

March 1, 2012

***RE: Occupy Eureka Property Return***

Interim Chief Murl Harpham  
Lieutenant Anthony Zanotti  
Records Supervisor Erin E. McBride  
Eureka Police Department  
604 C Street  
Eureka, CA 95501

To the above-named Eureka City employees and any others this may concern:

Eureka Police Department (EPD) officers have been taking property from Occupy Eureka since the first week of November 2011. EPD has not properly inventoried or cataloged this property. EPD has told Occupy Eureka participants, the rightful owners of thousands of dollars worth of confiscated property, that the EPD has no current property policy.

There is no justification for EPD to continue holding our property. Rain and harsh weather have come and EPD has withheld our survival gear that would protect us. People have been and will continue to suffer due to the theft and refusal to return property by EPD. Our Occupy Eureka comrade, Gary Roach, died outside in the cold, from exposure. His survival gear had been stolen by EPD at Occupy Eureka and remained held by EPD when he died.

EPD has claimed that it has been holding our property as “evidence.” Only two arrest cases remain unresolved, and the District Attorney has already directed EPD to photograph and return any property that may have evidentiary value. In the only case from the arrests made by EPD that has gone to trial, not one piece of our confiscated property was used as evidence.

There is no reason for EPD to hold hundreds of our signs and banners. There has been one case brought against an Occupy Eureka participant related to one sign, and that case will be dismissed in the next few days according to the Eureka City attorney. There is no justification for charging us money to retrieve our signs, something EPD has told us it would do. EPD did not take most of our signs or our other property in conjunction with any violations of law or arrests; EPD has been holding our property without justification. We are requiring that all property be returned to the community Occupy Eureka. We will ensure that the proper people receive their goods in a timely manner.

When we have received all the property and returned it to the owners we will furnish the city with a list of property taken but not yet returned. “All the property” should include property taken by police during random trips to the Occupy Eureka site in which only property was taken and no arrests were made. It should also include property taken at raids but not associated with anyone arrested at said raids. “All the property” means all of it.

It is unacceptable for EPD now, months later, to say it must inventory the property and therefore take longer to return it. Given that EPD has failed to timely inventory and return our property- and likely has failed to properly store and protect our property- we require that all the property be returned on or before March 7, 2012. Much of our property will have been held for four months too long by that date.

Occupy Eureka participants assert that EPD (City of Eureka), with regard to our property alone, has violated our constitutional rights, including but not limited to rights guaranteed by the First, Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution.

EPD officers have wantonly grabbed and often damaged our protest signs, recklessly broken our tent poles and canopies, thrown our warm dry clothes and blankets onto the wet concrete, and loaded our belongings into trucks with no order and no care for the property itself. EPD supervisors have told us that our property was dropped in a field, that EPD would hold all the property for a year, that we would have to pay to retrieve our property, that EPD would not return items listed by owners for belongings unrelated to an arrest, that there is no EPD policy regarding property, and that EPD needs particular lieutenants to be on duty for us to retrieve our property.

EPD's failures and violations with respect to lawful confiscation, cataloging, inventorying, and storing of our property cannot now be mitigated by depriving us of our belongings for a longer time.

If communication with Occupy Eureka is necessary regarding this matter, please contact James Decker at (707) 761-5247, the number provided to EPD on February 22, 2012 for property-related communications. We will have trucks and people available to retrieve all the property on March 7, 2012.

Sent as ratified by Occupy Eureka participants

*cc: Eureka City Attorney  
Eureka City Counsel  
Humboldt County District Attorney  
Peter E. Martin, A Law Corporation*