

# Santa Cruz Sleeping Ban

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legally park — an improvement from 1988 when police invaded a church three nights running to enforce the Sleeping Ban. (A church is not a domicile and hence not a legal place to sleep under 6.36.)

Literally thousands of people without houses were ticketed or arrested. Conservatively, two or three times that number were terrorized at night by midnight wake-ups by the police.

Hundreds protested in marches, fasts, sleep-ins and sleep-outs. These landmark protests included: the 1985 Imler Fast, the 1988 City Council Speak-ins, the 1989 Student Mega-Sleep-in and Month-Around-the-Clock, the 1990 eight-month-long Post Office Vigil, the 1990 Coalition for a Safe Place to Sleep Camping Week at City Hall, Homes Not Jails' 1992 Camp-Out at Cal-Trans, SleepShack on Pacific Avenue in 1993-94, and the seven-plus-month City Hall Sleep-out Protest in 1996. Some activists, like Animal, Jabberwocky Jay Greene, Paddywagon Pete Pascal, and Shitkicker Sean Alemi spent weeks or months in jail for violating the law — in protest or simply to survive.

## MAYOR BEIERS BACKS DOWN

In November, 1998, a slate of three progressive insurgents — Fitzmaurice, Sugar, and Krohn — swept the City Council race in a landslide victory to give Mayor Beiers, now going into her second term, the 4-3 majority she needed to end the \$162 tickets, blanket-stealing, midnight police harassment, van confiscations, and sleeping arrests.

In San Francisco last month, a brutal slasher was disfiguring one homeless person after another; in Santa Cruz, Beiers now had the chance to take immediate action to make it legal for homeless sleepers to group more safely in well-lit areas, with police patrols defending rather than targeting them. But in a series of moves that disappointed human rights advocates and progressive supporters, Beiers refused to move before winter on either the Sleeping Ban or survival shelter issues.

In spite of campaign promises to Ban the Bans, the new progressive majority under Beiers' tight whip recessed until January 12 with the law unchanged and survival behavior still a criminal offense in freezing weather.

Ignoring a room full of speakers who unanimously urged action that night to overturn the Bans, the Beiers-led majority refused to initiate an emergency action, declined to call special sessions, and

voted down Vice-Mayor Sugar's attempt to tighten up directions to the police on how to treat sleeping and blanket-covered homeless people in winter.

Sugar's proposal that there be "no stops or tickets for blankets or sleeping without a health-and-safety concern" was dumped at the insistence of Rotkin, City Attorney Barisone, and Mayor Beiers. Rotkin, an inveterate foe of Camping Ban reform, earned the nickname "Riot Act" Rotkin for his attempts to arrest homeless protesters at past City Council meetings; but under the new progressive majority, he could not have stopped Sugar without the support of Mayor Beiers.

Beiers retained most of the original wording of her six-point memo, "Issues on Homelessness," drawn up after consultations with merchants to which homeless advocates were not invited. She unilaterally and sharply limited public testimony to two minutes per speaker, took no action to include any of that hour of input into her six points (which were expanded to eight by Councilmember Krohn), and ignored expert testimony.

Homeless Services Center Director Karen Gillette, Shelter Project Director Paul Brindel, and Community Action Board worker Sandy Brown verified that without immediate action, hundreds would remain illegal and unsheltered in freezing wet weather.

The City Council ignored pleas to end the sleeping ban from the Beach Area Working Group, Peace and Freedom Party, the Green Party, Santa Cruz Action Network, Housing Now!, and Homeless United for Friendship & Freedom activists Susan Martinez, Rachel O'Malley, Mike Smith, David Silva, Skip Spitzer, Linda Lemaster, and Becky Johnson.

Instead of being shushed into silence by Beiers and Rotkin, Sugar forged ahead to propose an emergency repeal of the Sleeping and Blanket Bans but was beaten back 5-2, with progressives Beiers and Fitzmaurice joining hard-line conservatives Rotkin, Hernandez, and Matthews.

Sugar's ally, Chris Krohn, introduced a statement of principle stating that, "Sleeping and covering up with blankets are basic human rights and human needs," which passed, but only after Beiers removed "covering up with blankets" from the resolution.

Homeless people reported human rights abuses involving vehicle seizures, unpayable fines, and police bush-beating expeditions. The Beiers-led majority spurned pleas for an amnesty for past tickets and a moratorium on new ones until the council reached a decision in planned

hearings on the Camping Ban in February.

Instead, Beiers insisted on directing the police to issue "warnings rather than citations whenever reasonable and practicable," but also "emphasized responses to... complaints." Activists dismissed her proposal as a weakened regurgitation of what Police Chief Belcher and City Attorney Barisone falsely claimed was current policy — hence no improvement. Proposals that ticketing or "move on" orders be made the lowest priority and not be issued unless there were a legal place to send the criminal sleeper (the legal standard in some Florida cities under the Pottinger settlement) were not even discussed.

Dozens shared hot soup against the cold night and the colder council, compliments of master chef Joe Schultz. Activists paraded signs before the council, saying: "How Can You Sleep Knowing the Homeless Can't?" "Sleep Anywhere? No. Sleep Somewhere? Yes!" "Amnesty for Sleep Criminals." "Real Crimes: Burglary, Rape, Robbery, Assault; Not Crimes: Sleeping, Covering Up with Blankets, Sitting, Asking for a Dime."

Every single speaker urged immediate action to end the bans. Several with homes were so moved by the televised testimony that they came down to City Council to testify. The turnout was the largest showing by the homeless community and their supporters in several years.

## GOOD NEWS, BAD NEWS, BEST NEWS

In spite of the failure of the Santa Cruz City Council to provide either shelter or decriminalization for the winter, some advocates were upbeat, seeing a new direction in the council debate and the fact that the issue was advancing to the agenda at all. They pointed to Krohn's weakened yet still significant human rights resolution (albeit coexisting side-by-side with the City's law criminalizing the right to sleep). Also heartening were the prospects of further debate on Sugar's decriminalization measures on January 12 and a full debate around the Camping Ban in February for the first time in 20 years.

Others hoped to use the council's new direction and creation of a Krohn-Sugar subcommittee to take homeless input, deter police harassment of sleepers and blanket-users, and pressure the council to expand shelter before Christmas.

Hard-line critics were unappeased. The council failed to consider any expansion of winter shelter space but voted hundreds of thousands of dollars for police furniture and computers earlier in the day. Beiers didn't consider criminalizing sleeping in winter enough of a crisis to pass an emergency resolution, but voted an hour later