defending freedom of speech in Berkeley

by Carol Denney

John Caner, CEO of the Downtown Berkeley Association (DBA), made his third public apology in less than a year, this time for having the DBA’s “ambassadors” rip down legally placed fliers and posters — in a city where the Free Speech Movement defended free speech and dissent.

Caner first apologized about a year ago when his 2012 election campaign in support of his anti-homeless measure, "Berkeley Civil Sidewalks—Yes on S," was fined $3,750 by the Berkeley Fair Campaign Practices Commission for not reporting more than $5,000 in cash payments to homeless people to hand out deceptive fliers advocating making sitting down a crime.

Next, Caner apologized again this year when two of his DBA ambassadors were videotaped attacking and brutally beating two homeless men. Caner characterized this violent assault as an isolated incident, yet several homeless people had previously reported similar encounters with DBA ambassadors.

Now, Caner has apologized once again, on October 13, 2015, when community members spoke in favor of a motion by Berkeley City Councilmember Kriss Worthington asking the city manager to "examine whether any constitutional questions arise if DBA Ambassadors take down fliers placed on poles that appear to comply with Berkeley Municipal Code."

Once again, Caner characterized the DBA’s practice of employing their private patrol to rip down fliers as an isolated incident which he was hearing about for the first time.

Caner said, “Sometimes ambassadors make mistakes. Sometimes our ambassadors don’t know all the nuances. I invite (the public) to give us a call. I was not aware of it. We’re trying to keep downtown neat and clean... I would welcome..."
seems the council majority has no capaci-
ty to resist the "Not In My Back Yard" rav-
ings of hateful people promoting greater fear of these roofless, powerless folks.
Yet, the day after I finished this story for Street Spirit, Santa Cruz Mayor Don
Lane published his long letter apologizing
for some of his past votes that impact
homeless people here (and, in my opinion,
for some of his past votes that impact
Lane's words can be understood by his
governmental peers and employees
responsible for much of the systematically
bigoted destruction of people's lives I see on the streets of Santa Cruz.
Meanwhile, back at the plaza outside, I
met several families in sleeping bags, a
woman with three dogs, a dirty
man and another handful of single guys com-
paring maps and journeys.
Lucero was on her feet and on the ball
with her strong voice and a good sign
directed toward passing cars along the front
sidewalk where, at 10 p.m., anyone demon-
strating who doesn't want a ticket or arrest
would be forced to leave when police and
guards come to empty the City Hall garden
"park." As has become very typical at polit-
ical demonstrations in these parts, media
workers also were cited by police, tripped
up, and pressed to protect themselves dur-
ing the first few Tuesday sleep-outs.
Years ago, the City Council passed an
ordinance just to make the city govern-
ment's plaza into yet another "city park"
with a curfew. Curfews for city parks
begin at 10 p.m. Those grounds became a
"park" by the City's legal definition pre-
cisely to block homeless protesters from
staying on the sidewalk.
From a little broader legal perspective,
California's public meeting laws and the
U.S. Constitution's promise of freedom of
speech will prove stronger some day than
the City of Santa Cruz's long-enduring
ban on sleeping and camping.
"I saw a table offering informa-
tion and petitions to sign about a "consti-
tutional protection zone." Someone else
was flattening and stacking cardboard. By
the time we left, the banana-slug-colored
port-a-potty arrived and was set up across
the street around 7 p.m. City staff refuses
to permit bathroom use at night.
"I do like to see a permanent and expand-
ing pressure group that activates students,
workers, renters around this issue of con-
science — the Sleeping Ban — particularly
as the El Nino weather approaches," said
Robert Norse of HUFF, "while simultane-
ously maintaining and expanding our de
facto safe sleeping zone.
Norse elaborates, "Of course, the
longer term objective is ending the
Sleeping, Blanket, and Camping Ban.
"HUFF (Homeless United for Friendship
and Freedom), along with Common
Ground: Santa Cruz Homeless Depot, Food
Not Bombs, and Homeless Persons Legal
Assistance Project initiated this demonstra-
tion which has since evolved into Freedom
Sleepers. There was also support from local
ACLU chapter board members.
The founding groups brought together a
community gathering in July, a hundred
defigures from downtown Post Office steps,
a place where homeless people were once
allowed to sleep rough at night until too
many came there. People picked a cam-
paign launch site that evening, marching on
Independence Day to City Hall plaza.
"My friend and I were just casual
August visitors. She brought her folk
songs with lyrics customized for Freedom
Sleepers and her strong, loving voice, and
I brought cupcakes we had made for 50.
"Nearby I saw a table offering informa-
tion and petitions to sign about a "consti-
tutional protection zone." Someone else
was flattening and stacking cardboard. By
the time we left, the banana-slug-colored
port-a-potty arrived and was set up across
the street around 7 p.m. City staff refuses
to permit bathroom use at night.
"Clusters of sleeping bags dotted the front
and one side of the campus. Some were set
up but empty, holding the space; others had
folks already halfway tucked in, reading a
book or lost in quiet conversations.
"Freedom Sleepers are people of all
stripes, ages, beliefs. They want to overturn
the selectively enforced laws enacted by
the City of Santa Cruz that are being deployed to
target, banish, criminalize and even crush
people experiencing homelessness. And
they remind us about the other class-based
minority groups — youth, students, artists
— who are feeling systematically shunned
and pushed out of their world.
We left that evening as five meandering,
uniformed security guards changed their
pace and converged to greet three gas-
spewing klieg lights being rolled out into
the empty parking spaces foreground the vit-
ligs. The giant lights get turned on "around bed
time. I have serious asthma/breathing prob-
lems around such toxic fumes, so I was
forced away from City Hall's main entry
during the council meeting, but not before
folks found the cupcakes I brought.
"City officials deploy these beacons, it
appeared, to make safe and peaceful slum-
ber even more difficult. At 10 p.m., the
Freedom Sleepers are pushed onto the
sidewalk — a gritty concrete "bed" I tast-
ed in 2010. I would not wish it on anyone.
"Week after week, homeless people are
returning to join the vigils held by the
Freedom Sleepers, where, so far, they are
not being hit with the sleep/camp tickets
that cost roughly $150, like they've been
getting elsewhere in the city.

Contact Freedom Sleepers:
freedomsleepers@gmail.com, 800-884-1136.
facebook.com/groups/freedomsleepers
Linda Ellen Lemaster is a formerly home-
less woman who facilitates Housing Now
Santa Cruz. homes4everyone@post.com

Ground: Santa Cruz Homeless Depot, Food
Not Bombs, and Freedom Sleepers have carried out a series of weekly protests with great persevance.

Food Not Bombs and Freedom Sleepers have carried out a series of weekly protests with great persevance.

"A ban on SLEEP is a ban on LIFE"
Cities that Criminalize the Poor Risk Losing Funding

by Carol Denney

A Column on Human Rights

I

s your local politician immune to moral shame? Does he or she pass

ordnances targeting homeless people

for sitting down, sleeping in public,
or having sleeping bags or blankets? Are

homeless people in your city reeling from a

cage of oppressive laws and police raids? Are you scratching your head won-
der
ing how to make it stop?

The U.S. Department of Housing and Urban Development might be able to help.

Almost two billion dollars of “Continuum of Care” grant money is slated
to go to applicants who use proven, effective strategies to address homeless-

ness. Applicants will compete for funding based on their willingness to adopt best

practices — such as permanent housing — and avoid destructive practices, such as

the criminalization of homelessness.

It’s one thing to stack up position papers showing the fallacy of giving tick-
et 

to people with no money, cycling people through emergency rooms instead of

providing housing and services, and wast-

ing police resources on issues which would disappear if everybody simply had

something to live.

But it’s quite another thing to hold a

steam

ing pot of two billion dollars of pub-

lic funding under municipal and county nose

with an offer to share it — if and only if it isn’t wasted.

Tea

uring people to go as though they were criminals isn’t just

b

dering, ineffective, and immoral — it’s wasteful. The HUD guidelines say

they want proof that cities are using proven strategies that have a lasting impact on a

local level, a focus on roots, a commit-
t

to decentization, and housing first as an effective strategy.

The guidelines were issued only a few short weeks after the Department of

Justice’s Statement of Interest clarified that laws criminalizing sleeping, sitting down,

etc., are cruel and unusual punishment and a violation of constitutional rights.

Eric Tars of the National Law Center

Homelessness and Poverty explained that “for the first time HUD is asking Continuums to describe how they are

reducing criminalization of homelessness.” In the extremely competitive fund-

ing process, Continuums’ ability to fully respond to this question can determine up to two points in the funding application, and in many cases could be the difference between receiving funding and not.

Imagine the city of Santa Cruz, which has criminalized sleeping, or the city of

Sacramento, which has criminalized camping on public or private property without a permit, attempting to address this particular portion of an application for federal funds.

No one can be sure whether this clear signal regarding Continuum of Care grant

money is something cities can sidestep semantically by referring to what we rec-

ognize as anti-poor laws as something else. Perhaps they will claim they are only

safety enhancement” laws to keep side-

walls from being blocked? Park protection

laws to keep public laws healthy?

Politicians use stock phrases to defend anti-poor laws, suggesting that they’re try-

ing to make sidewalks accessible, or enhance “commercial vitality,” or add a

public “perception” of danger, etc.

And certainly, HUD’s even more recent announcement that it is proposing a reduction in the East Bay’s Section 8 fair market rents, which will increase the number of households unable to use Section 8 Housing Choice Vouchers, indi-

cates that the housing crisis will not disap-
ppear overnight.

But the Department of Justice’s recent Statement of Interest announcing that

Boise’s anti-homeless law is flatly uncon-

stitutional and the HUD grant guidelines asking cities to describe “how they are

reducing criminalization of homelessness” are a clear signal that, at least in these waning days of the Obama administration, there is agreement that wasting money is bad policy.

More Anti-Homeless Laws on the Way November 17

by Carol Denney

Y

uckle your seatbelt for more anti-homeless laws in Berkeley. Just in time for

Thanksgiving and Christmas, the City of Berkeley is turning its back on

the Department of Justice and Housing and Urban Development guidelines,

as well as best practices.

Instead, it is embracing more anti-

homeless laws which will “increase night-
time enforcement” in parks and severely curtail the amount of belongings people can have with them.

These anti-homeless laws will be con-

sidered at the City Council meeting on the

evening of Tuesday, November 17.

A new wave of oppressive prohibitions is in store for homeless people: “…place-

ment of personal belongings on sidewalks and plazas covering more than 2 square feet or, for a mobile unit, no more than 6 square feet (i.e. a standard shopping cart), during the day, from 7 a.m. to 10 p.m. (storage to be provided).”

Any person soliciting another who is making a pay-

ment at a parking meter or pay station. 4. Lying inside of planter beds and on

planter walls. 5. Personal items affixed to

public fixtures including poles, bike racks (except bikes), planters, trees, tree guards, newspaper racks, parking meters and pay

stations. Pet leases exempt only as not prohibited in BMC 10.12.110. 6.

Placement of personal objects in planters, tree wells, or within 2 feet of a tree well to enable tree care and to protect tree trunks...”

Come to the City Council and speak out for justice on Tuesday, November 17, 2015. The U.S. Department of Justice could not be clearer in its August 6th statement of interest: Cities which crimi-
nalize the inevitable results of a lack of housing are in violation of the U.S. Consti-
tution’s 8th Amendment against cruel and unusual punishment.

These are the councilmembers most likely to vote against anti-homeless laws.

Mayor Tom Bates: 510 981-7110, mbates@cityofberkeley.info

District 1 Linda Maio: 510 981-7110, lmaio@cityofberkeley.info

District 2 Darryl Moore (510) 981-7120, dmoore@cityofberkeley.info

District 3 Jesse Arreguin (510) 981-7140, jarreguin@cityofberkeley.info

District 5 Laurie Capitelli (510) 981-7150, lcapitelli@cityofberkeley.info

District 6 Susan Wengraf (510) 981-7160, swengraf@cityofberkeley.info

District 8 Lori Drost (510) 981-7180, ldrost@cityofberkeley.info

But the real power behind this move is the Downtown Berkeley Association and the developers and property owners on its board. This unaccountable, undemocratic group of out-of-towners control the coun-
cil majority and make up the bulk of polit-
cal contributions in elections.

Gimme Some Truth

“I’ve had enough of reading things by neurotic psychopathic piggish politicians. All I want is the truth, just give me some truth.” — John Lennon

“If the American people ever allow privi-

ate banks to control the issue of their

currency, first by inflation, then by deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children wake up homeless on the continent their Fathers conquered... I believe that banking institutions are more dangerous to our liberties than standing armies.... The issuing power should be taken from the banks and restored to the people, to whom it prop-

erly belongs.” — Thomas Jefferson

“Reader, suppose you were an idiot. And suppose you were a member of Congress. But I repeat myself.” — Mark Twain

Street Spirit

Street Spirit is published by American Friends Service Committee. The ven-
dor program is run by J.C. Orton, Editor. Layout: Terry Messman.

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Street Spirit welcomes submissions of articles, artwork, poems and photos.

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Street Spirit is guided by an advisory committee of dedicated advocates. AFSC expresses thanks to the members of the Street Spirit advisory committee: Janny Castillo, Ellen Danchik, Diana Davis, Carol Denney, Michael Diehl, Lydia Gans, David Hartsough, Sister Eva Lumas, Daniel McMullan, The Suitcase Clinic, Patie Wall, Susan Werner.
On the Origins of Broken Windows Policing

Kelling acknowledges that his “Broken Windows” policy could easily result in lending the force of arms to the enforcement of prejudice.

by Jess Clarke

Broken windows policing is a theory of law enforcement that concentrates on arresting people for low-level offenses such as loitering, vagrancy, sitting on sidewalks, sleeping on the streets, and littering, in order to create an atmosphere of propriety and order for residents and workers in business districts and downtown areas of cities.

Its original proponent was George Kelling, co-author of a 1982 article in the Atlantic where he laid out the case using a real estate metaphor to provide justification for discriminatory law enforcement, directed at poor and homeless people and aimed at “quality of life” crimes.

Kelling wrote: “One unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing.... If a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken.”

Using metaphorical reasoning and a series of anecdotes from Newark and Chicago, but backed up by almost no empirical evidence, Kelling comes to the conclusion that: “Serious street crime flourishes in areas in which disorderly behavior goes unchecked.”

Kelling spins a tale of the good old days when the police enforced community standards of middle-class respectability and all was right with the world. But beneath the surface rhetoric and the metaphorical reasoning, he’s all that shy about spelling out the real purposes — and targets — of this policing strategy that has been used against Blacks, Okies, homophobes, and disabled persons, and other undesirables.

“The police in this earlier period assisted in that reassertion of authority by acting, sometimes violently, on behalf of the community. Young toughs were roughed up, people were arrested on ‘suspicion of vagrancy’ and prostitutes and petty thieves were routed. ‘Rights’ were something enjoyed by decent folk....

Even at its origins, Kelling was well aware that “Broken Windows” policing was merely an outer limit of their discretionary authority. That limit, roughly, is this — the police and other property owners are on the front lines of a policing strategy that, by its original design, was premised on getting back to the good old days when “rights” were something enjoyed by “decent folk” — not by undesirable such as ourselves.

Broken windows policing is losing public support across the country and popular uprisings are bringing police under ever greater scrutiny. So here we are today, when police hired by Business Improvement Districts and other property owners are on the front lines of a policing strategy that, by its original design, was premised on getting back to the good old days when “rights” were something enjoyed by “decent folk” — not by undesirable such as ourselves.

We are not broken windows and we will continue to fight this system trying to break us until we are all free.

by Western Regional Advocacy Project

The annual International Downtown Association conference, held this year at the Marriott Hotel in San Francisco on September 30, was geared towards increasing business success in downtowns all over the United States and Canada, as well as policing, harassing and forcibly removing people deemed a “nuisance” from downtown centers.

George Kelling, the infamous originator of Broken Windows policing, helped open the conference with his workshop, “Broken Windows, Community Policing and Quality of Life Issues.” WRAP was there to help usher him into San Francisco.

As WRAP members from Portland, Denver and Los Angeles came into town, we mobilized to infiltrate and disrupt the IDA conference and George Kelling’s talk. While we intended to enter the conference room unnoticed and disrupt the workshop, we were spotted by security guards on our way in, due to the same racist, classist and violent policing strategies that we are fighting.

Though we could not enter the room, WRAP members took up space outside of the conference room with banners, chants and T-shirts that read, “We are not broken windows” and “Kelling you are killing us.”

Organizers held down the disruption for about 15 minutes before exiting the building to join our comrades from POOR magazine who had organized a sister demonstration criticizing Broken Windows policing in front of the Marriott.

A source inside the workshop told WRAP that Kelling said, “they always find me,” in response to the disruption. The next day, on October 1, WRAP members organized an alternative panel to the IDA conference called “Broken Windows and BID Business: How Big Business Uses Broken Windows Policing to Gentrify and Exclude,” to teach our communities about Business Improvement Districts (BIDs).

With WRAP organizers Ibrahim Mubarak from Right 2 Survive, Benjamin Donlon from Denver Homeless Out Load and JoJo Smith from Los Angeles Community Action Network, as well as allies Shalya Myers, Liz Brown and Salasain Hyatt, the panelists debunked Broken Windows policing and the ways that Business Improvement Districts target street-based communities.

The panel brought out a large crowd and gathered lots of positive feedback. This is merely the beginning for WRAP and our organizing efforts against the Business Improvement Districts and anyone who encourages the policing, harassment and incarceration of poor and homeless people.

We continue to build our momentum for another year of the Homeless Bill of Rights with a message of dedication: We are not broken windows and we will continue to fight this violent system trying to break us until we are all free.
B
usiness Improvement Districts and consulting firms such as the Chamber of Commerce are very powerful lobbyists that advocate the crimini-
lization of homelessness. They say that increasing police power to maintain the fabric of racial and economic segregation in many cities across the United States.

Real estate owners, developers and large retail businesses are the biggest beneficia-
ries of “Broken Windows Policing” and “Stop and Frisk” approaches to maintaining public spaces. Such as the poor and people of color and removing them from areas where property values are increasing. But this is typically accompanied by methods of police enforce-
ment that criminalize the very presence of poor people and people of color.

As police murders and abuse stir a popu-
lar movement for police accountability, corpo-
rate interests continue to preserve and expand their investments in urban centers by shifting police enforcement to private-
public entities where corporate interests rule more directly. Business Improvement Districts are one example.

At a panel discussion organized by WRAP in San Francisco on October 1, speakers addressed the increasing power of Business Improvement Districts in San Francisco, Los Angeles, Denver and other cities, and discussed how policing is con-
necting to racial and economic segregation, gentrification and mass incarceration.

Except from the panels follow. To hear the speakers’ own words please visit thestreetspirit.org/brokenwindows

LIZ BROWN, DEPARTMENT OF CINNAMON & VISIONS, SAN FRANCISCO STATE UNIVERSITY

George Kelling’s stance is he thought that it’s the application that’s been wrong, and not the actual concept of broken windows policing itself. It is very clear that he’s actually lamenting a time when police could play the role of, as he puts it, “kicking ass,” without the over-
sight of the court. So he’s actually lament-
ing a couple of changes that went on in the ‘60s and ‘70s that brought things like Fourth Amendment rights to local citizens and the relationship between the police and local citizens.

Wilson and Kelling both point out that, in fact, broken windows policing is not meant to solve crime. It’s actually just meant to decrease people’s fear of that people find it very easy to identify people that are not violent, people who are not criminals; people who are loiterers, people who are gang members, people who are homeless.

The logic of broken windows is not meant to decrease crime. It’s not meant to make people feel safer. It’s really meant to exclude people that are dispossessed by a capitalist society, by a racist society, by a white supremacist society. I found that very interesting that The Fillmore actually has an interesting that The Fillmore actually has an interesting street spirit in it, and I think if you read “Broken Windows,” it is doing exactly what it was intended to do, which is to harass the poor, which is to harass communities of color, and to create the cycle of incarceration that we see so present in American society.

INTRODUCTION

WRAP Panel on Broken Windows and Business Improvement Districts

How Big Businesses Use Police to Banish the Poor

I think if you read “Broken Windows,” it is doing exactly what it was intended to do, which is to harass the poor, which is to harass communities of color, and to create the cycle of incarceration that we see so present in American society.

After the success of an associate professor in the Department of Criminal Justice Studies at San Francisco State University and director of the School of Public Affairs and Civic Engagement.

[45x930]B
[45x43]increasing police has no effect on crime.
[46x55]Kelling article — shows that, in fact,
[46x79]single study that has been done of police —
[46x91]should decrease crime, when almost every
[46x103]it’s actually been claimed in any way that it
[46x127]white supremacist society. I found that very
[46x151]exclude people that are dispossessed by a
[46x163]make us safer. It’s actually meant to
[46x271]meant to solve crime. It’s actually just
[46x283]in fact, broken windows policing is not
[46x307]and local citizens.
[46x331]Fourth Amendment rights to local citizens
[46x379]puts it, “kicking ass,” without the over-
sight of the court. When police could play the role of, as he
[46x403]clear that he’s actually lamenting a time
[46x510]thestreetspirit.org/brokenwindows
[46x570]cities, and discussed how policing is con-
[46x666]public entities where corporate interests
[46x678]by shifting police enforcement to private-
[46x714]lar movement for police accountability, cor-
[46x738]ment that criminalize the very presence of
[46x750]accompanied by methods of police enforce-

There’s an excellent study of Kansas City that shows that when they increased police in Kansas City into three different districts, they increased police in one, they decreased police in another, and they kept police the same — and noted that some of those strategies had any effect on crime rate.

So the turn towards police, the turn towards broken windows as a crime con-

What we do know is that the police function as a mechanism in society when you have a split between those who have and those who have not. They’re always functioned this way.

When you begin to couple this with mass incarceration, with the 2.4 million people inside, not even including those under monitoring right now, and you also couple this with a criminal justice system that is intent on feeding these two entities, then you begin to understand the creation of these underclass that are created — peo-

[229x115]states throughout this country, consulting
[229x139]brothers and sisters, on their rights.

Because you cannot — I don’t care how hard you try — to force God and stop the people from falling asleep. That’s a human right. You cannot confine people from using the restroom. That’s a human right.

Because you cannot — I don’t care how hard you try — to force God and stop the people from falling asleep. That’s a human right. You cannot confine people from using the restroom. That’s a human right.

Each time a houseless person does that, they are accompanying, if you will, the use of the restroom. That’s a human right. You cannot stop people from using the restroom. That’s a human right. You cannot stop people from using the restroom.

The unlawful practice of taking homeless people from areas where property values are increasing.

The momentum through Occupy to con-

The Fillmore actually has a prison class of people

The Fillmore actually has a prison class of people

The Fillmore actually has a prison class of people

The Fillmore actually has a prison class of people
Editor: Santa Cruz Mayor Don Lane’s open letter, posted on October 27, questions the failure in addressing homelessness and its related issues. The US Department of Housing and Urban Development officials have warned cities they will lose federal funding if they continue to criminalize homelessness as “cruel and unusual punishment.” HUD officials warned cities will lose federal funding if they continue to criminalize homeless people.

In Santa Cruz, Freedom Sleepers are carrying out a highly visible protest against the city’s sleeping ban—right outside City Hall.

Open Letter by Mayor Don Lane

As I write this letter, the City Council I belong to is about to take up a variety of measures related to homelessness. Some of these items will be discussed this week. Others will presumably be discussed over the next few months. With winter coming soon and this set of issues once again coming to the top of the Santa Cruz community’s agenda, I’d like to outline a framework for looking at these issues and make some suggestions.

[Editor: At this point, we skip past the first several paragraphs on local homelessness programs.]

Contrary to the good news at the county government level, the City of Santa Cruz has reduced its funding commitment for homelessness programs even as the county has increased its funding substantially. This City reduction was not done to single out homeless services for budget reductions—the cuts came to almost all human services programs. However valid those reasons for this reduction, it is a real problem that the reduction in City funding for homeless services has been significant.

The Daytime Essential Services program at the Homeless Services Center has been greatly reduced due to the loss of key state grant funding. This means hundreds of people without homes have lost regular access to showers, meals and to sanitation facilities including restrooms and showers. It also means many people who had a somewhat protected place to spend their days are now passing their days in public spaces and neighborhoods all around the community.

I know some people might have imagined that, if day services at HSC were severely restricted or eliminated, that the community problems associated with homelessness would go away. My judgment on this is based on reports from all over the community suggesting that people who appear to be homeless are still present all around town and the burden placed on the community by excessive homelessness has not diminished significantly.

Over the past few years, the City of Santa Cruz has basically stopped funding the day shelter at HSC. It has also substantially reduced and is currently funding the day shelter’s operation.

The Loth Shelter has been the main year-around emergency shelter for adults in the Santa Cruz area and it is no longer a contributor to meeting our short-term shelter needs. Despite a fairly widespread misconception, we’ve never had a lot of emergency shelter for adults in the City of Santa Cruz. And now we have even less as a result. So if you slice it, during most of the year, there are literally hundreds of adults without an indoor space to sleep at night.

This gets even worse because HSC has had to cut so much program and so much stuff, without additional funding, it will not be able to staff and target its services to the Winter Shelter Program (at the National Guard Armory in Delaveaga Park). HSC will need tens of thousands of dollars of new funding to operate a Winter Shelter Program.

If even our city and county come up with enough funding to sustain the Winter Shelter Program, when the weather turns bad (as in very heavy El Niño rains) the Winter Shelter will not be sufficient. It can serve about 100 adults. There are several hundred unhoused individuals in the immediate Santa Cruz area.

It’s also important to note here what is probably the worst news of all: rental housing costs are skyrocketing. It’s widely agreed that our area is experiencing a housing affordability crisis that is likely worse than any past housing crisis we’ve seen. People, mainly people with jobs, are being priced out of their rental housing situations every day. This suggests that both a potential increase in homelessness could emerge and that it will be more difficult than ever to move local people off the streets and into housing.

Last but not least in the bad news category: we are continuing to experience tremendous litter and waste disposal problems along with environmental damage as a result of careless actions by people camping in our parks and open spaces. The City has sought to manage this problem by increasing ranger and police inter-ventions and through the issuance of citations — especially camping citations. The number of camping and sleeping citations issued this year has increased tremendous-ly compared to previous years.

In truth, hundreds of individuals continue to sleep in our parks and open spaces every night. I think we have a failure of policy and practice on multiple levels: a) Our camping enforcement authorities are not substantially reducing the number of people sleeping in these public spaces. b) The environmental damage and litter damage persists. c) We have more citations being issued that end up having little deterrent effect while consuming much law enforcement time.

Beyond what I’ve categorized as good news and bad news, there is another significant piece of news. The federal government has, in a variety of ways, signaled that it will not provide federal homelessness funding to localities that enforce laws against sleeping outside when there are no legal alternatives. The federal government has already begun to intervene in court cases that challenge local laws that prohibit sleeping in public places for people who have no place else to sleep.

The City of Santa Cruz has been able to maneuver through the court cases in recent years. Several years ago, the City Council worked with the City Attorney to set up a system whereby people who had sought emergency shelter but were turned away for lack of space could have sleeping and camping citations dismissed. This has been less than a perfect system but at least it tried to avoid penalizing people who had made an effort to avoid sleeping outside.

Now this model is becoming less func-tional because there is almost no drop-in emergency shelter in our city. In the non-winter season — April to November — there are something like 15 to 30 unrestrict-ed emergency shelter beds in Santa Cruz. It has become extraordinarily difficult for any homeless adult to find any emergency shelter. If court rulings continue to hold that penalizing people for sleeping outside when they have no alternative is unconsti-tutional, Santa Cruz (and hundreds of cities around the country) will no longer be able to enforce this kind of ordinance.

A related issue which has surface locally, partially in the context of our city council’s consideration of RV parking regulations, is the reality that many people with-out homes sleep in their vehicles. Courts have been unable to ban sleeping in vehicles, and the general trend seems to be that cities might not be able to restrict people from sleeping in their vehicle if their vehicle is in every other way compliant with the law. When Santa Barbara and San Luis Obispo tried to ban people without homes from sleeping in vehicles, lawsuits ensued and both cities were required to make some allowance for sleeping in vehicles.

So we have quite a tangled web of challenges and circumstances to take on as we wrestle with homelessness.

As I mentioned before, our local govern-ments have adopted a strategic plan that I believe provides an excellent road map for how we can successfully reduce homelessness in our county. It’s based on well-tested models that are working else-where. These models are now showing success here. But this roadmap was not primarily designed to help some of our most pressing short-term challenges. And, beyond that, the conceptual roadmap is just a plan on our desks unless we take concrete actions and make a real commit-ment of resources to implement it.

So... I would like to offer for commu-nity discussion a set of proposals that I hope will be considered and then acted upon by the City of Santa Cruz and the Santa Cruz City Council in the coming days and months:

1) Commit additional funds in the amount of $31,000 to ensure that the Winter Shelter Program can operate again this year and provide shelter for up to 100 adults throughout what we expect will be a very wet rainy season. I also suggest we indicate a willingness to contribute a mod-est amount more if there is a weather-based need and a countywide willingness to extend the Winter Shelter program for extra weeks. (The final decision on this second part would occur in February or March.)

2) In conjunction with a mid-year bud-get update and budget adjustment in January, consider an additional allocation...
Open Letter from Santa Cruz Mayor

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of funds to sustain the Paul Lee Loft Shelter through the current fiscal year, allowing that program additional time to seek a state Emergency Solutions Grant in 2016-17, a long-term solution. (Allowing that program to close prior to the completion of the 2016 ESG funding cycle would mean that the program would lose eligibility for ESG funds next year.)

3) The County of Santa Cruz has taken steps to create a “warming center” program that will provide the most basic of protections from the rain and cold on nights that are either wet or have near-freeze temperatures. The volunteer organization is working in the Santa Cruz area to implement a similar Warming Center program for this winter season. While I think it is unrealistic for the City to take on providing all of the facilities that might be needed for a “warming center” program, I think we can be one of the partners in this.

I propose that the City Council direct our City staff to identify a suitable property (or facilities) to be used for up to 10 nights of warming center use this winter season at no charge—contingent on the warming center volunteer group identifying other locations/facilities that will commit to sharing in this effort by providing 30 nights of warming center use. (It’s my understanding that the efficiency audit has already identified 20 nights of facility use from private organizations.) Of course, city staff would set reasonable standards for the use of city facilities and determine whether the kind of use these facilities would be withdrawn if these standards are not met.

4) Engage in the current camping ordinance to remove references to “sleep” and “sleeping” and “covering up with blankets.” I realize that some will argue that this will make it more difficult for those of us in our city—and therefore result in even greater improper waste disposal and environmental damage. This does not have to be the case. Any person that sleeps outside and is also making a mess is committing other violations of city ordinances and this new ordinance amendment will do nothing to discourage enforcement of those ordinances. In fact, if the city council made it clear that waste problems and environment problems are as much a reason for enforcement rather than sleeping, we could actually send the message that we are going to focus on the real impacts of this kind of camping space turned out to provide a place for individuals to prey on the most vulnerable people in need of safe shelter. This does not mean that the safely and well-managed camping space would not have value—it means that a community organization with a proven record of the kind of use these facilities would be withdrawn if those standards are not met.

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7) Direct our City Manager to include a proposal for City participation in the funding of the County’s Homelessness Coordinator position in the 2016-17 City Budget. (There would not be a formal decision to provide funding in the near future—just a decision to consider this participation in the context of other budget decisions next June.)

8) Engage in a process to determine what would be the city’s “fair share” of homeless services in relation to our county and our region. I believe we need to stop making our decisions on these issues based on the unwillingness of some other communities to take on any significant responsibility on this issue. If every community used that standard, we could pretend that it would be justified to do nothing. In light of the fact that hundreds of individuals living on our streets are “locals” by any standard, I believe we need to decide what we are willing to do for those individuals and build our funding commitments around this. It would also create a starting point for inviting our neighboring jurisdictions to do the same.

9) Participate with other agencies (public and nonprofit) to evaluate and consider the best use of the facilities located at 114 Coral Street. Changes to HSC’s funding are having an impact not only on their programs but on the programs run by the County Health Department and the River Street Shelter operated by Encompass Community Services. We cannot afford to let any of these facilities to be under-utilized when the need to address homelessness remains so high. The City and the community would be well-served to work with its partners in rethinking the use of these facilities.

Of course, others in the community have different proposals and suggestions and I will consider those approaches as others consider mine.

When we address an issue as complex, controversial and persistent as homelessness—this it’s not unusual for there to be some avoidance of one or more elements of the issue—elements that probably fit well under the tag “the elephant in the room.”

In Santa Cruz, I believe the biggest “elephant” is the behavior of a handful of high profile homelessness activists. (Note: these are homelessness activists—the most notable among them are not them-selves homeless.) Years of boisterous and offensive behavior have caused me to avoid dealing with some aspects of local homelessness issues. I imagine this is also the experience of some other local elected officials. Anyway, I am not proud of my choice to avoid some of these issues. I have allowed what I see as the poisonous behavior of a very small number of people to keep me from taking on some truly important issues.

With this letter, I am trying to move in a new direction: no longer allowing this behavior by others to interfere with my efforts to address difficult aspects of homelessness as a community issue. If I hope others in the community will join me in this new approach.

I also want to be clear here that I don’t consider my assertion that some of the activists have behaved badly as a rejection of all of the substantive concerns those individuals have raised about local homelessness policy. Just because some of them behave poorly, does not mean all of their ideas or assertions are incorrect.

I also want to suggest that there may well be a second elephant: the persistent avoidance by local government of the most difficult QUESTIONS related to homelessness. Here are some of the questions that really must no longer be avoided, especially in light of the Grand Jury’s recent report on homeless services and the emergency shelter crisis:

Where is a person who attended Santa Cruz High 15 years ago and who is now homeless and crumbled and living on the streets supposed to sleep tonight?

Where will we suggest that each of the several hundred unsheltered individuals in the Santa Cruz area sleep the night when it starts raining hard?

What public purpose is served when an unsheltered, impoverished person gets a citation for sleeping outside? Is that kind of citation having any positive impact on the homelessness problem we have?

What is our city’s “fair share” of services? How many emergency shelter beds are appropriate for us to have in a city of our size with our level of homelessness?

And, finally, a couple of specific suggestions for any official who includes in their response to these kinds of questions: “It is up to some other level of government or some other entity to deal with homelessness.” What do we imagine homeless individuals should do while we wait for those other levels of government to step up? If those other entities are not doing their fair share, who should pay the price for that failure? Should it be those entities and their leaders or should it be the individuals who are struggling to survive without a home or a place of shelter?

Lest any reader believe that I am pointing the finger at someone else to deflect from my own responsibility, I will simply say that I am as responsible as anyone in this community for our failure to address our lack of shelter and our over-reliance on law enforcement and the criminal justice system to manage homelessness. I have been a direct participant in many of my City’s decisions on homelessness. I have failed to adequately answer many of the questions I am posing. I’ve come to realize that I am not fulfilling my commitment to compassion and compassionate action if I don’t address these issues more thoroughly and engage others to join in that work with me.

I encourage others to join me in making a new commitment to address these issues more directly and effectively. I am looking for new partners in this work. I am also ready to engage in frank conversations on these issues with people of good will—even if we disagree on any particular policy or funding approach. We have so much work left to do.

Don

[P.S. This is the fourteenth draft of this letter. I apologize for its length. I continue to wish I could communicate on this set of issues more clearly and make every point more completely. However, at some point, I have to say it’s “good enough” to launch what I hope will be fresh discussion and break out of some of the places we’ve been stuck.]
Defending the Right to Freedom of Speech

from page 1

the opportunity to sit down with the coun-
iclumembers in affected districts ... before we eat up a lot of staff time. I’m sorry that you had that problem.

But the Downtown Berkeley Association had already heard about the problem as far back as 2012, in letters from me. I had first placed health depart-
ment stickers in places legal to post, which were left undisturbed by the DBA’s private “ambassador” patrols. I then returned two weeks later with a photogra-
pher, a videographer, and fliers with my own political message. The fliers were immediately ripped down.

The DBA ambassadors grabbed my arms in an effort to stop me from replac-
ing the torn-down posters and even called the police, who at least seemed to know that content-based prohibitions on speech are unconstitutional.

I had alerted the Berkeley City Council about the issue — and got no response. I might at least get a letter like the one I received from Mr. Goree telling you that you had that problem.

Wish all possessed by Claire J. Baker

Exposure

by Joan Clair

The exposure of homelessness is not pretty unless it evokes the compassionate heart. The compassionate heart when it is evoked is as pretty as She intended it. Therefore, let us give thanks

by George Wynn

Drop Your Heads and Weep

by Judy Joy Jones

drop your heads and weep for the homeless while we laid in our cozy little beds all warm and fed with dollar signsImagine your heads who will hear our own blood curdling screams as we die freezing on the streets will one person leave their warm homes to claim our no-name bodies at the city morgue’s doors oh people please drop your heads and weep and weep and weep for the homeless found frozen all over our streets

Kafka by the Bay

by George Wynn

There are many gifted men and women — but homeless One day they wake up without job and habitat trouble takes on a life of its own just like that Everything becomes negative they become labeled (ABCD) alcoholic, badass, crazy or dirty If society can make everything their fault they do

Wet with sweat in the middle of the night they scream “I need air I can’t breathe” thinking this must all be a dream Hard to imagine this could happen to you or me but in the City by the Bay many say it can and did

Their lives gone to waste if only they could see hope reach out touch it get a taste!

IN BERKELEY

by Claire J. Baker

Anthropologists study street people, find them humane, kindly, humble — a dog in lap, parrot on a shoulder, a young man sleeping, curled like a baby. A raggedy baseball cap silvered with small coins. Passing poets wonder: Is it unlawful to be human? But lawful to be inhumeane?

by Joan Clair

Heart Universal

In no other heart do I belong, Heart universal is my home.