

October 25, 2014

Santa Cruz City Council  
809 Center Street, Room 10  
Santa Cruz, CA 95060

Dear Members of the City Council,

I'm writing to urge you against adopting the proposed amendment to section 13.08.100 of the Municipal Code Pertaining to Orders to Vacate Park Property. Data collected from the 2013-2014 Parks & Recreation citations shows that the adoption of this amendment will disproportionately affect homeless people. Furthermore, it also shows that claims of disruptive behavior interfering with proper usage of city parks and beaches presently have no grounds for substantiation. In light of this information, and the threats of civil suits that others are already planning (should this amendment be adopted), I implore you to look at the data yourselves.

Attached to the email containing this letter you will find two other files:

- 1) Raw Data – 2013 and 2014 Parks Citations.xlsx: Raw data collected from the 2013-2014 citations awarded by the Department of Parks & Recreation, with additional presorted spreadsheets.
- 2) 2013 – 2014 Parks and Recreation Citations.xlsx: A spreadsheet with fully formatted data and a percentage breakdown of the data (right side of spreadsheet; Table 1 in this letter).

As you will see from this data, a small percentage (<1%) of the citations written by Park Rangers include charges for behavior that interferes with either Ranger duties or use of a city beach or park as described in ordinance 13.08.090 Disorderly Conduct on Park Property. In fact, nearly 100% of the citations written were for non-violent, non-disruptive infractions. The most cited infraction was 6.36.011 [Camping Prohibited] (c) - Setting-up Campsite – Anytime, at 23% of the total charges written. Combined with infractions for 6.36.010 [Camping Prohibited] (a) - Sleeping – 11 p.m. to 8:30 a.m. and 6.36.010 [Camping Prohibited] (b) - Setting-up Bedding – 11 p.m. to 8:30 a.m., charges for illegally camping on public property account for more than one third (38%) of all charges written by Park Rangers since January 2013. Following camping are infractions for 13.04.010 Limitations on Access and use of Public Property. This seems to be the result of homeless people taking refuge in off limits areas of public properties. The third most cited infraction was 9.50.050 Smoking on Public Property on Public Property. While secondhand smoke is certainly a health hazard and a deterrent for most people, smoking is generally not a disruptive or highly threatening activity.

As it turns out, 50% of these 1,166 citations were addressed to 115 Coral St., the Homeless Services Center. Another 19% were addressed to P.O. Boxes, marked for General Delivery, or labeled “Transient.” Given that these designations are often signifiers of homelessness, we can reasonable say that homeless people account for 69% of the citations written by Park Rangers between 2013 and the present. On top of being more likely to receive a citation at all, since the enactment of ordinance 13.08.100 of the Municipal Code Pertaining to Orders to Vacate Park Property homeless people (shelter residents, transient people, people with no residential address) are more likely to receive an order to vacate than an offender with a local address (within Santa Cruz County) or offenders with non-local addresses. A Pearson’s chi-squared test for independence ( $p = 0.014$ ;  $\alpha = 0.05$ ) confirms that the odds of someone receiving an order to vacate are not independent of their housing status.

**Table 1 - Parks & Recreation Citation Percentages**

<b># Citations Issuing 24hr Vacate Orders</b>		
Not Applicable (Prior to July 2013)	131	11%
Yes, Vacate Issued	543	47%
No, No Vacate Not Issued	491	42%
Error	1	0%
Total Entries	1166	
Total Entries July 2013 - Present	1035	
Yes, Vacate Issued (of Eligible Citations)	543	<b>52%</b>
No, Vacate Not Issued (of Eligible Citations)	491	<b>47%</b>
<b>Recipient Addresses</b>		
<b>Homeless (HSC Shelter - 115 Coral St)</b>	<b>582</b>	<b>50%</b>
Transient	124	11%
PO Box	49	4%
General Delivery	52	4%
Within City of Santa Cruz	178	15%
Within Santa Cruz County	71	6%
Out of Town/County Address	107	9%
Unknown/Not Listed	1	0%
Error	2	0%
Total Entries	1166	
<b>Homeless + Transient + PO Box + General Delivery</b>	<b>807</b>	<b>69%</b>
<b>Race</b>		

White	415	36%
Hispanic	30	3%
Black	37	3%
Asian	0	0%
Unknown/Not Listed	684	59%
Total Entries	1166	
<b>Citation Charges</b>		
6.36.010 [Camping Prohibited] (a) - Sleeping – 11 p.m. to 8:30 a.m.	163	14%
6.36.010 [Camping Prohibited] (b) - Setting-up Bedding – 11 p.m. to 8:30 a.m.	20	2%
<b>6.36.011 [Camping Prohibited] (c) - Setting-up Campsite – Anytime</b>	<b>273</b>	<b>23%</b>
<b>9.50.050 Smoking on Public Property on Public Property</b>	<b>199</b>	<b>17%</b>
9.12.020 Consumption of Intoxicating Liquors in Public Places	58	5%
9.12.030 Display of Open Containers	113	9%
9.12.050 Possession of Intoxicating Liquor in San Lorenzo Park.	8	1%
<b>13.04.010 Limitations on Access and use of Public Property</b>	<b>257</b>	<b>21%</b>
9.50.030 Abuse or Mutilation of Trees, Plants and Lawn	16	1%
8.14.320 Leash Required for Dogs Off Premises	22	2%
8.14.200 Dogs in Public Places – Prohibited Location	27	2%
9.50.016 Public Urination and Defecation Prohibited	20	2%
13.08.050 Fires Prohibited	6	0%
6.12.080 Solid Waste on Streets Prohibited [Littering]	9	1%
9.50.010 Obstruction of Movement in Public Ways	7	1%
13.08.090 Disorderly Conduct on Park Property (*Misdemeanor*)	2	0%
13.08.100 Order to Vacate - Violation (*Misdemeanor*)	1	0%
Bikes - Prohibited Location	1	0%
Total Entries	1202	
Number of Citations with 2 or More Charges	37	3%
<b>All 6.36.010 - Camping Prohibited Charges</b>	<b>456</b>	<b>38%</b>
<b>All Alcohol Related Charges</b>	<b>179</b>	<b>15%</b>

Of course, this issue is not limited only to citations from Park Rangers, but from the Santa Cruz Police Department (SCPD). While an extensive breakdown of SCPD park and beach citations has yet to be conducted, what we do know fits well with the data from the Parks & Recreations citations. Pursuant to ordinance 6.36.055 Citations Issued When Winter Shelter Armory is Full, which states:

(a) A person shall not be in violation of this chapter if, at the time of his or her citation for a violation of this chapter, either: the winter shelter at the Santa Cruz National Guard Armory is filled to capacity; or the person is currently on the waiting list for shelter service through one of the shelter programs offered by the Homeless Services Center or the River Street Shelter in Santa Cruz.

(b) Any citation issued for a violation of this chapter shall be dismissed by the city attorney in the interest of justice if, at the time of citation issuance, the winter shelter at the Santa Cruz National Guard Armory is filled to capacity or the recipient of the citation demonstrates that on the date of the citation he or she was currently on the waiting list for shelter service through one of the shelter programs offered by the Homeless Services Center or the River Street Shelter in Santa Cruz. (City of Santa Cruz Municipal Code)

The SCPD has sent a total of 879 citations to be waived by the city attorney from 2012 – present. 178 of those citations were sent because the armory was full (Winter 2012 and Winter 2013). The other 701 were sent because the recipients of the citations were on the waiting list for shelter service on the date of the citation.

Given these facts, it is clear that if adopted the proposed amendment to 13.08.100 of the Municipal Code Pertaining to Orders to Vacate Park Property would be ineffectual at best and discriminatory at worst. I fully believe Parks & Recreation Director Shoemaker when she says that Park Rangers don't have the time to perform the fun, educational parts of their jobs, because they have to spend their time writing citations. We have several laws that criminalize the necessary to life acts of homeless people and we have a large number of unsheltered homeless people trying to live in parks. Further criminalizing these citizens for their "behaviors" isn't going to solve this problem. If anything, we need a moratorium on such ordinances; that way, neither Park Rangers nor homeless people will have to worry about all of these citations. It's time to address the homelessness crisis in Santa Cruz full on and work toward some bigger, long-term solutions.

Personally, I believe we need a Homelessness Task Force, a team of homeless, formerly homeless, city staff, county staff, homeless service providers, faith community members, and housed-citizens to research solutions and propose initiatives to the City Council for funding. I think it's remarkably ludicrous that such a group is not currently in place. Councilmembers Terrazas, Comstock, Bryant, and Mathews, if any of you actually care about the people of Santa Cruz, all of them, rich or poor, then you will change your vote and prevent the adoption of this amendment. And if you can get your heart back from whatever person or corporation bought it from you, you will team up with Vice Mayor Lane and Councilmember Posner to design a social service program, such as a Homelessness Task Force. It is not okay that we have so many homeless people in Santa Cruz. I shouldn't have to tell you this. You should see it on the streets and you should feel it in your bones; it should shake your core and disturb your soul simply because it is

unfair, unjust, and unnecessary in ~~a city, a county, a state~~, a country like ours. We can do better. We can take care of each other. Yet, for some reason, people like you don't want to acknowledge the issue or put in the effort to fix it.

Did that offend you? I hope so, because I want you to make me look like a fool and prove me wrong in front of the entire city. Go ahead. Show me who you really are and stand up for something meaningful and urgent. Show me that the members of HUFF didn't waste over 50 man-hours (32 from me alone) over the five days putting together this data and analysis, only for you to be too stupid or too shallow or too heartless to see the truth.

If you've managed to make it this far through the letter, thank you. Thank you for at least taking the time to read this. If you don't despise me and have any questions, please let me know; I will answer them to the best of my ability. I do intend on making a statement at the hearing of this issue and will be prepared to answer questions at that time as well.

Sincerely,

Raven Davis