

# Human Rights Activist Found Guilty of Sleeping

by Becky Johnson & Robert Norse

**O**n July 28, homeless civil rights worker Dan Hopkins was convicted of violating the Santa Cruz Camping Ban Law. After a long infraction trial, Municipal Court Judge Tom Kelly found Hopkins guilty of violating the Sleeping, Encampment and Blanket sections of the Camping Ban Law. Hopkins plans to appeal his fine, expected to be around \$500. At trial he testified that he works part-time but still sleeps illegally, having no other choice.

In Santa Cruz, homeless people regularly suffer sleep deprivation because they are forced by law to stay awake at night or receive a \$162 ticket, unaffordable to the poor. When the Winter Armory Shelter and Coral Street Shelter closed last year, Hopkins co-founded the City Hall Sleepers Protest, which continued 24 hours a day, seven days a week for more than seven months. Racking up more than 350 citations for sleeping and peaceful protest during that vigil, Hopkins and his fellow sleep-criminals urged the Santa Cruz City Council to end the sleeping and blanket bans, but were callously ignored.

Kate Wells, Hopkins' pro bono attorney, argued that all shelter space was (and is) filled. Currently, fewer than 30 of Santa Cruz's estimated 1000-plus homeless people sleep legally at night. With no right to sleep anywhere outdoors or in vehicles at night, Hopkins testified that the safest place for him to be was near the police station at City Hall. Other witnesses agreed that police targeted protesters, ignoring other sleepers across the street.

City Councilmember (and then-Mayor) Mike Rotkin

## my soul to keep

by Eileen Corder

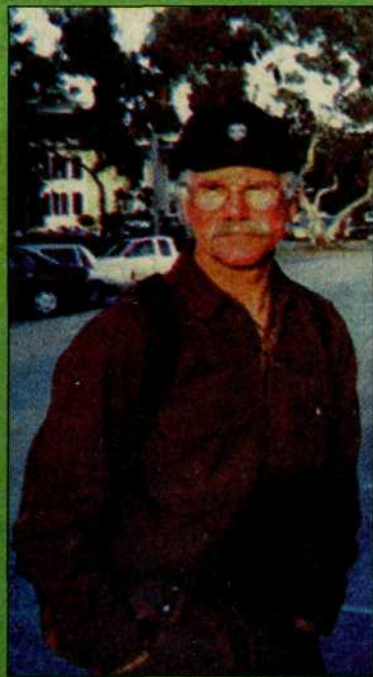
when will we get our reward  
in heaven? in old age?

will it be a bed and a corner  
one's own special place  
to sit and read for hours  
or nap, or play cards, or talk  
with a friend

it's a simple thing, a bed  
with a pillow, a belonging, a smell  
that which breaks our fall, a mound  
on which we rise into uncommonness  
and into lonely sleep

no rules can pull it down  
or should take it away

bed, be my home  
be my reward for being born



Dan Hopkins, Sleep-Criminal

admitted that he supported jail for two acts of sleeping within 48 hours in Santa Cruz (the current law). Rotkin testified that he had pressed successfully for an even harsher law against protesters (six months in jail for one act of sleeping at City Hall).

Rotkin further conceded that he had not tried to open up any new legal campground to shelter the hundreds displaced by his closing of Coral Street. He admitted he had been properly quoted in the *Mid-County Post*: "There are shelters and other programs but they are full. Now when the homeless ask me where to go, I don't have an answer for them. Now they have to break the law."

Rotkin claimed that Santa Cruz provides more funding for the homeless than any other town in California. But

Citizens Committee for the Homeless activist Becky Johnson reported that, per capita, Santa Cruz spends far less than San Francisco or Santa Monica.

Wells concluded that the Sleeping Ban was vague, prone to selective enforcement, cruel and unusual punishment, a violation of the right to travel, overly broad, and forbidden by the California Constitution's guarantee of the right to safety. She argued that Hopkins had been vigiling, and covered up with blankets for warmth, not for sleep.

Hopkins testified that police sadistically stole blankets to discourage the protest and that even months later the blankets were never returned. He said he had organized the protest to prevent further loss of life caused by Rotkin's closure of the Coral Street Shelter, and had maintained the protest site to offer other homeless people a sanctuary under the First

Amendment and in appeal to the conscience of the Santa Cruz community.

With no deliberation, Judge Kelly immediately found Hopkins guilty on all counts, stating that there was no need to violate the law because homeless people could sleep during the day if they had to, so there was no imminent danger to their health and safety. Yet Kelly also upheld Municipal Code section 6.36.010c, used to ticket protesters *during the daytime* for merely lying down.

Sentencing was postponed to October 28 at 8:30 a.m. in Dept. 1, to allow an appeal to Superior Court. Dozens of other sleeping tickets for homeless people in Santa Cruz depend on the outcome of the Hopkins case.