

The Law of the Street

S.C. downtown reportedly less 'weird' one year after panhandling, misbehavior crackdown

Pacific Avenue

7 2003



These youths say they were confronted by police for being disrespectful on Pacific Avenue.

Dan Coyro/Sentinel

By **DAN WHITE**
SENTINEL STAFF WRITER

SANTA CRUZ — On Pacific Avenue, summer tourists are out in force and so are panhandlers, holding signs seeking food, spare change and jobs. One seeks “dollars and cents for weed.”

Visitors chew vegan snack balls at the farmers market, while a folk singer wails, and an illicit jasmine-coconut-oil salesman keeps an eye out for cops.

The color, weirdness and jarring contrasts of downtown Santa Cruz remain. But a number of merchants and visitors say the weirdness has a less obnoxious edge than it had last year.

Then, City Hall was buried in com-

plaints about aggressive panhandlers, men following and shouting at women, people crowding sidewalks and possessions strewn across walkways.

The City Council responded by tightening rules that govern what goes on downtown — part of a continuing effort to manage behavior on Pacific Avenue, recently emerging in the district attorney’s controversial ban of “chronic” criminals in the downtown area.

Among the rules passed last year were a ban on after-dark begging and tighter restrictions on where panhandlers and buskers can operate.

It would be hard to give all credit, or cast all blame, to just one factor when looking at changes that have occurred since the

new rules took effect. But supporters of the regulations insist the rules have preserved the endearing wackiness of downtown while mellowing reported misbehavior. Among the changes:

■ Complaints to City Hall about problems downtown have dropped, from dozens last summer to a few since September when most of the ordinance revisions kicked in, according to a city log of voice mails.

■ Some merchants and downtown visitors insist social problems are fewer now, though this claim is sometimes disputed.

■ And complaints to beat cops about “serious downtown problems” have

Panhandler strategies

Believe it or not, the following messages were taken from real signs displayed by panhandlers, street acts and others frequenting Pacific Avenue in downtown Santa Cruz.

- “Can you spare lots of drugs and alcohol and an ugly fat woman?”
- “Your donations are tax deductible.”
- “Feed the bears.”
- “Can you spare everything you own? ... I need \$25,000 to buy a new Harley Davidson.”
- “Visions of a hamburger.”
- “I was arrested for playing Risk (a board game) in a park. The cops left my stuff there. Now I have no I.D., no work, need a job. My birthday is Friday, help, thank you, God bless, smile and peace be with you.”

■ “Spare change for a starving artist.”
(Displayed by a street performer balancing a 4-foot wooden stick on his nose.)

■ “Why lie? It’s for beer.”

— Dan White

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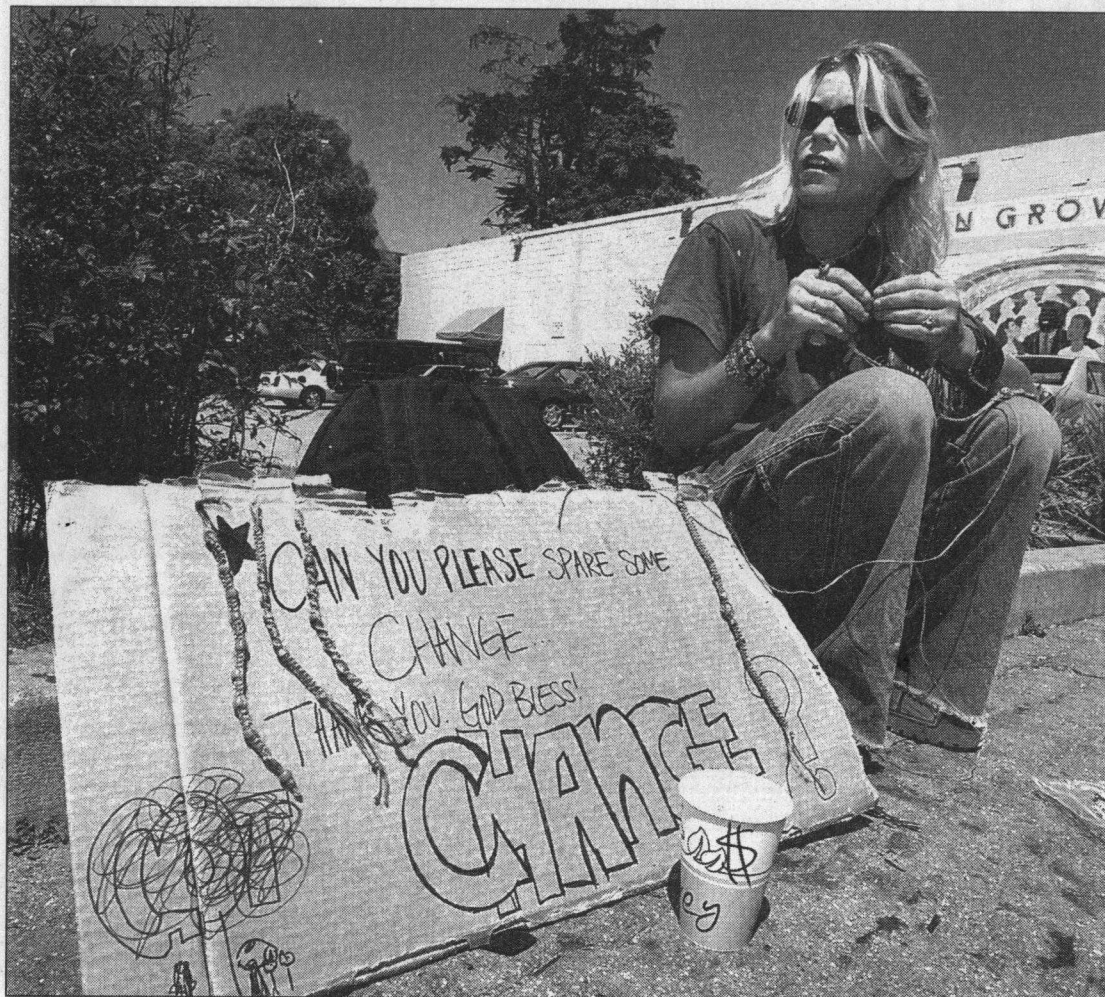
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Dan Coyro/Sentinel

UC Santa Cruz student Tiffany Thornton now spends her days panhandling and stringing beads.

Downtown

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decreased, said Police Chief Steve Belcher, who reports "overwhelming compliance" with new behavioral rules.

As the one-year anniversary of the tougher laws nears, observers are watching carefully to see if legislation is really succeeding in solving street conflicts between different interest groups.

Other cities like Modesto have since crafted similar behavioral ordinances and keep a close eye on the successes and failures in Santa Cruz.

Meanwhile, as the Santa Cruz ordinances play out, public sympathy for the street community, something that has long run strong in Santa Cruz, has spurred more criticism of the rules. According to critics, the city is punishing the masses for the sins of a few, while failing to rein in bigger problems like drug dealing.

Origin of the rules

The city prides itself on a downtown that stands out from the drab

50,000 square feet in the winter to nearly 54,000 square feet in early summer according to city figures.)

In response to anxieties about a hostile shopping climate, the city dusted off its 1994 panhandling ordinances — which include some of the nation's toughest restrictions — and ordered police to enforce them vigorously. Council members proceeded to expand and standardize many of the old laws.

A small number of other California communities have increasingly cracked down as well. Modesto drew both cheers and outrage last month for banning begging near ATMs, intersections and outdoor dining areas.

Santa Monica bans "aggressive panhandling" and sleeping in shop doorways after dark unless owners say it's OK. Berkeley has drawn attention for its street ordinances as well.

Like in other cities, the ordinances sparked tension in Santa Cruz.

While merchants lobbied the City Council last year, saying the city needed to make downtown safer because employees and customers were being harassed, political activists accused the city of

nals downtown if they "have no business there," with help from police who will be given criminals' photos.

Lee is looking into downtown "hosts" — paid greeters on the mall — possibly getting the same photos and aiding police.

Councilman Mike Rotkin, an advocate of the downtown behavioral rules, said improvements come one step at a time.

"The change has been subtle," he said. "These things don't change overnight. (But) this sends a message that nasty behavior won't be tolerated."

Declaring success

Santa Cruz Chamber of Commerce Executive Director Greg Carter said the avenue is more comfortable in part because of "the message sent by the City Council."

"Merchants just want to be acknowledged and respected like everyone else," he said, adding that he's seen far fewer complaints from visitors and shopkeepers this year and witnessed a noticeable difference himself.

"I'm not seeing the aggression with folks who sustain themselves

To give or not to give: Confronting a panhandler

By **ROBYN MOORMEISTER**
SENTINEL STAFF WRITER

For Santa Cruz panhandlers, scoring cold leftovers is much easier than getting folks to hand over cold, hard cash.

And if you're hungry, being female, elderly or talented also works in your favor, many downtowners say.

"You have to quantify the person, determine the need," said Santa Cruz resident Chris Cacioppo, sipping his espresso drink at Peet's Coffee on Pacific Avenue. "If the person asking for money is a teenager who looks like he comes from middle-class parents, no way."

Teens, he said, haven't earned it: "Life hasn't beat them down enough for me to give to them," Cacioppo explained.

And to those he deems worthy, he only gives food.

"I could walk out of a restaurant with the best steak ever — I'll really be looking forward to finishing it — but if I see someone who needs it, it's theirs," Cacioppo said. "I'm from the Midwest; I don't give money away."

Many interviewed preferred giving to the female sex.

"I've got a soft touch for the homeless ladies," said Scotts Valley resident Dennis Potts as he leafed through the morning paper in downtown Santa Cruz. "Maybe I favor them because of some beating I took in Catholic school. It's tough to get that out of your system."

He gives to homeless women — if they appear to be in especially dire straits — and to his church, confident that church officials distribute his money fittingly to charities.

Social psychologist Anthony Pratkanis — who teaches social influence and flimflam (the art of duping) at UC Santa Cruz — said women are much more successful at panhandling than men because people generally think of women as more helpless and needy.

"It's the social role of women as people who need help," Pratkanis said. "Men are supposed to be independent."

The panhandler's ability to



Dan Coyro/Sentinel

A downtown panhandler brushes his teeth as he lobbies for cash across from the Santa Cruz Cinema 9.

the money's purpose.

"If someone stops and thinks 'he must need this for a bus ticket or a cup of coffee,' then a barrier has been broken," Pratkanis said.

He said it has worked on him: he hardly ever gives to panhandlers but a panhandler asked him for 17 cents and he found himself fishing in his pocket for it.

Sunnyvale resident Roger Shaff, who works in the international health care field in Santa Cruz, said instead of food or money, he gives attention.

"I'll squat on the ground with (homeless people), make eye contact and give human respect instead," Shaff said. "It's a better gift than money or food. There are other sources they can access

Angeles, said she gave to the homeless when she first arrived in Santa Cruz years ago for school, but now she won't give to local panhandlers no matter what they do.

"There's this hostility I get from (panhandlers) here," Haskins said. "It's like they've got a right — sense of entitlement. Anyway, there are so many resources in town for them to use."

Friends Kristin Whorley, 23, and Krystal Kelpo, 25, say they've got soft spots for the elderly homeless, particularly one woman who asks for money near a downtown parking structure.

"We bring her food and whatever spare change we have," Whorley said. "It breaks me up to see the elderly — especially

of a few, while failing to rein in bigger problems like drug dealing.

Origin of the rules

The city prides itself on a downtown that stands out from the dreary retail corridors of "Anytown, U.S.A." In Santa Cruz, you can buy an heirloom tomato, a water pipe and designer T-shirts while being serenaded by an out-of-tune bagpipe artist.

But last year, the city government was hearing that an always-edgy center was no longer fun to visit.

One angry complaint read: "I'm a 220-pound weightlifter and I don't feel safe, so imagine how women and children feel. Take back our street or we'll find a City Council that will."

Meanwhile, a number of incidents raised safety concerns. In May 2002 there was a fatal heroin overdose in a portable toilet just off Pacific Avenue, a stabbing near Borders Books at 1200 Pacific Ave., and seven gunshots fired into a van in broad daylight on the avenue's 800 block, wounding two young men.

Businesses also were feeling the first sting of a national recession. Retail vacancies began rising, a concern that lingers today. (Available retail space downtown went from 39,519 square feet last fall to

Cruz.

While merchants lobbied the City Council last year, saying the city needed to make downtown safer because employees and customers were being harassed, political activists accused the city of entering a hurried "back-room deal" with shopkeepers and police, at the expense of those less fortunate.

Several merchants said the city's response was, if anything, too moderate.

"You can't be half-hearted (when it comes to taking care of problems)," said Carla Walton, owner of Graphfix Gallery & Framing at 1229 Pacific Ave. "I've been here 22 years and it's getting old. Clean it up."

Meanwhile, activists contend that various downtown rules, from the ban on Pacific Avenue dogs to a ban on blocking sidewalks with possessions, are unevenly enforced to favor the well-dressed.

"I certainly feel chilled," said activist Thomas Leavitt, sporting a button reading 'free speech 60 minutes at a time' that refers to a one-hour 'move along' provision for political tablers. "The idea of being tossed in jail doesn't appeal to me."

Recently adding fuel to the debate, District Attorney Bob Lee launched a program in which judges can ban "chronic" crimi-

everybody else," he said, adding that he's seen far fewer complaints from visitors and shopkeepers this year and witnessed a noticeable difference himself.

"I'm not seeing the aggression with folks who sustain themselves by asking for money," he said.

And though retail vacancies are high, Keith Holtaway of the Downtown Association reports a recent surge in applications for business licenses, including a gelato factory moving into the new Cooper House, the recent move and expansion of the Treehouse Toys store downtown, and two business partners planning to clean up and put an Italian restaurant in the graffiti-smearred former Cat 'N Canary space.

Holtaway did not attribute this retail interest to any one factor but said it reflects a growing confidence in downtown.

The observed improvements there come in spite of an economy that remains flabby, making it harder on merchants and panhandlers alike.

Wayne Allen, a panhandler, swears there is "twice as many of us as there were before," making it even harder for them to get by.

And experts agree. Paul Brindel of the nonprofit Community Action Board, which works for the poor, said the sagging economy added to the ranks of "chronic"

of women as more helpless and needy.

"It's the social role of women as people who need help," Pratkanis said. "Men are supposed to be independent."

The panhandler's ability to break down social barriers, he said, determines how successful they are. Women, he said, can play on the chivalrous spirit of the giver.

Asking for a specific amount, which he calls the "pique technique," is also effective in breaking down barriers because it causes people to wonder about

homeless, leading to an apparent surge in begging.

But many say the people hanging out in the streets, despite their numbers, are better behaved.

"They don't come up to you and talk to you as much and harass you," said Maria Chavez of Boulder Creek. "Last time we were here two years ago I got yelled at."

Chief Belcher said police statistics appear to back up such claims, while noting "overwhelming compliance" with newer rules.

He pointed to statistics from January through June, when there were 34 citations relating to the newer panhandling restrictions. Belcher had no past figures for

city, he gives attention.

"I'll squat on the ground with (homeless people), make eye contact and give human respect instead," Shaff said. "It's a better gift than money or food. There are other sources they can access for that."

UC Santa Cruz employee Erika Sehestedt said she has to be entertained before she gives.

"If they're street entertainers at least they're trying," Sehestedt said. "At least they're giving something, too."

Sehestedt's co-worker Audrey Haskins, originally from Los

comparison, because the revised rules are new, but called the number of citations modest.

There was no drop in overall downtown citations, however. In fact, from January through June, 520 citations for city code violations were handed out downtown, a 30 percent increase over the same period last year.

Belcher attributed this increase to a greater police presence, not to more criminal activity.

While he did not have figures showing more serious crimes, such as drug sales, have dropped, he said revised laws make it easier for police to "make contact" with suspects involved in serious

homeless, particularly one woman who asks for money near a downtown parking structure.

"We bring her food and whatever spare change we have," Whorley said. "It breaks me up to see the elderly — especially women — who aren't in the best of health asking for food."

They say the woman prefers bananas.

"She loves it when we come around," Kelpo said. "She thanks us and calls us 'sweetie.'"

Contact Robyn Moormeister at rmoormeister@santa-cruz.com.

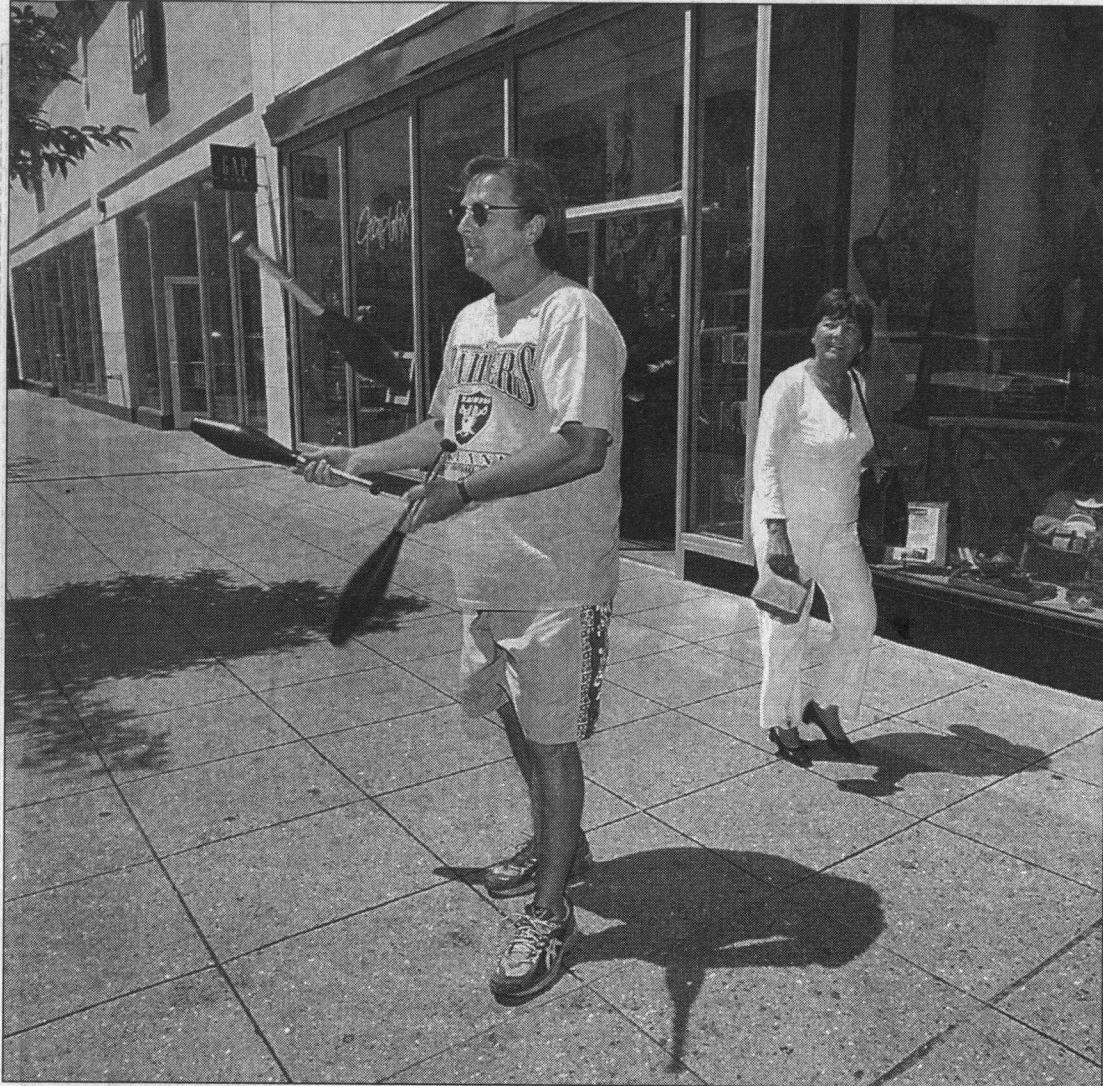
crimes and pursue investigations of these incidents.

The rationale, he said, is people breaking municipal codes may also be "equal opportunity violators" committing serious crimes.

Hurt by new laws

While backers of the stricter ordinances say the rules have helped clean up downtown, critics say the laws have harmed the harmless.

"Ugly Jim" Hunt, 63, a homeless panhandler with a bristly white beard, said his worst vices are cig-



Dan Coyro/Sentinel photos

This self-styled comedian, drummer, musician, singer and juggler has been performing downtown for 15 years.

Downtown

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arettes and coffee, but that laws and police don't distinguish between troublemakers and people minding their own business.

A passer-by handed him a fresh-baked chocolate-mint cookie on a recent afternoon. A young woman stuffed a dollar in his hand. But Hunt said a ban on after-dark begging "killed" his average \$25 daily take.

Hunt has a policy proposal of his own. He said he wants a permit system for panhandlers that would bar rude inebriates, public aid recipients, able-bodied non-homeless youths and drug abusers from begging.

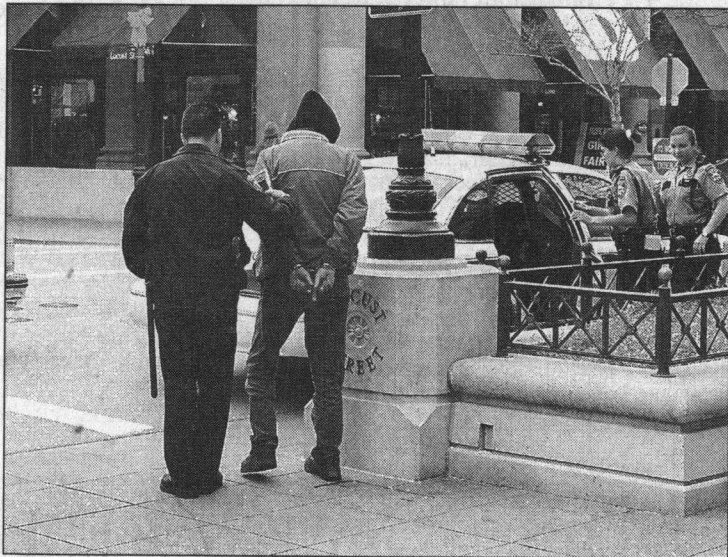
As if on cue, two loud, wobbling drunks pushed in front of Hunt as he explained his idea.

"See what I mean?" he said.

Much of the city's sympathy for panhandlers stems from the area's high cost of living, limited emergency shelter space and the

'If people are drunk in public (they will be cited) but if they are sitting quietly, police are too busy to mess with them.'

MIKE ROTKIN, COUNCILMAN



Downtown's dos and don'ts

By DAN WHITE
SENTINEL STAFF WRITER

Confused about downtown rules?

Here is a detailed compilation of the revised ordinances, from the perspective of the people who wrote and enforce them. Hopefully, the information won't leave you more confused than you were before you started reading.

Starting last summer, the City Council began to pass new, stricter downtown rules, which, in many cases, are expanded versions of laws passed in 1994.

Before last year's revisions, panhandlers, political tablers and street acts who played for money had to heed a variety of space restrictions, keeping them between 6 to 10 feet from various objects and landmarks.

Now, because of the updated rules, panhandlers are forbidden to beg after dark and must stay 14 feet from building faces, kiosks or open air dining areas, entrances, exits and crosswalks.

Confused panhandlers were told that they could figure out the legality of their standing position by counting the sidewalk squares, which are two feet by two feet.

Meanwhile, other 1994 panhandling rules are still in effect such as a provision banning all begging within 50 feet of ATMs and banks and a ban on panhandlers using "abusive or profane language" while begging. They are also not allowed to beg "while under the influence of alcohol or drugs."

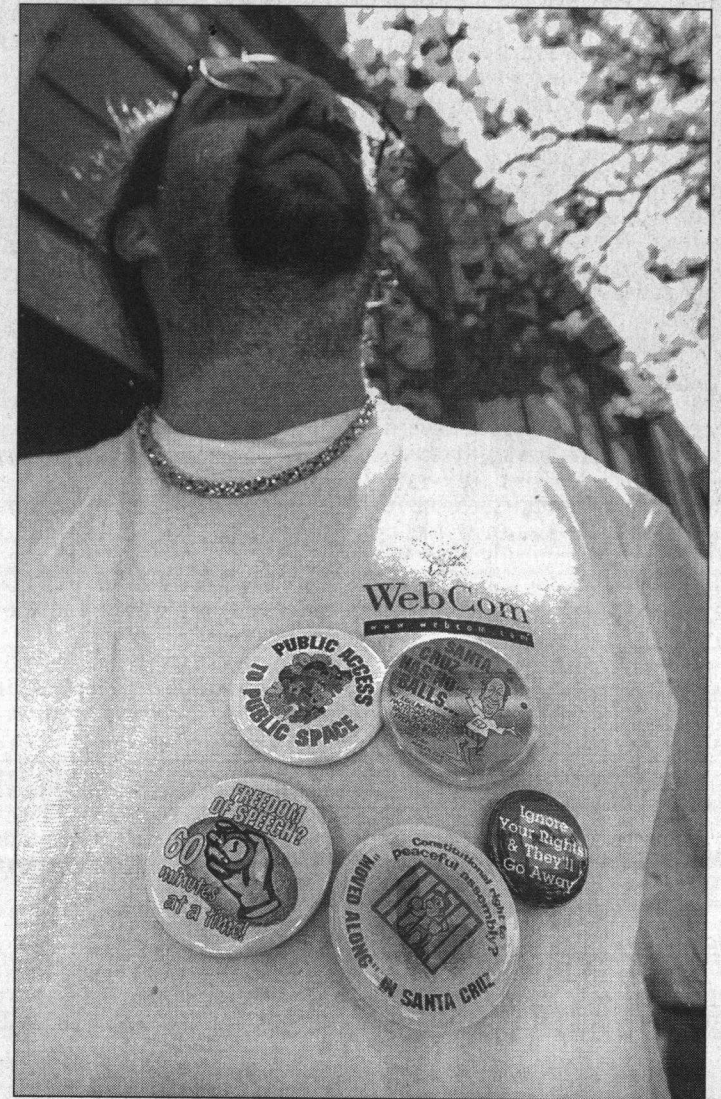
Downtown sidewalk sitting is also banned 14 feet from a window, exit or entrance, 14 feet from a drinking fountain, telephone and outdoor cafe seating, and 50 feet from ATMs and cash machines.

Sidewalk sitting is permitted only "if it doesn't interfere with the flow of walking traffic," and no one is allowed to lie down on the sidewalk.

While most of the newer rules regarding panhandling kicked in last year, newer "non-commercial display" rules took effect in February.

"Non-commercial display" is a broad category that includes street musicians seeking donations and political tables.

These people must keep 10 feet from drinking fountains, phones, benches, windows, building entrances or exits, kiosks, vend-



Dan Coyro/Sentinel

Street activist Tom Leavitt has created a series of buttons poking fun at downtown ordinances.

ing carts, mid-block crosswalks, street corners and cafe extensions.

City Attorney John Barisone said that if the musicians aren't using a "display device" such as a hat or open guitar case, they can stand most anywhere they like.

There is also a provision requiring political tablers or street acts to move 100 feet from any given spot after one hour.

"They should move on their own but if an officer notes they have been there over an hour, they can make the request they move on," Barisone said. He said a shopkeeper would be the "logical person to let the police know (about violations)."

In addition, sidewalk "sports" involving projectiles such as foot bags, commonly known as Hacky

Sacks, are banned on downtown sidewalks, along with the spilling of projectiles or liquids — though the City Council, in a peculiar clarification recently, stated that juggling isn't one of the banned activities.

At the bottom of a "Public Property Ordinances" work sheet, passed out by the Downtown Hosts, there is a subsection saying, "Why So Many Rules?"

The city's official answer: "The city tries to balance the needs of many and protect merchants, panhandlers, store workers, homeless, visitors, etc. If everyone follows the guidelines the downtown will be safe for everyone."

Contact Dan White at dwhite@santa-cruz.com.

he explained his idea.

"See what I mean?" he said.

Much of the city's sympathy for panhandlers stems from the area's high cost of living, limited emergency shelter space and the problem of low wages combined with exorbitant housing costs, homeless advocates say.

Tiffany Thornton, a willowy blonde, 22, said she's just one year short of a UC Santa Cruz degree and has a job making fast-food tacos. She wants to be a writer, but now she's begging in the street.

She said she lost the roof over her head in San Francisco "because my boyfriend and I broke up. I'm waiting for (public aid) so I can try to get a room."

Thornton broke away from the conversation and shouted, "Can you guys spare a dollar?" to a passing couple.

She is not alone in her struggle.

According to Community Assessment Project figures from last year, 8,558 people in the county reported they were homeless at some point within the previous year, and some say this estimate is low.

According to Brindel, of the Community Action Board, the number does not include people who were homeless at the time of the survey, "and we do know that last year, at least 3,300 people were



Santa Cruz police officers haul away an aggressive panhandler who was allegedly yelling at downtown pedestrians refusing to give him money.

homeless at any given night in the county."

And while the area is known for its homeless resources, which expanded dramatically in the past decade, so did the number of homeless, which reportedly doubled since the early 1990s.

Homeless Services Center director Ken Cole believes the number of local homeless is now "at the highest point it's ever been."

Of the homeless, 1,270 live in the city of Santa Cruz, according to the most recent figures. Service providers, according to the recent survey, can house half the county homeless population at any given night.

Also worried about new restrictions are street musicians — skillful, talented pickers as well as atonal shriekers. The consensus is that space restrictions have made life harder by limiting where they can stand and play for change.

The performers also maintain

they are getting slapped by new rules though they weren't a significant part of downtown problems.

Cal Harris, who plays soulful dobro melodies, said increased space barriers have chopped his income and forced him to "yell" during his performance.

Wildly attired accordionist Frank "The Great Morgani" Lima, said the busking scene survives downtown.

Morgani said he doesn't experience the brunt of "confusing" rules because he's a popular act. But he said the city, while trying to address street conflicts, may have turned street acts into the "dolphins caught in the net" of stricter laws.

Downtown showdown

The differences in opinion over behavioral rules continue to create tension in the streets today.

Street activists, like Robert

street musicians begging donations and political tables.

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ical person to let the police know (about violations)."

In addition, sidewalk "sports" involving projectiles such as foot bags, commonly known as Hacky

squid, will be safe for everyone."

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Norse, repeatedly call the city government anti-poor and stage protests against downtown policy, like one recently held at Pacific Trading Co.

Norse contends the "paranoid" store overreacted to "trivial lifestyle complaints" and helped convince the city to remove a nearby seating area where panhandlers and others sat, by moving a metal railing at a planter.

"These repressive practices are part of what appears to be a broader gentrification scheme," he wrote in his self-published street newsletter.

A female Pacific Trading Co. employee, who declined to give her name, said the situation outside the store was hardly "trivial," detailing such incidents as "drug deals, people urinating, vomiting in the planter" and

harassing women who worked at the store."

And she notes the city moved the railing, not store employees.

The protests have drawn angry reactions from various city council members including Cynthia Mathews, who called the demonstrations misplaced and "vicious" and urged people to shop at the store.

Another hot spot is in front of Borders, where dozens of people regularly strew possessions on the sidewalk and hang out.

The youths there insist they are harmless "hippies" pushed from place to place while the city makes hangout spots off limits.

Borders General Manager Michael Jackson said the scene is "less intense" than last year when he observed drug sales outside the shop.

Councilman Rotkin says this is exactly the point of the year-old rules: to target those "acting like jerks."

"If people are drunk in public (they will be cited) but if they are sitting quietly, police are too busy to mess with them," he explained.

Street musician Morgani said pleasing everyone downtown, while addressing old problems with new rules, is easier said than done.

"There are so many groups, each with its own perspective. Santa Cruz is so accepting of diversity." The hard part, he said, is "trying to find balance and satisfy everybody... How to find that balance is the \$54 million question."

Contact Dan White at dwhite@santa-cruz.com.