

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

Superior Court for Suffolk County

Ronald Geddes, AC, and RAR,
on their own behalf and
on behalf of a class of similarly situated
individuals,

Plaintiffs,

v.

City of Boston; Boston Police Department;
Boston Public Health Commission; Kim M.
Janey, in her capacity as the Mayor of the City of
Boston and individually; Gregory P. Long, in his
Capacity as the Acting Commissioner of the
Boston Police Department and individually; and
Bisola Ojikutu, in her capacity as Executive
Director of the Boston Public Health Commission
and individually,

Defendants.

Civil Action No. 2184CV2609
On transfer by Second Interim Order in
SJ-2021-0408

AFFIDAVIT OF JIM STEWART

I, Jim Stewart, state that the following is a true and accurate statement to the best of my knowledge and belief:

1. I am the Director of the First Church Shelter in Cambridge, Massachusetts. I have been working at the Shelter since 1987.
2. I have degrees from the University of Massachusetts and Harvard Divinity School. Before my involvement with First Church Shelter, I helped open and operate a shelter in a UCC church in Salem, Massachusetts. I was a founding member of the Massachusetts Coalition for the Homeless and Housing Now!, which brought over 100,000 people to Washington, D.C., to demand more federal funding for affordable housing.
3. The Shelter provides a range of services to people experiencing homelessness. These services include providing places to sleep, serving meals, distributing clothes, supplying hygiene products and facilities, and providing case management services. Case

management services include helping people to access vital services, find stable living situations, and secure a “warm handoff” from the Shelter to health care and other service providers.

4. As part of my work with the Shelter, I am part of various coalitions of advocates and service providers who assist people experiencing homelessness.
5. Through this work with the Shelter and in coalitions, since 2014 I have regularly made visits to the area of Boston known as “Mass and Cass,” in order to observe and support the people experiencing homelessness who stay there.
6. I would estimate that, from 2014 until earlier this year, I would visit the Mass. and Cass area one to two times per month, on average.
7. I operate a Twitter account, @parakojim, in my capacity as Director of the First Church Shelter. That account is available at <http://www.twitter.com/parakojim>.
8. Starting in August of 2021, I began posting to that Twitter account regularly about the situation at Mass and Cass.
9. Starting at the beginning of November 2021, as the City of Boston undertook to sweep the people and encampments at Mass. and Cass, I increased the frequency of my visits.
10. One such visit occurred on November 1, 2021. During that visit, I observed part of what I understand to have been a removal of unhoused individuals from an encampment on Massachusetts Avenue. On that date, I witnessed trash compacting vehicles leaving the Mass and Cass area. I also witnessed what I understood to be the remnants of encampments that had previously been situated at that location.
11. Another such visit occurred on November 8, 2021.
12. I arrived in the Mass and Cass area between 1:00 and 1:30 PM on November 8. I witnessed Boston Police Department (“BPD”) officers and employees of the Boston Public Health Commission (“BPHC”) instructing individuals that they needed to leave the area. In the case of both the BPD officers and the BPHC employees, I could tell where they worked because they were wearing clothing that clearly identified them.
13. At no time did I hear either the BPD officers or the BPHC employees tell people who had been staying at the Mass and Cass area that they could remain in that area if they had nowhere else to sleep at night.
14. I was able to identify employees of the Department of Public Works (“DPW”) based on an insignia on the side of the vehicle in which they arrived.
15. I also witnessed multiple garbage trucks, equipped with trash compactors, arriving in the area.
16. I witnessed City employees and others who appeared to be acting on behalf of the City or BPHC approach individuals residing in tents at an encampment on the side of Atkinson Street, near the Suffolk County House of Corrections, and direct those individuals to dismantle their tents. Those individuals further stated that the City would dispose of any belongings not collected or saved in 27-gallon bins.

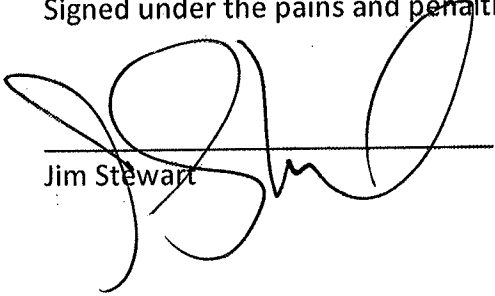
17. Again, at no point did I hear anyone say that that people who had been residing at the Mass and Cass area could remain there, with their possessions, if they had nowhere else to sleep at night.
18. I estimate that at least 35 individuals that appeared to be residents of the encampment were present at the time I arrived.
19. Within roughly 45 minutes of these warnings, I saw vehicles resembling garbage trucks, with the words Boston Public Works visible on them, arrive at the encampment. I then witnessed people emerge from the trucks and remove what appeared to be personal property from that encampment.
20. The people who had emerged from the garbage trucks then threw the articles of personal property into the trucks, which crushed them.
21. Boston police officers were present throughout these encounters. Three or four officers were present at the encampment for the entire time I was there. I also witnessed a Boston Police Department patrol vehicle parked by a nearby fire station on Massachusetts Avenue.
22. Residents of the encampments appeared visibly distressed. I witnessed them attempting to sort their belongings according to instructions and attempting to retain critical personal property, but struggling to do so given the short time frame.
23. Even individuals with a modest quantity of personal belongings appeared to struggle with fitting their belongings within the two boxes provided.
24. In addition to the City and BPHC employees present, I witnessed Boston police officers instructing residents of the encampment that their time was up and that they needed to move.
25. I was told that a woman who resided at the encampment was hospitalized shortly before the disposal and was unable to collect her belongings. Although City employees were present and in the immediate vicinity, I did not witness or hear any City employees account for her absence or attempt to make accommodations.
26. I did not witness any public officials make any efforts to sort through personal property or to discern what items were or what their value may have been before throwing them away.
27. Between 2 PM and 3 PM, while standing on Atkinson Street near the Suffolk County House of Correction, I recorded video of the removal of what I understood to be individuals' personal property on my cellular phone.
28. That video depicts an individual in a reflective jacket, whom I understand to be a Boston Public Works employee, and a BPD officer overseeing the disposal of people's personal property.
29. I posted the video to the aforementioned Twitter account without altering it in any way. I also authored the information at the top of the post.

30. That post is available at

<https://twitter.com/ParakoiJim/status/1457801006520025091?s=20>

31. I confirm that the video posted at the above link is a true and accurate representation of events I personally witnessed on November 8, 2021.

Signed under the pains and penalties of perjury this 16th day of November, 2021.

A handwritten signature in black ink, consisting of several loops and a horizontal line, positioned above the printed name.

Jim Stewart