

# Threatened with a Camping Ticket in the City of Santa Cruz?

3rd Edition

1. Call the River St. Shelter at 459-6644 and ask to be put on their Waiting List; call back every three days to renew your request.
2. Make sure you're sleeping on public property (i.e. a sidewalk).
3. Advise the police officer that you are on the Waiting List and so covered by MC 6.36.055 which reads

“(a) **A person shall not be in violation of this chapter [the Camping Ban] 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.”

4. Ask the officer to either (a) call the River St. Shelter to confirm that you're on the list or (b) offer you a legal place to sleep somewhere on public property in the City.
5. Ask others nearby to be witnesses; ask them to write down your name, theirs, and contact info.
6. *Video and/or Audio EVERYTHING. Use your cell phone. Even if it's not working, act like it is. If you have no phone ask those around you to video or witness.*

7. If you don't want to stay, ask clearly "am I free to go?". If you wish to stay and are willing to risk a citation, ask "am I free to go back to sleep?"

7a Tell the officer that since you don't believe it's a lawful arrest, he does not have your permission to search your belongings or your person. Advise them that none of your property is to be regarded as "trash". If they insist on taking stuff, ask for a receipt for each item taken.

8. If you haven't made an audio or video, write down or have a friend audio you describing everything you remember about the encounter: what everyone said, who was there, where it happened, the time, Details will fade with time.

9. Before you sign the ticket, ask if the cop is willing to take you to a magistrate (if it's during court hours 8:30 AM- 3 PM M-F) to determine if there's probable cause for the ticket. If you have no legal place to go, the magistrate may dismiss the ticket short of trial because of the Necessity defense you have. (Coming in a flyer soon). If the cop is not willing to take you to the magistrate, s/he is probably violating state law & police policy-and you want a record of that.

10. If the cop declines to answer your questions (always better for you to be asking than answering), request their name and badge number. Then ask to speak with his sergeant. Clarify you're willing to sign the citation, once questions are cleared up. (It's a imposition for both you and the cop to have to go to court, so if the issue can be resolved beforehand, that would be good for everyone.)

11. Be polite but clear and loud so others can hear.

11a. Never forget the police officer is not "your friend" in this situation. They are doing a job and you are simply an item in the line-up. It's not personal for them, but neither is it "friendly." Their job is to move you on, to obey without question, and to do so to the next person.