

Santa Cruz Initiative to Repeal the Sleeping Ban Gains Momentum

It is cruel, inhuman and unsafe to outlaw sleeping and covering up with blankets.

by Becky Johnson

The Santa Cruz City Council has stepped up police crackdowns on homeless people in recent months, using several weapons in a diverse arsenal that includes bans on sleeping and camping, youth curfews, police sweeps of the river banks, and an unending series of arrests and prosecution of homeless people who dare to protest the city's hydra-headed anti-homeless laws. Among the most potent weapons in the police arsenal are the laws banning sleeping and camping in Santa Cruz, ordinances which appear to have been designed exclusively to persecute the poor, and which have legislated out of existence a seemingly inalienable human right: the right to rest, to sleep, to dream.

The City of Santa Cruz explicitly criminalized sleeping and covering up with blankets in the fall of 1978 over the opposition of poor and homeless people. It did so even though the number of people then needing a place to sleep outstripped legal places by a factor of 1 to 20, and still does for most of the year. Countless petitions, letters to the editor, meetings with City Councilmembers, have been unable to even nudge the City into reconsidering its ban on blankets and on sleep itself. Three long protests, one at the town clock, one at the post office, and one at City Hall ended with the ban unchanged. Suffering, persecution, and even death have been the result for the homeless community.

Heartened by Proposition 215, the initiative which legalized medical marijuana, backers of the Initiative to Repeal the

Sleeping Ban decided to bypass elected officials, unsympathetic courts, and mute service providers to change the law through the will of the people. It shouldn't be a crime to fall asleep. It is cruel, inhuman and unsafe to outlaw covering up with blankets. Any reasonable person knows this.

In August of 1997, a small core group formed to plan a repeal initiative. The group soon grew to more than 200. At least 35 homeless people participated in discussions and meetings as The Committee to Repeal the Sleeping Ban. We rewrote the camping ban law (MC 6.36.010), so it no longer criminalizes the act of falling asleep or covering up with blankets. Signature-gathering has begun to put on the ballot a law which will legal-

ize 40% or more of the city as "safe zones" where homeless people will be allowed to sleep outside or in their cars.

The Women's International League for Peace and Freedom, the Santa Cruz Action Network, the Green Party of Santa Cruz, CAB, and former Governor Jerry Brown have endorsed the initiative. In November, 1998, the voters in Santa Cruz can undo what two decades of bureaucrats and politicians have refused to do.

STATEMENT OF PURPOSE AND FINDINGS

Most of Santa Cruz's homeless population has no shelter or housing each night. Until housing or shelter is available, arresting or fining poor people for the simple act of survival — sleeping outdoors — is cruel, costly, and uncivilized.

The current citywide ban on sleeping and covering up with blankets at night is abusive of basic human rights and senselessly punitive to poor people. It creates a criminal atmosphere, puts homeless women at greater risk for rape, and places

an unfair burden on poor families.

This new ordinance decriminalizes sleeping. It still allows the City Council to regulate sleep in oceanfront recreational, beach, commercial zoning districts, and those areas in which residential uses are principally permitted uses. Citywide, there are laws on the books that punish inappropriate behavior. Sleeping itself must remain a basic right.

Sleeping is an activity essential to human life, and sleeping at night is essential to being able to work and function normally during the day. The City Council has made it illegal to sleep at night outside, in vehicles, or to cover up with blankets. The act of sleeping, in and of itself, causes no harm to anyone. "The Sleeping Ban" is a cruel and unusual law and effectively operates to criminalize and punish the homeless, the poorest of the poor.

Sleep deprivation is a form of torture, causing both physical and psychological harm. Lack of sleep causes fatigue, psychological impairment, hallucinations, memory loss, inability to concentrate, disturbed motor skills, lethargy, depression, and can lead to psychosis. Sleep deprivation prompts substance abuse to provide temporary relief, and increases vulnerability to infectious disease, contributing to a public health risk. Insufficient insulation from cold temperatures can result in hypothermia and even death.

Homeless women especially are at risk for rape and denied the right to safety if they must hide from police simply to

sleep legally; in isolating themselves, women may place themselves in jeopardy from unsavory individuals.

The practice of ticketing tourists visiting our area discourages tourism and penalizes relatives of residents, who may need to

sleep in their vehicles while visiting.

Ticketing and arresting homeless people for sleeping or covering up with blankets is an expensive public policy involving court costs, law enforcement resources, public defense lawyers, and the costs of incarceration. The National Law Center on Homelessness and Poverty reported in December, 1996, that the cost of sheltering, feeding, and counseling a homeless person for one night was substantially less than the cost of one night in jail. Jailing, fining, or mandating unpaid work (community service) for a homeless person both drains that person's resources and leaves the person a criminal each night, as they wait for court or work off their fine.

Punishing the poor for sleeping violates the spirit of the California Constitution (freedom from cruel and unusual punishment), the Geneva Convention (against torture), the UN Charter (guaranteeing a right to shelter), and the Declaration of Independence (guaranteeing the right to life, liberty, and the pursuit of happiness).

There has been no available shelter (much less housing) for 95% of the homeless for the last two decades in Santa Cruz for most of the year. This situation is unlikely to change in the foreseeable future. Criminalizing sleeping outside when there is no legal alternative is simply wrong. Affordable and low-income housing is a vital goal, but until it is achieved, a civilized community cannot arrest poor people for sleeping.

Since the people of the City of Santa Cruz have a strong sense of justice, a great tolerance for people of all walks of life, and genuine compassion for those suffering due to poverty and homelessness, we the people with great resolve and purpose do hereby reclaim the right to