documents in response to a CPRA request if those documents were deemed part of an officer’s

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*deceased
personnel file. The law went into effect January 1, 2019 and pertains to all records in an agency’s possession at the time that it has an active CPRA request.

ACLU SoCal filed a request on January 1, 2019 with the Department for certain documents made accessible under S.B. 1421, including, but not limited to:¹

- Any use of force resulting in death from January 1, 1999 to the present
- Any use of force resulting in great bodily injury from January 1, 2009 to the present
- Any sustained act of dishonesty relating to the reporting, investigation or prosecution of a crime from January 1, 1999 to the present
- Any sustained act of sexual assault involving a member of the public from January 1, 2009 to the present

Furthermore, ACLU SoCal re-filed a request on July 1, 2020 with the Department for records related to the December 11, 2009 shooting of Caesar Ray Cruz on behalf of Theresa Smith and the California Justice Teams Network.²

The records the Department seeks permission to destroy unquestionably include documents that are responsive to ACLU SoCal’s requests.³

The Department cannot receive a public records request and then decide to destroy responsive documents rather than turn them over. Such destruction of those records would blatantly violate the CPRA’s requirement that, in response to a request for public records, the Department produce all “disclosable public records in the possession of the agency.” Gov’t Code Sec. 6253(c); see also Penal Code 832.7(b)(1) (requiring that the specified records “maintained by any state or local agency . . . shall be made available . . . pursuant to the [CPRA]”). The CPRA further prohibits agencies from taking action to “delay or obstruct the inspection or copying of public records,” Gov’t Code Sec. 6253(d), and destruction of records in an agency’s possession that are responsive to a requestor’s CPRA request undeniably violates the CPRA. See, e.g., Community Youth Athletic Center v. National City, 220 Cal.App.4th 1385 (“CYAC”).

The destruction of these records would also violate the instructions given by the California Attorney General. On January 3, 2019, the California Attorney General issued instructions to “All California Law Enforcement Agencies” to preserve such records:

In order to ensure compliance with California law, the California Attorney General’s Office is instructing you to preserve all records that may be subject to disclosure beginning January 1, 2019, pursuant to recent amendments to Penal Code Section 832.7 as a result of Senate Bill 1421 . . .

¹ A copy of ACLU SoCal’s request is appended to this letter as Attachment A. The Department’s response, received 1/31/2019 is appended as Attachment B.
² A copy of ACLU SoCal’s request is appended to this letter as Attachment C. The City’s response, received 7/2/2020 acknowledging our request and stating “the City will respond” is appended as Attachment D.
³ This proposed destruction may also be in violation of the rights of other requestors under the CPRA if the Department has received other CPRA requests seeking information held within the files for which destruction is sought.

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF SOUTHERN CALIFORNIA
You should preserve all applicable files currently stored in paper files either onsite or in a remote location. You should also preserve any and all electronically stored information, including databases, electronic data files, hard drives, on- and offline storage drives, backups, logs, archives, personal computers and portable devices, and other removable and non-removable media, and electronic mail and attachments to electronic mail, pertaining to both records and preservation of records, including but not limited to electronic mail regarding potential destruction of covered information.


If the item remains on the City Council’s agenda, ACLU SoCal will be forced to defend its rights under CPRA immediately by seeking a temporary restraining order to enjoin the Department from destroying the records as proposed. As you know, an agency may be held liable for attorneys’ fees incurred to enforce a requestor’s rights under the CPRA. Gov’t Code Sec. 6259(d).

Additionally, apart from violating rights specifically granted under CPRA and the instructions of the California Department of Justice, the City should be troubled by this attempt to destroy records regarding serious incidents of misconduct and deadly uses of force amid great public concern over the issue of police violence after the Minneapolis Police Department killed George Floyd. In particular, the request to destroy several years of records pertaining to officer-involved shootings and in-custody deaths indicates that purging these records is not a part of any regularly-scheduled destruction of records the Department now deems “obsolete.” As California enters a new era of increased transparency around peace officer records—one resoundingly endorsed by the public—we hope that Anaheim embraces this new opportunity and does not attempt to further impede it.

If you have any further questions, you may reach us by email at melanie@clusocal.org and jrojas@clusocal.org.

Regards,

Melanie Ochoa
Staff Attorney

Jennifer Rojas
Policy Advocate and Organizer

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF SOUTHERN CALIFORNIA
January 1, 2019

Anaheim Police Department
425 S Harbor Blvd
Anaheim, CA 92805

Re: Request for Public Records on Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

To Whom It May Concern:

I write to respectfully request records related to the investigation and discipline of peace officers employed by the Anaheim Police Department (the “Department) under the California Public Records Act, Gov’t Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, as set forth below.

Last fall, the California legislature passed, and Governor Brown enacted, SB 1421 (Skinner), which amends California Penal Code section 832.7 to provide the public a right of access to records related to investigations into investigations and discipline of peace officers for shootings and serious uses of force, as well as sustained findings of dishonesty related to the investigation, reporting, and prosecution of a crime or police misconduct. We now respectfully request the records newly available under SB 1421. We make this request as the American Civil Liberties Union of Southern California, as requestor, on behalf of the ACLU of California (including the ACLU of Northern California, ACLU of Southern California, and ACLU of San Diego and Imperial Counties) as well as a wide array of civil rights, government transparency, and criminal defense groups, including the Youth Justice Coalition, Justice Teams Network, Anti Police-Terror Project, California Faculty Association, PolicyLink, STOP Coalition, California Public Defender Association, and National Association of Criminal Defense Lawyers.

We have coordinated this request, and will share all records obtained, with this group of organizations, and further commit to making those records available to the public by posting on the Internet and other means, to help facilitate access to the records you produce.

I. Requests for Records

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from other requestors. We have endeavored to tailor our request to a limited selection of the most important documents and most relevant timeframe for incidents.

As set forth below, for purposes Requests 1 through 7, we do not seek all records relating to the underlying incident, but only a limited set of “Decisional Documents” relating to the
administrative investigation of the incident. For purposes of these requests, “Decisional Documents” means all documents reflecting or setting forth:

- The Department’s decision, prior to any administrative appeal, that an officer’s conduct did (or did not) violate the law or agency policy, and any reasons for that decision;
- The final investigative report (prior to any administrative appeal) of the Department, or any division of the Department, or any document setting out factual findings of, or recommended factual findings for, the person or body charged with deciding whether the officer’s conduct was within policy and/or warranted discipline or other corrective action;
- The punishment imposed or corrective action taken as the result of an administrative investigation, including letters of intent to impose discipline or other documents reflecting discipline imposed, changes in rank or assignment, training required, or changes to or examinations of Department policy, training or practice;
- A decision on appeal from the Department’s factual finding, or the discipline or corrective action imposed, including review by a superior or arbitration, including any statement of reasoning by an appeal body and any revised discipline or corrective action imposed, or any documents reflecting modifications of discipline due to the Skelly or grievance process;
- Any agreement to resolve an administrative investigation, including any agreement (or lack of agreement) as to the facts of what happened in the incident, or discipline or corrective action to be imposed;
- The final investigative report, factual findings, legal conclusions, or recommendations on discipline, policy, procedures or training, by the district attorney, independent civilian oversight body, or outside law enforcement agency brought on to conduct an investigation into an incident;
- The final imposition of discipline or implementation of corrective action.

For purposes of this request, records include, but are not limited to all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. Cal. Penal Code §832.7(b)(2).

1 The term “records” as used in this request is defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Cal. Govt. Code § 6252, subsection (e). “Writing” is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” Cal. Govt. Code § 6252 (g).
For purposes of these requests, “Decisional Documents” does not include underlying evidence, expert reports, witness statements, audio or video, unless incorporated by or included in the documents described above.

We also recognize that at some departments, older records may be stored in different recordkeeping systems that may require more time an effort to retrieve. If this is the case with your agency, we are happy to discuss particular obstacles or concerns and a process for retrieving records as efficiently as possible.

**Records Request No. 1:** All DECISIONAL DOCUMENTS related to the administrative investigation of any use of force by a peace officer employed by the Department\(^2\) that resulted in death, from January 1, 1999 to the present. *See Penal Code § 832.7(b)(1)(A)(ii).*

**Records Request No. 2:** All DECISIONAL DOCUMENTS relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence, at any time from Jan. 1, 1999, to the present. *See Penal Code § 832.7(b)(1)(C).* Such incidents may also include receipt or solicitation of bribes, loans, favors, or gifts in relation to an investigation; misappropriation of property in an investigation, obstructing an investigation, or influencing a witness.

**Records Request No. 3:** For any officer about whom a sustained finding of dishonesty is disclosed in response to Records Request No. 2, above, all DECISIONAL DOCUMENTS relating to any sustained finding of dishonesty relating to the reporting, investigation, or prosecution of a crime or misconduct by another peace officer, regardless of date.

**Records Request No. 4:** All DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present. *See Penal Code § 832.7(b)(1)(A)(i).*

**Records Request No. 5:** All DECISIONAL DOCUMENTS related to any administrative investigation into the use of force by a peace officer employed by the Department against a person that resulted great bodily injury, from January 1, 2009 to the present. *See Penal Code § 832.7(b)(1)(A)(ii).*

**Records Request No. 6:** For any officer who used force resulting in death at any time since January 1, 1999, all DECISIONAL DOCUMENTS related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death, or a use of

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\(^2\) A peace officer is “employed by the Department” for purposes of these requests if that officer has been employed by the Department at any time. The modifying phrase “employed by the Department” does not limit the requests only to officers currently employed by the Department, nor does it exclude documents within the position of the Department that concern the incidents that occurred while the peace officer was employed by another agency.
force by that officer against a person that resulted great bodily injury but not death, regardless of date.

Records Request No. 7: All DECISIONAL DOCUMENTS relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer employed by the Department engaged in sexual assault involving a member of the public, from January 1, 2009 to the present. See Penal Code § 832.7(b)(1)(B). For purposes of this request, "sexual assault" refers to the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority, including unwanted or gratuitous sexual contact such as touching or groping. See id. § 832.7(b)(1)(B)(ii).

Records Request No. 8: For any officer about whom a sustained finding of sexual assault is disclosed in response to Records Request No. 7, above, all DECISIONAL DOCUMENTS relating to any sustained finding of sexual assault, regardless of date.

II. Request for Preservation, or in the Alternative, Request for Documents

While we have asked for a limited selection of documents that are newly available pursuant to S.B. 1421, review of those documents will very likely reveal some incidents in which requestors or members of the public would like additional detail, such as records of investigation, audio, video, expert reports and other documents excluded from the present request. We therefore request that you provide assurances that you will preserve all such documents, at least for a reasonable time after complying with the present set of document requests, to allow targeted requests for additional information on specific cases.

III. Prioritization of Requests

We understand that this change in the law may result in a significant number of responsive documents, and that you may have received a number of requests for similar documents from other requestors. To help make sure your response serves the public interest in disclosure of these important records as efficiently as possible, we ask that you prioritize in the following order:

First, please prioritize requests from other requestors who are family members of those killed by police seeking information on how their loved ones died. We recognize that the change in law in many instances may allow these family members access to this information for the first time, and for the first time provide answers about their losses, and urge you prioritize these disclosures.

Second, for our requests, prioritize in the order of requests, 1 through 8.

Third, if for any reason some categories of documents responsive to a request are more readily disclosable and others more difficult — for example, if older records are in archival storage or stored in a different and harder-to-use system, or documents responsive to one request are not as easily categorized for disclosure and would require more time-intensive searching than another — please contact us to discuss the obstacles to prompt disclosure so that we can work out a
timeline, process, or refined selection criteria for documents that are more difficult to find or produce.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov't Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.

If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

If you would like to discuss these requests, please feel free to call Hermelinda Calderon or Casey Kasher at (213) 977-5265. Otherwise, please send any correspondence or documents in electronic format via email to prarequest@aclusocal.org, or correspondence or documents on CD-ROM or USB drive to:

SB 1421 Records
ATTN: Casey Kasher
ACLU of Southern California
1313 W. 8th Street
Los Angeles, CA 90017

Because this request is made on behalf of a number of nonprofit public interest organizations, with the intent to make this material easily accessible to the public as promptly as possible, we request that you waive any fees. North Cty. Parents Ass'n v. Dep't of Ed., 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, ACLU SoCal will reimburse your agency for the “direct costs” of copying these records plus postage. If you anticipate these costs to exceed $50.00, please notify us prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact us with any questions regarding this letter.

Best,

Peter Bibring
Director of Police Practices
ACLU of Southern California
January 31, 2019

Mr. Peter Bibring
ACLU of Southern California
1313 W. Eighth Street, Ste. 200
Los Angeles, CA 90017

Re: Public Records Act Request (Gov. Code § 6250, et seq.)
Request No. 01072019 APD

Dear Mr. Bibring:

The City of Anaheim ("City") is in receipt of your recent Public Records Act request. Therein you seek "decisional documents", which are "newly available under SB 1421." Specifically, you have requested the following:

1. "Decisional documents related to the administrative investigation of any use of force by a peace officer employed by the Department that resulted in death from January 1, 1999 to the present;"

2. "Decisional documents relating to any incident in which a peace officer employed by the Department was found to have committed an act of dishonesty directly relating to the reporting, investigation or prosecution of a crime or directly relating to the reporting of or investigation of misconduct by another peace officer or custodial officer including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying or concealing of evidence at any time from Jan. 1, 1999 to the present;"

3. "For any officer about whom a sustained finding of dishonesty is disclosed in response to...No. 2 above, all decisional documents relating to any sustained finding of dishonesty relating to the reporting, investigation or prosecution of a crime or misconduct by another peace officer regardless of date;"

4. "Decisional documents related to any administrative investigation into the discharge of a firearm at a person by a peace officer employed by the Department, which did not result in death, from January 1, 2014 to the present;"

5. "Decisional documents related to any administrative investigation into the use of force by a peace officer employed by the Department against a person that resulted [in] great bodily injury from January 1, 2009 to the present;"

6. "For any officer who used force resulting in death at any time since January 1, 1999, all decisional documents related to any administrative investigation into the discharge of a firearm at a person by that officer that did not result in death or a use of force by that officer against a person that resulted in great bodily injury but not death, regardless of date;"

7. "Decisional documents relating to any incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or
custodial officer employed by the Department engaged in sexual assault involving a member of the public from January 1, 2009 to the present;” and

8. “For any officer whom a sustained finding of sexual assault is disclosed in response to...No. 7 above, all decisional documents relating to any sustained finding of sexual assault regardless of date.”

While it is not entirely clear, your request appears to seek audio and video files. Such records require multiple layers of review and “extraction” to protect information exempt from disclosure pursuant to the Public Records Act and prepare for production the otherwise disclosable recording. The City is allowed to recover costs for its expenditures to produce the recordings, including the cost of extracting exempt material from the recordings with the aid of software. See National Lawyers Guild v. City of Hayward, 27 Cal.App.5th 937, 952; Government Code section 6253.9(b)(2). Should you wish to receive the audio/video files, the City will require a deposit to proceed with the extraction and production of the relevant files. In this instance, the City has estimated that it will require approximately 1612 hours to prepare audio/video files at the cost of $80/hour. Please provide a deposit in the amount of $128,960.00 if you are interested in obtaining these records. Please also note that this amount is an estimate only. If actual extraction costs are less than the estimate, the City will refund the appropriate portion of your deposit. If actual extraction costs exceed the estimate, the City will request a supplemental payment before the requested records are released.

Please note that the records containing the information you seek may be withheld at this time, redacted and/or have information extracted from them pursuant to the following exemptions to the Public Records Act:

- The records contain personal contact information (Gov. Code, §§ 6254(f)(2) and 6255(a); Penal Code § 832.7(b)(5)(A)(B));
- Medical records are exempt from disclosure pursuant to Government Code § 6254(k), which incorporates the prohibitions against the disclosure of such information contained in the Confidentiality of Medical Information Act [Civil Code § 56 et seq.] and Health Insurance Portability and Accountability Act (HIPAA);
- Financial information is confidential (Gov. Code §§ 6254(n), 7470, 7471 and 7473);
- Juvenile information is confidential (W&I Code §§ 827 and 828);
- The records consist of notes and/or drafts (Gov't. Code §§ 6254(a));
- The records may be subject to the public interest exemption provided by Gov. Code §6255
- The identity of person(s) who furnish information concerning violations of law to law enforcement personnel is exempt from disclosure. Roviaro v. United States, 352 U.S. 53 at p. 61 (1957); Chao v. Westside Drywall, Inc., 254 F.R.D. 651, 655-56 (2009); and
- Certain records are related to ongoing investigations by the Orange County District Attorney’s Office and/or pending criminal prosecution and therefore are exempt from disclosure at this time pursuant to Penal Code § 832.7(b)(7)(A)(i).

Finally, your request specifically seeks records under SB 1421, but exceeds the scope of what is discoverable under that legislation. The City will comply with SB 1421 and provide personnel records that have been designated as public records under SB 1421. In addition,
numerous police associations have challenged the application of SB 1421 to incidents occurring prior to its effective date of January 1, 2019, and multiple orders have been issued by the courts preventing the disclosure of such records pending a hearing on the matter. The City anticipates these challenges to be resolved in the near future and prior to the production of the records that you seek.

Without waiving, and subject to, the foregoing exemptions, the City is compiling and redacting a large set of responsive records, which will be made available to you for inspection, payment and production. Please contact me to make the appropriate arrangements. If such arrangements are not made within 20 days from the date of this letter, you may be required to submit a new request. Please note that due to the voluminous nature of your request and other similar requests received concurrently with yours, the City continues to diligently identify, compile and redact responsive records. As further records become available, you will be promptly notified so that you can obtain additional materials.

Should you have any questions, please contact the undersigned.

Sincerely,

Robert Fabela, City Attorney

By:

Kristin A. Pelletier
Senior Assistant City Attorney

cc: Lt. Allan Ramos, APD  
    Nicole Van Train, APD
September 13, 2019

Kristin A. Pelletier
Office of the City Attorney
200 S. Anaheim Blvd., Suite 356
Anaheim, CA 92805

Via U.S. Mail

RE: Request for Public Records on Police Use of Force Investigations, Sustained Findings of Police Dishonesty and Sexual Assault

To Whom It May Concern:

Thank you for your letter dated January 17, 2019 which indicated that your agency was reviewing our request under the California Public Records Act ("CPRA") for records relating to police use of force investigations, sustained findings of police dishonesty and sexual assault. Although seven months elapsed since your letter, we have not yet received any disclosures or subsequent communications from your office.

As you know, an agency has 10 days to respond to a CPRA request by "promptly notify[ing] the person making the request of the determination [of whether it has disclosable public records] and the reasons therefor . . . [and] shall state the estimated date and time when the records will be made available." Gov. Code Sec. 6253(c). This response period can be extended up to 14 days under "unusual circumstances," as proscribed by statute. More than 60 days have elapsed since we initially submitted our request, and Anaheim Police Department has far exceeded the statutory period in which it is obligated to provide the documents or a date when they will be produced.

Please respond within seven (7) days of your receipt of this letter to inform us whether your agency has disclosable records in response to our request and provide an anticipated timeline for making those records available.

If you have documents responsive to our request but have determined they are exempt from disclosure, you must notify us of the reasons for your determination that documents are exempt Government Code 6253(c). Under the CPRA, you must disclose any public record unless a specific statutory exemption applies. See, e.g., ACLU of Northern Cal., 202 Cal.App. 4th 55, 66 (2011) (internal citations omitted) ("[a]ll public records are subject to disclosure unless the Public Records Act expressly provides otherwise."); Marylander v. Super. Court, 81 Cal.App. 4th 1119, 1125 (2000) ("unless exempted, all public records may be examined by any member of the public"). The enactment of Senate Bill 1421 (2018) and the consequent amendments to Penal Code Sec. 832.7 displaced all exemptions under the CPRA or any other provision of law and limited any possible bases for withholding to those specified in Penal Code Sec. 832.7(b)(7). See Penal Code Sec. 832.7(b)(1) ("Notwithstanding subdivision (a), subdivision (f) of Section
6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by any state or local agency shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act” (emphasis added)).

Thank you for your attention to this request. Please do not hesitate to contact us with any questions regarding this letter at request@aclusocal.org.

Best,

Casey Kasher
ACLU of Southern California
July 1, 2020

Kristin A. Pelletier
Office of the City Attorney, City of Anaheim
200 S Anaheim Boulevard, 3rd Floor
Anaheim, CA 92805
kpelletier@anaheim.net

Via Email

RE: Public Record Act Request dated Jan. 1, 2019 for Dec. 11, 2009 shooting of Caesar Ray Cruz (Request No. 01022019 APD2)

To Whom It May Concern:

I previously submitted the above-described request for records in your office’s possession, pursuant to the California Public Records Act, Gov’t Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. Attached is a copy of my initial request.

Your agency previously identified body camera or other video, audio, photographic or other electronic records responsive to my request, but requested that I pay the cost of redacting those items. The California Public Records Act only permits agencies to require requestors pay “the direct cost of producing a copy of a record in an electronic format,” Gov. Code Sec. 6253.9(a)(2), unless certain criteria which do not apply here are met. The California Supreme Court recently addressed this precise issue in National Lawyers Guild v. City of Hayward, Case No. S252445, 28 (May 28, 2020),1 in holding that section 6253.9(b)(2) did not allow the City of Hayward to charge requestors of police body camera footage for the staff time required to locate that footage and edit it to reduct audio & video that revealed private information. See id. (holding that “section 6253.9(b)(2), as presently written, does not provide a basis for charging requesters for the costs of redacting government records kept in an electronic format, including digital video footage”). There is therefore no legal basis for your agency’s attempt to charge me for the redaction costs associated with those records.

I renew my original request for the electronic records not previously produced in response to my prior PRA request. Please respond to this request in ten days providing the requested information or by specifying a date in the near future to respond to the request. See Cal. Gov’t Code § 6255. If you are claiming any basis for withholding these electronic records or assert any other grounds for requesting payment, please provide a written response by that date setting forth the specific legal authority on which you rely.

Please send any documents in electronic format to Theresa Smith at
Otherwise, please mail your response to:

Theresa Smith

1 The full text of this opinion is available at https://www.courts.ca.gov/opinions/documents/S252445.PDF.
Law Enforcement Accountability Network (LEAN)

Fullerton CA, 92831

Thank you in advance for providing the records we have requested. Please do not hesitate to contact me with any questions regarding this letter.

Sincerely,

Theresa Smith
Executive Director
Law Enforcement Accountability Network

Jennifer Rojas
Policy Advocate and Organizer
ACLU of Southern California
Ms. Rojas and Ms. Smith,

The City is in receipt of your attached letter/records request. The City will respond to your request within 10-days in accordance with Government Code §6253(c).

Please contact me if you have any questions or need additional assistance.

Sincerely,

Jennifer L. Hall, CMC
Assistant City Clerk
Office of the City Clerk
City of Anaheim
714-765-5166

From: Jennifer Rojas <jrojas@aclusocal.org>
Sent: Wednesday, July 1, 2020 7:17 PM
To: Kristin Pelletier <KPelletier@anaheim.net>; Theresa Bass <TBass@anaheim.net>
Cc: Theresa Smith <tsmith@anaheim.net>; Annie Banks <annie@justiceteams.org>; Peter Bibring <PbBirring@aclusocal.org>; Adrienna Wong <AWong@aclusocal.org>
Subject: Request for records related to the 12/11/09, shooting of Cesar Ray Cruz

Dear Ms. Pelletier and Ms. Bass,

Please find the attached letter from Theresa Smith and I attached to this email. Please do not hesitate to reach out with any questions.

Thank you,

Jennifer Rojas, Policy Advocate and Organizer
Pronouns: She/Her(s)
ACLU of Southern California, Orange County Office
(714) 450-3965
aclusocal.org || facebook || twitter || blog || app

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January 1, 2019

Anaheim Police Department
425 South Harbor Boulevard
Anaheim, CA 92805

RE: Request for Public Records Regarding December 11, 2009 shooting of Caesar Ray Cruz

To Whom It May Concern:

I request the release of records under the California Public Records Act, Gov’t Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution. I seek copies of all records in your office’s possession, regardless of who created them. Please provide all records from the date of the above-mentioned incident until the date that this request was received.

I seek a copy of all records relating to the report, investigation, findings and administrative discipline related to the December 11, 2009 shooting of Caesar Ray Cruz. Records include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take; documents setting forth findings or recommended findings; and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Please respond to this request in ten days, either by providing the requested information or providing a written response setting forth the specific legal authority on which you rely in failing to disclose each requested record, or by specifying a date in the near future to respond to the request. See Cal. Gov’t Code § 6255. Pursuant to section 6253, please disclose all reasonably segregable non-exempt information from any portions of records you claim are exempt from disclosure.
If any records requested above are available in electronic format, please provide them in an electronic format, as provided in Govt. Code § 6253.9. To assist with the prompt release of responsive material, we ask that you make records available to us as you locate them, rather than waiting until all responsive records have been collected and copied.

Please send any documents in electronic format to annie@justiceteams.org. Otherwise, please mail your response to:

Annie Banks
Justice Teams Network
1201 Martin Luther King Jr. Way, Suite 200, Oakland CA 94608

Because I represent a non-profit, public interest organization that intends to freely distribute this information, I request that you waive any fees. North Cty. Parents Ass’n v. Dep’t of Ed., 23 Cal. App. 4th 144, 148 (1994); Cal. Gov. Code §6253(e). However, should you be unable to do so, Justice Teams Network will reimburse your agency for the “direct costs” of copying these records plus postage. If you anticipate these costs to exceed $25.00, please notify me prior to making the copies.

Thank you in advance for providing the records we have requested. Please do not hesitate to contact me with any questions regarding this letter.

Sincerely, Annie Banks

1. The term “records” as used in this request is defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Cal. Govt. Code § 6252, subsection (e). “Writing” is defined as “any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.” Cal. Govt. Code § 6252 (g).

--
Annie Banks
Administrative Coordinator
Justice Teams Network
annie@justiceteams.org
(cell)
Pronouns: She/They/Her
Request type:
- Incident History
- Calls For Service
- Other

Describe what you're looking for:
January 1, 2019
Anaheim Police Department
425 South Harbor Boulevard

Please remove any inappropriate words or phrases.

Please provide your information:

Your name:
Annie Banks

Your address:
1201 Martin Luther King Jr Way, Suite 200

City* | State* | Zip*
---|---|---
Oakland | CA | 94612

Your phone number:
415-787-3093

Your email address:
annie@justiceteams.org
From: Kelly Ibarra <kelly.ibarra62@gmail.com>
Sent: Tuesday, July 14, 2020 8:26 PM
To: Public Comment <publiccomment@anaheim.net>
Subject: Yes for an admission $1.00 tax

I'm fourth generation to Anaheim and haven't been able to wrap my head around the fact on why the city of Anaheim would EVER be tight on money because of all that we have in the city to profit on. Yes, even adding a $1.00 city tax on every Disneyland ticket sold would be an ideal benefit for the community.

Thank you,
Kelly Ibarra
He's had a dry cough all night during council meeting