

# Hard Times in Santa Cruz

Repressive new city laws, selective enforcement and police harassment in the downtown

by Becky Johnson

In January 2002, when the National Law Center on Homelessness and Poverty issued a report entitled "Illegal to be Homeless" comparing 57 American cities for their treatment of homeless people, Santa Cruz was chosen as one of the "meanest" cities. In California, Santa Cruz shared this dubious prize with San Francisco and Sacramento as one of the 12 meanest cities in the country in which to be homeless.

In Santa Cruz, things have gone from bad to worse, with a profusion of newly enacted laws targeting the homeless population. In February, as a project of the Redevelopment Agency [RDA], "Hippie Planter," the unofficial name for the gathering spot frequented by young, mostly homeless and counter-cultural people, was privatized by erecting a green, metal fence enclosure and making the seating area available only to customers of two nearby kiosks. An earlier attempt to blast classical music at the group gathered there had embarrassed public officials when it was reported in the *New York Times*.

HUFF (Homeless United for Friendship & Freedom) activists turned the tables on police by making a citizen's arrest of the RDA official overseeing the music and had police issue him a citation for unreasonable noise. Police then used an unusual process to dismiss the citation the same day; and the RDA tried unsuccessfully to bar complainant and *Street Spirit* writer, Robert Norse, from their (public) office in retaliation.



A march organized by "Downtown for All" protests repressive new downtown ordinances in Santa Cruz.

Robert Norse photo

November 2002

Several days later, on January 30, police and a nearby merchant arrested Norse for blocking the sidewalk as he circulated a petition against the attempt by the RDA and the Downtown Association to drive away youth and poor people. Eight months later, after spending thousands of dollars and repeatedly taking Norse to court, the city quietly dropped the prosecution. Civil liberties attorney James Fosbinder has agreed to take the matter to federal court for injunctive relief and damages.

At a City Council meeting in March of 2002, Norse was again arrested and jailed for briefly making a Nazi salute gesture from the side of the City Council chambers to protest what he believed were police-state methods used to stifle dissent. Charges were later dropped.

During his first month in office in 1998, Santa Cruz Mayor Christopher Krohn had introduced a successful resolution that "Sleep is a human right." However, sleeping out of doors or in a vehicle remains illegal in Santa Cruz from 11 p.m. to 8:30 a.m. every night.

In September 2002, Krohn stood in solidarity with Valerie Corral on the steps of City Hall after the DEA raided her medical marijuana farm and as her organization dispensed marijuana publicly to sick and dying people. Yet homeless people with medical conditions for which they use medical marijuana are arrested regularly.

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Homeless veterans from the former Camp Paradise were driven out of their legal encampment behind Cavalry Lutheran Church when the County red-tagged the property and warned the church that if the camp did not move they would face high fines. The camp dwellers regrouped briefly on a site briefly suggested and then removed from discussion last November by City Councilmember Ed Porter. All members of the group got signed statements from the Homeless Services Center stating they had been denied shelter and would not be likely to get shelter in the near future. Police insisted on ticketing the campers anyway.

At that point, two gang-related shootings, a fatal drug overdose of a homeless man, and a stabbing all occurred in a short period of time and provided the excuse merchants needed to lobby for harsher anti-homeless laws downtown.

At a meeting on June 28 with City Councilmember Ed Porter and Vice-Mayor Emily Reilly, members of the community listed their top three concerns in the downtown area. Merchants expressed their concerns to be vandalism, shoplifting, drug dealing, sexual harassment of women, and not enough bathrooms downtown.

When Reilly and Porter took a poll, by far the number one complaint was selective enforcement by the police. The number two concern was enforcement of petty ordinances. While Porter and Reilly attempted to explain away the results of their own straw poll, the Citizens Police Review Board, under pressure from Downtown For All and HUFF, took those concerns more seriously.

"We received a petition signed by over 600 members of the community alleging selective enforcement and police harassment of certain segments of the community utilizing Pacific Ave.," noted CPRB chair Mark Halfmoon, leading the board to vote to hold a special hearing on October 14.

HUFF reports dozens of incidents of police harassment of homeless people. In one case, a man of color, Ishmael, was jailed for possession of marijuana. During his arrest, Sgt. Butchie Baker discovered his insulin needles (he is diabetic) and took them out of his clothing and held them high above his head, showing them for all passersby to see. According to Ishmael, his needles and insulin were confiscated so that by the time he was released from jail, he slipped into a diabetic coma resulting in a trip to the hospital emergency room. Ishmael is homeless.

Another homeless man was painting on an easel on a city sidewalk. When he took a break from painting to smoke a cigarette, the police issued a \$162 citation for "display of merchandise." All of these incidents occurred under the pre-existing ordinances, passed under merchant pressure in 1994.

The new ordinances are much more punitive. Effective August 23, 2002, it is illegal to solicit donations within 14 feet of a building, a crosswalk, a window, or the fence of an outdoor cafe. It is also illegal to use a sign seeking anything of value from a seated position, from a bench, in groups of two or more, or after dark.

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Areas where sitting on the sidewalk is illegal have been expanded. Forbidden "conduct on public property" now prohibits frisbees, hacky-sacks, or any solid or liquid which can be launched. Most readers of the new law believe that bubble-blowing has been banned by the ordinance, a charge heatedly denied by Porter, despite an exemption written into the law which exempts "Bubble Street Performers."

Food Not Bombs, which has been feeding every Monday in front of O'Neill's Surf Shop at Cooper and Pacific Avenue, received a visit by the health department as authorities press new laws in Santa Monica and Los Angeles to ban large outdoor meals for the poor.

HUFF activists, and the newly formed group, Downtown For All, began to stage a weekly event called "Merry Mondays" which included video presentations, speeches by City Council candidates Steve Argue and Thomas Leavitt, bubble-blowing, and chalkwriting. The event drew a large police presence. Sgt. Loran Baker and his officers took many photos of the gathering and of specific individuals present. When speakers talked about the new downtown ordinances and their anti-homeless origins, police were overheard making numerous contrary remarks.

The SCPD issued a \$162 citation to Richard Parsons, a homeless, disabled man, for briefly lying down on the sidewalk. Though the sitting ban laws have now banned sitting on 95 percent of the sidewalks in business districts, Parsons was legally seated. Lying down is illegal, although there is a medical exception. Despite Parsons statements that he laid down due to pain in his back and the visible scars from his back surgery, the police issued the ticket.

I was arrested for misdemeanor vandalism on August 19, for chalking in the gutter. I wrote, "Are we so mean-spirited we would deny a homeless person the right to sleep, to beg for food with a sign after dark, to sit, or to cover up with a blanket?"

For this I was handcuffed, booked into county jail, fingerprinted, photographed, and thrown into the drunk tank for six hours before being released on \$1000 bail. When I went to court, I found that the charges had been reduced to an infraction for "defacing the sidewalk," denying me a right to a jury trial and a public defender. I go to trial in late November.

On October 14, over 30 people attended the public meeting of the Citizens Police Review Board [CPRB]. Mark Halfmoon, chair of the CPRB, apparently took the testimony very seriously and will be resuming discussion of the issue in December. Other activists, however, believe the delay will sidetrack the public pressure against selective enforcement downtown.

The CPRB, widely regarded as ineffectual, has recently been intensifying its outreach efforts to youth and poor people. It may be eliminated completely in massive budget cuts if a utility tax repeal passes; or have its membership diluted by a new, more conservative City Council; or simply be ignored as an irrelevant sideshow designed to buffer the council from real protest against Police Department abuses.

However, high-profile protest against police surveillance and harassment at Downtown For All's "Merry Mondays" prompted a strong resolution by the local Green Party under the leadership of council candidate Thomas Leavitt, a scathing editorial in the local alternative *Green Press*, and a personal visit by CPRB Chair Mark Halfmoon to observe the "crime scene." Probably as a consequence, on October 21, all police disappeared from an area that is usually the grazing ground of half a dozen of Sgt. Baker's police force.

Downtown youth are ID-checked, questioned, harassed, and sometimes assaulted. Reportedly, police violently threw a skateboarder into the street in front of the local Starbucks, according to Copwatcher Grampa Jim.

On January 13, 2003, the second round of Downtown Ordinances affecting street performers and political activists is due to kick in, reducing where they can sit to the same tiny ghettoes now allowed homeless people and sparechangers.

New moves to make Santa Cruz unfriendly to poor people are afoot. Removing public benches from places where youth and street people congregate has provoked protest both from activists and city insiders like Robert Poen, head of the Parks and Recreation Commission, who introduced a special inquiry to get benches returned to Pacific Avenue (the main Santa Cruz downtown street).

For information about Downtown for All, call Grampa Jim: (831) 476-6112 (downtownforall@yahoo.com). They often meet Wednesdays 7 p.m. at Wired Wash Café, 146 Laurel Streets. HUFF meets 8:30 a.m. at Baker's Square Restaurant, 1107 Ocean St. Call HUFF at (831) 423-4833, huff@yahoo.com. or visit [www.huffsantacruz.org](http://www.huffsantacruz.org)

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