

End the Sleeping Ban or Pay the Victims

Speech by Robert Norse to Community and City Council 2-10-15

Three homeless people have filed four claims against the City for being awakened at night and given citations for sleeping between the hours of 11 PM to 8:30 AM at night. This in a city where homeless camping is not only effectively illegally but regularly persecuted with seizure of homeless survival gear, tough treatment of homeless sleepers, and a habitual refusal to acknowledge basic human rights for the poor outside without options. There has been a massive expansion of such citations. In two days the city's additional Stay Away penalizations will be intensified against homeless people sleeping where they must—in the many areas overseen by Dannette Shoemaker's Parks and Recreation Department.

The documentation for these claims unlike those of other presumably housed people filing other kinds of claims is not included with the Agenda packet. This makes it difficult for those who wish to speak on this issue to be adequately informed. City Administrator Bren Lehr declined to include this material, but said she'd make it available in 10 days if I filed a formal Public Records Act request. But we and the public are here today, not 10 days from now. And the issue is on your agenda for today, yet the public is not given the relevant documents.

Santa Cruz has a camping ordinance MC 6.36 which includes the notorious Sleeping Ban, MC 6.36.010a, the Blanket Ban, and the Camping Ban. Penalties, contrary to the impression given by your staff in its report on bail (item 6 on the Consent agenda), are \$157 with court costs—making it ever more difficult for homeless people to get off the streets.

Homeless people and their advocates seem to be left with little choice than to take you to court. Since homeless people generally can't afford lawyers, these individuals and many like them (there were hundreds of Sleeping tickets given out last year) will sue you unless you repeal this ordinance.

There is clear medical evidence that sleep deprivation creates physical and psychological harm. This is particularly true if those awakened at midnight are disabled. We'll be presenting such evidence in court per individual defendant in Small Claims Court. The playing field is slightly more level since lawyers are not allowed there. This process may also save the City money since it won't be tempted to squander several hundred thousand dollars defending an indefensible practice as it has done in the past—say with the Council's decorum rules punishing homeless advocates.

The courts and the community will be presented with what you are probably already aware of—the damages of sleep deprivation. We are asking for \$2500 per incident. Each time an officer violates a homeless person's privacy, health and safety—we shall encourage them to take the issue to the courts. And if we fail at first, will try again and again. We'll be there until you repeal this inhumane and abusive law—which materially injures people already under massive disability. We live in a first world country in one of the richest countries in the world. It's time Santa Cruz started living up to its undeserved liberal reputation.

It's time to abandon laws and practices that hurt the most vulnerable. In the long run it will not only be more sane, humane, and sensible, but also more cost-effective. We need to acknowledge our poor and addresses those problems with more than waiting lists, pie-in-the-sky studies, token programs, and ever harsher laws. A just state will be cheaper than a police state. That has always been clear.