

COPWATCH

Report

BERKELEY, CALIFORNIA

WINTER 1996



Cops Brutalize Berkeley Resident

Did Police Retaliate Against His Witnesses?

BY SUZANNE PEGAS

Inside

.....
Pepper Spray Update
.....

Special Report: Community Control
.....

UC Cops Bust Prop. 209 Protesters
.....

Uprising Follows Cop Killing
.....

National Day of Action
.....

Measure O Back from the Dead
.....

Please make a donation to support the publication of this Report.

The story of Carl Gregsby begins with police brutality and discrimination and continues with alleged police retaliation against Gregsby's witnesses, who testified on his behalf before the Police Review Commission (PRC). Not only did police harass Gregsby and abuse him as he suffered a seizure in their custody; police later arrested his witnesses on shaky pretenses in their own home.

In September 1995, Carl Gregsby was driving down Russell Street, saw his nephew on the sidewalk, and stopped to talk to him. Minutes later, he was stopped by BPD Officers Reece and Gomez, members of the Drug Task Force. As far as we know, it is no crime to talk to a family member through your car window. But in this particular neighborhood, known as a drug "hotspot," this apparently is cause for suspicion.

So sometimes Berkeley cops use a bit of creative policing. Gregsby was stopped for having no license plate on the front of his vehicle. He did, however, have one on the back, as well as a disabled placard in his windshield. He was not questioned about the license plate for the rest of the stop.

Carl Gregsby had recently suffered a stroke and was unable to comply with some of the officers' instructions. He informed them of this, although when the case went to the PRC, the officers' testimony was confused on this point. Gregsby was unable to reach into his back pocket to get his ID and told the officers he would need to step out of the car. According to Gregsby, the officers searched his vehicle without his permission. They did a warrant check, it came up positive, and as they went to cuff Mr. Gregsby he repeated that he could not put his arms behind his back and pleaded with them not to make him.

The officers forced Gregsby's arms behind his back, and Gregsby began to have a seizure. In their PRC testimony, it is clear that Reece and Gomez were fully aware that Gregsby was having a seizure as they proceeded to do a full search of his person. As Reece patted down Gregsby's leg, the leg jolted and Reece pulled it hard. Gregsby fell to the ground, breaking his glasses and

(continued on page 10)

From South Africa to Chicago

International Conference Blasts Police Abuse

BY DANIELLE STORER

COPWATCH joined organizations and individuals from around the country at the fifth annual National Conference on Police Accountability. Although the event, held in Chicago on October 4 - 6, was more sparsely attended than usual, it still proved to be an important time for networking and strategizing with organizations from across the country and internationally.

The highlight of the conference was a presentation by Siphon Citabatwa of the Community Peace Foundation in Capetown, South Africa. The Foundation is a new organization (formed in 1993) which is working to bridge the gap between Mandela's new democratic government and the community-based popular justice systems that have thrived in the townships. Citabatwa showed a short film about the "street committees" made for South African Television. These committees are a type of community-based court or mediation system which combine traditional and contemporary government systems. They formed in the 1960's because the apartheid government did not address concerns or "crimes" that affected the black community.

Street committees are composed of fifteen locally-elected people and are

very powerful and highly respected in the community. This power is particularly evident in how the community police must relate to the street committees. Unlike American community policing, where local people have absolutely no control over their beat officer, Citabatwa gave the example that if the South African community police want to arrest someone, they must go first and negotiate with the street committee representatives for that area.

FIRST DEFENSE LEGAL AID

Petra Harris, a Chicago-based attorney, gave a presentation on the Police Custody Hotline Program, now called First Defense Legal Aid, which she created a year and a half ago.

Funded by United Way, First Defense Legal Aid (FDLA) was created because of a provision (active in 50% of U.S. states) that restricts the public defender from representing a person before a court case begins. People who can't afford their own attorney receive no representation during initial questioning. FDLA fills that gap by providing 24-hour legal assistance for anyone being questioned by Chicago police.

Harris, who has had to defend the program from attacks by the Fraternal Order of Police, coordinates 90 volunteer attorneys to provide legal support within an hour of a call. Her main focus currently is to advertise FDLA and distribute the plastic cards which list the agency phone number and information about people's rights.

Bismillahir Rahmanir Rahim spoke to the conference about a very recent police murder, where Brother Bilal Ashraf was shot numerous times by Chicago police after surrendering and raising his hands. In his presentation, Rahim also spoke about other targeted attacks by police on the Muslim community. More than once, police came into his Mosque, disrupting services and assaulting members of the

congregation.

The other presentations over the weekend were as follows: Law enforcement in Indian country by Aileen Luna; the Democratic Convention and its aftermath by Melinda Power in Chicago; Pepper Spray update by Nilba Sanchez and Caroline Clarke of the Police and Barrio Relations Project in Philadelphia (including a speech by Lenore Anderson of COPWATCH); and the March on Washington by Isabel Garcia of Derechos Humanos in Tucson. ●

Livermore Copwatch Forms

A Livermore COPWATCH website has been created in response to "reports of Livermore police using nunchucks (nunchucks) to crush the knuckles of transients, causing temporary or permanent maiming. Nunchucks are made of two hardwood sticks or steel pipes about 14 inches long, connected at one end by a short length of chain or cable, and often rubber-covered to prevent visible surface abrasion of skin. Nunchucks can be used like a nutcracker, or swung like a nightstick."

According to the site's creator, who wishes to remain anonymous, the goals of Livermore COPWATCH include "facilitating human rights lawsuits against the City of Livermore to create an economic incentive for reform," and "obtaining a City Council resolution forbidding nunchucks in Livermore Police cars and the Livermore Police station, backed by surprise inspections of patrol cars and police station."

Those who have experienced misconduct at the hands of Livermore cops, or who want to help fight police abuse, should contact Livermore COPWATCH at P.O. Box 1199, Livermore, CA 94551. Those with a computer and Internet access may e-mail him at copwatch@execpc.com or read more details at the Web address <http://www.execpc.com/~copwatch/>.

COPWATCH Report

The COPWATCH Report is published by COPWATCH, a grassroots all-volunteer organization which works to defend the right of everyone in our community to fair treatment under the law.

To do this we need your support, energy, and ideas! Please call us or write us, or come to our weekly Monday meeting at 8 pm in our office:

COPWATCH
2022 Blake Street (near Shattuck)
Berkeley, CA 94704
(510) 548-0425

PRE-PRESS LABOR DONATED



Berkeley Considers Pepper Spray Ban

New Council May Pull Weapon from Police Arsenal

BY LENORE ANDERSON

While the frequency of pepper spray accidents increases nationally, Berkeley policy makers decided in October to form a city-wide "Pepper Spray Task Force" to consider suspending its use within city limits.

After over a year of campaigning to ban police use of pepper spray, COPWATCH looks forward to watching the new City Council set a nationwide precedent by removing the untested substance from the hands of police and curbing the potential for in-custody deaths here.

At least 33 people in California have died after being pepper sprayed and restrained by police. Pepper spray, a breath restrictant, has still never been adequately tested for health effects (See COPWATCH Report, Fall 95, Spring 96, Fall 96). Recently, U.S. Consumer Product Safety Commission spokesperson Ken Giles stated that he knows of no federal

or state agency in the nation that tests the contents or strength of pepper sprays.

As part of a larger effort to increase police accountability, COPWATCH has demanded that Berkeley police not

carry an untested chemical weapon that is linked to numerous in-custody deaths. In the past, the City of Berkeley has banned police use of attack dogs, the police choke hold, and semi-automatic weapons out of similar concerns for the unnecessarily danger-

commissions to the dangers of police use of pepper spray. These commissions have each called upon the City Council to reexamine the use of this chemical weapon by the police. The PRC recommended a 60-day suspension of pepper spray use. The Peace and Justice Commission, the Community Environmental Advisory Commission, and the Commission on Disability have all called for a moratorium on pepper spray until health and safety studies

HEATHER M.

are conducted.

In response, the City Council set up a task force, composed of the commissions and the police, to study the potential dangers of pepper spray. The task force will report back to a City Council whose balance shifted in the November elections. This new Council will be ready to act on the recommendations – a majority of its members have declared support for a moratorium on police pepper spray.

Nationwide, pepper spray accidents and abuse continue to mount. Students at the State University of New York in Binghamton staged a week-long sit-in after campus police pepper sprayed them during an October 15 protest.

In North Carolina, Department of Corrections prison guard Ann Ryder sued her employers after being forcibly pepper sprayed as part of her training. Ryder is now campaigning to end the

(continued on page 10)



Dan Garcia demands justice for his brother Mark, killed by police pepper spray.

ous impact these weapons have on the public. Given this history, many question why the Berkeley police arsenal still includes pepper spray.

Over the past six months, COPWATCH has alerted several city



Marchers in San Francisco during the October 22 National Day of Protest.

HEATHER M.

**Mothers, fathers,
sisters, and brothers
spoke out to express
their determination
to stop police brutal-
ity, and to say
“No More.”**

Thousands March To End Police Violence

Protests Erupt in Cities Across the Country

BY CORNELIUS HALL

There are some who would say the October 22 protest against police brutality didn't really happen. The mainstream newspapers across the country shunned the protest although it was phenomenal that across the United States and Canada events were taking place.

The rally and march in San Francisco included up to 500 people, a rally at Laney College in Oakland had 40 people, and other events took place in cities such as Los Angeles, New York City, Chicago, Detroit, Cleveland, and Philadelphia.

The theme of the protest was “Wear Black” in memory of the many victims of police brutality. People from diverse walks of life held teach-ins, speak outs, rallies, and demonstrations against police brutality.

An especially moving part of the day was the reading of the names of victims of police brutality and murder, includ-

ing the list of 33 people killed in California by police use of pepper spray. The families of the victims killed by police expressed their pain and determination to stop such killings. Mothers, fathers, sisters and brothers spoke out to express their determination to stop police brutality and killings and to say “No More.”

Who would have believed that in just a few months such an event could have been organized and carried out? Over 200 people and organizations endorsed this National Day of Protest, including film maker Haile Gerima, the National Lawyer's Guild, and Dick Gregory. Public service announcement videos made by Wyclef of The Fugees and The Goddie Mob were aired on MTV News, and public service radio announcements were made by Father Lawrence Lucas and Iris Baez.

It is widely felt that this day was a success and has brought many groups together to work on common problems of police abuse.

In the wake of the protest, community groups around the Bay Area have come a long way toward bringing abusive cops to justice. People United for a Better Oakland have pushed through sweeping reforms that will strengthen the city's police review board. In Palo Alto, the Human Rights Defense Committee did protest the possible hiring of a troubled and indicted policeman Paul Ewing. He was given a 14 day notice that he would not be hired. San Francisco's Policewatch is planning a protest of the clearing of Officer Mark Andaya, who murdered Aaron Williams. And COPWATCH has forced the city of Berkeley to consider banning police use of pepper spray, as well as placing the issue of civilian review of the police before the BART board.

We have found that many groups working together in coalitions can bring more pressure to bear by sheer numbers. It is hoped that this has been a lesson on working together. 

St. Petersburg Burns After Cops Kill Motorist

BY GERALD SMITH

On October 24, the black community of St. Petersburg, Florida, exploded in outrage after the police fatally shot 18-year old Tyron Lewis. Eyewitnesses claimed that Lewis was sitting inside the car, with both his hands up, when a cop shot five bullets through the windshield. The cops said that Lewis was shot when his car "made a lurch" in the direction of an officer. This is becoming a standard excuse for police murders in similar circumstances (as with the near-murder of Jason Fluker in Oakland — see *Copwatch Report*, Summer 1994).

As word of the shooting spread throughout the black community, which now accounts for 19 percent of the city's 245,000 residents, enraged residents gathered chanting, "Stop police brutality in the black community!" The police responded by throwing tear gas canisters into the crowd, setting off a running battle.

According to the *New York Times*, October 26, 1996:

"Only last March a report by an advisory committee to the United

States Commission on Civil Rights sounded almost prophetic.

"The advisory committee warned in hearings here [St. Petersburg] and around Florida in 1993 on racial tensions that 'the lack of respect in police treatment of citizens was cited as critical to racial and ethnic tensions.'

"It was indeed evident that police actions can be the spark that sets off a confrontation," the report said."

It is obvious that on matters of

Seeking to blame the angry protests on "outside agitators," the police chief scapegoated the black nationalist group Uhuru.

HEATHER M.



Gravestones erected in San Francisco during the October 22 National Day of Protest in honor of those killed by police brutality.

police accountability the powers that be are incapable of learning or changing. They don't even listen to their own advisors half the time.

Lawton Chiles, the Democratic governor, sent the National Guard into the city in a move to seal off black areas. More than 600 police, sheriff's deputies, and National Guard troops were placed on a state of alert as cops patrolled the streets in convoys and "ghetto birds" hovered overhead. More than 20 people were arrested.

Only hours after a grand jury cleared Officer James Knight, the cop that murdered Tyron Lewis, the slogan "No Justice, No Peace" came to life once again. People returned to the streets to protest, gunshots were heard and a cop was shot in the leg. Two St. Petersburg police have been shot since they themselves killed Lewis.

Seeking to blame the angry protests on "outside agitators," the mayor and the police chief have scapegoated the black nationalist group Uhuru, which established a bail fund for those arrested. Uhuru also held what it called a tribunal that demanded the execution of the mayor, the police chief, and the two cops involved in Lewis' killing after finding them guilty of murder. I question the usefulness of advocating the execution of killer cops when the most conscious elements in this society are struggling to abolish the death penalty...the real one. Nevertheless, there is nothing unlawful about Uhuru exercising its right to free speech.

If black residents of St. Petersburg felt compelled to burn down buildings like the police volunteer center and hurl rocks and bottles at the cops, it is because they know from their own experience that when the cops beat, frame, and kill black people — no matter how obviously wrong the cops are — they get away clean. It is not Uhuru that is responsible for the gross injustice endemic in this system.

We call on the St. Petersburg authorities to set Uhuru free, and to drop all charges against the arrested protesters. ●

A Constant Struggle

**For over twenty years, this community has fought for control over its police.
Now we risk losing the few gains we have won.**

BY ANDREA PRICHETT

For 23 years, Berkeley has been known as the city with one of the "toughest civilian police review boards around." In actuality, Berkeley's hard-won Police Review Commission (PRC) has lost much of its initial determination to translate the desire for community control of the police into official city policy and practice. Members of the public have complained that their complaints are not heard in a timely fashion and that they receive little or no help in preparing their cases. Lately, the commission has been struggling to forward their findings to the City Manager before the deadlines expire. Incidents of police retaliation against complainants have discouraged some residents from even reporting misconduct to the commission. In order for the PRC to be effective, commissioners must be willing to challenge police practices as well as aggressively pursue investigations of policy complaints.

While other cities seek out the original ordinance establishing Berkeley's PRC to use as a model, our own PRC struggles to perform its most

basic functions. In recent years, the PRC staff has been reduced by 50%, while its budget has been dramatically reduced. Commissioners often seem to have only the vaguest understanding of why the citizens of Berkeley voted by a wide margin to establish the nation's first civilian review board in 1973.

Where once the PRC was locked in constant struggle with the Berkeley Police Association (BPA) and other conservative forces, the main criticism of the board now emanates from the left. Many progressives feel that the PRC has been greatly diminished and falls far short of its original mandate to "provide for community participation in setting and reviewing police department practices, policies and procedures and to provide a means for prompt, impartial and fair investigation of complaints brought by individuals against the BPD." (Ordinance no. 4644-N.S. 1973)

Longtime residents of Berkeley can remember the struggle for the Community Control ordinance of April 1971. With the battle for People's Park, the occupation of Berkeley by the

National Guard, clashes between the police and the Black Panthers, and numerous other incidents of violence and racism fresh in their minds, a coalition of groups and individuals attempted to define and establish "community control" of the police.

The first ordinance for community control was essentially an attempt to decentralize the department. According to the ordinance, there were to be three small departments instead of one large one. The three districts were defined as 1) the flatlands (mostly African American) 2) the hills (mostly European American) and 3) the campus community. Each department was to be run by an elected neighborhood council and lead by a commissioner chosen by that council. The proposal also required officers to live in Berkeley.

Despite support from the Panthers, the Berkeley Black Caucus, the Red Family, and even figures such as Ron Dellums, the proposal was defeated in the flatlands as well as the hills. However, the experience of running an actual campaign for genuine reform led many of the organizers to believe that a more refined measure could pass.

PRC Complaints of 1996

Community activists struggled for years to establish the Berkeley Police Review Commission (PRC). Now that we have some form of civilian oversight of the police, complaints against officers are a matter of public record. Who's complaining about the police, what are the charges, and do victims of police brutality actually get justice from the PRC? COPWATCH checked out PRC records and bring you the answers.

Between January 12 and November 7, 43 complaints were filed with the PRC. Carl Shelton filed eight complaints, Jason Meggs filed five complaints, and everyone else filed one apiece. Men filed 28 complaints, and women filed 15. The complaints include 15 for excessive force, six for racial discrimination, two for gender discrimination, and two for discrimination based on economic status (homelessness). Twenty-one complaints charged Berkeley cops with rudeness.

PRC staff were slow to give us information on how these complaints were settled, but COPWATCH learned the results of eight cases. Two cases were consolidated into others. Two cases were dropped by the complainants, one was summarily dismissed, one was dismissed when the complainant failed to appear at the hearing, one was "not sustained," and the officers in another case were "exonerated." **Of the eight dispositions available, none resulted in a finding of police misconduct.**

One clear pattern is an ongoing hostility between Critical Mass riders and the Berkeley Police Department. five complaints allege mistreatment of Critical Mass riders by Berkeley police officers.

Some officers show up in complaints over and over. Sergeant Daubenspeck features prominently in several of Jason Meggs' complaints. Officer Jeremiason was twice accused of fabricating evidence, and Chief Butler is often mentioned in Carl Shelton's complaints.

— GREG BROILES



Fired up: the 70's movement for Community Control

By April 1973, Berkeley voters once again faced ballot measures designed to give the community greater control over the workings of the police department. This time there were four measures on the ballot. The Mutual Aid measure provided for public access to all pacts and agreements between BPD and outside departments. It also provided for public hearings to take place prior to council approval of each agreement. The Residency measure required BPD officers to live in Berkeley. The Weapons Regulation measure limited the kinds of weapons BPD could use and required council approval for the introduction of new weapons into the BPD arsenal. And the Police Review Commission measure provided for the establishment of civilian oversight of the police.

By a wide margin, the voters approved the PRC proposal as well as the measure calling for public input into the establishment of mutual aid agreements. But the Berkeley Police Association acted to stop implementation of the PRC almost immediately.

BPA attorney Robert Brown filed a lawsuit against the measure soon after voters approved it. In September 1974, the PRC threatened to subpoena the Chief of Police in order to gain access to police reports and records related to complaints against officers. The following years were filled with

constant lawsuits, threats, and counter threats between the police and the PRC. The Berkeley Police Association consistently resisted the efforts of the PRC to carry out its mandate. The BPA refused to allow officers to testify at boards of inquiry. In fact, Berkeley officers did not actually participate in PRC hearings until 1983.

Advocates of civilian review were able to resist most of the challenges to the original ordinance, and the PRC was able to make significant changes in the BPD and its policies. The first commissioners formed a subcommittee on racism that fought to expose and abolish racist policies within the department. Affirmative action was a high priority for the commission, as were policies regarding rape victims and the han-

dling of such cases. The commission made history by eliminating the use of helicopters and police dogs. The early commission even proposed that the BPD sever its mutual aid pact with the UCPD until it established a process for reviewing complaints by the public.

In the years since the PRC was established, more conservative political influences have prevailed in the city, and this change is reflected in the makeup of the commission. Each city councilmember appoints a member to the commission. As the City Council becomes more conservative, so does the PRC. In recent years, commissioners have been appointed who didn't even support the concept of civilian oversight of police. In fact, soon after his appointment, one commissioner took it upon himself to give an interview to a newspaper in which he advocated cutting the PRC budget by two thirds.

While police budgets have continued to increase along with the number of BPD officers, the PRC has been steadily eroded. Although the City

(continued on page 10)

COPS DO A LOCK-DOWN ON PUBLIC RECORDS

BY ANDREA PRITCHETT

At the request of COPWATCH members, the Police Review Commission (PRC) has begun a review of police policy regarding access to their reports.

Until recently, members of the public were able to obtain copies of police reports simply by requesting them at the front desk in the Hall of Justice. But the police have begun restricting access to those documents, and recent developments indicate that the issue is far from being resolved.

As expressed to PRC Chair Miller, Police Chief Dash Butler's initial interest in changing the policy came from his desire to "narrow the window of tort liability" (that is, reduce lawsuits) related to police misconduct cases.

If the public cannot follow up on incidents by reading actual police reports or if the PRC files are closed to the public, police accountability will be driven into the same civil courts that Chief Butler was hoping to avoid. A PRC subcommittee was formed to consider the new restrictions and other issues related to the disclosure of police reports.

Although the ACLU and the First Amendment Project were both contacted by the PRC for their opinions on the matter, the first meeting will be with Chief Butler only. In other words, a meeting about public access is essentially closed to the public. It is unfortunate that Butler will be offering the only perspective to the subcommittee.

In a related development, the Berkeley Police Association sent a letter to the City Attorney on September 27, requesting "...the City's opinion concerning the propriety of its current practice of disclosing PRC records to the general public." It seems that the Berkeley police are determined to limit public access to PRC records as well as police records.

Since the PRC can only advise and cannot actually discipline officers, one of its main strengths has been its ability to inform and involve the public in its deliberations regarding policies and actual cases. Furthermore, if the PRC is in fact a civilian oversight committee, then they as public representatives may also end up with limited access to police records, thus rendering them completely useless. 

Police Officials Negotiate in Bad Faith At Headwaters

BY BARBARA OLDERSHAW

On November 15, a group calling itself Taxpayers for Headwaters rallied near Arcata in support of the threatened Headwaters grove. But protestors—mostly local working-class neighbors rather than out-of-town environmental activists—claim that when they arrived at the grove, police response was far more extreme than what law enforcement representatives had promised only the day before.

In keeping with established procedures, on November 14, the protest organizers met with law enforcement officials who would be present at the action, including the County Sheriff's Department, the California Highway Patrol, and the California Department of Forestry. Organizers thought that police understood that peaceful civil disobedience at tomorrow's rally would proceed in the same orderly, nonviolent manner as that which occurred two months before. On September 15, more than 1000 people were arrested for trespassing as they symbolically reclaimed Headwaters Forest by stepping over a green line which demarcated the beginning of Pacific Lumber property.

Rally organizers were told that the consequences for the November 15 action would be somewhat more serious: unlike September, when protestors were cited, charged with an infraction, and released, protestors would be booked, charged with misdemeanors, and released. Willing to accept these consequences, rally organizers continued with their plans.

Between noon and 2 pm the next day, protestors began to gather on Fischer Road, a few hundred feet from the gate through which Pacific Lumber accesses the Headwaters groves. When protestors arrived at the site, they were confronted with a new and unexpected reality: two rows of police in riot gear and holding billy clubs. Protestors were told they would not be allowed within 30 feet of the property, let alone have the opportunity to cross peacefully onto the property and be arrested. When rally organizers demanded to know

what had changed since the previous day's meeting, a CHP officer said that there had never been any intention of allowing the rally to take place as planned. In fact, law enforcement officials had held a meeting of their own on Thursday to reach this decision before representatives had even met with rally organizers.

While protestors were peacefully deciding how to respond to this latest information, officers advanced on the crowd and began arresting people—even those who were attempting to leave the scene. This aggressive tactic was repeated three times in the course of the afternoon. Witnesses claim that several people attempting to leave in their cars were stopped with the threat of violence ("stop or we'll bash in your windows"), promised that there would be no arrests if only they would get out of their cars, and then subsequently arrested when they got out. Many protestors refused to walk with police and were subjected to pain compliance techniques.

At least 70 people were arrested and taken to Humboldt County jail in Eureka. All were held over the weekend before being arraigned late Tuesday and given the option of being bailed out of jail or held an additional two days before recognizance hearings.

Charges included failure to disperse, failure to obey an officer, and failure to clear a public road. Sergeant Jiminez of the Humboldt County Sheriff Department refused to comment on the incident, although Sergeant Ciarabellini warned COPWATCH that the protestors might be exaggerating the situation: "Sounds like they're trying to tell you we just ran roughshod over them."

For more information on the situation, contact the Mendocino Environmental Center at 707-468-1660. To get involved with efforts of Taxpayers for Headwaters to set up citizen review of Sheriff's Department and work toward non-violence training for law enforcement officers, contact this group at 707-443-4356 or 707-822-8441. ●

Cops Free To Roust Panhandlers

Judge Resurrects Measure O

When Mayor Shirley Dean, a nearly unanimous City Council, and a majority of Berkeley voters enacted a 1994 law making life nearly impossible for the homeless, civil libertarians had just one recourse left: the courts.

In April 1995, District Court Judge Claudia Wilken suspended enforcement of Measure O, the law that banned panhandling and sitting or lying on the sidewalk near businesses, ATMs, and bus stops. Wilken agreed with COPWATCH and the American Civil Liberties Union (ACLU) that the law is unconstitutional.

But a similar law in Seattle was upheld in federal court last month, and Wilken lifted her injunction. Berkeley cops are now free to use the law against the homeless and anyone deemed undesirable by local business interests.

While Berkeley police reportedly invoked Measure O to harass homeless people even while the injunction was in place, many expect this harassment to increase now that the courts allow it. COPWATCH will urge the City Council to revoke Measure O, and the ACLU will try to overturn it in the courts. But the need to watch police activity on the streets is greater than ever.

COPWATCH will be out on the streets to observe any police misconduct, legal or illegal, and to tell people about their rights. To get involved, call COPWATCH at 548-0425. ●

write • call

COPWATCH

(510) 548-0425

2022 BLAKE STREET

BERKELEY, CA 94704

UC Cops Raid Campanile, Bust Prop. 209 Protesters

BY HEATHER M.

At noon on November 5, students began to rally on the UC Campus in protest of the passing of Proposition 209. Holding up banners that stated "The KKK supports 209, how could you?" and "Fuck 209," students, teachers, and others spoke to the growing crowd about their opposition to the anti-affirmative action measure.

After the rally, over 300 students marched down Bancroft taking over all lanes of traffic and heading towards Berkeley High, where they hoped to gather more students. Cops followed the protesters on bikes and motorcycles, ordering them into the streets and off the sidewalk. When a few protesters refused to get off the sidewalk, the cops pushed them into

the road. The protesters were unable to meet with students from Berkeley High because school officials had locked the gates, and a row of cops lined the entry. The police allowed the protesters to march, not interfering when they stopped in the intersections and sat down.

By 3 pm, the students returned back to the campus, marched through and then made a dash for the Campanile. Before the cops had figured out what was happening, twenty-some students had made it into the tower and several hundred had blockaded the door. The students planned to occupy the Campanile until their demand that Chancellor Tien openly refuse to implement Proposition 209 was met.

The UC cops tried at first to push their way into the crowd toward the

door—but the protesters locked arms as a human barricade and shouted "No violence!". Throughout the evening, a handful of cops stayed around the protesters.

The protesters stayed the night, discussing the passing of Proposition 209 and exchanging sometimes heated conversations. Inside the Campanile, five students had chained themselves to the wall and were fasting.

By 3 or 4 am conversations and debates had calmed down and most TV and newspeople had left. It was about that time, when the protesters started to fall asleep, that the UC Berkeley riot cops made their move. Coming in without warning or an order to disperse, they marched directly into the "human barricade" and tore through people like they were rag dolls. The cops pushed, threw, and dragged

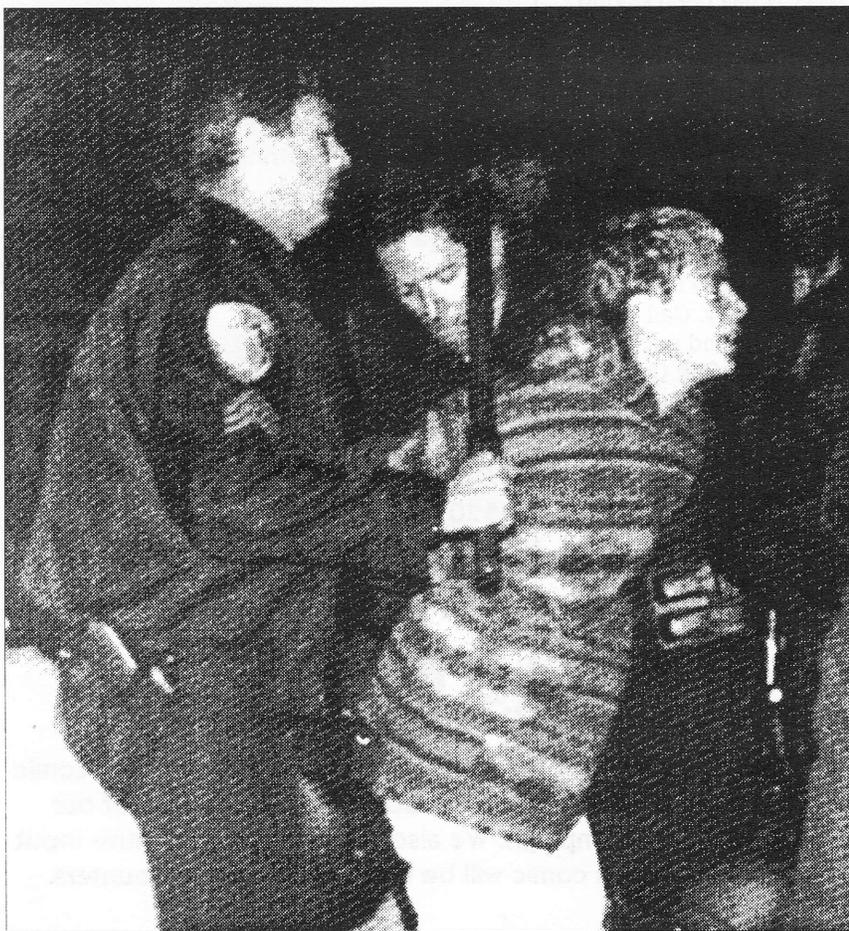
The cops pushed, threw, and dragged people - even those trying to leave.

people—even the ones that were trying to leave. At least one woman's eye was injured, and many others received bruises and slight injuries. Throughout the cop riot, the students screamed "No violence!"

Within ten minutes, the UC riot cops had gained control of the building. The students were soon brought down from the top of the Campanile and cited with trespassing charges.

By early the next morning, the students regrouped and headed to the Chancellor's office for a previously arranged town hall meeting, but were greeted by locked doors and cops. The students then took to the campus, marching through several buildings and finally staged a sit-in until the Chancellor agreed to meet with only a few students.

Although Chancellor Tien refused to comply with the protestors' requests, students are continuing to organize. Check out the 209 protest web site at <http://www.berkeley.dorm.net/209.html>. ●



UC Berkeley riot cops drag away a student protester after giving him a black eye.

HEATHER M.

continuing to seize.

As he was on the ground Gregsby heard one of the officers say, "I don't give a shit about that nigger. Fuck him." This is confirmed by several witnesses who were present at the scene. Only after he continued to seize on the ground without any protection for his head did the officers call the paramedics. They left him in handcuffs until the paramedics told them to release him.

The PRC heard this case on February 7, with testimony by Gregsby and corroboration by two of the witnesses. Throughout the case, it became clear that there were many inconsistencies in the officers' testimony. In all, the PRC sustained three out of the four allegations.

Improper Search was sustained against Officer Reece. Reece admitted, in a roundabout way, to searching Mr. Gregsby during a medical emergency, and that the search was far beyond a patdown for weapons. The Excessive Force complaint was sustained; commissioners found that the officers knocked Gregsby to the ground, did not remove the cuffs until the paramedics instructed them to, and failed to use basic medical procedures for a seizure.

The Discourtesy complaint was sustained against unknown officers because it is not clear which one used the offensive language. This allegation was upheld mostly due to the testimony of the two witnesses at the hearing. Only the charge of Improper Stop/Detention was not sustained, because it is actually illegal to have only one license plate. However, PRC members did see the potential for stereotyping people and selective enforcement in that drug "hotspot."

Shortly after the hearing, the witnesses and one of the witnesses' mothers were arrested for resisting arrest (PC 148). Officers went to their residence with a warrant for a completely different person, "mistook" one of the witnesses as that person, and arrested him. As his friend and mother tried to tell the officers that they were making a mistake, they too were arrested. The trial began on December 6. In the eyes of the defendants, their attorney, and COPWATCH, this is very clear retaliation against the witnesses for their testimony at the Police Review Commission. We support them and will continue to update this case. ●

mandatory pepper spray exposure policy for North Carolina prison guards. After learning of her complaints, state labor department safety and health compliance officer Paul Sullivan recommended the practice be discontinued.

In California, since the State Assembly Bill that deregulated the pepper spray market for civilians came into effect on January 1st, 42 people were hospitalized after a canister of pepper spray was released in a Colma Target store; 5 people were hospitalized after pepper spray was released in a Fremont Lucky store; and 7 people in Hemet were hospitalized after the spray was released through the ventilation system of a building.

Perhaps most distressing, San Francisco police officer Mark Andaya was recently cleared of any wrongdoing in the death of Aaron Williams. Andaya pepper sprayed and kicked Williams in the head just before Williams died. His exoneration underscores what COPWATCH has been saying all along: pepper spray must be taken out of police hands, since oversight agencies seem unwilling to bring cops who misuse pepper spray to justice.

The more pepper spray is used, the worse the problem gets. Berkeley has the opportunity to halt the problem here, and set an example for cities across the country. Call COPWATCH to find out more about upcoming City Council meetings and how you can help our campaign. If you live in Berkeley, contact the councilmember for your district and let them know you support a moratorium on police pepper spray. ●

Council cannot eliminate the PRC outright, because it was established by a vote of the people, it can decrease its funding to the point where the PRC is unable to perform its functions in a prompt and efficient way. With only three staff members and a commission that is less inclined to challenge police practices, the PRC has shown itself to be far less able to influence police functioning than ever before.

The struggle of communities to control their police departments continues to rage in cities across America. Community control is a concept that embraces genuine efforts by the people to democratically determine how and under what conditions the police will be used in a given society. Building on the work of previous generations, it is important that we view the PRC and all efforts for civilian oversight as just part of a larger strategy for community control. ●

COPWATCHers Needed in Big Mountain, Arizona

Photographers, people with video-cameras, and witnesses are needed to record police harassment of traditional Navajo people threatened with relocation on behalf of Peabody Coal, Inc.
Contact:

**Sovereign Dineh Nation Office
P.O. Box 40319
Flagstaff, AZ 86004
(520) 522-8683
e-mail: sdn@primenet.com**

Artists Needed!

COPWATCH is looking for artists to illustrate an upcoming comic book. The comic book will be an educational tool, as part of our "Know Your Rights" campaign. We also welcome your creative input in writing the text. The comic will be based on actual encounters with the police.

Please call 548-0425 and ask for Andrea or send a sample of your work to 2022 Blake Street, Berkeley, CA 94704.

Police Scare Kids, Watch TV During Narcotics Search

BY SUZANNE LAPIDUS

At what point do police cross the line between enforcing the law and harassing innocent bystanders? An incident recently came before a PRC board of inquiry, in which officers were accused (and subsequently exonerated) on charges of "abuse of discretion."

The incident was instigated by a search of Richmond resident Shaun White's home for illegal drugs. While there is no disputing that the officers did in fact find drugs (in possession of an adult who was present in the house but did not actually live there), White claims that in the course of the search, Berkeley police destroyed \$1000 worth of property, terrorized her two young children (aged 2 and 5), and generally acted rude and disrespectful.

On February 21, Berkeley police were in pursuit of White's husband Ronald Armstrong, who was suspected of possessing rock cocaine. Armstrong was not living with White at the time and hadn't lived there since May 1995. However, he was seen driving a car that was later traced to White's house, and so the search warrant was issued for her house.

According to White, the police stormed her home with shotguns, breaking down the door, and handcuffed all of the adults. Officer Davis was in one of the bedrooms with her two children when he asked a family friend who was present to come into the bedroom to comfort them. White

said that at this point the children were scared but fine. Then, she claims that Sergeant Ahearn brought the children out to the living room, saying "come on, come on, you need to see this." (A comment he later denied.) According to White, once the children came out to the living room they became more scared and began screaming and crying. Sergeant Ahearn said, in his testimony, that he meant no harm to the children by bringing them out and that he thought the children would feel safer with their parents. As to what he did or did not say, the PRC found that the evidence was "credible and conflicting" and therefore Sergeant Ahearn was cleared of the charge of "abuse of discretion."

Another allegation was against Officer Badour who admitted in his statement to the PRC that he had said "wow, look at this house, it's pretty nice, usually *their* homes are a mess." White said that Officer Badour claims he only meant this statement as a compliment, but that to her, "...this was no time for compliments ... he could have kept that to himself." The PRC did not sustain the complaint against Officer Badour and he was admired by the PRC for having admitted to making this statement.

Ms. White had to pay more than \$1000 to repair her door and her house. The City of Berkeley is not required to reimburse if the search warrant was obtained legally and ended in the finding of narcotics.

The issue here seems to be less about the legality of the search and more about the way the search was conducted and the effect of the search on innocent children. Was the traumatization of two small children necessary? Ms. White said that at the time of the PRC hearing in September, her son was still scared to go home and had been staying elsewhere since the search. The PRC did ask about police policy in regard to children and, when it was stated that no such training existed, they recommended that it be developed.

Otherwise, the police were found by the PRC to have done no wrong. (With the exception that the PRC agreed it was unprofessional for the officers to have watched "The Good, The Bad, and The Ugly" on White's television while they were at the scene.) It is standard practice to break doors and ransack homes when conducting searches. How often children are present during these searches is unknown.

The police are instilling fear and mistrust in these children, particularly when they enter children's bedrooms waving shotguns. If young children see the police as the enemy they may never escape the cycle of antagonism that pits new generations of young people against the police. Obviously the police need to protect themselves, but often they act callously. They should be able to assess the individual situation and act accordingly. As White said in her closing statement, "It wasn't what you guys did, it was how it was done." 

YES! I want to support COPWATCH...

- | | |
|---|--|
| <input type="checkbox"/> add my name to your mailing list and send me 2 free issues | <input type="checkbox"/> Send ____ T-shirts @ \$15 suggested donation each. Circle size(s): XL L |
| <input type="checkbox"/> \$80 / year - sustainer | <input type="checkbox"/> \$25 / year - contributor |
| <input type="checkbox"/> \$50 / year - supporter | <input type="checkbox"/> \$5 / year - low income |
| <input type="checkbox"/> _____ - other | Choose style: T-shirt Tank Top |

Name _____ Phone _____

Address _____

Organization _____

Comments _____

Return to: COPWATCH, 2022 Blake Street, Berkeley 94704. (510) 548-0425. Contributions are NOT tax deductible.

COPWATCH CALENDAR

Volunteers & Interns Needed

Thursday, January 30, 7:00 PM

COPWATCH Orientation at 2022 Blake Street.
Please come if you're interested in being trained to do copwatching or want to learn more about our organization.

Saturday in February (TBA)

COPWATCH Garage Sale
We need your donations of saleable items to raise money for the publication of this report. We can arrange pick-ups as necessary.

Monday, March 3

Sixth Anniversary of the beating of Rodney King.
National Day of Action for Police Accountability.

For more information about these or other events, call COPWATCH at 510-548-0425 or write to us at 2022 Blake Street, Berkeley, CA 94704.

- Learn about your rights and assist victims of police misconduct in filing complaints.
- Organize events, forums, and demonstrations for police accountability.
- Create videos, write for our Report, design flyers, and talk on our radio show.
- Speak in public and lobby public officials to change police practice.
- Take part in outreach and street patrols to directly help those targeted by police abuse.

You can learn skills while organizing with COPWATCH for social justice. College credit through UC Berkeley's Peace and Conflict Studies program is available.

People of color and people of all ages are encouraged to intern with COPWATCH. For information, call us at (510) 548-0425.

<p>COPWATCH T-SHIRTS & TANK TOPS</p>	<p>REFUSE TO BE ABUSED</p>  <p>BERKELEY, CA</p>	<p>SUGGESTED DONATION ONLY \$15 — ORDER FORM ON PAGE 11</p>
---	---	--

COPWATCH

2022 Blake Street
Berkeley, CA 94704

Address correction requested

Bulk Rate
U.S. Postage
PAID
Berkeley, CA
Permit No. 520