

COPWATCH

Report

BERKELEY, CALIFORNIA

SUMMER 1992

The High Cost of Police Violence

Can Berkeley Afford Michael Brown?

BY AARON HANDEL

The City of Berkeley faces a budget crisis caused by misplaced priorities and a surplus of police violence. State budget cuts threaten to make a bad situation much worse. This fiscal year, the City has paid out over \$180,000 in claim settlements against the Berkeley Police Department; a 70% increase above last year. Records recently obtained from the City Attorney's office show that an incident on November 17th, 1990 involving excessive force and assault by BPD resulted in an \$11,000 litigation settlement. On January 10th, 1991, a false arrest resulted in a \$20,000 settlement. Two days later, a personal injury during a BPD shooting resulted in a \$100,000 U.S. District Court case settlement. The victim of an illegal search and civil rights violations recently received a \$19,000 settlement. The \$180,000 amount paid out this year does not include attorneys' fees, court costs, or police department expenditures. Nor does it include any of the Peoples Park incidents. With some 400 arrests but only two convictions, many injury and false arrest claims are expected. [See COPWATCH REPORT, Spring '92, "Abuse Victim Files Claim Against Police Chief."] Since Michael Brown became city manager on January 30, 1990, more than 100 claims for damages have been filed against the

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Against Injustice

ERIC DROOKER



BRENDA PRAGER

Thousands of people took to the streets of Berkeley on April 30th to express their outrage at police violence in L.A.—and Berkeley—and the system that sponsors it. More photos on pages 6 and 7.

(HIGH COST, from page 1)

Berkeley Police Department. The Police Review Commission has received 158 complaints since August 1, 1990, when Dash Butler became chief of police.

DOLLARS AND SENSE: A CRISIS IN PRIORITIES

On May 7th, City Manager Michael Brown proposed a budget plan which would eliminate 79 city employees and sharply reduce social services. Brown's budget crisis comes after the City spent over a million dollars, mostly on police, to put sports courts in Peoples Park, despite overwhelming community opposition. After a coalition of unions representing 1,200 city employees lambasted Brown's proposals, the City Council restored most of the cuts but left intact some questionable expenditures. In Brown's plan, a bloated police budget will take priority over social needs. The City Manager's new budget proposes to spend almost a million dollars on unnecessary "consulting services." Brown wants \$4,000 for writing services for the City Manager's Seasonal Report (printing costs an additional \$20,000), \$33,000 for a liaison with the University, and \$50,000 for something called "community relations." The police department, immune from budget cuts, will also get \$7,500 for another community relations consultant and \$3,500 for a crowd management consultant. (Presumably to help persuade those who aren't brought into line by the community relations consultant.) The City will spend \$198,170 to computerize parking citations. Security services for the police will cost \$177,675. In an effort to clean up the Berkeley Police Department, the Hall of Justice will receive \$60,000 for janitorial services. To put the whole mess in writing, and make it stick,

Brown wants \$295,411 for "legal services/outside counsel." This is \$278,675 more than was allocated last year for "outside counsel." How much of this increase will be spent to defend the City against police brutality lawsuits is not yet known.

OFFICER CEFALU: A RISKY INVESTMENT

Missing from Brown's budget cuts is Officer Mike Cefalu, an amateur boxer known on the streets as "Soup." The subject of 14 excessive force complaints while on the Oakland Police Department, Cefalu has already generated three complaints with the Berkeley Police Review Commission during his first year with BPD. Cefalu recently became front page news after he was implicated in the beating of Ronald Griffin. City Manager Michael Brown was quoted in the May 14th San Francisco Examiner as saying that, based on the evidence he's seen, he believes there is a "strong possibility" there were police officers involved in the incident. The F.B.I. stepped into the fray and now Ronald Griffin faces serious criminal charges.

Cefalu is not only the subject of numerous citizen complaints, but also the defendant in several expensive lawsuits. Bob Johnson charged Cefalu with beating him during a strike outside the Kaiser building and won an undisclosed settlement from the City of Oakland. Albert Milton charged in a lawsuit that officers approached him while he was playing basketball at Carter Park, began to strike him in the face, chest, and arms with their fists, and dragged him to the ground. A court-appointed arbitrator recommended that the City of Oakland and Cefalu pay nearly \$10,000 in compensatory damages to Milton and that Cefalu alone pay \$25,000 in punitive damages. Derrick Norfleet, an African American police officer with OPD, accused a group of officers of knocking him to the ground with their car, pounding him with their fists, kicking him, and beating him with a flashlight. A U.S. District Court jury awarded \$60,000 to Norfleet and blamed Cefalu for striking Norfleet with his car.

On March 31, 1992, Lance Kelly filed suit in U.S. District Court against the City of Berkeley, Police Chief Dash Butler, and Officer Micheal Cefalu. The lawsuit charges Cefalu with assault and battery, false arrest, and violations of constitutional rights. The City of Berkeley and Chief Butler are blamed for negligent hiring, supervision, training, and retention of Officer Cefalu.

According to the complaint, Lance Kelley, a 15 year old African American, was walking home from his part-time job at Martin Luther King Junior High School, on August 13, 1991. Since it had been raining earlier in the day, Lance was carrying an umbrella in the inside pocket of his jacket. Cefalu drove his police car up to Lance and ordered him to walk to the car. As Lance walked towards the car, Cefalu jumped out of the car

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COPWATCH Report

COPWATCH Report is published by COPWATCH, a community-based volunteer organization which monitors police activity in the Southside neighborhood in an effort to defend the rights of all citizens, including those who live on the street, to fair treatment under the law.

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L.A. : Days of Rage

BY GERALD SMITH

In the greatest explosion of anger since the ghetto upheavals of the 1960s, tens of thousands of blacks and Latinos took to the streets of the country's second largest city to serve notice that they would no longer endure deepening poverty and rampant racist terror without fighting back.

In most respects the incident that ignited the L.A. explosion—the near-fatal beating of an unarmed and defenseless black man by the police—was nothing new. Escalating police violence and lethal force against inner-city blacks and other minorities—from Philadelphia to New York to Miami—has been the calling-card of the Reagan-Bush era. The badges and batons of the LAPD, which pioneered the choke hold and the doctrine of massive police "response," have long been symbols of racist terror on the streets the South-Central and East-Side ghettos. The assault on Rodney King was different only because it was captured in agonizing detail on videotape and broadcast continually on TV screens throughout the country for over a year before the trial.

The jury's verdict merely affirmed explicitly what Bush, the Supreme Court and the U.S. Congress have been saying implicitly for years: that blacks are less human than whites; that the kind of treatment meted out to Rodney King by the police is not only to be winked at, but commended; that thousands of victims of police terror can expect more of the same without hope of redress in the courts; that batons and bullets, overcrowded prison cells and lethal injections are a degenerate system's only answer to the despair of America's impoverished urban ghettos.

"CITY OF THE FUTURE"

The "future" revealed by L.A.'s ghettos is grim. As is to be expected in this profoundly racist society, it is blacks who suffer most acutely from U.S. capitalism's economic decline. The statistics speak for themselves: almost half the black families in central L.A. fall below the official poverty line, while unemployment among black youth has remained steady at almost 50 percent since the 1970s. The few decently paid blue-collar jobs that were available have been steadily disappearing, as those industries that have not moved their operations abroad or folded entirely, flee the inner city for

outlying industrial parks. Most of the jobs that remain are in the low-wage sweatshops that have mushroomed in recent years. Public-school classrooms in central L.A., the country's second-largest school district, are today more crowded than those in Mississippi; high schools have a 30-50 percent dropout rate.

In the face of hopeless unemployment and poverty, it is hardly surprising that inner-city youths have turned in large numbers to the only available source of income: the underground drug economy. In the mid-1980s L.A. became the main U.S. pipeline for a new, highly concentrated form of cocaine—rock cocaine or crack—shipped in by drug cartels. Many members of L.A.'s biggest street gangs, the Crips and Bloods, together with hundreds of smaller gangs, plugged into this deadly traffic to become street-level pushers.

Stopping "gang violence" became a media crusade and a favorite hobby-horse for local pols. The city

administration responded with what is becoming the capitalist state's preferred method of solving inner-city problems: police terror on a quasi-military scale.

In 1988, L.A. police chief Daryl Gates launched "Operation HAMMER," a massive, indiscriminate police sweep of South-Central for the ostensible purpose of curbing drug traffic. This was not the first time the area had been subjected to Gates' hammer-blows. The LAPD, long infamous as a gang

of trigger-happy rednecks, had recently mounted nine smaller dragnet operations there. South-Central also remembers Eulia Love, a 39-year-old black widow gunned down in a 1979 dispute with police over unpaid gas bills. Moreover, in 1982 Chief Gates responded to criticisms concerning the choke-hold deaths of young black men in custody by saying that the "veins and arteries [of blacks] do not open up as fast as they do on normal people."

But "Operation HAMMER" surpassed all previous LAPD thrusts. Billed as the "D-Day of law enforcement," it was probably the single largest application of force in a black ghetto since the Philadelphia MOVE massacre of 1985 (which Gates has publicly praised). In the first phase, over a thousand cops, backed by elite tactical squads, swooped down upon ten square miles of central L.A., arresting nearly 1500 black youths. In the months that followed: an unarmed teenager was shot and killed by police because he was alleged to be reaching suspiciously into his trousers; an 81-year-old retiree died after being pumped full of buckshot when police mistook his residence for a "crack house"; a group of apartments was attacked by

(continued on next page)



SETH TOBOCMAN

(L.A., from page 3)

almost 90 shotgun and sledgehammer-brandishing police, who shouted racist epithets, and proceeded to spray-paint walls, smash furniture and appliances, and force residents to run a gauntlet of fists and flash-lights.

By 1990, the LAPD and sheriffs of adjacent municipalities had rounded up a total of 50,000 "suspects." There are only 100,000 black youths in Los Angeles! One member of the district attorney's office, commented that "Operation HAMMER" was "Vietnam here." It has been officially discontinued only to be replaced by permanent, institutionalized police sweeps.

The beating of Rodney King must be understood in this context: as a minor episode in the transformation of South-Central into a "free-fire zone." Such developments are by no means unique to Los Angeles. King was at least lucky enough to escape with his life—unlike many other innocent victims of heightened police brutality from coast to coast. Yet Los Angeles has led the way in investing that brutality with a military dimension, thus showing the entire ruling class how to handle "surplus populations" in a period of economic contraction, and once again living up to its reputation as the "city of the future."

BLACK ELECTED OFFICIALS (BEO'S): NO SOLUTION TO POLICE BRUTALITY

L.A. mayor Tom Bradley has been almost as zealous in proving his loyalty to the ruling class as his east-coast counterpart, Wilson Goode, who, as Philadelphia's first black mayor, ordered the 1985 terror-bombing of the MOVE compound. L.A. Police Chief Daryl Gates called Wilson Goode "an inspiration to the nation. I think he has provided some of the finest leadership that I've ever seen from any politician. And I hope he runs for national office. He's jumped onto my heroes list, and by golly, that's not a long list." ("Attention Move this is America", by Margot Harry, page 16.) Until the King tapes were broadcast, Bradley backed Daryl Gates and his "law-and-order" grandstanding.

The infamy of a Republican like Gates does not change the fact that L.A. has for decades been in the hands of a Democratic municipal administration. According to Mike Davis (whose 1990 book, *City of Quartz*, provides a compelling portrait of contemporary L.A.) Democratic District Attorney James Hahn, the immediate predecessor of the present DA, "probably traveled further than any metropolitan law enforcement official in the country towards establishing the legal infrastructure of an American police state." Hahn's legal strategy aimed at extending criminal liability for drug-related offenses from individual perpetrators to those who supposedly aid and abet them. By criminalizing whole groups of people, Hahn created the legal framework for super-sweeps like

"Operation HAMMER." Such measures, concludes Davis: "imply a 'West Bank' towards the troubled neighborhoods of South-Central L.A.. The 'terrorism' metaphor has metastasized as Hahn and Reiner have criminalized successive strata of the community: 'gang members,' then 'gang parents,' followed by whole 'gang families,' 'gang neighborhoods,' and perhaps even a 'gang generation.'"

In L.A. as in Peru, the "war on drugs" functions as a camouflage for the repression needed to maintain capitalist law and order among the most oppressed and desperate social layers. And this class warfare by the bourgeoisie, on the home front and abroad, is, as ever, a truly "bipartisan" affair.

The only reason that one of Rodney King's club-wielding assailants, Laurence Powell, will stand trial a second time (unfortunately not before an all-black and Hispanic jury) is because of the South-Central eruption. Voting for BEO's and Democrats, on the other hand, has failed to prevent a deepening of black poverty and an escalation of police brutality.

Serious advocates for social justice can have nothing but contempt for the hypocritical condemnations of "violence" and "lawlessness" now gushing forth from newsrooms, pulpits and capitalist presidential aspirants. Yet serious militants must also recognize that racism, poverty and the violence of the capitalist state will not be ended by unorganized explosions of black and minority rage, however justified. Because the black masses lack the program and the leadership to fight for a real social revolution, their spontaneous anger often strikes at the wrong targets, and leaves their real exploiters and oppressors untouched. The burning and looting of the stores of petty capitalists in the ghetto does nothing to break the stranglehold of the multi-billion-dollar banks and corporations who own the major means of producing and distributing wealth, and who are the real power behind the small-time frontmen. Attacks upon Korean businesses and a few white people who happen to pass through only punish other powerless individuals and families, many of whom are also victims of the current ruling-class offensive against workers and the poor. Such senseless and indefensible acts are partially explained by the fact that many black youth, in the isolation of inner-city wastelands, are inclined to misperceive local non-black businessmen, landlords and whites in general as representatives of a malignant and incomprehensible power structure bent upon destroying them with drugs, AIDS and police bullets.

Looting on the streets of L.A. is trifling by comparison to the \$500-billion Savings and Loan bailout, which is correctly understood by most citizens as the massive looting of public coffers by the rich.

Revulsion against the class arrogance of this country's rulers is not limited to blacks and minorities. It is registered in polls which show that 76 percent of

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Curfew in Berkeley

a COPWATCH statement

COPWATCH feels strongly that the curfew imposed upon Berkeley citizens on May 1 and 2, 1992, was an unnecessary and unacceptable abridgement of constitutional rights. Enforcement of the order was directed selectively at African American and Hispanic youth, peaceful protesters, and individuals who attempted to monitor police conduct. Less authoritarian alternatives to the city-wide curfew were available, but were passed over in favor of the most authoritarian option. The suspension of constitutional rights is a matter not to be taken lightly. Yet this appears to be exactly what was done.

WHY IN 1992?

In the entire history of Berkeley, a curfew has never before been ordered. Not when Governor Reagan called in the National Guard. Not during the four days of unrest sparked by the construction of volleyball courts in Peoples Park last summer (when Michael Brown "almost lost the city"), a curfew was not imposed. Why in 1992? Granted, the rioting on Telegraph Avenue during the night of Thursday, April 30, was the most severe of any in recent years. But was a city-wide suspension of freedom of movement and assembly necessary, particularly on Saturday after there had been a full day of calm, to protect a four-block stretch of one street? We believe that it would have been more appropriate to restrict access to Telegraph Avenue. Had this been done, any violence that erupted in other areas would have been of a more manageable size, and judicious placement of police patrols along other retail routes would have been effective. It is likely that the existence of curfews simultaneously in Los Angeles and San Francisco heavily influenced Berkeley's decision to implement a curfew here rather than one of several less intrusive alternatives. A full curfew was viewed as the most effective means of maintaining order, but it also may have been used as an opportunity to play hardball

THE "ORDER IMPOSING CURFEW"

1. No person shall roam or be upon the public streets or in Public places in the City of Berkeley without having and disclosing a lawful purpose, between the hours of 7:00 p.m., May 1(2), 1992 and 6:00 a.m., May 2(3), 1992.
2. No person shall conduct or participate in a meeting, assembly or parade, or use a voice or sound amplifier, in or upon the public streets or highways or other public place which is out of doors in the City of Berkeley at any time between the hours of 7:00 p.m., May 1(2), 1992 and 6:00 a.m., May 2(3), 1992.
3. Any knowing and wilful [sic] violation of these rules and regulations shall be punished as provided in B.M.C. section 2.88.100.

with civil rights in a context that would enjoy the support of "moderates" and isolate civil libertarians who publicly denounced it. Yes, authoritarian measures are effective at maintaining order. That does not give them a place in a society ostensibly based upon individual civil liberties.

Councilmember Nancy Skinner, who along with Maudelle Shirek voted against the curfew, expressed her conviction that a curfew was not necessary. In a letter to the Oakland Tribune, she wrote "...I believe there were options available to us that would have been more specific to preventing these problems rather than enacting a vague and, by its nature selective, suspension of constitutionally protected rights....Council was not presented with options such as cordoning off the Telegraph area and/or other commercial districts....we could have protected our citizens and merchants from violence and criminal activities without having to resort to suspending the rights of all citizens." At the emergency City Council meeting held on Saturday, May 2, to decide whether or not to impose the curfew for a second night, City Manager Brown presented three options: a continuation of the city-wide curfew, a voluntary curfew (as was the case in Oakland), or a standby curfew which would be enacted only if a riot situation developed. Arguing that it had effectively maintained order on the previous evening, Chief Butler advocated the most intrusive option, a continuation of the city-wide curfew. Council did not ask for his views regarding the possibility of preventing rioting with a less heavy-handed approach. The option to cordon off Telegraph Avenue was not mentioned. Butler's recommendation contradicts official policy, as laid out in General Order A-1, "Authority - Limits and Discretionary Use," which states: "It is the policy of the Berkeley Police Department that sworn officers should always seek to exercise that degree of authority which results in the least intrusive action into the lives of members of the community."

"A LAWFUL PURPOSE"

Immediate evidence of the curfew's selective enforcement was available through direct observation. In upscale retail zones, such as College Avenue and Solano Avenue, it was business as usual. People were moving and gathering on public sidewalks, in significant numbers, without police intervention or even a visible police presence. Activities in these areas apparently satisfied Michael Brown's elastic definition of "a lawful purpose." In other parts of the City, however, Brown's definition of "a lawful purpose" was much more narrowly applied. One Berkeley officer described over the police radio a group of youths at a bus stop, saying that "they've been warned," and "are needing to head out of town, but there are no buses available." It was also reported that an African American man

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Berkeley's Own Battle for Justice

Is South Central L.A. Just the Beginning?

BY ANDREA PRITCHETT

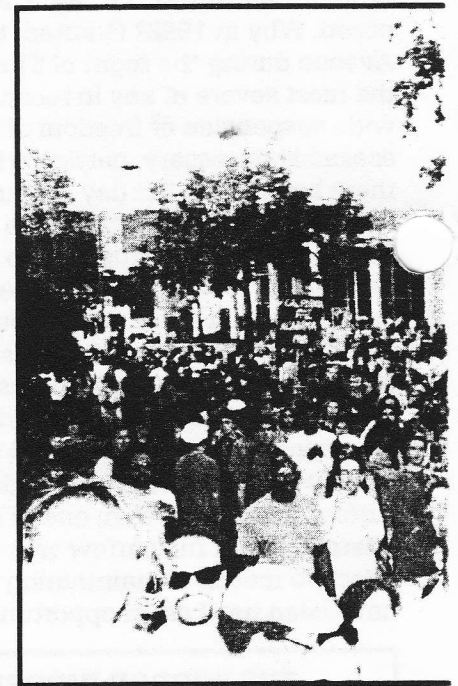
Some people saw it for the first time in their life the night that the Simi Valley verdict was determined. Some people have been feeling the urgent need for justice growing stronger everyday. Just as the people of South Central L.A. rose up for justice, so did people in Berkeley. One thing that has sparked this are the policies of the City Council. Since 1988, the University and the City have conspired to remove homeless people from our streets using whatever means they see fit. From the early stages—the removal of the People's Park Cafe, the freebox in People's Park, Barrington Hall—they have pursued their strategy of eliminating support networks for homeless people. Continuing in the "don't give them any reason to come to Berkeley" vein, UC and the City refused to provide 24 hour restrooms, installed anti-homeless benches at great expense and worked to criminalize the very act of sleeping.

Soon every homeless and street person was targeted for random I.D. checks and harassment. Tickets written for offences such as jaywalking, no bike license, open container, blocking sidewalks, lodging in public, all became more frequent.

The latest form of harassment (but certainly not the last) targets crimes of economy. The city is now trying to criminalize individuals who have miraculously avoided the city's drag-net by attacking their means of making a living. In 1990, the last remaining non-governmental recycling centers (Safeway on Shattuck, Andronico's on Telegraph) were closed. In recent weeks, COPWATCH has learned that in at least 4 occasions, homeless people were harassed by BPD officers for supposedly stealing cans and bottles out of sidewalk shopping containers. Upon finding cans and bottles in their shopping carts, officers issued a \$130 ticket to one man and confiscated the shopping cart of another.

The situation for the city's window washers is no better. Despite the May 19 suspension for 6 months of the City ordinance which prohibits activity in parking lots, people are still being prosecuted for washing windows.

Another man who attempted to become self-employed by offering his shoeshining service to



About two thousand people from the University and San Pablo to the Berkeley on Thursday, April 30. These people from the neighborhoods whose stories of routine are not being heard. The (photos by

passers-by, was told that if he didn't get a \$300 permit from the city, he would be arrested.

In another incident, a homeless man was approached by Berkeley Officer Brezee (#69). The officer ordered the man to empty his cart onto the sidewalk and then proceeded to put the shopping cart in the trunk of his car. Before he left to "return the cart to Safeway," he threatened to ticket the man for littering.

This is how the homeless in Berkeley are treated. The Telegraph Ave. Merchants Association's ex-director Rebecca Rhine is now attempting to prohibit street vendors from employing homeless people in odd jobs.

This may not be direct physical brutality, but it is extremely harsh harassment which ultimately costs human lives.

These are just some reasons why Berkeley has become embroiled in a ground level struggle for justice. Consider conditions for residents of West Berkeley. Many members of the Special Enforcement Unit (SEU) patrol in unmarked cars. The SEU is divided

into the Drug Task Force and the Mobile Substation (called "Orca," named after the killer whale). Night and day these officers' callous attitude and actions toward residents have caused there to be comparisons made between the "Deep South" and Berkeley. For example, SEU officers and others have been involved in what Loni Hancock describes as "community policing." In reality, it is police officers using threats, coercion and physical violence in order to establish a network of informants in West Berkeley. There have been various incidents in which residents have been told that they would be arrested, ticketed or injured if they refused to talk to officers about "what's going on in the neighborhood."

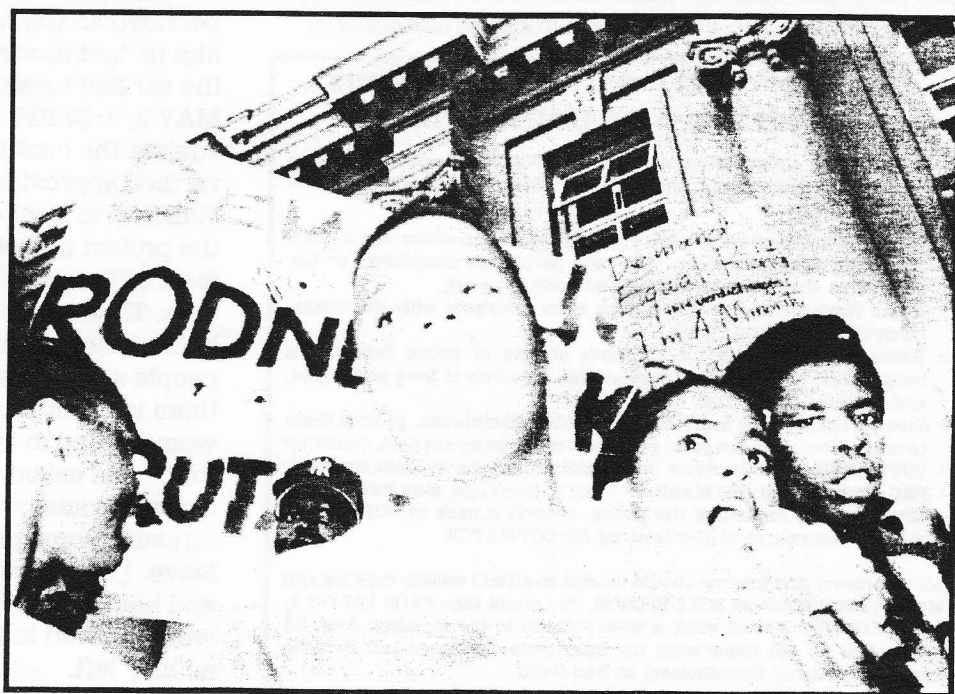
Young men in the neighborhood released from jail, on parole or on probation are often given "search clauses." These "search clauses" basically give officers *carte blanche* to stop, search and intimidate individuals at will. People in West Berkeley know that even possessing a Tylenol tablet that contains codiene in the wrong officer's presence is enough to get your probation revoked.

This is part of the reason for the rage that exploded when the public learned, after the Rodney King verdict, that even the most telling evidence of racist brutality was not enough to achieve justice in the most public of cases.

In the wake of the riots, there remains a serious challenge and a choice. Will justice be done or is South Central just the beginning?



ned from the intersection of
all of injustice in downtown
peaceful gathering brought out
West Berkeley, especially young
assment by the Berkeley Police
age is: It's not just in L.A.
(da Prager)



Cop Blotter

*A sampling of the more egregious examples
of police misconduct, gleaned from
COPWATCH Incident Reports*

MAR. 29, SAN JOSE – San Jose City Police arrived at an incident where an African American male, who had been in a fight and lost his glasses, had a knife. One officer drew his gun and fired two shots. The first almost hit neighbors in their yard. The second hit the man in the stomach. He was held at San Jose City Jail for one month. He was denied a new pair of glasses, even though he was legally blind without them and two judges had ordered the jail to allow him new glasses.

APR. 6, 2:00PM, CORNER OF YORK AND SANFORD, NORTH RICHMOND – A Black man was sitting in front of a crate in front of Frank's market. Officer Gray of the Contra Costa County Sheriff's department pulled up in his patrol car and beckoned to him. The man shook his head and left. Officer Gray got on the radio. A few minutes later Officer Battles sped toward the man as he was in the middle of Sanford Street. As the man ran behind a parked car, Officer Battles jumped out of the car and said, "freeze motherfucker" pointing his gun at the man. The Officer pushed the man to the ground, cuffed him and put his gun to the back of the man's head.

NORTH RICHMOND – Officer Anderson of the Contra Costa County Sheriff's Department pulled the same man over for no reason. He asked for ID, found that the man had warrants. The officer illegally searched him and his car, put him in the back of the squad car, leaving the man's two year old son in the street, as he was issued a ticket for dim headlights.

APR. 15, 12:15PM, PEOPLE'S PARK – A man was shoveling dirt near the basketball court when he was approached by Sgt. Finger and Officer Braunecker of

the UCPD and was asked for hi ID. He was threatened with arrest if he refused to show his ID. The man did show it and was issued a warning.

APR. 21, TENTH AND CHANNING – Officer Cefalu of the BPD threatened an older Black man with under the influence tickets until the man agreed to become a police informant.

APR. 22 – Detective Hansen and Officer Battles almost ran the same man over.

APR. 23 – Detective Hansen told the same man, "Doing things like that will get you hurt, we'll sweep the streets up with you. We'll see you later."

APR. 24, 2:00PM, CONSTRUCTION AREA NEAR THE LIFE SCIENCES BUILDING AT UC BERKELEY – Officer Jacques of the UCPD beat people's hands as they were holding on to a chain linked fence. Two people's hands were broken.

MAY 1, 10:00AM, TELEGRAPH AVENUE – Officer Nelson of the BPD was telling young black kids to go home and that they had no business being there.

MAY 1, 10:00PM – In two separate incidents, one elderly African American man and a middle aged African American woman were stopped and told that a curfew was in effect and that they must go home. They said that they were not in violation of the curfew because they were on their way home from work. Police would not accept these answers and they were ordered to go home. Later, a white male who works with them came in an auto to pick them up and they weren't hassled.

MAY 2, 6:00PM, SHATTUCK AVE. – A well known Berkeley activist was arrested for putting up fliers advertising a march from the BART station in defiance of the 7:00pm curfew. The charges against him are conspiracy to break the curfew and resisting arrest. He was held on \$1500 bail.

MAY 2, 8:30PM, NEAR CITY HALL – BPD Officers pounded on the roof of a photographer's car and told him to "get moving." They videotaped the people in the car and took the car's license plate number.

MAY 2, 8:30 PM, NEAR CITY HALL – At a protest vigil against the curfew in Berkeley after the Rodney King verdict, approximately 30 people were sitting and standing in front of City Hall. Police intended to bust the protest immediately but waited until 8:30 when most of the press had left and it was starting to get dark. Then approximately 25 BPD officers came from behind the building and gave a dispersal order. As people started leaving, police followed and boxed them in, front and back, by Allston and Milvia. A woman tried to leave and was told it was "too late for that." She asked the officers where to go in order to leave and she got no answer. Finally five people were arrested, some protesting loudly that they wanted to leave. They were charged with breaking the curfew and held on \$500 bail each in Berkeley Jail. The rest were allowed to leave, but police cars followed people as they left.

Volunteer and Internship Positions Available with COPWATCH

Volunteers are always welcome in COPWATCH. UC Berkeley students can get internship credit through the Peace and Conflict Studies program. We need:

- **Community Outreach Workers** to inform communities about their rights regarding the police, and help people file complaints or law suits. This also includes tabling and coalition work
- **Office Workers** to do filing, phone work, working with the media, fundraising, making flyers...
- **Researchers/Writers** for in depth studies of police department budgets and policies, UC-City relations, research of laws and rights, and successful law suits
- **Caseworkers** to help individuals with their complaints, go with them to court dates, find lawyers, press and community support, follow up
- **COPWATCHers** to do street observation and take incident reports
- **PRC/City Council/UC Monitors** to go to meetings, stay informed of actions taken regarding the police, reporting back to COPWATCH, making statements at the meeting for COPWATCH

All volunteers and interns should be able to attend weekly meetings on Mondays at 8:00pm at 2022 Blake St. For credit take PACS 197 for 1-3 units (5-15 hours of work a week). Come to the Monday, Aug. 26 meeting to fill out paperwork for internship credit, or call Danielle Storer (Internship Coordinator) at 848-0425.

Cleve Nelson Update

Cleve Nelson has been homeless since January of this year. Cleve wrote a letter stating that he had been barred from his mother's house, where he had lived all his life ["Homeless By Court Order," Copwatch Report, Spring 1992]. The residential lease shows that Cleve is a legal resident of the house. Cleve recounted that on December 14, 1991, he intervened in a fight between his brother Bill and a man, Frank, who is neither a family member nor a tenant/legal resident of the house. Frank called the police, and "when the police arrived, Frank lied to the police and I was arrested," Cleve wrote. He was charged with misdemeanor assault and, on the poor advice of a public defender, pleaded no contest to get out of jail. (Cleve was under the impression that 'no contest' meant 'not guilty'). A restraining order was issued against Cleve, barring him from his own house.

On February 26, 1992, Cleve went to the Berkeley Police Department to file a report against Frank for theft of his property. He later returned to ask about the status of his complaint. When Cleve persisted, he was restrained, handcuffed, beaten and arrested. He was taken to a holding cell, hogtied, beaten a second time, and held overnight. Two days later, all charges were dropped and the judge issued a stay away order from the Berkeley Police Department, in addition to continuing the stay away order from Cleve's residence. No investigation of the theft of Cleve's property was done.

Cleve filed a complaint with the Berkeley Police Review Commission regarding the December 14 incident. The allegations included:

- 1) Failure to investigate (Cleve alleges drug abuse and violent threats by Frank).
- 2) Taking sides in a dispute (between Cleve, Frank, and Bill).
- 3) Improper arrest of Cleve (who maintained there had been no fight between Frank and himself, and that he had intervened to stop a fight between Frank and Bill).
- 4) Abuse of discretion (ordering Cleve to move out of the house).

In the hearing, Cleve cited the officers' ignorance of the fact that he was a legal resident of the house, while Frank was not. He questioned the conflicting testimony of the officers. One specified "there was blood all over the place," while another did not recall such blood all over the place. One officer asserted that she took Cleve's pulse, looked into the pupils of his eyes, and made an "assessment" (without any chemical tests) that he was on drugs. All the while, Cleve was supposed to have been "struggling" and "resisting."

The commissioners voted 3 to 0 not to sustain Cleve's complaints. One commissioner considered Cleve a "victim," and was "doubtful about the descrip-

tions of pulse rate and language being used." The commissioners "wished other choices might have been made," but they found "no evidence [the officers] violated the regulations...the burden is clear and convincing evidence that the officers were negligent." They saw Cleve as a "victim," but unanimously dismissed his complaints.

Cleve has a court date on July 17 at 9:00am in Department 3 to challenge the stay away order. A second PRC hearing on his February 26 arrest will be held in August.

PRC Sustains Misconduct Allegations Brought by Homeless Activist

In a recent Police Review Commission hearing, on June 23, 1992, a homeless activist, Curtis Bray, successfully brought two allegations against Berkeley Police Officers for discourtesy and abuse of discretion. The complaint (PRC #1338) originated from the infamous skunk oil City Council meeting of November 5, 1991. When police decided to clear the council chambers on that evening, Bray left on his own. As he walked out he stumbled and fell. Officers McBride, Baum, White, and several unnamed officers laughed and cheered. Officer Baum, in the hearing, stated that his "spontaneous laughter" was a "pay back" for Bray's abusive comments about the police. However, Bray denied that he ever made such abusive comments, and had witnesses at the hearing that corroborated his story. Neither Bray nor the officers had any legal representation at the hearing, which is especially unusual for the police. They presented their own cases to a board consisting of Jackie Duboce, Arlene Irlando, and Dolores Edwards. The allegation of discourtesy was sustained 3-0 by the board, against the three named officers and several unnamed officers. A second allegation of abuse of discretion, that Bray was barred from attending a public meeting, was sustained 2-1 against Officer McBride, with Commissioner Edwards voting against it.

DON'T MISS OUR SECOND HUGE

GARAGE SALE

10am - 6 pm, Saturday, July 25
2022 Blake Street, Berkeley

We need your donations of unwanted stuff: furniture, clothing, housewares, records, books, you name it...you call us, we'll pick it up and try to sell it to somebody. Call 548-0425 for info or to donate. See you there!

(CURFEW, from page 5)

bicycling to work in Berkeley was stopped by BPD and told to return to Oakland or be arrested. Police radio communication between 7pm and midnight on Friday, May 1, revealed that individuals stopped were overwhelmingly African American and Latino.

THE RIGHT TO WATCH

The right to observe police in action was not respected during the curfew. On Telegraph Avenue, Berkeley Police Review Commissioner Osha Neumann was out observing at about 7pm on Friday. Berkeley police told Neumann to leave. He responded that he was a PRC commissioner and had a right to observe. The officers indicated that they knew who he was but that he would be arrested if he did not leave. We find it incomprehensible how a Police Review Commissioner observing police activity could be seen as having anything other than "a lawful purpose." In the course of the two nights of curfew, members of COPWATCH were also harassed and threatened with arrest although they indicated that their intent for being on the street was to observe. Training and Information Bulletin #91 of the Berkeley Police Department, "The Right to Watch," states: It is Departmental policy to set the least possible restriction on public observation of police officer conduct....Officers should restrict the practice of requesting onlookers to withdraw only to those instances where a threat to safety is involved. So much for official policy.

FREE SPEECH

Unsanctioned forms of political expression were also made unlawful by the Order Imposing Curfew. One person was arrested on Saturday by Berkeley Police more than an hour before the curfew was to take affect. For posting flyers advertising a free speech vigil beginning at 7pm, he was charged with "conspiracy to violate the curfew." At curfew hour, the approximately forty people who gathered for the vigil on the steps of Old City Hall were told to leave by Berkeley police. Under the anticipatory eyes of assorted local media, police withdrew and a peaceful sit-in ensued. The group was confronted by Berkeley police again slightly before 8:30pm and told to leave or be arrested. When the group left the steps and began dispersing, they were followed by police and surrounded at the intersection of Allston Way and Milvia, where some were ordered to leave and others

were forbidden from leaving. Five people out of the group were arbitrarily arrested. While this peaceful assembly was not considered lawful, people gathering outside Berkeley Community Theater on the previous evening during a speech by Helen Caldicott were a lawful assembly. Decisions regarding what assemblies were lawful clearly included concerns other than public safety and protection of property. The vigil at Old City Hall was not physically threatening, and there was no indication that any of its participants had been involved in Thursday's rioting. In fact, many of the vigilers were known to the police as local (and vocal) activists, an association that certainly wouldn't have weighed in the group's favor. The decision by BPD to break up this assembly and arbitrarily arrest a fraction of the group was without basis. Why were only five out of about forty people in violation of the curfew? Three members of the City Council do not find this question troubling. The City Council voted 6-3 to ask the Alameda County District Attorney that charges be dropped against the five arrested at the vigil. Earlier, in a unanimous vote, the Council had agreed to ask that all charges against the several hundred protesters arrested for blocking the Bay Bridge and I-80 on Thursday afternoon be dropped. Councilmember Shirley Dean, voting against amnesty for the vigilers, stated, "I felt different because these people were warned. They violated and tested the city in a state of emergency. They could have held the protest before seven o'clock. That is not responsible behavior and they should face up to that." Referring to the D.A.'s intention to pursue misdemeanor charges against the bridge protesters in spite of the Council recommendation, one deputy D.A. commented that "the D.A.'s office doesn't dance to the tune of the Berkeley City Council's political agenda." District Attorney Jack Radisch decided, however, to drop all charges against the five vigilers at Old City Hall and the individual arrested earlier on the "conspiracy" charge. "I decided it was not the kind of case to send to court," Radisch said.

POLICE/COMMUNITY RELATIONS

The manner in which the curfew was enforced recapitulates the poor relationship between Berkeley police and flatland residents. The degree of the problem was only hinted at by the attendance of hundreds of angry West Berkeley residents at the May 13 PRC meeting. Additionally, we find it extremely troubling that our right to observe the police was abolished, making it impossible to document police misconduct that we believe did occur.

COPWATCH encourages the Police Review Commission to fulfill its mandate to investigate enforcement of the curfew. We further call upon the PRC to make a recommendation asking Chief Butler to follow his own departmental policies regarding use of discretion.

**SAN FRANCISCO COPWATCH
IS FORMING. 415-821-7931**

(L.A., from page 4)

whites disapprove of the Rodney King verdict and that 54 percent of whites are not happy with the way Bush is handling race relations (New York Times, 11 May). It is confirmed by the fact that many white youths joined with blacks in demonstrating their outrage over the verdict on the streets of L.A.. These are strong indications that the only effective response to years of capitalist attacks—integrated class struggle—is a real possibility today.

Blacks and minorities form a large percentage of the American working class. Besides in basic industry, they are concentrated among the unionized workers who maintain the nation's cities: running the buses and trains, collecting the garbage, sweeping the

streets and staffing the hospitals. These workers can provide the necessary link between the ghetto and the organized working class. A single general strike against police brutality could bring cities like L.A. to a halt, and would prove an infinitely more potent weapon than a hundred ghetto upheavals. Such strikes could open the way for a powerful working-class counter-offensive against racism and capitalist austerity. But this requires a militant, class-struggle leadership committed to breaking the stranglehold of trade-union bureaucrats and Democratic Party BEOs. It is necessary to construct an organization that is dedicated to the task of creating an equitable society, which can alone deliver justice to Rodney King and countless other victims of the "new world order."

SUPPORT PWATCH.

We need community support to do community work. We can't keep it going by ourselves—we aren't rich. You probably aren't either, but we don't need much if everyone contributes a little. We are an all-volunteer organization: all of our labor is donated. But we need money to print the COPWATCH Report, pay rent, postage and phone bills, purchase supplies necessary to run an office and be monitoring police on the street.

WHAT YOU CAN DO.

- 1. SUBSCRIBE TO THE COPWATCH REPORT** – Each issue gets mailed out to hundreds of people and an additional 1500-2000 are distributed directly around Berkeley and at public gatherings. Up to now, we have mailed the Report free to anyone who requested it, for as long as we had a current address for them. Unfortunately, we can't afford to do this any more! We will send two free issues to anyone who wants to be on our mailing list. After that, we will need a sliding-scale annual donation to keep the Report coming.
- 2. BUY A T-SHIRT** – If you don't have our classic COPWATCH t-shirt, get one soon. We will be switching to a new design with the next run.
- 3. MATERIAL AID** – Money is the most versatile form of aid, but we can also use donations of office supplies, computer equipment, etc.
- 4. SUPPORT OUR GARAGE SALE** – We will be having a garage sale about four times a year. Donate all of your unwanted stuff and come find some bargains.
- 5. VOLUNTEER** – There is always more work than people to do it: office work, copwatching, casework, research, writing. Whatever. Students at UC Berkeley can get credit for internships with COPWATCH.

Here's my contribution to help COPWATCH keep going strong and support the continued publication and mailing of the COPWATCH Report...

- | | |
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| <input type="checkbox"/> add my name to your mailing list and send me 2 free issues | <input type="checkbox"/> send _____ T-shirts @ \$12/each |
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| <input type="checkbox"/> \$35/year - sponsor | <input type="checkbox"/> \$50/year - m(p)atron |
| <input type="checkbox"/> _____ other | |
- (contributors of \$35 or more get one free)
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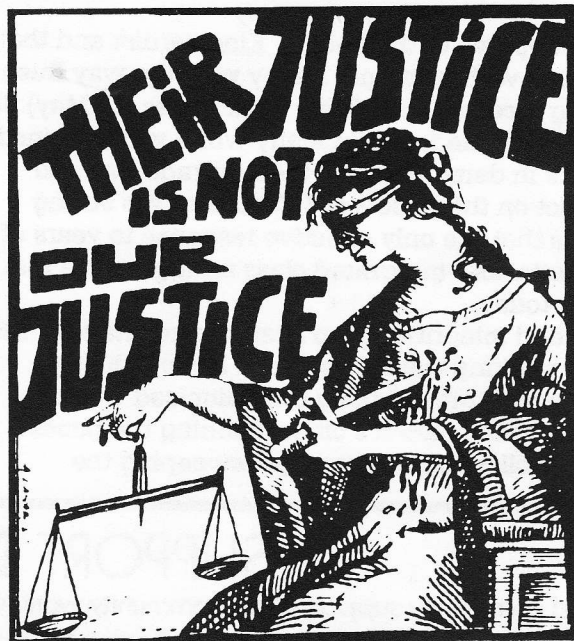
Return to: COPWATCH, 2022 Blake Street, Berkeley 94704. Contributions are NOT tax deductible.

(HIGH COST, from page 2)

and "grabbed the Plaintiff, using excessive force and slammed the Plaintiff against the police car." Lance was then handcuffed and searched. Cefalu berated Lance for carrying an umbrella under his jacket and complained that he thought the umbrella was a weapon. The complaint further adds that "Cefalu told the Plaintiff that if he carried his umbrella in his jacket again that he would be stopped by other police officers."

On February 4, 1992, Berkeley's Police Review Commission unanimously sustained Lance Kelley's complaints of improper stop and detention against Officer Cefalu. City Manager Michael Brown overturned the PRC findings. The PRC has sustained some thirty police misconduct allegations since Butler became Chief of Police, but Michael Brown has overturned twelve of these decisions.

Lance Kelley's lawsuit against Cefalu also charges Chief Butler and the City of Berkeley with using the



BPD Internal Affairs division to attempt to insulate members of BPD from civil liability as a result of their use of excessive force, false arrests, and/or other violations of constitutional rights. The complaint states that "a pattern and/or custom has been established wherein the Internal Affairs division of the City of Berkeley Police Department routinely fails to sustain citizen complaints against members of the BPD

passed the PRC request over to the Personnel Board where it has now become a non-issue.

Chief Dash Butler, who describes Cefalu as "a fine officer," recently promoted him to the position of detective. This appears to follow a promotion policy based not on merit, but rather on the degree of controversy an officer can stir up in the community. Officer Polk, who in 1969 told the press he felt it was necessary to hurt protestors to keep them from coming back, was in charge of the "Haste St. Massacre" last August 3, at Peoples Park. This is the incident where Berkeley and mutual aid forces attacked a peaceful crowd as they sat down in protest. Many were injured and some required hospitalization. Lieutenant Polk was subsequently promoted to the rank of Captain. In a January 29, 1991 incident, Sgt. Daubenspeck's actions were called into question because he allegedly clubbed Jimmy Lindstrom over the head many times. Lindstrom later died while tied to his hospital bed. Sgt. Daubenspeck has recently been made a member of the Internal Affairs division and is currently investigating a PRC complaint against Officer Milner. While the PRC has sought information about BPD hiring policy, there has been no discussion of policy regarding promotion.

Prospects for reform within the BPD, or change in the City's priorities, are unlikely as long as Micheal Brown remains city manager. Thus far, the Berkeley City Council shows no interest in addressing the problem.



City Manager Michael Brown frequently overturns complaints against the Berkely Police that have been sustained by the Police Review Commission.

while the Berkeley Police Review Commission routinely sustains the same complaints after conducting its own investigations."

For several months, the PRC sought information regarding the BPD policies that allowed Cefalu to be hired. Stonewalled by the BPD, the PRC then asked the City Council to conduct an independent investigation of BPD hiring policies. The City Council perfunctorily

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