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**COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

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STATE OF WASHINGTON,

Appellant,

v.

WILLIAM PIPPIN,

Respondent.

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**MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF OF  
AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON,  
HOMELESS RIGHTS ADVOCACY PROJECT, OUTSIDERS INN,  
and REAL CHANGE**

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NANCY L. TALNER, WSBA #11196  
talner@aclu-wa.org  
DOUGLAS B. KLUNDER, WSBA #32987  
klunder@aclu-wa.org  
ACLU of Washington Foundation  
901 Fifth Avenue, Suite 630  
Seattle, WA 98164  
(206) 624-2184

*Attorneys for Amici Curiae*

The American Civil Liberties Union of Washington (“ACLU”), Homeless Rights Advocacy Project (“HRAP”), Outsiders Inn, and Real Change respectfully move, pursuant to RAP 10.1(e) and 10.6, to file a brief as *Amici Curiae* regarding the privacy rights of people who are unfortunate enough not to have stable, permanent housing. In support of this motion, *amici* offer the following information:

**I. IDENTITY AND INTEREST OF AMICI**

The American Civil Liberties Union of Washington (“ACLU”) is a statewide, nonpartisan, nonprofit organization of over 50,000 members and supporters dedicated to the preservation of civil liberties, including privacy. The ACLU strongly supports adherence to the provisions of Article 1, Section 7 of the Washington State Constitution, prohibiting interference in homes and private affairs without authority of law. It has participated in numerous privacy-related cases both as *amicus curiae* and as counsel to parties.

The Homeless Rights Advocacy Project (“HRAP”), at the Korematsu Center for Law and Equality at Seattle University School of Law, strives to advance homeless rights advocacy. HRAP engages students in effective legal and policy research, analysis, and advocacy work to advance the rights of homeless adults, youth, and children. HRAP also builds partnerships across a broad range of disciplines with community members, advocates, academic institutions, and other stakeholders to advance the rights of homeless people; increases access to resources (education, information, communication) to support homeless rights advocacy; and advocates for the repeal of laws that criminalize

homelessness and poverty and for the pursuit of alternatives that better address the root problems of homelessness and poverty. This case concerns the criminalization of homelessness and implicates homeless rights issues that are at the core of HRAP's work. HRAP does not, in this brief or otherwise, represent the official views of Seattle University or its School of Law.

After years of experiencing homelessness and the violation of rights directly related to homelessness, Adam Kravitz of Vancouver Washington founded Outsiders Inn, a grassroots nonprofit organization that aims to heal the separation and discrimination of being unhoused residents through advocacy, awareness and support. Since being named a plaintiff in a Clark County case that ended in a federal ruling in 2016, Mr. Kravitz has been directly involved in developing policy and procedures in Clark County, WA concerning due process of handling homeless person's belonging and camps.

Real Change is an organization that exists to provide opportunity and a voice for low-income and homeless people while taking action for economic, social and racial justice. It publishes an award-winning weekly newspaper that provides immediate employment opportunity and takes action for economic, social, and racial justice. Many of its vendors are currently unsheltered or formerly unsheltered individuals. Real Change was founded in 1994 to offer immediate employment options for the poor and homeless and challenge the structures that create poverty. Real Change serves its vendors through three integrated approaches: Vendor Program; Real Change Newspaper—Real Change is North America's

leading street newspaper that provides work for about 800 homeless and low-income people annually; Real Change Advocacy—Real Change leverages relationships between vendors and readers to increase opportunities for homeless and low-income people. The ACLU is a statewide, nonpartisan, nonprofit organization of over 19,000 members, dedicated to the preservation of civil liberties.

## **II. FAMILIARITY WITH ISSUES**

*Amici* have obtained copies of, and are familiar with, the briefing submitted by the parties to this Court. *Amici* are familiar with the scope of the argument presented by the parties and will not unduly repeat arguments raised by any of the parties.

## **III. ISSUE TO BE ADDRESSED BY AMICI**

Whether Article 1, Section 7 permits the warrantless and suspicionless entry into and search of a person's makeshift shelter when that is the only home the person has.

## **IV. WHY AMICI BRIEFING WILL ASSIST THE COURT**

This Court's decision on the constitutionality of the search at issue here will significantly impact the privacy rights of numerous individuals whose only housing is what they are able to create for themselves. A fully informed decision from this Court is essential. Neither party has adequately discussed the "or his home invaded" clause of Article 1, Section 7, and the additional argument provided by the *amici* brief will be helpful to the Court. RAP 10.6(a).

The parties are naturally most interested in establishment of a rule

that addresses the particular facts of this case and provides a favorable result to their clients. *Amici* can provide a wider perspective, helping in the establishment of a rule that goes beyond the needs of the specific clients in this case.

## V. CONCLUSION

For the foregoing reasons, the ACLU, HRAP, Outsiders Inn, and Real Change respectfully request that the Court grant leave to file the attached *amici* brief.

Respectfully submitted this 22nd day of December 2016.

By s/ Douglas B. Klunder  
Douglas B. Klunder, WSBA #32987  
E-mail: klunder@aclu-wa.org  
Nancy L. Talner, WSBA #11196  
E-mail: talner@aclu-wa.org  
ACLU of Washington Foundation  
901 Fifth Avenue, Suite 630  
Seattle, WA 98164  
Telephone: (206) 624-2184  
Fax: (206) 624-2190

Attorneys for *Amici Curiae*  
American Civil Liberties Union of Washington  
Homeless Rights Advocacy Project  
Outsiders Inn  
Real Change

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**CERTIFICATE OF SERVICE**

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NANCY L. TALNER, WSBA #11196  
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DOUGLAS B. KLUNDER, WSBA #32987  
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ACLU of Washington Foundation  
901 Fifth Avenue, Suite 630  
Seattle, WA 98164  
(206) 624-2184

Attorneys for *Amici Curiae*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2016, I caused to be served the foregoing *Motion for Leave to File Amici Curiae Brief of American Civil Liberties Union of Washington, Homeless Rights Advocacy Project, Outsiders Inn, and Real Change* to the parties below, in the manner noted:

**Via Email:**

Rachael R. Probstfeld  
Clark County Prosecuting Attorney  
1013 Franklin St.  
PO Box 5000  
Vancouver, WA 98666  
Rachael.Probstfeld@clark.wa.gov  
CntyPA.GeneralDelivery@clark.wa.gov  
prosecutor@clark.wa.gov

Casey Grannis  
Nielsen, Broman & Koch, PLLC  
1908 E Madison  
Seattle, WA 98122  
Casey.Grannis@nwattorney.net

DATED this 22nd day of December 2016 at Seattle, Washington.

By s/ Douglas B. Klunder  
Douglas B. Klunder, WSBA #32987  
E-mail: klunder@aclu-wa.org  
ACLU of Washington Foundation  
901 Fifth Avenue, Suite 630  
Seattle, WA 98164  
Telephone: (206) 624-2184  
Fax: (206) 624-2190