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# THE INDEPENDENT

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## Crackdown on loitering demanded

### HAIGHT-ASHBURY

### Residents ask for reform of police code

BY JOE STRUPP

People who sit on and block the sidewalks in the Haight-Ashbury are public nuisances cre-

ating litter problems and ruining the area's quality of life, according to local residents and merchants who pleaded with police last week to crack down on the loiterers.

The concerns they expressed shone new light on a long-simmering issue that has pitted Haight-Ashbury residents against street dwellers, who contend that they have a right to sit on public sidewalks.

Residents brought up the subject at last Wednesday's Police Commission meeting, where they demanded that police officials reform the police code. The regulations, they say, limit the ability of officers to remove people from the sidewalks.

"This is like trying to ask the police to drive with one foot on the gas and one foot on the brake," said Arthur Evans, a Haight resident who said the code

was too restrictive for cops. "We need to fight back, and these general orders make it difficult to fight back."

Evans was referring to a pair of police code provisions, General Orders 5.03 and 6.11, which prohibit police from removing loiterers from a sidewalk without "probable cause" that they will commit a crime or without a spe-

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cific complaint from a citizen.

Other Haight residents and merchants agreed with Evans and said more people were sitting on sidewalks, including many who take drugs, annoy passers-by, and beg for money.

Karen Crommie, a longtime Haight activist, said the sidewalks had become almost impassable.

"The situation in the Haight has gotten so bad that we had to come to you," Crommie told the commission. "We want to overturn this [police code], and that is our purpose. We are in for the long haul."

Crommie said she did not want to infringe on people's rights but that the problem had gotten out of hand.

"There is a common decency of stepping aside when there is someone walking down the street," said Crommie. "The law says we have to walk around them, and it gets to you day after day after day."

Bill Hoover, president of the Haight-Ashbury Merchants Asso-

ciation, said the sidewalk-sitters were usually from other neighborhoods or out of town.

"The bottom line is that these are people who come here and disrespect the street and interfere with others," said Hoover, owner of the Gallery of Jewels. "We've got to strike a balance. We don't want a police state, but we will not tolerate this situation."

### Civil-rights concerns

Commission members said the general orders had been changed recently in an effort to decrease the potential for abuse by officers and to ensure citizens' rights to be in a public place, such as on a sidewalk.

"The general orders are based on case law, and, under case law, officers have to have a certain amount of probability to make an arrest," said Commissioner Cloey Hewlett, an attorney. "If they do not follow case law, they are in danger of getting sued, and we then have to pay big bucks that come out of the General Fund."

But the street dwellers, who often congregate along Haight Street to smoke, panhandle, or just sit,

disagree. They say they have a right to sit on public sidewalks and that police are too quick to shove them along down the street.

"I think it's wrong," said Jane Williams, as she sat with her dog at Haight Street and Masonic Avenue. "We should be able to sit in a public place. We have rights here as long as we don't hurt anyone."

Dan Johnson, who spoke as he sat near Haight and Ashbury streets, said the police didn't need an incentive to hassle him.

"I don't think I bother anyone, but the police harass us if they see us in the same place twice," Johnson said. "I've already gotten a couple of tickets."

The issue of a citizen's right to sit on a public sidewalk has been the subject of several major debates in recent years.

In 1994, San Francisco voters rejected Proposition M — a ballot measure that would have banned sitting on a sidewalk in certain city business districts — which was placed on the ballot by former mayor Frank Jordan.

Just last week, a controversial Seattle ordinance banning side-

## Comet mania sweeps over city

BY BILL EISELE

San Franciscans have gone comet crazy this past week, taking advantage of a once-in-a-lifetime viewing experience. Make that once in 200 lifetimes.

Since March 17, the San Francisco Amateur Astronomers have had telescopes stationed on the Marina Green for magnified viewing of Comet Hyakutake, the brightest comet to shoot this way in 20 years. Viewings were also made available outside Morrison Planetarium in Golden Gate Park.

Hundreds of local comet seekers have turned out to take a look at the celestial wonder and learn more about the rare phenomenon, a spokesman for the astronomers said.

"There's a natural curiosity in people, built up by the interest in Halley's Comet over the years," said Art Owens, a five-year veteran of the organization.

The comet is named after its discoverer, Yuji Hyakutake, an amateur Japanese astronomer. It was determined to be at its most visible Sunday and Monday nights, coming within 9.3 million miles of

the earth early Monday morning. The astronomers will be on the green tonight and tomorrow night as well, giving people a final chance to catch Hyakutake before its trajectory takes it out of view.

Those who can't make it to a telescope should take heart, said Owens. "On a good, dark night, you can see more with your eyes than with a telescope."

Binoculars will also benefit a careful watcher, he noted.

The comet can be seen at the bottom of the Big Dipper constellation as a bright smudge in the sky. Residents who turned out at the green over the weekend were also treated to a view of the comet's flickering tail.

Over the centuries, comet sightings have spurred superstition, mystical prophecies, and outright terror. Modern science has cast some light on the subject of comets, but the sense of awe still remains, said Owens.

"People want to know more," he said. "We like to share these things with the public."

walk-sitting in certain neighborhoods was upheld by a federal appeals court, which ruled that the law was constitutional.

San Francisco Police Commis-

sion vice-president Pat Norman agreed to meet with police and Haight activists to discuss possible changes in the police code dealing with sidewalk loitering.

"I believe this issue fits right in with the idea of community policing, and we will sit down and discuss alternatives to what is happening," Norman said.