



September 21, 2017

Chief Margo Bennett
University of California Berkeley Police Department
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bennettm@berkeley.edu

Dear Chief Bennett,

I am writing as the Executive Director of the East Bay Community Law Center (EBCLC), to add our voice to those in the community who are expressing grave concerns about the decades of abuse and discriminatory enforcement inflicted on students and some of the most vulnerable people in our community by University of California Police Department (UCPD) Officer Sean Aranas. We support the efforts of the community to remove Ofc. Aranas if not from the police force, then from active patrol duty.

The East Bay Community Law Center is a clinical program of Berkeley Law and the largest provider of legal services in the East Bay. We provide free legal assistance to low income residents of Alameda County. Since our founding in 1988, we have represented countless individuals on infractions, including quality-of-life citations. Over the years we have had numerous clients complain to us of their treatment at the hands of Ofc. Aranas.

Recently, a video of Ofc. Aranas issuing an infraction citation to a hot dog vendor for vending without a permit spread widely on the Internet. It shows him rifling through the vendor's wallet, extracting the money and refusing to give it back.¹ Following the release of the video, a petition

¹ In response to the incident, UC Berkeley Vice Chancellor Scott Bidy issued a statement saying "We have instructed our officers to monitor illegal vending outside our event venues." He stated, "Our practice is to issue warnings before giving a citation," and "it is typical to collect any suspected illegal funds and enter them into evidence." It is not at all clear, however, that Ofc.

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has been circulating to remove Officer Aranas from UCPD.² It bases the demand for his removal on the fact that he has continuously targeted, harassed, and assaulted minorities in the community. It cites specific allegations that he has “beaten students during peaceful protests, harassed black students, harassed other students of color, stabbed a student in the ribs during the Wheeler Hall protest, dislocated another student's arm during the same protest, purposefully pushed and trampled over various female students, and arrested a woman for cop watching.”³ At the time of the writing of this letter, the petition has over 57,000 signatures.

It has been reported that the University has opened an investigation into Ofc. Aranas’s conduct in the matter of the hot dog vendor. **We urge that the investigation be broadened to cover the allegations of misconduct that are summarized in the petition, and any complaints that have been made in the past regarding the conduct of Ofc. Aranas towards community members and students.**

We are available to provide the internal investigation with information regarding the complaints we have received from our clients, including, for those who give us permission, names and contact information.

Some of the reported incidents to us are:

I. Intentional Destruction of Property in violation of U.S. and California Constitutions

- J.T., a regular at People’s Park, described a number of incidents of harassment by Ofc. Aranas that continued over the course of the summer of 2017. J.T. said that Ofc. Aranas would locate property at the park that clearly belonged to someone and was either left momentarily unattended or was being watched by someone else, declare that it was “abandoned property,” and throw it into the street. He did this multiple times over a three-week period.

Aranas had reason to suspect that all the money in the vendor’s wallet had been obtained by vending hot dogs. Nor do we have reason to believe that Ofc. Aranas gave the vendor a warning before citing him. The Daily Californian reported that the “UCPD detained three other individuals for vending without a license who were all released later that day with a warning.” (<http://www.dailycal.org/2017/09/11/uc-berkeley-reviewing-campus-police-conduct-viral-food-vendor-incident>.) Ofc. Aranas’s actions in this case—confiscating all the money that the vendor had in his wallet on the grounds that it was evidence, though it would never be needed to prove the offense if the officer had actually observed him vending—is consistent with his pattern of confrontational and aggressive enforcement that raises tensions in the community and escalates police/citizen interactions into major confrontations.

² <https://www.thepetitionsite.com/992/821/972/remove-s.-aranas-76-from-university-of-california-police-department/>

³ Id.

- D.Z. has seen, on numerous occasions, Ofc. Aranas throw people's blankets, clothing and other personal property into a gutter that contained rainwater. He has witnessed Ofc. Aranas antagonize the individuals to whom the property belonged, egging them on while they cried.

II. Wrongful Arrest or Citation in violation of the U.S. and California Constitutions

- S.S. recalled being arrested by Ofc. Aranas for obstructing justice roughly one year ago. He said that his friend was approached by Ofc. Aranas because he was smoking in the park. After his friend put out his cigarette, however, Ofc. Aranas started searching his bag. When S.S. said something along the lines of "that's pretty messed up, that you're using the fact that he was smoking to search his stuff," Ofc. Aranas arrested him for obstruction of justice.
- In 2016, D.J. was sitting on a bench between the sidewalk of Bancroft Way and the UC Police Department. Ofc. Aranas approached D.J. on a bicycle and stated that he was "giving [D.J.] a ticket for blocking traffic." The sidewalk was empty at the time, and D.J.'s belongings were under the bench in bags. A manager of a nearby store witnessed the incident and said that he would call UCPD to complain.
- D.W., a young, homeless man who frequently stays around People's Park, was cited by Ofc. Aranas in late August 2017 for blocking the roadway. In fact, Ofc. Aranas' bike was the object obstructing the parking spot so that no one could have parked their car there. D.W. was clearing trash from the parking space when he was cited.

III. Excessive and Unreasonable Force in violation of the Fourth, Fifth, and Fourteenth Amendments of the U.S. and California Constitutions

- T.C. recalled an incident in the beginning of July of 2017, in which he was standing on the sidewalk on Berkeley's Telegraph road when Ofc. Aranas approached him and demanded that he drop the skateboard. When T.C. dropped the skateboard, Ofc. Aranas lunged at him and tackled him. He ultimately arrested T.C. for fighting, resisting arrest, and violating his probation.
- In September of 2011, R.M. was sitting in front of a music store on Telegraph Ave when Ofc. Aranas rode his bicycle past him on the sidewalk. R.M. commented that riding his bicycle on the sidewalk was illegal, and Ofc. Aranas had a flippant response. Later in the day, R.M. was walking down Telegraph Ave when he saw Ofc. Aranas talking to an individual on the sidewalk. R.M. asked if Ofc. Aranas had jurisdiction there; Ofc. Aranas responded by pushing him and telling R.M. to stay back ten feet. After finishing the conversation, Ofc. Aranas jumped on R.M.'s back, tackled him to the ground, and handcuffed him. R.M. was not told why he was being arrested.

- In mid-2017, A.B. saw Ofc. Aranas tackled a mentally ill homeless woman in People's Park. A.B. saw Ofc. Aranas wrestle her to the floor and put his knee in her back. He held her in that position while she was visibly struggling.
- In 2006, M.D., who uses a wheelchair, having lost a leg in a motorcycle accident, was visiting People's Park with his four year old son. Wheelchair access to the park was blocked by a sign in the middle of the driveway. He asked his son to move it. His son accidentally knocked it over. Ofc. Aranas, who had been across the park, ran up on his bicycle and began shouting at M.D. "What do you think you're doing." Ofc. Aranas was so vehement that his spit landed on M.D.. M.D said, "Dude, you just spit all over me." This infuriated officer Aranas who grabbed M.D. and began trying to pull him out of his chair. In response, M.D. stood up, which surprised Ofc. Aranas, who stumbled back. That appeared to make him angrier. He again grabbed M.D. and demanded to see his ID. At this point other UC officers came up and they all together threw M.D. on the ground, injuring him so that he was spitting blood. He was taken by ambulance to the hospital, where a UC police officer issued him a citation for resisting arrest. The DA declined to file charges in the case.

IV. Discrimination Against People With Disabilities in Violation of the Americans with Disabilities Act (ADA)

- D.Z. remembered numerous instances in which Ofc. Aranas harassed him for parking his recreational vehicle near People's Park. Despite displaying a valid disability placard, Ofc. Aranas cited D.Z. for taking up two parking spots. Even though D.Z. informed Ofc. Aranas that he did not violate any laws and that these tickets have been dismissed at the UCPD office in the past, Ofc. Aranas continued to issue tickets. D.Z. has as many as eight dismissed parking citations issued by Ofc. Aranas. Ofc. Aranas had also told D.Z. that disability placards were "only for people with one leg" and therefore D.Z. should not qualify for one.
- A.B. similarly was told by Ofc. Aranas that his disability placards would not be honored because Ofc. Aranas believed he did not deserve them.
- F.T. was also told by Ofc. Aranas that he was not sufficiently disabled to have a disability placard. Because Ofc. Aranas would not honor F.T.'s disability placard, F.T. moved his vehicle. This resulted in a series of tickets, the inability to register his vehicle, and required multiple court appearances. Ofc. Aranas further harassed F.T. from using People's Park or the block and/or adjacent areas entirely under duress and threat of further adverse, specious actions lacking any reasonable cause. In doing so, Ofc. Aranas prevented exercising the most basic general rights and freedoms all else enjoy.

V. Witness Suppression

- B.D. recalled one time when Ofc. Aranas told A.W. not to meddle in an arrest he was making. A.W. began walking away, but Ofc. Aranas told A.W. that he was not done with him. When A.W. failed to turn around, B.D. remembered Ofc. Aranas pursued A.W. and subsequently slammed A.W. to the ground. B.D. tried to offer a witness statement to the other officers, but the officers began questioning his objectivity. When B.D. insisted on providing his statement, the other officers accused him of being aggressive and refused to take his statement.
- A number of regulars at People's Park reported that after the widely publicized incident with hot dog vendor Juan, Aranas came to the park and asked homeless people to pose with him in an attempt to repair his public image. Multiple people said that Aranas took their picture without their permission.

VI. Violating Community Trust

- Many individuals attested to the professionalism and friendliness of other UCPD officers. They lament that Aranas' actions and the UCPD officers that condone his conduct undermine the trust between the community and law enforcement. Indeed, several people expressed that they are wary to call 911 when they are a witness to the commission of a crime. They are afraid that Ofc. Aranas will be dispatched, and that they and/or other homeless people will end up being the ones arrested instead of the actual wrongdoers.

We believe the incidents that have been reported to us show a continued pattern of harassment, abuse, and inexcusably poor judgment by UCPD Officer Aranas that constitutes a breach of the law enforcement code of ethics. We are well aware that these incidents that have been reported to us, and those incidents alluded to in the petition—including that of the hot dog vendor—are open to interpretation and at this point the allegations of misconduct against Ofc. Aranas have not been tested in a court of law or any administrative proceeding. However, while any one of them might be open to question, the sheer mass of complaints against this officer is an indication that there is a problem that has gone unaddressed for too long. In our work, we hear many complaints about the police, but Officer Aranas is unique in the frequency with which his name comes up in connection with some incident of harassment, discrimination and petty—and sometimes not so petty—abuse.

Those who over the years have been subject to his abuse have no easy remedy. Though they often describe what appear to be clear violations of their rights under the Constitution, there is little likelihood that they would be able to find an attorney to represent them in a civil lawsuit. Many of those who have come to us are experiencing homelessness, and therefore, have

difficulties maintaining the kind of consistent contact with advocates that would make it possible for them to obtain redress for their grievances.

Now that the matter of Ofc. Aranas's conduct has finally risen to the level of public consciousness, and the University is beginning an investigation of one incident, we urge that that investigation broaden to include the pattern of complaints against Ofc. Aranas. The investigation must be thorough and comprehensive. Ideally, it should be conducted by an independent body, insofar as the Police Officers Bill of Rights permits.

Recently Chancellor Christ, issued a statement decrying racism, bigotry, and violence. She affirmed campus policies that support the right to speak "without discrimination." She stated "We all desire safe space where we can be ourselves and find support for our identities. You have the right at Berkeley to expect the University to keep you physically safe." It is inconsistent with the University's stated goal of defending the right to be physically safe to employ an officer who repeatedly endangers people's safety rather than protecting it. The complaints against him suggests that he has abused students and the general public alike. Just as it takes seriously the protection of unpopular speakers, the University must take seriously the commitment to the protection of those, like our clients, whose voices are seldom amplified in the media.

The East Bay Community Law Center is available to provide assistance to any serious investigation of the allegations against Ofc. Aranas. If you have any questions, or we can provide any further information, please contact me at your convenience.

Sincerely,

Tirien Steinbach
Executive Director
East Bay Community Law Center

Cc: UC Berkeley Chancellor Carol Christ
UC Berkeley Vice Chancellor of Administration Marc Fisher
University of California President Janet Napolitano