



# Eureka Police Department

## PRESS RELEASE

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### **Eureka Police Department**

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11/14/2011

FOR IMMEDIATE RELEASE

**Subject: Illegal Occupy Eureka Encampment Disbanded (Again) – 33 Arrests Made**

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On 11/14/11, at about 5:00 AM, over 3 dozen law enforcement officers responded to "Occupy Eureka's" illegal encampment located outside the Humboldt County Courthouse and Government Center (825 5<sup>th</sup> Street, Eureka). This was a multi-agency operation coordinated and led by the Eureka Police Department (EPD) with assistance from the Humboldt County Sheriff's Office, Arcata Police Department, and California Highway Patrol. The purpose of the operation was to safely remove the illegal encampment and arrest all persons found to be in violation of the law there. (Such camping is a violation of the Eureka Municipal Code and the California Penal Code – 647(e) PC).

Members of the local "Occupy" groups have been protesting outside the courthouse for over a month and despite repeated warnings from the Eureka Police Department, they had erected tents and set up temporary shelters and cooking areas on the lawn area outside the main entrance to the building. Over the past several weeks, the City of Eureka, County of Humboldt, and Eureka Police Department have received numerous complaints from citizens, County employees, and local businesses (among others) concerning the behavior of persons associated with the Occupy Eureka encampment. These complaints included substantiated reports of "Occupiers" urinating and defecating on the door steps of local businesses and in the surrounding shrubbery and landscaping, as well as urinating on the walls of the government building and on the driver's door handle of a parked police car from another jurisdiction. A subject associated with the camp was cited by EPD last week for public urination outside the courthouse.

Other complaints included intimidation of bank customers (a customer reported he was surrounded and harassed when he attempted to use the US Bank ATM), the unsanitary conditions of the encampment, destruction of County and City property (the lawn, shrubbery, and vandalized/removed signs), an assault on a local news team, aggressiveness toward officers responding to these complaints, and the discovery of stolen property (a Walgreen's sign and Starbucks equipment) at the camp.

On the early morning hours of Monday, 11/07/11, Eureka Police Department Officers raided the illegal encampment and ultimately arrested 13 people for resisting/delaying/obstructing officers and/or remaining present at an unlawful assembly. The protestors camping there were first given the opportunity to pack up their belongings and leave with a warning or citation. However,



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the arrests followed after certain members of the Occupy group refused to comply and/or or tried to obstruct officers attempting to carry out their duties.

Occupy protestors re-established their encampment on 11/11/11 despite repeated and clear directions from EPD not to so or they would face arrest. EPD officers issued several citations and made at least one arrest for various related offenses over the past week leading to today's enforcement operation.

In the early morning hours of 11/14/11, officers and deputies arrived at the newly re-constructed camp. A total of approximately 13 temporary shelters had been erected with numerous individuals camping/sleeping in them. A total of 31 individuals were arrested without incident and booked into the Humboldt County Jail and two additional subjects were cited and released for unlawful lodging (33 total arrests were made). One of those cited was a juvenile and the other was an adult male who was cited and released due to a pre-existing medical reasons. The majority of these arrests were for unlawful lodging (lodging/camping without permission). However, 3 subjects were arrested for resisting/obstructing officers and a 4<sup>th</sup> suspect, Erick Nutz (age 23), was taken into custody for assault with a deadly weapon, battery on a peace officer, resisting arrest, and wearing a mask for the purpose of evading or escaping identification in the commission of a public offense.

These additional arrests occurred after a group of 3 protestors left the south sidewalk of 5<sup>th</sup> Street, where they'd been allowed to demonstrate while the camp was being dismantled, and aggressively came toward officers on the perimeter of the crime scene. When officers approached the group and ordered them to get back, they refused to comply and continued to advance. One of the suspects then attempted to interfere with an officer and fled before he could be taken into custody. Officers pursued the suspect and caught him a short distance away. Nutz, who was wearing a mask to conceal his identity, then interfered with the arrest and assaulted one of the officers before running away. Nutz later returned and threw a large chunk of pavement at officers on the perimeter, which struck the ground at their feet and peppered a parked EPD patrol car (the car sustained no significant damage). He then fled again but was apprehended a short time later following a brief foot pursuit.

While the Eureka Police Department fully supports the right of its citizens to gather and demonstrate peacefully, we will continue to arrest individuals who willfully choose to break the law by camping illegally and committing assaults or other crimes.

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