

Parking Lots for Public Use! Call Off the Cops!

“Any person who uses a City of Santa Cruz garage or Parking Lot for purposes other than a motor vehicle or bicycle parking ... or who remains on City of Santa Cruz parking lot or garage premises for longer than fifteen minutes...shall be guilty of trespassing, which offense shall be punishable as an infraction.”

--City Council chapter 9.64

Legal Problems: Contrary to the Pre-Bush Constitution

++ It was presented in 2006 as a law **intended to be selectively enforced** (against youth, homeless folks, “suspicious people”, not upscale tourists)--a legal liability for that reason alone.

++ It **prohibits traditional union & political activities** (such as distributing fliers) except in the so-called permitted zones, not yet designated a year later. “Protest pens” & “no loitering zones” in Santa Cruz?

++ The law **reverses the presumption of innocence**. It assumes people who sit in their cars more than 15 minutes are likely to engage in criminal activity. Only in a police state is police convenience primary.

++ It's **unenforceable** if suspects remain silent **except as a 15-minute loitering law**. You cannot be forced to state if you have the required car or bike. Some will be silent; the timid will be frightened into leaving when confronted by an official or official sign. No-loitering laws are unconstitutional.

Community Problems: Contrary to Traditional Practice and Values in Santa Cruz

++ It backfires against the entire community, **drastically limiting everyone's liberty** with no showing of a “crime wave.” Instead of focusing on real crimes, it criminalizes everyone for just being there.

++ It removes traditional liberties **without asking the community** if it wants to be “protected”.

++ **No reasonable analysis was made of “unintended consequences”**--i.e. banning thousands of innocent natural activities and associations that have happened daily for decades.

++ It supposes an undocumented “crime wave”.

No comparative or complete crime figures.

++ It spreads the “gated community” virus to the center of downtown, **imposing the gentrification agenda**--fundamentally at odds with traditionally diverse, open, and libertarian Santa Cruz.

++ It provides **at best the illusion of security** without the substance--**no additional police resources being committed.** The SCPD reports their force is down 15%.

++ *Food Not Bombs*, various Free Skool classes, the weekly drum circle, and other traditional activities **have been banned or harassed** or will require special permits.

++ It is offensive enough to **prompt public protest and polarize the city.**

++ It is **class legislation** that allows those with vehicles and bikes privileges in public spaces that the rest of the community will now be denied, particularly poor people.

++ It **eliminates 8 square blocks** of previously accessible public space downtown.

Unwise Expansion of Police Power: Ill-Considered and Mis-Targeted

++ It **expands police power** against the wrong targets (everyone instead of criminals).

++ It **moves around problems** such as drug abuse instead of addressing them directly.

++ It **localizes bad precedents** like the “three strikes” law & the “Patriot Act”.

++ At a time of **increased controversy about racial and class profiling**, it dispenses power unwisely and unnecessarily, creating a whole new class of crime and criminals.

Bad for Business: Contrary to What Draws Tourists

++ It unfairly, unwisely, and unnecessarily **eliminates the right to read, socialize, or rest in one’s vehicle**, even after paying a fee to park one’s car--unlike most other cities in California.

++ It **destroys a traditional right to privacy in one’s car** (limiting it to 15 minutes or less) which can only be enforced either selectively or abusively--**discouraging shoppers and visitors.**

++ It is a **bizarre and unprecedented law** which motorists will find oppressive.

++ It is **special interest legislation** which ineffectively but ostentatiously reflects a conservative merchant mentality and knee-jerk staff preference for exclusionary solutions.

++ Even **numerous merchants from the Downtown Association in 2006 opposed this law.**

Safety Problems: Contrary to Common Sense

++ It **compromises the liberty and ignores the safety of the same women it claims to protect,** instead of providing potential safeguards, like increased police patrols, community watch, etc.

++ It **removes watching eyes**--even those of poor people--which improve safety.

++ Its 15-minute time limit **encourages drunk drivers to drive home** rather than "sleep it off".

++ It **requires women to leave their vehicles** rather than allowing them to wait safely inside.

Bad Documentation & Phony Solutions: Inadequate, Missing, Contradictory Statistics

++ **No statistics show a higher rate of crime in parking lots and garages** than elsewhere downtown. Why not ban loitering-over-15-minutes on all sidewalks with a "higher" crime rate?

++ City Council got **no real arrest records in the garages.** Police gave **confusing, incomplete, and anecdotal statistics,** especially for Parking Lot #9 where the law was in force for a year.

++ Using the staff's own figures, **police were called for less than three crimes per garage per month** in 2005; many of those "crimes" were survival camping in a city with virtually no shelter.

++ **No stats documented how well the law has worked** (i.e. crimes in garages in 2006-7).

Rushed Tactics Bypassing the Public: Contrary to Wise Process

++ It is the **only item on the September Downtown Commission [DC] agenda,** as a special gesture to the SCPD, which failed to present ANY meaningful stats at the last two meetings.

++ The SCPD and Public Works gave **no 6-month report on the law** as required.

++ **Alternatives have not been publicly and seriously considered**; instead a prefabricated law is still the focus of all discussion. The staff report does not propose alternatives.

++ The DC looked at this law at a **difficult-to-attend 8:30AM meeting** with no advance publicity.

Anti-Homeless Focus: Institutionalized & Explicit Hate Crime Law

++ It is first and foremost, notwithstanding claims to the contrary, **consciously directed against the involuntary homeless**. It is part of a broader attack from Public Works and the SCPD including “no parking at night” signage, San Lorenzo Park “no smoking” posting, & new Park closing hours.

++ It has had an **impact on the health and safety of homeless people who currently use the garages for temporary shelter** against the wind and rain and suffer regular harassment in Lot #9.

++ It **banned taking shelter from the rain**, even briefly.. This **exacerbates health problems** like pneumonia and forces people into more covert behavior and disrespect for the law.

++ It adds **another layer of criminalization to the homeless**, already denied the right to sleep or shelter themselves, in a city with shelter for only 160 of the 1500-2000 homeless here.

++ As with change machine placement, bench removal, No Sitting laws, the Sleeping Ban itself, and other anti-homeless laws masquerading as “public safety”, the law **simply moves homeless people around**--creating the need for more “safety laws” in new spots

++ The populations impacted (**homeless, youth, residents, tourists**) **have not been seriously approached** or their needs publicly considered.

++ Complaints about homeless people leaving litter, going to the bathroom where they must, and camping require **trash receptacles, open bathrooms, and more shelter, not more bad laws**.

++ Hysteria and humbug: the law both presupposes, uses, and furthers **a false and mean-spirited stereotyping of homeless people** as fearsome & loathsome criminals, which implicitly denies their worth and rights, based on middle-class fears & fantasies rather than human realities.

++ The law provides **no alternative public spaces for homeless people**; it just says “get out”.

++ To criminalize the homeless without saying so, it **casts a broad net banning all innocent assembly**.

Overly Broad Special-Interest Law: Contrary to Fair & Equal Treatment

++ **Disabled activists say it still violates federal law**; 30 minutes is not adequate time for the disabled.

++ The law provides **special-interest exemptions for all city employees** “doing city business”.

++ Its sweep in taking in both garages and lots is **over broad** at best; the lots issue is has even less “documentation” around supposed problems than the garages.

++ It **empowers bureaucrats and bigots to ban** individuals from previously public spaces without any cause other than apprehension over their appearance, lifestyle, or income level.

Call Downtown Commission Chair Julie Shattuck at 457-0313 to urge Repeal.

Call Mayor Ryan Coonerty at 423-8939 to Demand a Reconsideration of the Law

Organize for Theater of Protest: Call 831-423-4833

**Restore the Right of Public Assembly in Public Spaces:
Assemble!**

Flier by *HUFF (Homeless United for Friendship & Freedom)* 423-4833 309 Cedar #14B S.C.
www.huffsantacruz.org 2-6-08