

The Santa Cruz counterculture

Street people and alleged police brutality

First of three articles

By JAMIE MARKS
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The late '60s and early '70s saw a change come to Santa Cruz — a change that some residents embraced and others detested. It was not difficult to pinpoint the change because it manifested itself in a visible way — the appearance of counterculture "street people" in the heart of downtown.

A dozen years later, these same street people would become the focus of county and state investigations into alleged police brutality by five former and current cops with the Santa Cruz Police Department. The police officers are accused of trying to rid the city of undesirables by meting out "street justice" in arbitrary fashion. Many believe the accused officers were just responding to the pressures of the community, particularly a group of outspoken Mall merchants who voiced their outrage at the "animals" who inhabited the Mall.

Although the allegations of conspiracy and brutality have not been proved, the case is now bound for trial in Superior Court following a ruling Tuesday by Municipal Court Judge Richard Kessell that there is sufficient evidence in the case to warrant a trial.

And while the events leading up



A morning on the Pacific Garden Mall.

Dan Coyro/Sentinel

that particular episode may now be history, the problems created by the transients have not disappeared.

The so-called transients are still here — they've abandoned their wandering ways and have decided to stay. They hang out at the Mall by day and sneak back to the bridges by night.

That street people are a problem is still a hotly debated topic in the

city. Many of those interviewed for this story said they like the "color" of the Mall, and they say much of that color comes from street people.

Others, like Mall merchant Ron Trinchero, think the street people are "animals."

"They panhandle, use obscene language, urinate on the walls of my shop and intimidate shoppers. They've hurt the reputation of the

town, and if they hurt the reputation of the town, then they hurt business, too," said Trinchero.

The influx of transients to Santa Cruz in the '70s came at a time when the entire nation was undergoing tremendous social upheaval. Thousands of young adults were "turning on, tuning in and dropping out" of traditional societal roles.

SEE PAGE 6

FROM PAGE 1

Santa Cruz went from being a sleepy seaside community to Berkeley-by-the-sea in a decade which also saw the arrival of the University of California and the redevelopment of Pacific Avenue into a park-like mall.

The presence of the street people was most acutely felt on the Mall, where they gathered to play music and "spare change" shoppers. At first quietly, and then in louder voices, the Mall merchants began talking about "the problem." They talked to city officials, police, the sheriff's office and others.

The frustration of some Mall merchants peaked in May 1981, when at a downtown association meeting there was talk of hiring a group of "thugs" to clean up the Mall.

Mall merchant Louie Rittenhouse Jr. recalls, "There was a community down south that had hired a group of thugs. But at the time the comment was made, I said it wasn't worth anyone's life or limb. It was an absolutely absurd approach to take."

He added, "When there are laws and police, all we need is police to perform their duty in an eager and energetic manner, and for the courts and district attorney's office to assist."

Rittenhouse and Trincherro said they went to the police administration on numerous occasions asking for help in dealing with the transients who were hanging out in front of their stores. Among other things, they wanted more police foot patrols on the Mall. They say their pleas for help were ignored.

Officer Nick Marinos, who walked the Mall at the height of the storm, from September 1979 through September 1980, said, "I totally understand what business people feel . . . The problem is that when you don't like the way a person looks, there's nothing you can do until they violate the law. This is still the United States of America — and it's not my job to determine punishment."

A Mall Committee was formed, and after months of meetings worked on a host of Mall ordinances. At some of those meetings, now-City Councilwoman Mardi Wormhoudt remembers hearing merchants talk about the transients as "garbage and scum."

"People cheered when those statements were made," she recalled. "I was fairly shaken by it and thought it sounded like Nazi Germany. They were talking about a whole group of people in dehumanizing terms."

At the same time, the merchants were pressuring then-Chief of Police Geno Pini, as he recalls, "to go out and get rid of these people."

"I was told to harass them," he said.

Pini's response to the merchants was that he was not going to be forced to "make the Santa Cruz Police Department into Gestapos."

Pini said he proposed Mall ordinances to deal with real problems, such as open alcohol containers on the Mall and blatantly offensive behavior. He also suggested looking into tightening the rules on food stamp eligibility.

By the end of May 1980, a 50-member Mall Committee had forwarded its recommendations on Mall ordinances to the City Council, which adopted them. Many of them were similar to what Pini had proposed.

Trincherro said that it was hoped that by police enforcement of laws and ordinances, "eventually (the street people) would get the idea to get out of town. But the problems lasted — it's a way of life with these guys."

Rittenhouse said Mall merchants became frustrated when Pini refused to put more foot patrolmen on the Mall. "Officers were told to back off and not cite the transients — it was Pini's statement that there was no problem downtown," he claimed.

As early as 1975, Rittenhouse said he had begun arguing with the chief of police over these issues. He finally got the feeling, he said, "that it seemed to be a city policy that there was no problem."

In meeting with downtown merchants over a period of seven to eight years, Pini said he tried to explain the limitations of the department's budget and manpower.

Pini used a computer to compile crime statistics in the greater downtown area. The computer showed that while officers responded to a considerable number of calls in that large area, the numbers did not justify the expense or time of putting in more foot patrols on the Mall.

"Where you have shopping areas, there are people who think a lot more is going on than is really the case," he said. "Yes, you have to have police presence there. I've always felt that we had the right percentage of patrols downtown."

He added, "That doesn't mean we had the right number of officers."

Pini said that the harbor area, Lighthouse Point, the Boardwalk and East Cliff Drive are all areas that need patrolling just as much as the Mall, according to the statistics which the computer was compiling.

While the Mall was perceived as a crime spot by the merchants, police couldn't justify the increased manpower in the area, said Pini.

"The first steps the merchants took in dealing with the (transient) 'problem' was to get a petition together to take to City Hall saying the Mall was a dangerous area," remembers Neal Coonerty, a merchant who disagrees with Trincherro and Rittenhouse on the extent of the problem.

This, he believes, did more harm than good. It created a "perception that the problem was much greater than it is," he said. "You don't hear the Seaside Company complaining of crime there. It's bad press."

Coonerty said studies were done showing shoppers of all ages feared the area. At the same time, about half had had actual contact with street people, lending credence to his belief that the fear was greater than the reality.

Trincherro, one of the outspoken Mall merchants in favor of more police presence on the Mall, said he has come to realize that the drug pushing he sees is carried out by different people than the transients.

"I'm not a hard-core guy, I just can't stand them (the transients) hanging around here," he said.

Mall merchants continued their pressure on the Police Department, but became increasingly frustrated with what they saw as a lack of response. Several hired private security guards from SDI company to patrol the area.

Rittenhouse, one of those merchants who joined in that effort, said, "It was all we could do when the Police Department wouldn't talk to us . . . It was more a way of forcing the police to do their job."

He conceded that the security guards didn't work out as well as had been expected, and eventually they were dropped.

As another tactic, about a dozen merchants went to Sheriff Al Noren and asked for Mall sweeps, said Rittenhouse. The deputies came down to the Mall and made numerous arrests.

These calls for more police, the seriousness of the crime on the Mall and the call for changes affected the younger police officers at the Santa Cruz Police Department, believes then-Chief Pini.

Pini characterized some of the pressure as coming from two extreme positions. On the one side were the "militant" people who wanted something done about the transients. The other side included liberal members of the City Council, county government and other people who wanted to protect the rights of people, he said.

"These meetings and Mall committees were being reported on in the press," said Pini. "Our officers read them, too. You couldn't get to me and the others (in the administration) but some of the younger officers — and I'm not condoning anything — . . . no doubt thought it would enhance their position politically to respond. A lot of officers got caught up in this."

"I also have to attribute it (the alleged beatings by police) to the community climate," said Pini.

Trincherro flatly rebuts that contention. But, at the same time, he says, "I don't care if they (the police) beat up transients."

FRIDAY: Grappling with the influx of transients.



Mall merchant Louie Rittenhouse Jr.