

Correspondence with Andy Mills:

Sep 11 at 8:35 PM

My Oral Communication and apology for going over the buzzer

From: Abbi Samuels

To: Chris Krohn, David Terrazas, Sandy Brown, Martine Watkins, Cynthia Chase, Cynthia Matthews, Richelle Noroyan, Andrew Mills

Cc: Martin Bernal

Thanks, **David**, for giving me extra time. I timed myself beforehand and had it down to 3:20 seconds so I'm not sure why I was cut off. I didn't notice the time when I started but I have a feeling it was less than 3 1/2 minutes as requested before I went up. I apologize that I continued speaking after the buzzer. Not sure why the time was shorter than anticipated.

For those of you who have might not have heard my oral communication this evening, this is what I said:

"We stood here before, over 3 years ago, as the Freedom Sleepers protesting the unconstitutionality of the Sleeping Ban. We slept, outside of City Hall, every Tuesday for 2 years beginning on July 4th, 2015. We read to most of you the decision from Boise vs Bell. We and many others begged you to change the ordinance. Don Lane requested to take the word 'sleeping' out of the ordinance. So now, as you know, it has been declared unconstitutional by the Ninth Circuit Court as we all suspected.

But what I see happening here in Santa Cruz is that you are now figuring out ways to still criminalize those who have to live on the streets by giving other types of citations and continuing to make every place illegal to sleep in the City which causes people to trespass. The police continue to harass businesses to sign a contract with them so they can go on their business at any time and give citations for those trying to get a night's sleep. You continue to spend hundreds of thousands of dollars putting up fences to keep the houseless out of the parks and then say you have no budget to help the houseless.

You continue to put up signs throughout the city not allowing people to sit or stand, keep their belongings or bikes nearby knowingly this is to keep what you call ' the unsightly' out of sight and out of our parks.

A few months ago, I videotaped a car that was going to be towed. It had two people in their sixties who were disabled living in their car. Thankfully, a compassionate cop, Mark Eveleth, disagreed with the original cop who called the tow company. One of the people in the car couldn't sit or walk due to bone on bone on her hips. She's been waiting for surgery and was in excruciating pain. Andy Mills told me next time they may not be compassionate and should probably try to sleep in the county not the city. The following week, when I wasn't videotaping the same original cop, not Mark, found the same people and towed their car. Now they are living on the streets and one on them cannot walk.

And if you are thinking of changing the ordinance to only if the shelters are full, this would be not only immoral but probably unconstitutional. A lot of the people living on the streets cannot be around other people, have drug or alcohol dependencies and cannot stay in the campground or the winter shelter. And even if the shelters were full, you know that most of the people are in survival mode cannot keep track of

when to go to court or even if they can keep track, where are they supposed to store their belongings so they can enter the courthouse? Most won't go to court because they are too afraid their possessions will be stolen, a fear too common.

And Andy Mills has decided to double-down on citations such as trespassing. These tickets increased by 88% in the first 6 months of this year compared to last year. You have made it illegal to sleep anywhere in the city. Public urination and defecation would not be happen if you supplied sufficient bathrooms. Littering and illegal dumping would not be happening if you supplied more trash and recycling bins throughout the city.

This kind of treatment is not only inhumane but my guess it will also be unconstitutional. Instead of waiting for it to be unconstitutional like our very own no sleeping ordinance, maybe this time you can be ahead of the game and stop upping the citations and criminalizing the houseless."

Can anyone on the City Council or Chief Andy Mills please let me know where are the legal places to sleep so one does not get a trespassing ticket?

Andy, can you please forward this to Mark Eveleth and please thank him.

Thank you,

Abbi Samuels

Sep 11 at 8:53 PM
Re: My Oral Communication

From: Andrew Mills

To: Abbi Samuels

Cc: Chris Krohn, David Terrazas, Sandy Brown, Martine Watkins, Cynthia Chase, Cynthia Matthews, Richelle Noroyan, Martin Bernal

Abby,

The courts define public space. The trespassing cites that were issued to those sleeping on private property. But you were aware of that.

Further more you and I spoke on the phone during the incident you referenced. You called me at home on the weekend to intervene on a car with expired registration. It had nothing to do with homelessness. You knew that. I cannot fix tickets.

Mark made the right decision, w consent, but your friend chose to continue to drive with no registration and there are consequences for behaviors.

We have worked diligently to work with our homeless population, even championing them at a great personal cost. There was deafening silence from you. We as a police agency will continue to police with compassion because it it right, not because of pressure from those with an agenda.

Best

Sent from my iPhone

Sep 11 at 9:22 PM

Re: My Oral Communication and apology for going over the buzzer

From: Abbi Samuels

To: Andrew Mills

Cc: Chris Krohn, David Terrazas, Sandy Brown, Martine Watkins, Cynthia Chase, Cynthia Matthews, Richelle Noroyan, Martin Bernal

Thanks for responding, Andy, so quickly. I do thank you for giving out hardly any sleeping / camping tickets over the last year.

First, you say that the courts define public space. Your force are the ones that give citations out so I'm curious on what the police force decide when to give trespassing citations. Where in the city is a public space where one can sleep during the night? Pacific Avenue (don't think so)? The sidewalks (don't think so)? A park(not after hours)? In front of the Civic Center (maybe?) On the library bench (not with those signs). So I'm so very curious on where can one sleep during the evening where the police will not bother someone who is sleeping outside.

Second, yes, thank you for taking my call on the expired registration. BTW, it was not a weekend. It was a Wednesday night, just before 7pm, the third week of June, June 20th to be exact. The reason I know this is that I was on my way to our local ACLU chapter Board meeting that began at 7pm and I was 40 minutes late because I stopped to videotape the incident.

Driving without registration has a lot to do with homelessness for those people living in their cars. It has a lot to do with homelessness when they are not able to get a registration because of the parking tickets your force have given them because there are very few places, if none at all, in which one can sleep in their car and not be disturbed without getting a ticket. The tickets cannot be paid due to not having money and increasing fines. Where in the city can one park and sleep in their car without being bothered by the police? Obviously, this is due to homelessness. And once, their car is towed, not only do they not have their car as their home but two more people are on the streets. This has everything to do with homelessness.

Like I said, thank you for not giving out hardly any sleeping and camping tickets over the last year. What I have an issue with are the other citations that have increased for things such as trespassing for sleeping in doorways of businesses, businesses that used to allow it and no longer do due to the police asking businesses to sign contracts making it illegal to sleep in their doorways. Places that used to allow sleeping in their doorways such as the Yoga Place and University Printers are now being given tickets for trespassing. ***So I ask again where in the city would your force not bother those sleeping in the city?***

Thank you,

Abbi

Sep 12 at 9:26 AM

Re: My Oral Communication and apology for going over the buzzer

From: Andrew Mills

To: Abbi Samuels

Cc: Chris Krohn, David Terrazas, Sandy Brown, Martine Watkins, Cynthia Chase, Cynthia Matthews, Richelle Noroyan, Martin Bernal

Abbi,

Re your last question. That is a policy question better suited for Council. I will adhere to the law/decision until we get clarification on the 9th Circuit Court decision. I would imagine many lawyers are working on it as we speak.

A

Sep 12 at 9:58 AM

Re: My Oral Communication and apology for going over the buzzer

From: Abbi Samuels

To: Andrew Mills

Cc: Chris Krohn, David Terrazas, Sandy Brown, Martine Watkins, Cynthia Chase, Cynthia Matthews, Richelle Noroyan, Martin Bernal

Hi Andy,

Again, thank you again for getting back so quickly.

So you are refusing to answer which public places your police force will not bother people who are sleeping during the night?

I forgot to mention to respond as to why I have been silent on my response to you not issuing camping tickets. Honestly, it's not because I have an agenda. The reason I have been silent was because I was hearing from my houseless friends that there has been an increased amount of tickets being given out to those living on the streets for all sorts of reasons including trespassing and paraphernalia. Just as I thanked Mark Eveleth in public at City Council last night and in email, I will happily thank you in public and in person once the houseless are stopped being criminalized for being houseless. ***I so much look forward to that day!***

Sincerely,

Abbi

Sep 12 at 1:48 PM

Re: My Oral Communication and apology for going over the buzzer

From: Andrew Mills

To: Abbi Samuels

Cc: Chris Krohn, David Terrazas, Sandy Brown, Martine Watkins, Cynthia Chase, Cynthia Matthews, Richelle Noroyan, Martin Bernal

Okay, let's take this off line so we don't inundate Council with emails when they already have too many to read.

There are an increase amount of tickets being written to all people, not just the homeless or houseless, as I reported out to Council and the PSC. A persons economic status should not be a consideration when the behavior is inappropriate. How on earth does possession of drug paraphernalia equate to criminalization of homelessness? Yes, we need much better solutions for addiction and demand reduction, but the legislature has willfully not stricken drug possession off the books. It will continue to be enforced until that day.

I too look forward to the day when we do not ticket any houseless people because they are housed. If you would like to meet in person to discuss this I am, as you know, always available.

Best

Andy
