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CITY OF SANTA CRUZ, MARTIN BERNAL, TONY ELLIOT, and ANDREW MILLS

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

14 SANTA CRUZ HOMELESS UNION, on
15 behalf of itself and those it represents;
16 SANTA CRUZ FOOD NOT BOMBS;
17 ALICIA AVALOS, HANNAH HEGEL,
18 CHRIS INGERSOLL and RANDOLPH
TOLLEY, on behalf of themselves and
similarly situated homeless persons,

19 Plaintiffs,

20 vs.

21 CITY OF SANTA CRUZ; MARTIN
22 BERNAL, individually and in his official
23 capacity as City Manager for the City of Santa
24 Cruz; TONY ELLIOT, individually and in his
25 capacity as Director of Parks & Recreation for
the City of Santa Cruz; ANDREW MILLS,
individually and in his capacity as Chief of
Police for the City of Santa Cruz,

26 Defendants.

Case No. 5:20-cv-09425-SVK

**DECLARATION OF CITY OF SANTA CRUZ
CHIEF OF POLICE ANDREW MILLS
PROVIDING FURTHER INFORMATION TO
THE COURT RELEVANT TO THE COURT'S
INJUNCTION AT SAN LORENZO PARK**

Honorable Magistrate Judge Susan van Keulen

1 I, ANDREW MILLS, hereby declare as follows:

2 1. I am the Chief of Police of the Santa Cruz Police Department (“SCPD”), and I have held
3 this position since 2017. I have personal knowledge of the facts recited herein, and, if so called, I would
4 competently testify to the same.

5 2. I previously served as Chief of Police in Eureka, California, from 2013-2017. I served
6 with the San Diego Police Department from 1983-2013 in various ranks and positions, including
7 Lieutenant, Unit Commander, a Commanding Officer, and Captain. From 1977 to 2006, I held various
8 positions and ranks in Michigan and California.

9 3. I am familiar with the real property at issue, San Lorenzo Park along with “the
10 Benchlands” greenbelt. I have personal knowledge of encampment conditions at San Lorenzo Park and
11 have personally made numerous visits to the Park after the Court granted the injunction in this case.

12 4. Since the injunction was granted on January 20, 2021, I am aware of the following
13 serious crimes that have occurred in the Park:

- 14 • Sexual Battery and Assault. On February 10, 2021 a female subject living in San Lorenzo Park
15 reported to SCPD that she was strangled during a sexual battery. The accused suspect in this
16 incident was also living in San Lorenzo Park at the time. (Santa Cruz Police Report No. 21S-
17 00833).
- 18 • Death Report. On February 11, 2021 or February 12, 2021, a woman residing in San Lorenzo
19 Park died of an apparent drug overdose.
- 20 • Robbery and Aggravated Assault. On February 21, 2021 SCPD responded to a fight with
21 weapons at San Lorenzo Park near the duckpond. The victim was located with injuries to his face
22 and said he was struck with a metal pipe. Both the suspect and victim in the incident resided in
23 San Lorenzo Park at the time of the incident. (Santa Cruz Police Report No. 21S-01064).
- 24 • Attempted Murder. On February 24, 2021 SCPD responded to San Lorenzo Park after being
25 dispatched to a report of a victim being struck in the head with an object. The victim was located
26 suffering from a laceration to the head and was transported to the hospital for treatment. (Santa
27 Cruz Police Report No. 21S-01129). SCPD recently arrested the suspect for this crime in San
28 Lorenzo Park. The arrestee resided in a hotel adjacent to San Lorenzo Park and often frequented
the Park.
- Vandalism. On February 29, 2021 a homeless person with mental health issues residing in and
around the park vandalized and broke the windows of cars belonging to the senior citizens

1 parked in handicap parking spaces near the San Lorenzo Park Apartments on Dakota Ave. (Santa
2 Cruz Police Report No. 21S-00798).

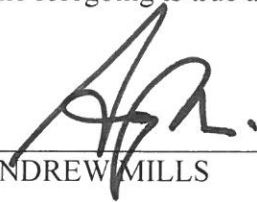
3 5. The number of arrests in and around the San Lorenzo Park area has dramatically
4 increased with the presence of the encampment. The number of arrests in January tripled, from 11
5 arrests in January 2020, to 33 arrests in January 2021. And the number of arrests nearly doubled in the
6 month of February, from 23 arrests in February 2020, and 41 arrests in February 2021. My observation
7 as Chief of Police is that this increase in arrests is directly related to the encampment located in San
8 Lorenzo Park.

9 6. I continue to receive numerous calls, emails, and personal complaints from community
10 members regarding the open drug use, drug trafficking, and unsanitary conditions related to the
11 encampment at San Lorenzo Park. On January 22, 2021, I met with senior citizens living across the
12 street from the Park who told me they are sleep deprived as a result of people in the park screaming and
13 yelling at all times of the night. The senior citizens are fearful of walking in and through the park as
14 they feel harassed and vulnerable to assault. These individuals need access to the park as the most direct
15 route for access to essential services, the nearby CVS pharmacy, and grocery stores.

16 7. The SCPD has been diligent in attempting to address crime and safety issues at San
17 Lorenzo Park during the injunction period. Specifically, we have increased patrols of the area,
18 thoroughly investigated crimes and complaints in San Lorenzo Park and we have made arrests wherever
19 possible. We have also arranged for CSOs to accompany individuals (mostly senior citizens) who desire
20 an escort to walk through the park. I find it to be truly unfortunate that senior residents need a public
21 safety escort to walk through their neighborhood park.

22 8. Despite the SCPD's diligence in addressing crime and safety issues at San Lorenzo Park,
23 based on my personal observations, discussions with Departmental staff and members of the public, and
24 professional training and experience, it is my professional opinion that conditions at San Lorenzo Park
25 continue to decline with the injunction in place and constitute a public nuisance.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on March
2 12, 2021.

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ANDREW MILLS

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