

Stay Away Orders and the Right to the City

Mike King, PhD

Emily Brissette, PhD

Bridgewater State University

In January 2012, after months of trying to repress a vibrant and militant Occupy Oakland, Oakland city officials and the Alameda District Attorney adopted a new tactic: they sought stay away (restraining) orders against a number of Occupiers at arraignment as a condition of pretrial release. These stay away orders prohibited individual Occupiers from being within 300 yards of City Hall and the Plaza where the camps once stood. While the ACLU would challenge the stay aways on the grounds that they abridged political speech and assembly, in this talk we situate the stay aways in a broader context of broken windows policing to highlight the connections between the policing of poverty and the policing of protest. Our experiences in Occupy Oakland served as a window into this larger dynamic: as the stay aways were being politicized within OO, we also saw how they were being applied more quietly to those charged with a range of “quality of life” offenses. In tracing the contours of how stay aways have been used in the Bay Area to regulate movement through and access to contested spaces, we also seek to highlight the ongoing struggle over the right to the city.