

SUPPLEMENTAL DECLARATION OF BRIAN FREUDENTHAL

I, Brian Freudenthal, do hereby declare as follows:

1. I am over the age of eighteen and am competent to testify as to all the matters set forth in this declaration and would so testify if called upon to do so.

2. I have personal knowledge of the matters set forth in this declaration. My personal knowledge is based upon my observations and personal participation in the events described below.

3. The City's Community Action Response Engagement Services ("CARES") team provides coordinated responses for neighborhoods and individuals experiencing homelessness, and offers education, resources, and encampment cleanups.

4. I am aware that in the sworn declaration of Eric Daniel Brickley, Mr. Brickley alleges that he has witnessed multiple "sweeps against the unsheltered community" throughout the year 2022. [Doc. 2-1, Exhibit 4, ¶ 6] Mr. Brickley has included specific information about only one such alleged "sweep," that he claims he observed on November 10, 2022, and during which police and City employees allegedly cleared unsheltered residents from an area in "the Zone" and threw away items. [*Id.*, ¶ 11]

5. As I swore in my previous Declaration, neither I nor the City has ever undertaken any "sweeps" or "raids" at all, and certainly not in the manner alleged by Plaintiffs. [Doc 18-3, ¶¶ 28-33]

6. The alleged November 10, 2022 "sweep" identified by Mr. Brickley also did not occur, and his factual allegations are inaccurate. I am aware that prior to the alleged November 10, 2022 incident, a property owner located at 9th Avenue and Jackson Street informed the City

that he had work that needed to be done on gas lines adjacent to his property and in the area where a number of unsheltered individuals were encamped.

7. I am aware that during the week of November 7, 2022, the CARES team and other staff engaged 30 unsheltered individuals who were encamped on the west side of 9th Avenue, between Jackson and Madison streets, where the gas line work was to occur. The CARES team advised these unsheltered individuals that they had the opportunity to accept shelter at either the Rio Fresco Hotel (a hotel/motel conversion recently opened by the City) or at the 28th Street and Washington Street shelter, or that they had to vacate the area due to the gas line work. Of those 30 individuals, 16 accepted shelter services and vacated the area, and the remaining 14 relocated to other parts of the City.

8. The Phoenix Police Department had no role in, and there were no arrests or citations related to, this cleanup, nor did the City have anything to do with the property owner's subsequent erection of the dinosaur sculptures.

9. I am aware that in the sworn declaration of Ronnie Lee Massingille, Mr. Massingille alleges that within the last year, he has witnessed multiple "raids" that have resulted in the arrest of unsheltered individuals and the disposal these individuals' belongings. [Doc. 17, ¶ 11] Mr. Massingille has included specific information about only one such alleged "raid," that he claims he observed on December 7, 2022, during which he saw unidentified "unsheltered individuals being arrested" and their belongings being taken. [*Id.*, ¶ 12] He also provided a photograph of the purported "raid." [*Id.*]

10. Wherever this alleged incident occurred, it would have been logged by the CARES team. Each CARES team interaction with an individual experiencing homelessness is logged within the CARES database, which is primarily indexed via location and time of

resolution (*i.e.*, the time when staff entered information into the CARES database). Absent a location or any additional information about the alleged December 7, 2022 “raid,” the City is unable to retrieve the record of this encounter from the CARES database.

11. Notwithstanding, and again, the City does not conduct “raids” or “sweeps.” Although I do not recognize the area depicted in Mr. Massingille’s photograph, I know that the photograph was not taken in the area Plaintiffs refer to as “the Zone.” Further, although I cannot definitively say whether the vehicles depicted in the photograph are in fact City work vehicles, I can definitively say that they are not Phoenix Police Department vehicles.

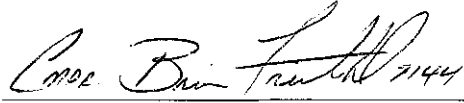
12. On December 7, 2022, within the area Plaintiffs refer to as “the Zone,” records previously submitted indicate that no citations were issued or arrests were made pursuant to City ordinances prohibiting camping or sleeping or lying in the right of way. [Doc. 18-3, ¶¶ 13, 18, 23; *id.*, Attachment 1, p. 8; *id.*, Attachment 2, p. 15]

13. As I swore in my previous Declaration, the Department logs its arrest and citation data through its Crime Analysis and Research Unit (“CARU”) and associated software. [Doc 18-3, ¶ 7]

14. Upon review of CARU records, none of the declarants who have experienced or are experiencing homelessness (Frank Urban, Faith Kearns, or Ronnie Massingille) have ever been cited or arrested under Phoenix City Code Section 23-30(A) (“Camping”); Section 23-48.01 (“Prohibited use of public right-of-way”). Mr. Urban and Ms. Kearns have been cited pursuant to City Code Section 23-9 (“Obstructing Streets or Public Areas”). Neither of those citations were for offenses within “the Zone” and instead were in North Phoenix in 2019.

Pursuant to 28 U.S.C. § 1746, I, Brian Freudenthal, declare under perjury, that the foregoing is true and correct.

Executed this 13 day of December, 2022.

A handwritten signature in black ink, appearing to read "Cmdr Brian Freudenthal 7144", written over a horizontal line.

By: Brian Freudenthal
Commander, Phoenix Police Department
City of Phoenix