

by Becky Johnson & Robert Norse

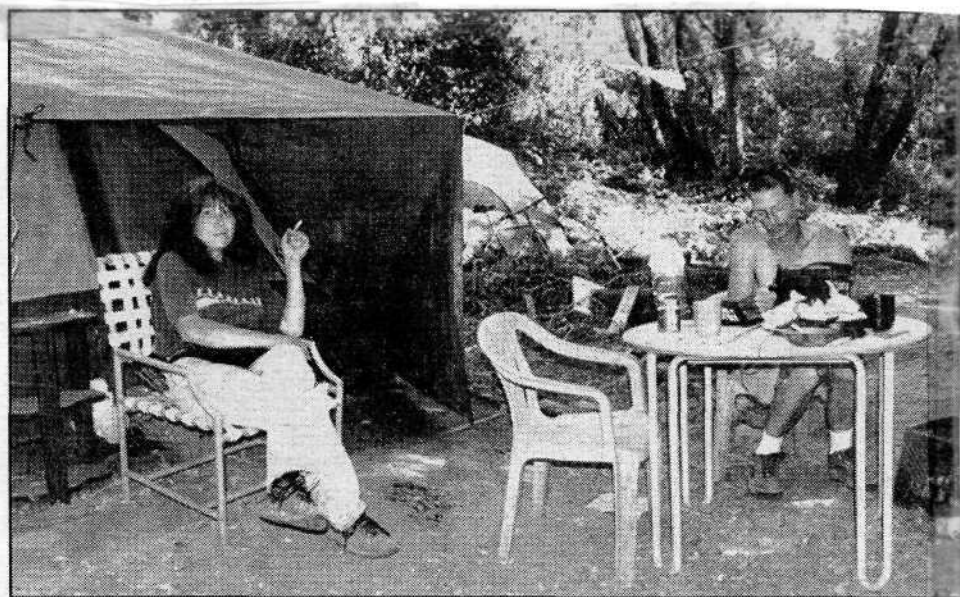
On August 3, 2001, more than 30 homeless people were ticketed under the Santa Cruz Camping Ban when they took refuge in tents, under tarps, and found safety near each other at Camp Paradise, the clean-and-sober, self-help homeless campground. The City Council, eager to disperse Camp Paradise, offered to drop citations if homeless people left. Many did, but the camp has held together.

Three months later, seven defendants appeared in court on November 21 in front of Commissioner Irwin Joseph. Pro bono attorneys Paul Sanford and Matt Williamson put in dozens of hours to defend the besieged homeless campers.

Assistant City Attorney Jennifer Pousho showed her lack of preparation throughout the trial, presenting only two witnesses for the prosecution — police officers. One was Homeless “Resource” Officer Eric Seiley, who has acquired notoriety in the homeless community for idle but intimidating threats (such as a recent one to violate a homeless woman’s probation for “criminal camping”). The other witness was Seiley’s immediate supervisor, Sgt. Rudy Escalante, who was caught but not sanctioned for conferring with Pousho in the hallway after witnesses had been excluded. When neither Seiley nor Escalante could identify three defendants in court, charges were dismissed for lack of evidence.

After the prosecution closed its case, Sanford first moved to drop all charges against the remaining four defendants: Larry Templeton, Kay Phillips, Jeffrey “Squirrel” Jeppeson, and Randy Sue Winchell. Kay Phillips is a 300-pound woman confined to a wheelchair, suffering from diabetes, arthritis and asthma, and with “zero” income. Jeffrey “Squirrel” Jeppeson testified he had “full-blown HIV and hepatic failure,” and that “the doctors have given him only three or four months to live.” Randy Sue Winchell, once a high-paid, high-tech manager at a prestigious software company, had become seriously ill, undergone surgery, and lost her job as a result. Larry Templeton, co-founder of Camp Paradise, was originally charged with a variety of what supporters described as “harassment” charges for “environmental violations” that were dropped or settled before this trial.

The peculiar wording of section “c” of MC 6.36.010 defines the crime as “Setting



Randy Sue (left) and Checker at their tent in Camp Paradise.

Lydia Gans photo

It’s hard to imagine anyone more distressed than a woman in a wheelchair with diabetes, arthritis, and asthma, or a man dying of HIV and hepatic failure. But the court refused to find Kay and Squirrel not guilty because of their medical conditions and the failure of Santa Cruz to offer alternate shelter.

up or maintaining a campsite with the intention of spending the night.” Other than in the case of Templeton, the prosecution presented no evidence of “setting up” or “maintaining.” Commissioner Joseph retorted to defense attorneys that “the court interprets this section differently. Motion denied.” But he never explained why.

Since it became clear that Joseph was not going to follow the clear wording of the ordinance nor even clarify what he considered the law to be, Sanford and Williamson dropped trying to prove their clients not guilty of camping and turned to the necessity defense. This admits the ‘crime’ of camping, but requires proving by a preponderance of the evidence that it was necessary to prevent a greater evil.

After a brief term in jail, Winchell had tried but failed to find a job in a recessionary economy. She had exhausted her savings on medical bills, payments, and legal fees. She found herself homeless and living at Camp Paradise on July 31. She was ticketed the morning of August 2.

Larry Templeton, co-founder of Camp Paradise, testified he was disabled and received SSI after having broken his back in three places in an Iowa grain silo accident. He supervised the clean-up of 24 tons of trash at no cost to the City. Most important of all, he provided safety, shelter, food, and community to scores of people by hold-

ing together a community of homeless people for mutual aid and protection — people otherwise unable to find shelter.

Santa Cruz’s official homeless services program served only 39 people on August 3 (expanded during the winter to 114); the City’s homeless population, by contrast, is estimated at 1300-2000 and growing.

Paul Brindel, executive director of the City-funded Shelter Project was the first defense witness. Speaking to the lack of alternatives, he testified that Templeton would “absolutely [be] on the bottom of the priority lists... as a single male with no major physical limitation.” Even visibly disabled Kay Phillips would not be eligible.

Sanford asked the next witness, Ken Cole, executive director of the Homeless Services Center [HSC], “What were the chances that a single male, with no emergency medical need, would find shelter in your program?” “Very slim, very grim,” was Cole’s reply. “Their chances are almost none in the summertime.”

In response, prosecutor Pousho gave no evidence that the City had shelter for any of the defendants at the time of their arrest. Cole even testified that his agency had informally referred clients to Camp Paradise. Templeton testified he found space for over 40 homeless people that HSC referred to the camp.

In what some regarded as “the silver

No Necessity for Homeless Survival