



TAKE BACK SANTA CRUZ

P.O. Box 7028
Santa Cruz, CA 95061-7028
Needlesolutions@gmail.com

January 2, 2020

State Department of Public Health, Office of AIDS
Attention: SEP Certification Program
PO Box 997426, MS 7700
Sacramento, CA 95889-7926

RE: Take Back Santa Cruz's Needles Solutions Team's Opposition to Application of Harm Reduction of Santa Cruz County to Distribute Syringes Across County

Dear Director Smith,

Take Back Santa Cruz's Needles Solutions Team hereby submits its opposition to the application of the Harm Reduction Coalition of Santa Cruz County ("HRC"). First, Santa Cruz County already runs a Syringe Services Program ("SSP"); hence there is no need in our county for another program run by non-medical professionals. Next, in the approximately 18 months that it has been operating without certification, the HRC has caused the number of clients seen at the County SSP to plummet, sadly reducing the number of opportunities for people suffering from addiction to receive medical treatment, HIV/Hep testing, and rehab referrals.

The HRC has also caused a substantial, documented increase in the number of discarded needles found in Santa Cruz. Moreover, the HRC's current and previous application are rife with falsehoods and inaccuracies, including answering "no" to the question "Is there a neighborhood association affiliated with the location(s) of your proposed SEP site(s)?" The HRC and its founder have consistently demonstrated that they have no interest in recognizing and addressing the legitimate concerns of the community regarding needle litter.

I. Background – Take Back Santa Cruz’s Needles Solutions Team

Take Back Santa Cruz™ (“TBSC”) is a 501c3 non-profit, all volunteer, grass roots, community organization focused on creating awareness and working together to build a better, safer and cleaner Santa Cruz County. TBSC’s social media presence includes a Facebook page with well over 19,000 members.

TBSC formed its Needles Solutions Team (“NST”) in response to a widely publicized discarded needle epidemic in Santa Cruz. Since December 8, 2012, the NST has kept a Needles in Public Spaces (“NIPS”) Log for the following purposes: 1) to keep the County and City aware that there is an ongoing problem; 2) to determine if the needles found in public spaces are increasing or decreasing; 3) to provide data to the City and County so that “hot spot” patterns can be identified for City/County cleanup; and 4) to give the community a place to log their finds.

To date, we have recorded almost 40,000 discarded needles reported found in all of Santa Cruz County, but mostly in the City of Santa Cruz. We have also confirmed 16 needle stick injuries, including several children. We suspect that the actual numbers are considerably higher, as not everybody knows of our NIPS Log, and we are unable to confirm additional need stick injuries because of privacy laws. Not included in those numbers are the countless complaints from Emeline neighbors of increased crime and anti-social behavior after the SSP came into their neighborhood.

Since our formation, we have been working with the County Syringe Services Program (“SSP”) to have greater accountability and transparency to the community at large. Allowing the HRC to operate in Santa Cruz County without any local oversight or accountability will undo years of work done to increase communication and trust between the public and the County-run SSP. It should also be noted that the county-run program already hands out more significantly more syringes per capita than any of the surrounding jurisdictions; there is no need for an outside group to pass out more.

II. HRC’s Application Must Be Rejected Because it is Incorrect and Incomplete

If “(i)information submitted in the application is incorrect or incomplete” the Department “*shall*” reject the application. (17 CCR §7004, emphasis added).

a. Appendix 1 is Missing

First, the HRC’s application posted online is incomplete.¹ Section VI(E) “Community Relations Plan” references an “Appendix 1” that purportedly outlines “work” that the HRC has done to relate to the community. Appendix 1 is not attached to the application and does not appear anywhere on the CPDH’s website. Therefore, the public has not afforded adequate notice and opportunity to respond to the HRC’s apparent claims of attempts to form a positive relationship with the community.

¹ See HRC application:

<https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/HRCSCC%20SEP%20Application.pdf>

As outlined more fully below, the HRC has denied the existence of neighborhood associations on two consecutive applications, and there have been numerous, documented instances where HRC members have made clear their disdain for community members who are concerned about discarded needles and public safety in general.

b. HRC Falsely Claims No Neighborhood Associations

The most obvious falsehood on this latest application is on page 2, where the HRC answered “no” to the question “Is there a neighborhood association affiliated with the location(s) of your proposed SEP site(s)?” Locations/sites are defined as locations within a jurisdiction that can be mobile or fixed. (17 CCR §7000). The application is for mobile distribution across the entire county, where there are numerous neighborhood associations. Just for the Harvey West neighborhood alone (where the named Coral Street location is located), there are at least three neighborhood groups – Nextdoor Harvey West, Harvey West Business Association, and Santa Cruz Neighbors/Harvey West.

As discussed below, we know from HRC founder Denise Elerick’s frequent online criticisms of neighborhood and public safety groups, that she was certainly aware of their existence.² Thus, it is clear that this omission was deliberate.

c. HRC Falsely Claims it is Willing to Work with the Community

In their application, Elerick and the HRC³ make a multitude of disingenuous statements such as, “As a community-based program, we take the work of relating to our entire community very seriously”, “we want to value the input we have received...” and “We will always leave ourselves open to hearing from people who wish to speak about our work.” These statements are readily contradicted by Elerick’s and other HRC members’ own words. They have a lengthy, documented history of dismissing, mocking, and referring to the community’s legitimate concerns about discarded needles as “needle hysteria”, “needle mania,” and “fearmongering.”

Elerick has gone even further and engaged in an obsessive, abusive pattern of behavior targeting TBSC and others who are concerned with public safety. For years, she has run a Facebook page called “Take Back Santa Cruz from TBSC.”⁴ She uses the page to smear not only Take Back Santa Cruz (as an organization, its individual leaders, and its Facebook group members), but other non-TBSC neighborhood groups and community members. Some of her more egregious postings include:

- Falsely accusing TBSC and other community members of “planting” needles around town;

² See <https://www.facebook.com/TakeBackSantaCruzfromTBSC/>

³ Pursuant to 17 CCR 7000(a)(3), “applicant” is defined as “the entity applying for authorization under Health and Safety Code Section 121349, **and includes the individual who signs the application for certification of the SEP.**” (emphasis added).

⁴ See <https://www.facebook.com/TakeBackSantaCruzfromTBSC/>

- Doxing - posting documents and photographs of the home and address - of one of the founding members of Take Back Santa Cruz, causing her to fear for her and her family's safety;
- Posting information about and mocking the baptism of a TBSC leader's young daughter;
- Making fun of a Depot Park neighbor (non-TBSC) simply for noting that crime is up;
- Encouraging her readers to commit fraud by posting fake Yelp reviews about a TBSC leader, resulting in that leader having to contact Yelp to have the fake reviews taken down;
- Insulting a news reporter for covering a story on the discarded needle epidemic in Santa Cruz, and in the same post/thread (1) bizarrely and falsely accusing a local man of "planting" needles in an attempt to help his wife win an election; and 2) cruelly and falsely implying that the mother interviewed in the news story had fabricated the story about her daughter stepping on a needle since she is Facebook friends with a TBSC founder.⁵
- Posting photographs of TBSC members' children without their permission.

Elerick's latest "needle mania" post came just days ago, during the pendency of her application.⁶ Another HRC member, Jennifer Lanford, called a (non-TBSC) community member a "cunt" in response to his criticism of Elerick.⁷

The HRC's conduct towards TBSC and the rest of the community stands in sharp contrast to the County Health Services Agency ("HSA"), which operates the SSP. The HSA invited members from TBSC's NST to a meeting concerning needle litter in the community. The meeting, which took place in October 2019, was friendly, collaborative and productive, despite the vast array of opinions/concerns in the room.

d. HRC's Application Lacks a Valid "Community Relations Plan"

The Health & Safety Code regulations require that applicants for SEP's present a "Community Relations Plan." The Plan must be one which:

- (1) Records adverse incidents and positive interactions between local law enforcement and SEP staff, volunteers or participants in their roles as participants;
- (2) Documents concerns and positive feedback expressed by program participants, community members, neighborhood associations and/or local enforcement officials; and
- (3) Documents the steps the program has taken to address any reasonable concerns.

17 CCR §7012(e)).

⁵ This was not the first time Elerick has falsely accused a mother of lying about her child being stuck by a needle. In approximately 2014, Elerick held a community meeting to discuss needle exchange. During the meeting a different mother angrily confronted Elerick for her online comments about her and her daughter, who had stepped on a needle during a well-attended birthday party at Blue Ball Park in Soquel.

⁶ See Screenshots of examples of Elerick's online postings.

⁷ See screenshot of Jennifer Lanford's October 15, 2019 comments.

Since the HRC does not even acknowledge the existence of neighborhood associations near the locations where it will be distributing needles, its “Community Relations Plan” automatically fails. Furthermore, its “Plan” is so vague it is not clear how the HRC will communicate with neighborhood associations and community members, let alone how it would then remedy concerns brought by community members. This reflects the HRC’s dismissive attitude toward the community at large.

e. The HRC misrepresents itself as a “volunteer run” group

In Attachment 1 to its application, Section III “Applicant Organization Description”, the HRC describes itself as a “volunteer-run community organization.” However, in their Budget, the HRC asks for its “volunteers” to be paid \$20 per hour. A volunteer, by definition, is not paid an hourly wage.

f. HRC falsely claims “collaboration” with the County SSP

In Attachment 1 to its application, the HRC falsely claims that it “has been providing services by working *in collaboration with Santa Cruz County’s SSP* for 18 months.” (Emphasis added).

When questioned by a community member about its relationship with the HRC, County Health Services Agency Director Mimi Hall denied via email a collaborative relationship with the HRC:

“We are unable to provide an explanation regarding the meaning or intent of the word “collaboration” in the HRCSCC application. HRCSCC staff may obtain syringes through our program as may any other member of the community, but those are the limits of our interactions when it comes to providing syringe services in the County or the City of Santa Cruz. In those instances, HRCSCC members would be clients, not an organizational partner. We have had no insight into the timing, substance or language used in their application.”

g. HRC Continues to Lack Credibility - First State Certification Application Also Contained False Statements

The HRC made several patently false statements⁸ in its first application signed and filed with the California Department of Public Health. These false statements included:

- Answering "no" to the question “Is there a neighborhood association affiliated with the location(s) of your proposed SEP site(s)?”⁹ There are numerous neighborhood and public safety groups associated with the four locations, including the Harvey West Business Association, Nextdoor – Harvey West, Nextdoor – Felton, Nextdoor – Mount Hermon, Santa Cruz Neighbors, Take Back Santa Cruz, and many others. Again, this omission was deliberate.

⁸ See CA Penal Code Section 115, which makes filing a false document a felony.

⁹ See first SEP Certification Application, Page 2, under Section IV. Description and Summary of Proposed SEP.

- Claiming that the Harm Reduction Coalition had a fiscal sponsor, when in fact there was no such agreement.¹⁰
- Claiming that “Watsonville saw a significant overdose increase in 2018” in order to justify increased syringe distribution in that City.¹¹ This claim was later confirmed to be false by WPD Chief Honda.¹²
- Including the Salvation Army’s 214 Union Street, Watsonville CA location as a distribution site. The Salvation Army never agreed to allow syringe distribution at this site, nor would it ever allow syringe distribution at any of its sites.¹³
- Including a location in Pajaro, Monterey County without first informing law enforcement and the health officer of that jurisdiction, in violation of Health & Safety Code Section 121349.¹⁴ When Monterey County’s First District Supervisor belatedly learned of the site inclusion, he attempted to contact Elerick, but she was dismissive and rude.¹⁵

III. HRC’s Application Must Be Denied Because the HRC Poses a Significant Public Safety Threat.

a. HRC’s Distribution at Gateway Encampment Resulted in Thousands of Discarded Needles

Starting in May of 2018, HRC team members began exploiting a loophole in the SSP’s policy and procedures to obtain syringes from the County and pass them out with any oversight as a “secondary exchange.” In a videotaped interview, Elerick explained that despite not being IV drug users, she and her team members had been signing up as fake “clients” of the SSP in order to obtain hundreds of needles and supplies per visit to funnel to their organization.¹⁶ The HRC is not staffed with medical professionals like the SSP is.

From November 2018 through April 2019, the HRC passed out up to 600 needles per day to drug users at the Gateway Encampment, located next to the San Lorenzo River in Santa Cruz. This resulted in an environmental group, Save Our Shores, issuing a warning to beachgoers that significant numbers of needles were washing up on Main Beach near the Santa

¹⁰ See <https://www.santacruzsentinel.com/2019/05/21/santa-cruz-needle-services-nonprofit-sponsorship-clarified/>

¹¹ See first SEP Certification Application.

¹² See WPD Chief David Honda’s 5/14/19 letter (first bullet point).

¹³ See first SEP Syringe Exchange Program (SEP) Application, Attachment – Section VI(C) “Service delivery plan”

¹⁴ See first SEP Application, Attachment – Section IV(C) “Service delivery plan”

¹⁵ See KSBW story: <https://www.ksbw.com/article/controversial-santa-cruz-needle-program-could-be-coming-to-monterey-county/27500128>

¹⁶ See SC Local article “What We Learned From Looking At Santa Cruz County’s Needle Exchange”: <https://santacruzlocal.org/index.php/2019/05/24/what-we-learned-from-looking-at-santa-cruz-countys-needle-exchange/>

Cruz Beach Boardwalk from the San Lorenzo River.¹⁷ When the Gateway Encampment was finally closed, City workers reported to us that they were forced to pick up more than 2,000 dirty needles that had been left behind.¹⁸

b. HRC's Distribution at Felker Street Resulted in Many Discarded Needles

In October 2019, Elerick was photographed by a local homeless advocate as she was passing out needles on Felker Street. In the months of August and September 2019, City workers picked up zero needles on Felker. In October 2019, City workers picked up 120 needles on Felker Street. In November 2019, they picked up 52.¹⁹

c. HRC's Distribution at Coral Street Resulted in Hundreds of Discarded Needles

After the Gateway Encampment was closed, the HRC began distributing needles on Coral Street, located in the Harvey West Neighborhood. This resulted in a significant rise in the number of needles cleaned up by City workers in the Pogonip, an open space that adjoins the Harvey West area. Over 500 needles were found in the Pogonip in the month of November 2019 alone.²⁰

d. HRC Poaches Clients From the SSP, Depriving Them of Care

The HRC's syringe distribution has also resulted in a shocking reduction of clients seen at the County SSP, located in a medical clinic on Emeline Street in Santa Cruz. For example, in March 2018, 142 clients were seen at Emeline. In March 2019, that number was only 44. This means less opportunity for connection to things like wound care, HIV/Hepatitis testing, and rehab. Instead of saving lives, the HRC's poaching of SSP clients might very well be costing lives.

The attached spreadsheet gives a visual of how the number of client visits has plummeted since the HRC's inception. Any addict in recovery will tell you that the windows of opportunity to get someone to accept help are few and far-between. *This is evidence of danger to not only public safety, but also to public health.* The County SSP's Monthly Reports showing client visits can be found at:

<http://www.santacruzhealth.org/HSAHome/HSADivisions/PublicHealth/SyringeServicesProgram.aspx>

Similarly, the HRC also took so many of the SSP's syringes that the SSP was in danger of running out of supplies and had to cut the HRC's supply off. ***The HRC's inability to fund its own needles constitutes a separate basis for denial of their application.*** (17 CCR 7004(b)).

¹⁷ See: <https://www.kion546.com/news/influx-of-needles-found-on-beaches-after-storm/1026040696>

¹⁸ See photographs of needles provided to us by City workers involved in the Ross Camp clean up.

¹⁹ See photographs of Felker Street (photo credit: Brent Adams). The City's Needle Logs can be accessed through this link: <https://sckeeppinitreal.wixsite.com/sc--keepin-it-real/needle-reports>

²⁰ The City's Needle Logs can be accessed through this link: <https://sckeeppinitreal.wixsite.com/sc--keepin-it-real/needle-reports>

e. Scope of Needle Distribution Is Too Broad

The scope of needle distribution (mobile services across the entire county, in any city, and in any neighborhood in the county) is too broad. The phrase “where participants live” could include encampments and other places that people without traditional homes “live.” Given the HRC’s 18-month record of causing needle litter wherever they distribute, it is reasonable to assume that this pattern will continue. With unregulated access to all neighborhoods across the entire County, the HRC poses a significant public safety threat that outweighs any potential health benefits.

f. Unanimous Opposition From Law Enforcement

Every single law enforcement agency across the county opposed the HRC’s first application and we have no reason to doubt that they will oppose it again the second time around. SCPD Chief Mills responded with his opposition less than two hours after receiving notification of the application. Community members, sick and tired of finding discarded needles on their beaches, in parks, in streets and even in their own front yards, are mobilizing once again to oppose this second application like they did the first.

Conclusion

Santa Cruz County already has an existing Syringe Services Program. There is no need to outsource this County-run program to an activist coalition made up of non-medical professionals who lack credibility and show no respect to the community at large. The disastrous consequences of the HRC’s 18 months are clear and well-documented: there has been a drastic decrease in clients seen at the clinic and given opportunities for medical treatment, HIV/Hep screening, and rehabilitation opportunities, and the HRC has been leaving discarded needles in its wake. Based on the foregoing, this Department must reject the HRC’s application.

Sincerely,

-Needles Solutions Team
Take Back Santa Cruz