

Hello.

My name is Leigh Meyers. I'm a 35 year resident of Santa Cruz currently unemployed and houseless.

I'm here this evening speaking to you because I saw something over this spring and summer that circumscribes what I believe to be a new chapter in Santa Cruz' ongoing push to disfranchise, demonize and criminalize their displaced workers, poor, and houseless citizens... To literally drive them away from the city and the county, and I have seen no action from your organization at the local or regional level to put a stop to this.

Before I continue I want to point out a fact about Santa Cruz 'homeless' that local politicians and the area newspaper conveniently ignore.

They ARE citizens of Santa Cruz.

As a recent census showed, an overwhelming majority were employed and housed here at the onset of their misfortune, if not born and raised here just to find that the place of their birth cannot seem to provide a general planning process that provides for housing at a price that jobs here pay enough salary to rent, no less buy.

There are homeless people in Santa Cruz for MANY reasons. In my estimation, reasons that are mostly a socioeconomic results of city and county policies or planning without a thought given to existing working class residents.

As a matter of fact, the county was successfully sued in state court by California Rural Legal Aid about a decade ago for red-lining. I relish the thought of that happening to the city of Santa Cruz as well.

What I saw happen this spring and into the summer was the county and city of Santa Cruz' attempt to vilify and criminalize people, destroy services, raid encampments, single the 'appearing to be homeless' out for 'ticket blitzing', and drive their displaced citizens out of the area due to the act of a single person, released apparently without oversight or monitoring from Atascadero state prison for the criminally insane.

That person murdered a local shopkeeper shortly after his release.

The State of California acknowledged it was THEIR fault---he was not to have been released in the first place.

However the city of Santa Cruz was not even aware of who this person was or his status before they began their bleats of reactionary hatred for the displaced of the city.

I want to point out what disturbs me about all this is not Santa Cruz' law enforcement actions taken against their poor, which occur regularly, albeit not often for quite as long a duration or as intensely persecuted(sic).

Those actions have been par-for-course in a city where thirty years ago well-respected municipal judge William Kelsay stood in front of a group of 'concerned citizens' at a downtown commission meeting and stated, to their demand that the street people "Just Go Away";

"But they AREN'T going away... what do you want to do?".

NOTHING is what has been done... except a MASSIVE waste of taxpayers dollars... mostly on law enforcement driven by the lamest campaign of perception management ever witnessed.

What disturbs me now, as opposed to those other historical instances, was seeing NOT JUST the local newspaper, the Santa Cruz Sentinel, attempting to stir up hatred for the homeless as their editorial policy, choice of newsworthy items about the issue and their semantics typically do, but the fact that city leaders themselves jumped on that "ride them out on a rail"(A) bandwagon with pledges to raid encampments continually, calling them 'trash piles'(B) and the people inhabiting the camps, trashed or not were 'addicts' and 'drug users'(C), as city leaders pledged to cut funding and services for the houseless.

All this occurred even as the murder victim's family pleaded with these political and media elements of Santa Cruz establishment NOT to blame the homeless and poor for the random savage act of a single mentally ill man.

A> We'll buy them bus tickets with the money we cut from other humane services never mind the fact that most of them are from here and have no place else to go.

B> Did you know that a few mattresses in the woods and a couple of tons of trash are an "environmental disaster" worthy of BOLD headlines even though published statistics show homeless camps are not particularly trashy, compared to the average trash picked up during general public river and woods cleanings.

However I must say... violating your own city's general plan regarding traffic abatement and construction of a 'Warriors Stadium' against the wishes of most of Santa Cruz citizens, McMansions and land development in 'greenbelts', or the distinct possibility that most of the septic tanks in the San Lorenzo Valley are not up to code and dump raw toilet sewage in the feeder creeks for the San Lorenzo River (et al) is just 'business as usual' remaining un-critiqued by politicians and un-reported in the local media?

But mattresses in the woods... THAT make headlines!

The headlines screamed things like "Homeless Campers Trashing Forests".

This alleged 'environmental blight caused by the homeless' is a completely Illegitimate and mean-spirited Vilification of an at-risk population.

Reference: "Do Homeless People "trash" the environment? The numbers in Santa Cruz say no."  
[http://www.indybay.org/newsitems/2012/09/18/18722013.php?show\\_comments=1#18722205](http://www.indybay.org/newsitems/2012/09/18/18722013.php?show_comments=1#18722205)

C> I believe the only front page pictures of encampments in the Santa Cruz Sentinel were of already known-to-the-police drug addicts at longstanding well-known-by-the-police places where they camped... with needles picturesquely strewn about. It's called 'perception management' using 'useful idiots'. As Fascists might do to convince 'the masses'.

This spring and summer I also saw and personally experienced corrupt law enforcement practices and

thug-like attempts to intimidate and terrorize civilians. This occurred as one part of a campaign by the city and county to continually cite homeless people, including me, with often made up or perjured charges written as hard-to-defend-against 'infractions' that the city and county should have known would not be responded to.

For instance, I have in my possession five utterly bogus infraction citations from May this year which I've ignored, and I would relish the idea of being arrested under the city-created 'scofflaw' misdemeanor charge ex post facto the city's passing on of the fine liability to the state-mandated collection agency.

I WANT to see a lawyer to deal with these perversions of justice, but I'll be damned if I'd voluntarily waste my valuable time over them.

Regarding my statement: "...corrupt law enforcement practices and literally thug-like attempts to intimidate and terrorize civilians..."

A deposition as to my personal experience with two 'loose cannon' officers is available anytime anyone would care to transcribe it, along with their names and badge numbers. The information is on at least two illegitimate and signed-under-duress citations I received in May.

I also witnessed others being literally terrorized and physically abused by these same two officers.

Quoting Emi MacLean, human rights attorney, legal officer for the Open Society Justice Initiative and formerly staff attorney at the Center for Constitutional Rights:

"...troubling, and less often discussed, is the sustained use of state power to deter peaceful protesters through over-policing, a zero tolerance approach to minor violations of city ordinances and the imposition of a shifting battery of unspecified "rules."(1)

The latter policy, '...a shifting battery of unspecified "rules."', often results in officer-perjured or otherwise non-legitimate charges such as the five tickets in my possession. I AM NOT the only one with illegitimate citations issued over the course of the last three or four months.

It has become apparent to me the police in Santa Cruz have been blatantly violating the law at the behest of politicians and this require having their law enforcement practices in regard to the homeless and poor of Santa Cruz critically analyzed by an organization with the resources to do so.

Please note, as stated below in my communications with mayor Don Lane of Santa Cruz:

"...these city-created ordinances often appear to be unconstitutional at face simply by their selective nature, and enforcement is potentially even MORE selective (ie. Chronic street alcoholics and other common candidates for a court 'plead out', people on probation or with 'search clauses') in order to preemptively avoid legal challenges by irate less compliant and more knowledgeable victims,"

The ACLU HAS the resources to ferret out the truth in regard to selective enforcement, arbitrary 'rules', and other problems experienced by the houseless and poor of Santa Cruz. Average citizens... certainly the houseless and poor, do not.

Summation:

I am here speaking to you this evening because I believe the actions taken by local elected officials after an attempt to perception manage the citizens of the city and county using a deranged murderer as an 'example' of their displaced people intrinsically violates US citizens' civil rights and indeed constitutes, as a whole, as a 'campaign', of Human Rights Violations including malicious and illegitimate law enforcement, endangering the homeless further by provoking potentially violent reactionary elements of the community, and leaving the homeless without the belief they can create secure shelter for themselves... Soon to be a necessity due to the county's absolute inability to house even ten percent of their homeless at the Emergency Shelter at DeLaveaga Park on any given night of the upcoming winter.

I want to know what the ACLU intends to do about this.

What I would like to see as an end result of the ACLU's court action is a state or federal investigation into Santa Cruz law enforcement practices as they affect their homeless citizens and a "Jones"-like decision including strict oversight of the city and county's policies towards that segment of it's citizenry until it has been discerned that justice, as practiced in regard to the homeless of the area is in line with law enforcement policies as practiced in regard to their housed population.

Thank you.

Un-responded email communications with Santa Cruz mayor Don Lane with prefaces from two attempts at eliciting a response followed by an analysis of Homeless policies in use by the city of Santa Cruz follow:

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Mr. Lane,

As I said the other day... Thirty years ago judge Kelsay stood in front of a group of 'concerned citizens' and stated, to their demand that the street people "Just Go Away"; "But they AREN'T going away... what do you want to do?".

'NOTHING' is 'what has been done'... except a MASSIVE waste of taxpayers dollars... mostly on law enforcement driven by the lamest campaign of perception management ever witnessed.

I'm HORRIFIED at the city's complicity in vilifying the local displaced over the act of a single person who was released without supervision or oversight from Atascadero, and who shortly thereafter killed the owner of Camouflage.

I thought the Sentinel was always the disgusting yellow journal,, but to watch the city go along with them... Lets just say it puts the city at even greater liability of being cited for Human Rights Violations in regard to their treatment of the houseless, and that act of callousness WILL NOT be forgotten...

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Mr. Lane,

I just want to follow up on my comment at the September 11 2012 council meeting (Consent Agenda Item 7, Funding Security Guards) regarding my public comment in which I referred to certain First Alarm Guards as reminding me of blackshirts.

First, I just want to point out I am not alone in this sentiment. One of my disabled Senior Citizen friends has recently recounted his interrogation and pressured search (to which he, in my opinion should have never consented) by a First Alarm guard on the "RiverWalk".

The guard was, according to my friend, insinuating he (again, a senior citizen in a wheelchair) was loitering for the use of drugs.

My friend consented to that search BY AN UN-DEPUTIZED person, at the expense of his personal privacy and in obvious violation of his constitutional rights. Consented or not, the security guard had NO BUSINESS WHATSOEVER asking to, or even implying his alleged 'right' to search this man's possessions.

I have also personally observed a number of other instances indicating First Alarm's ineffectualness and counter productiveness which I will not recount here. As I said in my three minutes the other day "No matter WHO is contracted, oversight and training in regard to their behavior in public, especially their behavior when contacting Santa Cruz' 'alternative' citizens, should be de rigueur lest these sorts of incidents continue.

Here is a presentation I wrote in regard to Santa Cruz homeless policies in general. It was slightly too long to fit into the three minutes allowed for "public input" at council meetings, but at least part of it is germane to the hiring of security guards, and the rest... well you be the judge:

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A recent brief in a national law journal by a human rights lawyer regarding the usurpation of public space by cities to prevent protests and demonstrations states:

"...troubling, and less often discussed, is the sustained use of state power to deter peaceful protesters through over-policing, a zero tolerance approach to minor violations of city ordinances and the imposition of a shifting battery of unspecified "rules."(1)

Let it be noted that "Homelessness" IS a 'demonstration'; A demonstration of ineffective planning by cities for their impoverished citizens and displaced workers.

Also note that "over-policing", a "...zero tolerance approach to minor violations", and the implementation of "...a shifting battery of unspecified "rules." is currently in vogue with the people who create and enforce SCPD's policies in regard to the city's less fortunate.

According to the sentiments of the human rights lawyer quoted above, the city of Santa Cruz is apparently committing what may later be found to be "Human Rights Violations" against it's homeless citizens.

(The latter policy, '...a shifting battery of unspecified "rules."', often results in officer-perjured or otherwise non-legitimate charges. I have in my possession five utterly bogus infraction citations from May this year which I've ignored, and I would relish the idea of being arrested under the city-created 'scofflaw' misdemeanor charge ex post facto the city's passing on of the fine liability to the state-mandated collection agency. I WANT to see a lawyer to deal with these perversions of justice, but I'll be damned if I'd voluntarily waste my valuable time over them.)

But I digress... More germane is the fact that ALL "industry standard" studies used by American cities in the development and implementation of their homeless policies concur...

Disfranchising, demonizing and criminalizing houseless citizens;

A> DOES NOT alleviate the perceived or actual problems and

B> Costs A LOT of taxpayers money to fund those ineffectual policies.(2)

(lest I beg the point about disfranchisement; According to a recent census of the houseless in Santa Cruz, a large majority were employed and housed locally before they became houseless, and therefore are a part of the community.)

That tax money is funneled, along with the dysfunctional policing policies, to local law enforcement agencies which then act overtly, with media pronouncements of 'cleanups', 'sweeps', against a portion of their community.

The policies, practices, and the pressure of media publicity leading to short-term allegedly 'effective action' by law enforcement agencies have the net result of causing the officer-on-the-street to be even less effective in their community policing tasks as they become overwhelmed (hence the 'need' for 'security guards') enforcing ordinances against a targeted sector of the city's population.

Enforcement of these ordinances also occurs at the expense of police resource availability to the community at large ... within existing budgets.

Further, these city-created ordinances often appear to be unconstitutional at face simply by their selective nature, and enforcement is potentially even MORE selective (ie. Chronic street alcoholics and other common candidates for a court 'plead out', people on probation or with 'search clauses') in order to preemptively avoid legal challenges by irate less compliant and more knowledgeable victims, even as these ordinances and related 'sweeps' hamper the ability of the police, in the short or long term, to interact with and serve more socially legitimate law enforcement functions in regard to the homeless community, which would certainly be uncooperative and very distrustful of the police due to previous experience.

Viewed in it's entirety the end result of strategies and tactics involving the disfranchisement, demonization, and criminalization of the houseless typically favors (solely) the interests of commercial property owners, land developers ... and police agencies(3), public and private, whose budgets and manpower are increased, even in times of economic troubles, again at the expense of the community at large.

All this for policies that do not work.

All this for policies that cost taxpayers dollars.

What part of "unconstitutional policies" (with the inherent civil tort liabilities) and "fiduciary malfeasance" doesn't Santa Cruz city's elected officials and management understand when they spend their citizens money on policies repeatedly proven ineffective, counterproductive and potentially unconstitutional?

What part of "Your city is wasting tax revenues on policies PROVEN not functional" don't the taxpayers of Santa Cruz understand?

Footnotes:

1. <http://jurist.org/sidebar/2012/08/emi-maclean-nypd-occupy.php>
2. Street People and the Contested Realm of Public Space, Randall Amster  
[http://books.google.com/books/about/Street\\_people\\_and\\_the\\_contested\\_realms\\_o.html?id=JnVHAAAAMAAJ](http://books.google.com/books/about/Street_people_and_the_contested_realms_o.html?id=JnVHAAAAMAAJ)
3. <http://www.youtube.com/watch?v=xDiEghBfIEc> (Exposition on Nuisance Laws and society)

"First, our analysis ... suggests that if development assistance is not appropriately funded relative to the size, geography, and needs of (a community in the) targeted regions, it is liable to act as a double-edged sword by precipitating a revolution..." ~Kim Cragin, Peter Chalk; Terrorism and Development - RAND Corp, 2003,  
<[http://www.rand.org/pubs/monograph\\_reports/MR1630.html](http://www.rand.org/pubs/monograph_reports/MR1630.html)>[http://www.rand.org/pubs/monograph\\_reports/MR1630.html](http://www.rand.org/pubs/monograph_reports/MR1630.html)

by Leigh Meyers  
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