

# COPWATCH

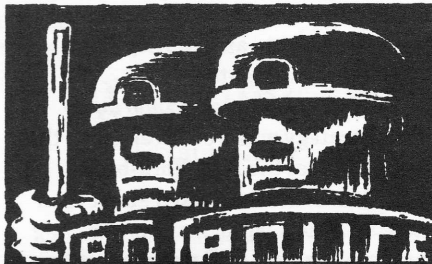
## Report

BERKELEY, CALIFORNIA

FALL 1997

### Council Delays Pepper Spray Vote Again

BY ANDREA PRITCHETT



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 this Report.**

**A**s the political momentum of the campaign to ban police use of pepper spray continues to build, the "progressive" Berkeley City Council has once again delayed making a final decision on the issue. The September 9th meeting was scheduled to be the final vote of the council on the issue of pepper spray. However, a combination of provocative police tactics and emotional outbursts from the audience enabled the city council members to postpone their vote until after a full public hearing which has been scheduled for October 21st at 7pm. (The location has not been decided-call COPWATCH for more information.)

Some sources close to city hall believe that the vote was actually delayed in order to allow the council time to work out a compromise plan that would appease both police and pro-pepper spray ban supporters. In fact, on September 16th, in contrast to the crowded meeting of the week before, the councilmembers quietly passed what were called "interim" measures to deal with pepper spray. These measures included 1) a requirement that police report all uses of pepper spray directly to the council 2) that pepper spray canisters be sealed so that every use can be monitored 3) that a video showing U.C. students being pepper sprayed be shown to the council and 4) that action be taken against the U.C. for its excessive use of force against the student demonstrators.

Of course COPWATCH supports any measures which help to make our police more accountable. However, we are extremely doubtful that requiring police to report their use of pepper spray will deter them from using it even if they did begin to report it. They have refused to report their use of pepper spray when it was required by the California Department of Justice and city commissions. More important, however, is that pepper spray must be banned if we are serious about addressing the deaths and injuries associated with its use.

#### POLICE TAKE OVER CITY HALL

At the September 9th meeting, approximately 200 people showed up to demonstrate their support for the pepper spray ban. After the meeting, local media focused their attention on the conduct of the audience and blamed the delayed vote on "angry protesters". Few reporters bothered to explain why the crowd was so angry. In fact, the majority of people who attended the meeting were bitterly disappointed that the vote was again delayed. Most people wanted the council to stop stalling. So what went wrong?

Citizens were surprised to arrive at city hall over an hour before the meeting was scheduled to begin only to find that a quarter of the meeting room was already occupied by police officers. Concerned that more officers might have been assigned to occupy seats and that ban supporters might be completely excluded from the meeting, COPWATCH members turned the scheduled rally and speakout into a call for supporters to proceed directly into

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# Comparing Notes on Cops

BY DANIELLE STORER AND  
SUZANNE LAPIDUS

Police brutality was launched into the national press this spring due to a National Emergency Conference on Police Brutality and Misconduct held in New York City. The April 25-27 conference, sponsored by The Center for Constitutional Rights, focused on "developing strategies for police accountability and community control." This article highlights ideas and comments, which I thought to be particularly new, useful or thought-provoking.

Jesse Jackson, the keynote speaker, argued that we should stop just reacting to the police: "We have to go after the people who hold the reins." Richie Perez from the National Congress for Puerto Rican Rights said that the police are unleashed to weaken people's organizations and prevent the unity of people. That's how society deals with the fallout of poverty, Perez explained. Michael Zin-Zun from the Los Angeles-based Coalition Against Police Abuse, said that in his organizing efforts, it's important to explain to people that he's not running a social welfare group: "We won't do nothin' for you but we will do it with you." Tony Coleman of the American Friends Service Committee in Oakland said that when he's doing "know your rights" workshops for young people, he always makes the point that just because you have civil rights doesn't mean that the cops will always respect your rights.

Speaking on the "Models of Community Struggle", Van Jones of (San Francisco) Bay Area Police Watch presented the following criteria for an effective police accountability organization:

1. Will it give new people training in organizing?
2. Are you building capacity among the working class to fight?
3. Can we turn it into a multi-cultural (rainbow) fight, rather

than a nationalist fight? 4. Can you cut the issue in such a way that they (the powers that be) start fighting each other?

A standing ovation followed the speech by Delacey Davis from the 2-year-old organization Black Cops against Police Brutality after he said "we need to have control over the cops occupying our communities." He is currently a cop working for the East Orange, New Jersey police department and has made it his responsibility to blow the whistle on brutality even when that means losing the protection and privilege of the blue code of silence. He also explained that when a cop is ready to step across that line and break the code of silence by reporting police violence, that person will need support from community organizations.

Along the same line, Mauri Saalakhan of the Peace and Justice Foundation in Washington D.C. talked about demands his organization is working for, including: 1) independent review; 2) independent prosecutor; 3) support of whistleblowers - i.e. teach cops to break the code of silence - they should be punished for NOT blowing the whistle on brutality; and 4) hold all law enforcement personnel to the same standards as civilians.

Hector Soto from the New York City Civilian Community Review Board (with a publication called NYC Copwatch) made a few reform suggestions such as: 1) Police shouldn't go to police academy where they get military-style training but should go to regular college where they learn to interact with civilians; 2) First 6 months of police job should be with no gun, just volunteering at community organizations in the neighborhood they will work in.


Liz OuYang of the Asian American Legal Defense and Education Fund in New York provided the following tips for dealing with police brutality:

1. Often when there is a 911 call related to a brutality incident the police will destroy the tape within 90 days so you need to get a subpoena to preserve the tape. Secure all records of police officer's involved, computer records, and files;
2. If the police come to your door, ask them if they have a warrant. If they

don't, make it clear that you don't want them in your house, and you do not give them permission to enter;

3. Document injuries immediately. If clothes are bloody, ripped, etc. - save them - don't wash them or throw them away;
4. Find an independent coroner to do an autopsy, because they will do tests that can obtain evidence not necessarily done by the county coroner;
5. Teenagers have the right to have their parents present if they are being questioned. Everyone has the right to remain silent and the right to an attorney. You need to assert these rights.

COPWATCH's observation and documentation strategy was well received by the conference. In fact the New York-based Black Panther Collective talked about their plans to start a new version of copwatching with multiple cameras, cell phones and two-way radios.

Throughout the conference, people reiterated that we, police accountability organizers, should describe the problem as police "brutality" rather than use the technical phrase, "police misconduct." 



## 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. Opinions expressed are those of the author, not necessarily the organization.

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  
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# KNOW YOUR RIGHTS

## FOR MINORS

By Katie

### 08(b) Minors in Possession of Tobacco

It is unlawful for any person under the age of 18 years to purchase, possess use tobacco products, cigarette papers or any other paraphernalia related to the use of tobacco products. (fine = \$75 or 30 hours of community service)

It's Saturday night and you're sitting outside of a cafe with some friends. You've just had your second cup of coffee and you begin to roll a cigarette. You take another sip of coffee, light up, and are just about to inhale, when a cop on foot appears out of nowhere and asks to see your ID.

## Watching the Detectives

By Roxann Daily

On Wednesday, September 24, at 2:45 pm, a young man in his 20s and a younger boy, were arrested at the MacArthur BART station. Steps away, a group of high school girls were calling out, protesting the arrests, and/or the use of unnecessary force. All were African-American.

After the young men were put in the squad car, the arresting cop, L. Robertson stepped back towards the girls and told them to leave. They told him they were waiting for the bus. When they refused to leave, he became intent on trying to assert his authority. He stepped right up to them sticking his chest in their faces, trying to scare them off. Not one of the girls backed down. As soon as I stepped closer to hear what was going on, and to be a physical presence, other onlookers stepped closer too. A minute later, Robertson pulled one young woman's hand behind her back and handcuffed her. At the same moment, four other squad cars pulled up; the police got out of their cars carrying night sticks and began arresting some of the girls. I went directly up to Robertson and protested their arrest. I told him I had witnessed the entire incident, and there were no grounds for the arrest of these young women. His response was they were interfering with police work. Though his partner didn't participate in any of the arrests or attempts to intimidate the young women, he did nothing to stop or restrain Robertson.

L. Robertson is a Caucasian, about 5'9", slight build, with thin brown hair and a mustache. His partner, name unknown, is also Caucasian, shorter, more square built, white blond hair, with a slightly red face. They drive a black and white number 1566.

1) What's the first thing you should do? Can the cop legally stop you?

First, you should find out if you're being detained. If you are being detained, the cop can legally stop you. The law states that people under the age of eighteen may not purchase, possess or use tobacco products. If a cop reasonably suspects you are under the age of eighteen and observes you smoking a cigarette then he can legally detain you and investigate whether you're a minor.

2) Do you have to show ID? What if I don't have any on me?

If you don't want to be taken in to the station in order for the police to verify your identity, then it might be easier to show ID but unless you are being detained you don't have to. If you have been detained and don't have ID, the cop can write you a ticket take you in or let you go. The crime of underage smoking is an infraction so you will probably just get a ticket. If the cop never detains you, then you have the right to leave at any time.

3) Can the cop search you?

Don't consent to a search if the cop asks - it's your right to say no to a search. If you have been detained then the cop can only do a pat search on your clothing to see if you have any weapons that might endanger the officer. If they arrest you they can fully

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# Copwatch Report on the Abuse of Albert Louima

## SATAN'S ARMY DOES IT AGAIN

BY GERALD SMITH

New York, New York it's a Helluva town. One is forced to overcome a feeling of disgust to describe what happened about 4:30 AM Saturday, August 9th, 1997.

They shoved the handle of toilet bowl plunger so deep into the anus of Abner Louima, a Haitian immigrant, that it punctured his small intestine and severely damaged his bladder. The nasty handle was then driven into Mr. Louima's mouth with such force that it broke his teeth. Who are they? Members of a street gang? Well, kind of. Fascists run amok? Maybe. Actually these two soldiers of Satan's Army were being paid for this dastardly deed. They are employees of the New York Police Department, 70th precinct.

It was reported that the two cops, Justin Volpe and Charles Schwarz, after arresting him on the heels of a minor scuffle outside a disco, called Mr. Louima the N word and chanted, "This is not Dinkins time, this is Giuliani time!" as they abused and humiliated him in the bathroom of the police station. Get your kicks with 666. And these officers threatened to

kill Mr. Louima if he filed a complaint. What could possibly have possessed these cops. Satan's Army.

Actually the cops miscalculated. The "lesson" they thought they had ended had only begun. Abner Louima did not opt to meekly accept his torture. From his hospital bed with tubes coming out of his battered body (his organs are so badly damaged that he cannot use the bathroom naturally), he filed a complaint. Under the circumstances this took real courage. He had every reason to believe that Volpe and Schwarz would make good their promise.

Volpe's lawyer, who was appointed by the Patrolman's Benevolent Association, mistakenly referred to as a "union," arrogantly proclaimed that his client would be vindicated. The balance of forces in this unfolding struggle will determine who will be vindicated.

Pro-cop Mayor Giuliani claimed to be shocked by this incident. Maybe. But the only thing shocking to those who struggle for police accountability was the demonic psychosexual nature of this assault. Despite his pro-cop proclivities Giuliani moved swiftly to minimize the negative impact of this event on his political career. He and Police Commissioner Howard Safir engineered the arrest of four cops directly involved in the beating and torture of Mr. Louima. Sixteen cops in all, that were in the station when this happened, have been

suspended, and two precinct commanders have been relieved of their duties.

A change of heart for Giuliani? Not quite. First of all, there is an election in New York City this November. But secondly, and most important, there is a growing movement against police brutality bubbling in New York. This movement is in response to a massive increase in the incidents of police violence. These include:

- \* The killing of Nathaniel Gaines Jr., a 25 year-old navy veteran, on a Bronx subway platform in July 1996 Mr. Gaines was shot in the back by Paolo Colecchia, a cop who was convicted of manslaughter this past July.

- \* The killing of Anthony Baez, who was locked in an illegal choke hold by Francis X Livoti after a dispute erupted over a touch football game. The ball hit the cop car. Livoti was fired from the police force.

- \* The killing of Charles C. Campbell, who was beaten and shot in a Dobbs Ferry parking lot by an off-duty NYPD cop who didn't like where Mr. Campbell had parked. The cop, Richard D DiGuglielmo, has been arrested and charged with second degree murder.

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## NATIONAL DAY OF PROTEST TO STOP POLICE BRUTALITY



### OCTOBER 22ND WEAR BLACK

Last year's first National Day of Protest To Stop Police Brutality, Repression and the Criminalization of a Generation, took place in over 45 cities and involved thousands of people from all walks of life, diverse politics, different nationalities and classes. It brought together many different local and national groups opposed to police brutality and murder. It paid respect to those whose lives have been stolen from their families and friends by the police. Video Public Service Announcements by such people as Iris Baez (whose son was choked to death in front of her after his football struck a squad car) and Wyclef of the Fugees were shown nationally on MTV and BET and many local television channels. Many youth organized their schools to **WEAR BLACK** that day.

It was a great day, but we have to do even more. The epidemic of police killing and brutality has not abated. The recent shockwaves of the torture and attempted murder of Abner Louima by the NYPD is graphic testimony to this. The two accused cops (out of the many who were complicit in the crime) were placed on paid vacation, and there is a chance they will never be convicted! Here in the bay area, many more people have been killed by the police in the past few months. This has to stop!

We have been working hard to make this year's National Day of Protest bigger, more powerful and more diverse than before. But we cannot do this without all of you. Let's pull out all the stops. Every one opposed to police brutality has to be seen and heard on that day. For information on events in your area call **1-800-NO-BRUTality** or visit our Website @ <http://www.unstoppable.com/22>

## Does Berkeley Really Need a Penal Enlargement?

The City of Berkeley plans to use money raised by measure G in order to build the combined police and fire building. The penal enlargement plan promotes a "law and order mentality" and is a clear abuse of public funds.

In response to the Oakland Firestorm Berkeley voters passed Measure G in 1992. The measure's stated intent was to raise money to "increase the level of fire protection" in Berkeley.

Measure G provided for the construction or retrofitting of a fire station, water lines, and emergency services. Buried in the fine print was a provision allowing for the retrofitting--but not the construction--of city buildings "necessary to ensure continuity of public services in the event of an emergency".

In defiance of this explicit mandate, the city decided to use Measure G's funds not to retrofit, but to construct a new building. This plan blatantly disobeys the actual wording of the measure. While the measure's intention was to insure emergency services in a natural disaster, the city's plan insidiously distorts the measure's intention in order to serve a law and order agenda.

Defenders of the city's decision claim that it is cheaper to build than to retrofit. But a study by the engineering consulting firm of Charles Kirscher and Associates projects that it would cost almost \$2 million more to build than to retrofit.

Expensive decisions were made behind closed doors. In public forums the city withheld critical information and disregarded community input.

**THE PENAL ENLARGEMENT PLAN IS  
ECONOMICALLY FOOLISH AND  
PERPETUATES A CRIMINAL JUSTICE SYSTEM  
THAT FAVORS PUNISHMENT OVER  
PREVENTION.**



# PRC Threatens to Subpoena Records Chief Attempts Compromise

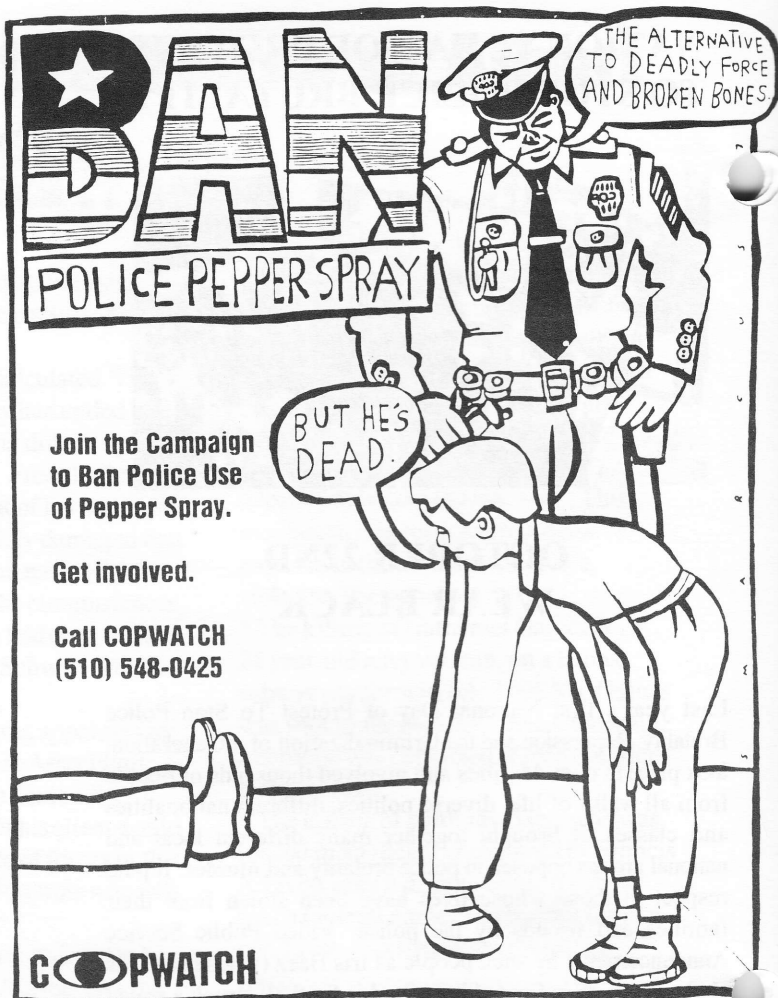
By Andrea Pritchett

The latest turn in the never ending struggle for public access to police reports happened at the Sept. 24th meeting of the Berkeley PRC. Frustrated with official foot dragging by the police, the commission threatened to subpoena the department in order to obtain police reports on the use of pepper spray and all use of force reports. Chief Butler maintains that there have been 38 uses of pepper spray since the BPD began using it. The PRC and the Pepper Spray Task Force have been trying for months to gain access to the reports. Recently, even the City Council joined in the effort to investigate the actual incidents of pepper spray use.

On Sept. 30th, Butler agreed to provide the police reports related to adults only with any identifying information such as names and addresses left out. PRC Chair, Aaron Handel, expressed pleasure that "the department has finally decided to cooperate". However, the Chief refused to provide other requested materials and so the possibility of a subpoena remains. At issue, is whether the department will provide the "use of force" reports. Unlike police reports which are only written when an arrest occurs, use of force reports are written every time an officer uses any type of force. Many observers believe that these reports contain damaging information and that is why the Chief is so determined to prevent their disclosure.

Subpoena power is what makes Berkeley's Police Review Commission different from most other types of oversight bodies. When the PRC was established in 1973, a police association lawyer named Robert Brown sued to have the powers of the PRC limited. Although some aspects of the radical new commission were restricted, the California State Appeals Court upheld on April 13, 1976 that the Commission did have the power to require the appearance of police and city officials and the production of documents. According to the law, the only other way to compel the police department to produce documents is by order of the City Manager.

It is crucial that citizens who support civilian control of police support the PRC in its efforts to obtain these reports. Our PRC can not hire or fire officers. It can't even recommend discipline. The only real power that the Commission has is its open hearings, the ability to compel officer testimony and the power to investigate. If we allow the Chief to defy the PRC's subpoena power then we are allowing the Chief to defy the law. We must defend the power of the PRC to obtain police records, testimony and whatever else it needs in order to monitor the conduct of police in Berkeley. ●



Join the Campaign  
to Ban Police Use  
of Pepper Spray.

Get involved.

Call COPWATCH  
(510) 548-0425

## BPD Sprays Man in Handcuffs

By Andrea Pritchett

Berkeley police allegedly pepper sprayed a Berkeley resident even after he had been placed in handcuffs. A complaint has been filed with the Police Review Commission and, if sustained, this incident suggests that even the most carefully crafted policy can not prevent the misuse of pepper spray.

Police arrived at the home of Freddy Frazier on August 26th at approximately 2:00am. Mr. Frazier had been arguing with his sister when 4-5 police officers arrived on the scene. Almost immediately, officers used pepper spray and surrounded Mr. Frazier. Alice Frazier, Freddy's mother, witnessed the incident. Ms. Frazier identified Officer Nutterfield (#15) as being one of the officers who beat her son as he cried out in pain with pepper spray burning his eyes and restricting his breathing. According to the Fraziers, officers handcuffed Mr. Frazier and beat him with their fists. As he lay on the ground, officers sprayed him again.



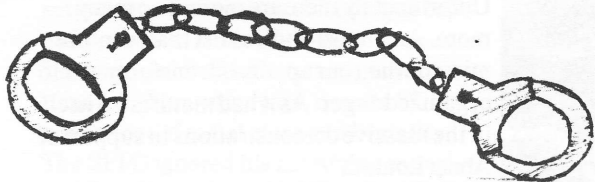
# UC Police Brutalize Peaceful Protesters

By Harmony Goldberg

On Monday April 28, sixty UC Berkeley students occupied Sproul Hall to protest the lifting of the injunction blocking the implementation of Proposition 209. During our action, UC police officers pepper-sprayed and severely beat student activists. We believe that the extremity of police violence was a reflection of the extremity of the affirmative action cutbacks, showing how harsh the system will have to be to enforce these policies.

We cannot allow the resegregation of UC Berkeley to become our reality. A university that only serves the upper echelon of California's racial hierarchy does not serve the people of this state. If UC Berkeley gives up its commitment to diversity, it will lose its legitimacy as a university. As students, we won't allow the administration of this campus to function without affirmative action. We hope that the community will take a similar position.

But when students took a stand to defend our university, the administration sent its police in reply. When students tried to move from the lobby of Sproul Hall to the hallway, chanting "No Violence," police immediately began to pepper-spray us. While police regulations mandate that pepper spray is not to be used against anyone standing less than three feet away, many students were sprayed at a



Mr. Frazier was taken to Highland Hospital and was treated for exposure to pepper spray, a broken thumb, an injured rib and various other cuts and bruises. Officers later returned him to his home and gave him a ticket for resisting arrest.

Berkeley could have had another pepper spray tragedy. The way that these officers treated Mr. Frazier is alarmingly similar to the treatment that many who have died from pepper spray at the hands of police. Factors such as using the weapon after a physical struggle, use of restraints and keeping a suspect in a prone position have contributed to numerous deaths in California. There is NO reason to pepper spray an individual who has already been restrained. The use of pepper spray as punishment is just another reason why COPWATCH supports a ban on this dangerous weapon. If Berkeley Police have used pepper spray on you or you have witnessed such an incident, please contact COPWATCH (510)548-0425

distance of 3-5 inches. Police sprayed people directly in the face as well as spraying arcs of pepper over the crowd. They went so far as to lift the coverings people had over their faces in order to spray us more thoroughly. Police continued to beat students who were lying on the ground immobilized by pepper spray. In all, the police action resulted in one broken arm, one dislocated knee, two asthma attacks, two baton gashes to the head, and 35 people injured at close range by the pepper spray and bruised by the UC Police.

But the discipline of these officers does not seem likely. On May 13, 1997, CopWatch and Students Against 209 invited the Berkeley Police Review Commission to hold a hearing about the incident on campus. The Berkeley Police Review Commission unanimously found that the force used by the UCPD was excessive but they have no direct power over the UCPD. The only people who have the final say-so over police discipline are the UC Police Department Chief Victoria Harrison and Vice Chancellor Horace Mitchell. There is an official university complaint process, but it begins with an intimidating investigation by UCPD officers in their offices. Several of the people who had registered complaints about the police violence were charged with trespassing two months later after UCPD officers identified us as leaders of the action.

People who are unhappy with the initial investigation can appeal their complaint to a University of California Police Review Board. This board is supposed to be representative of the university "community": administration, faculty, police and students. The mandated student representatives have not been appointed for 2 years, but this isn't surprising because the board hasn't even met for years. When we asked the Police Chief about community representation on the Board, she replied that the community was represented by two retired UCPD police officers. Even if the board gets itself together enough to meet and even if it overcame its obvious internal biases and recommended that police officers be disciplined, the Board can only make recommendations. It has no power to enforce its findings. The final decision remains with Vice Chancellor Mitchell.

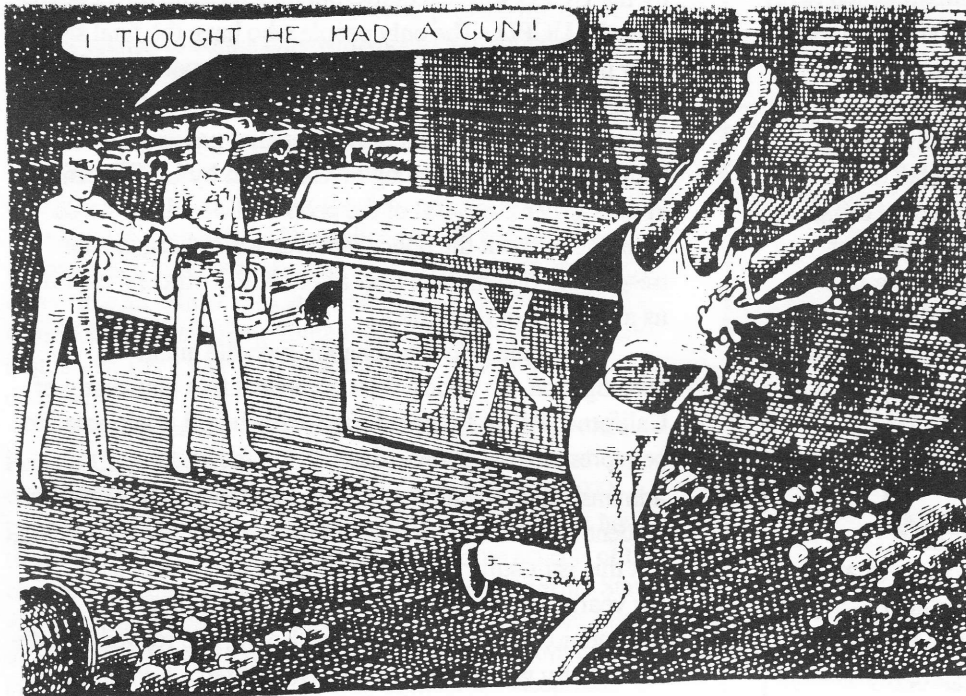
Eight students were charged in Berkeley Municipal Court with a variety of misdemeanor charges such as trespassing, false imprisonment, and battery against police officers. Three students have already had their cases resolved. Misdemeanor charges are still pending against five students who were charged by the district attorney's office over the summer.

(continued on page 8)

(UC, from page 7)

In a new development, the UC Police used student "snitches" to identify suspected students from the police and news video tapes of the protest. The UC Police also interviewed a San Francisco Chronicle reporter who was reporting on the incident.

This is a problem for both UC Berkeley students and for the broader Berkeley community. Although the UC police function as community police officers, there's no way for the community to hold them accountable. Berkeley Police Review Commissioner Mark Schlossberg is working with members of the UCB student government to push for an independent police review board that has power to enforce its recommendation. Write Vice Chancellor Horace Mitchell, 200 California Hall, UC Berkeley campus, Berkeley CA 94720, and tell him that UC needs an independent police review board that represents students and the community. ☐



(Know Your Rights, from page 3)

check your pockets for evidence.

**4) Is it a crime to have cigarettes or rolling tobacco?**

Yes, it is unlawful to purchase, possess or use tobacco if you are a minor.

**5) Is it a crime to have bongos or papers?**

Yes, under PC 308(b) bongos and papers constitute "paraphernalia" related to the use of tobacco products and are punishable. These items cannot be purchased, possessed or used if you are a minor.

**6) What are the penalties involved?**

The penalties involved are a fine of \$75 or 30 hours of community service. ☐

(Louima, from page 4)

\* The near fatal attack on Lebert Folkes, a 29 year-old Queens man who was dragged from his sister's car by cops and shot in the face at point-blank range. The cops said they thought the car was stolen. It was not. The next day police officials apologized for the shooting.

They can take that apology back to the Satan's Army Barracks where it belongs. Unfortunately there are more. Too many more. An almost endless list that won't be missed when our apathy is transformed into organized anger. As it had manifested itself in the massive demonstrations in support of Abner Louima.

All this senseless violence and killing is the direct results of cops not being held accountable for what they do.

Copwatch anyone? ☐

## What's Up with the COPWATCH Report?

As is the season, the COPWATCH Report is between two worlds presently. You may notice that it looks a bit different. We produced this report using both old and new technologies, while we train to move into the world Quark. As always we appreciate your support. If you have been thinking you have some talents you want to share, come on over. We need writers, artists, and computer gurus. There is a place for you.

Thank you,  
COPWATCH Report Staff

## Council Delays AGAIN

The Berkeley City Council once again delayed their vote on the issues of banning police use of pepper spray, choosing instead to devote the entire meeting of October 21 to public comment on the issue. Well, it was supposed to be "public" comment, but instead we were treated to over an hour of speakers representing the Berkeley Police Association, many of whom yielded their time to police chiefs from other cities who complained that police would be unable to do their jobs if pepper spray is removed from arsenal, despite the fact that recently released Berkeley police reports indicate that pepper spray was NOT effective in 19 of 36 incidents.



# After Andaya: The Next Challenge

BY VAN JONES

A rainbow battalion of ordinary San Franciscans ended one brutal cop's 13-year reign of terror this summer. Without the mobilization of hundreds of everyday people, SFPD Chief Fred Lau would never have charged notorious thug cop Marc Andaya for concealing his dirty past on his job application. And Mayor Willie Brown's new police commission would never have fired him.

Andaya's firing marked the culmination of a two-year campaign to win justice for Aaron Williams, an unarmed African American man whom Andaya helped beat, stomp, and pepper spray to death. It is rare for a cop's role in a police brutality case to ultimately cost him his job. Even SFPD cops who were videotaped beating Latina leader Dolores Huerta were not fired.

And yet the crusade to fire Andaya revealed more than one cop's ugly record. It exposed the way the entire policing establishment works to shield rogue cops and perpetuate unlawful police violence. The Oakland Police Department disciplined Andaya only twice, despite 37 allegations of racial slurs and brutality. The SFPD ignored his horrifying record and hired him. Brown's "liberal" police commission refused to fire him - twice. The local police union mobilized its full resources to keep a gun in Andaya's hand.

By the end, anyone who initially viewed Andaya as "one bad apple," could see that he was actually the product of a "rotten apple tree." Our challenge now is to chop that tree down, to topple the institutional structures that support police brutality.

No one should underestimate the challenge. To build enough support to win meaningful reforms, police accountability activists must (1) involve and work closely with three radically different constituencies, and (2) win tough battles on two separate fronts.

One constituency is mostly middle-class - young radicals, progressive lawyers, committed leftists, and those who

are ideologically committed to curbing police power. Another constituency is made up of working class people of color, lesbian, gay, bisexual, and transgendered people and low-income people who live in real fear of police harassment and abuse. A third group is comprised of extremely marginalized and vulnerable populations (like homeless people, sex workers, and many urban youth) who are disrespected and mistreated by the police on a daily basis.

Each constituency is difficult to organize on a long term basis, yet, each is critical for meaningful reform. They can be brought together in the course of actual struggles for police accountability. One front for such activism: intensified efforts to win justice for other unarmed victims of the SFPD, like the late Mark Garcia, William Hankston and Edward Sheehan. Activists cannot abandon the hard work of supporting grieving families and holding individual officers accountable for their actions.

On a second front, we must win policy reform. Organizers must persuade the mayor and the board of supervisors to properly fund and staff the Office of Citizens' Complaints. Elected officials must also strengthen the ban on SFPD collaboration with immigration police. And activists should push Brown's police commission to ban police use of pepper spray - an untested chemical weapon responsible for more than 30 deaths in California alone.

Success would open the way for larger gains. For instance, SFPD cops avoid speedy, effective discipline by working the department's labyrinth of layered appeals. A ballot initiative to streamline this process and stop the endless delay in brutality cases would likely win major support. We need something like "Meeghan's law" (a law requiring convicted child molesters to be identifiable in communities they move to) to alert communities about rogue cops. In the meantime, advocates should encourage the local police union to voluntarily eschew such secrecy. Surely their members have nothing to hide.

But, of course, this brings up the major obstacle to progress: the Police Officers Association. Always up to no good, the pro-

Andaya cop union is now under investigation by the Human Rights Commission for intimidating supporters of the Williams family at a public meeting. And it just went to court to wipe out affirmative action in the SFPD. The POA will fight every positive reform tooth and nail.

Cops get away with so much because they have a union - and the communities they "protect and serve" do not. The core challenge for police reform activists is to build an effective counter-balance.

Of course, some "radicals" will sniff that the police are beyond reforming and that it is silly to try. Even if reform efforts fail to reduce cop violence, they can raise public consciousness, develop new leaders, and help unite diverse communities. These things are requirements for radical changes - much needed and long overdue - in society as a whole. ●

*Van Jones is the executive director of the Ella Baker Center for Human Rights, which houses Bay Area Police Watch, (415) 543-9444.*



# Media Hypes Pepper Spray for Women and Neglects Dangers

By Andrea Pritchett

The recent rapes in Berkeley increased public interest in pepper spray as a personal defense weapon. During the summer it seemed that everywhere you turned, a news story spoke of the record sales of civilian pepper spray. What women haven't been told is that manufacturers' claims about the effectiveness of pepper spray have been greatly exaggerated. Initially it was called a "magic bullet" because it was "safe and effective" and supposedly stopped attackers in their tracks. Yet, as pepper spray has become more widely used, it has proven to be **far less effective than originally claimed**. A study conducted by a researcher for Modern Warrior Defensive Tactics Institute in conjunction with the American Women's Self Defense Association concluded that **"... a determined, goal-oriented attacker may be completely unaffected by pepper spray."** As of 1996, over 200 subjects were tested and each one of them was able to accomplish a short term violent goal after being sprayed. According to the researcher, Phil Messina,

"As for civilians, I believe that 95% of them who carry this product will not have the proper training or the proper backup tools. This combined with the grossly exaggerated advertising by the manufacturers and distributors will lead to a false sense of security that will likely get many people beaten, raped or killed. Because, you see, I believe the most violent criminals are determined to accomplish their goals."

Even in Berkeley where police officers spend many hours training in the use of pepper spray, the effectiveness rate is only 65%. When police argue that pepper spray is needed in order to protect women officers, the fact remains that if a cop depends on pepper spray, 1 out of 3 times it will fail her.

The fact that pepper spray may cause birth defects has been noted by the U.S. Army, the Environmental Protection Agency and the Journal of Correctional Health Care. The only research to suggest that pepper spray is "safe and effective" was conducted by F.B.I. Agent Thomas Ward who was convicted in April 1996 of accepting a \$57,000 bribe from a pepper spray manufacturer to write a favorable report.

This product is far from being an "ideal personal defense product for women". Actually, when we consider the number of dangerous and or ineffective products that have been marketed specifically to women, the list goes on and on. From I.U.Ds and breast implants to DES and

diet pills, women have more than enough reason to question the claims of manufacturers. Recently, two types of diet pills were taken off the market because they had been associated with three deaths nationally. Pepper spray has been linked to over 70 deaths nationwide and yet even children can purchase it in stores. Women who are concerned for their personal safety must learn self defense techniques and dedicate some time to preparing for their own safety. There are no "magic bullets" and any product that claims to be 100% effective is just another gimmick.

## What Happened to Carl Gregsby?

By Suzanne Pegas

COPWATCH has been following the story of Carl Gregsby, a disabled man who was brutalized by Berkeley Police two years ago (see Winter 1996). In June of 1997 we had a fundraising event for Mr. Gregsby including a BBQ and garage sale. There was a great spirit of community and fun. We raised \$400 for Mr. Gregsby's law suit against the BPD.

Several months later Mr. Gregsby settled with the police and receive \$33,000. However, more significant than the money the city agreed to revise their policies regarding disabled prisoners. This is the first time Berkeley will be in compliance with the American Civil Disabilities Act. Berkeley officers are now obligated to accommodate the needs of disabled prisoners, which includes handcuffing them in front. This was a major issue in Mr. Gregsby's case. There will also be a training bulletin on seizure disorders for Berkeley Police. We want to salute Mr. Gregsby and his attorney Osha Newmann for sticking with the case and attaining this victory.





**(PEPPER SPRAY, from page 1)**


the meeting.

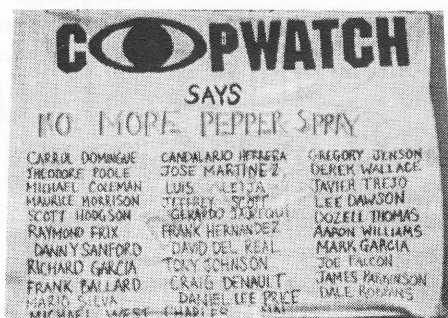
By 6:30pm, the room was filled and uniformed police officers established a police line at the bottom of the stairs and refused to let anymore ban supporters into the meeting room. In fact, police prohibited any interaction between people who were upstairs and those who stood outside the police line. Citing their concern about "fire hazards" police refused to allow anyone to even stand on the stairs except for the purpose of leaving. Talking, passing notes or turning in speaker cards were all prohibited activity. The police also decided that any person leaving the meeting could do so, but would not allow any other person to take their place inside the meeting. Coincidentally, the public address system which usually conveys the meeting to people outside the building happened NOT to be working that night and the 70-80 people who were shut out of the meeting had no idea what was happening inside the meeting room. This complete exclusion from the meeting was especially frustrating for organizers who had invited families of people who had died from pepper spray, doctors, religious and community leaders to address the council.

By 7pm, protesters downstairs began chanting, "Let us in" and the chant was repeated by those who had managed to gain entrance to the meeting. The chanting continued and eventually councilmembers decided to delay their vote until they could accommodate all those wishing to speak in a larger meeting room. However, the meeting was very tense and at one point the Mayor ordered police to eject a woman who had been calling out. A number of police and protesters leapt to their feet and a serious confrontation was avoided only when Mayor Dean and the woman reconsidered their positions.

Members of the city council claim that they did not order this police action and did not realize the severity of the police clampdown. In fact, one councilmember confided that the police act as "an entity unto themselves". This, unfortunately, is an even bigger problem than police use of pepper spray.

Regardless of whether or not the city council finds the courage to stand up to the police department three things have become very clear in the course of our efforts to raise this issue. First, the idea of community policing has been exposed as

a fraud. When hundreds of citizens are willing to call, write, fax and demonstrate against a weapon which they feel violates the standards of their community, why is that input ignored? The so-called "relationship" and "trust-building" that the police claimed to want mean nothing. Secondly, we have seen the lengths to which the leaders of our police department are willing to go to stifle and impede the public process and debate when the outcome is contrary to their interests. Finally, we know that pepper spray can be lethal, can cause serious long term injury and according to Chief Butler, it has only been effective 65% of the time. Demand an end to the use of untested chemical weapons. Don't let the citizens of Berkeley be used as guinea pigs for weapons manufacturers. Support the ban! 

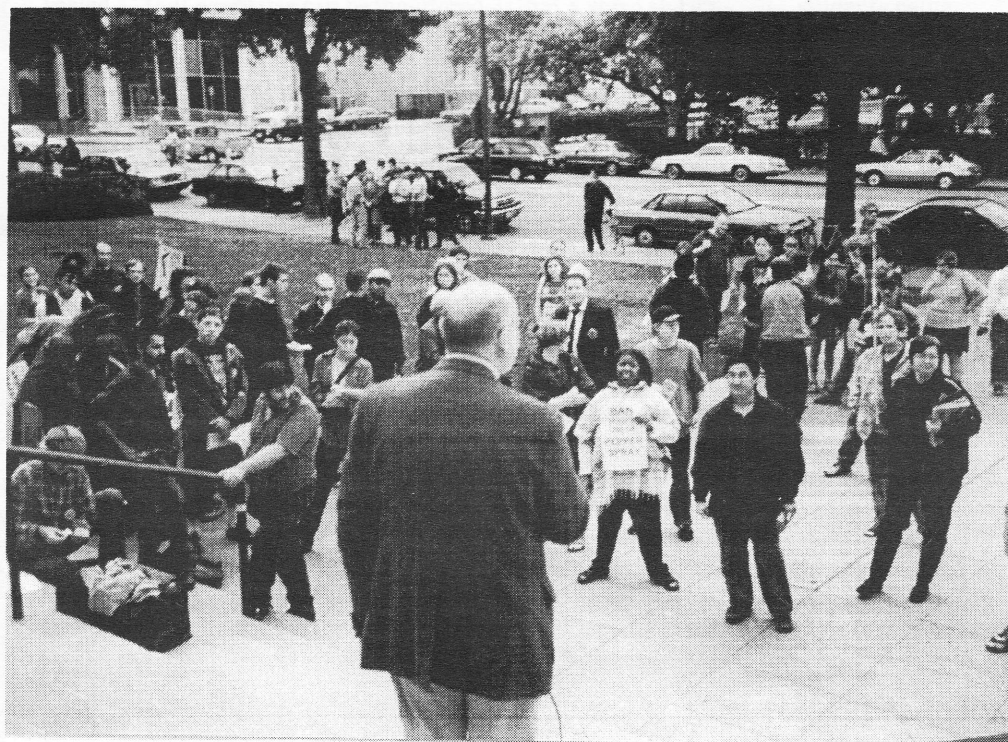


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# COPWATCH REMINDERS

Thursday, October 30, 7:00 PM

COPWATCH Training at 2022 Blake Street. Please come if you're interested in being trained to do copwatching or want to learn more about our organization.  
Last Thursday of every month from 7-9pm.

Wednesdays, 7:30-8:30 PM

COPWATCH Radio Show on Free Radio Berkeley 104.1 FM  
For more information about these or other events, call  
COPWATCH at 510-548-0425 .

## Photo Credits:

Page 10 - Carl Gregsby on left with  
Copwatcher at fundraiser.

Page 11 - Demonstrations in front of  
Berkeley City Hall against Pepper  
Spray

PEPPER SPRAY  
UPDATE  
ON PAGE 8!

# Is This What we Pay Them For?

BY RUSS BATES

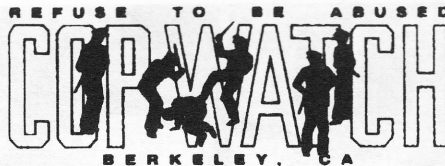
The week before the city council meeting on Pepper Spray, July 22, I was flyering my neighborhood and, lo and behold, two cops were tearing down the flyers I had just put up. Whoa, say I, is this an infringement of freedom of speech and constitutional rights?

Over the weekend, before the 22nd, several regulars of Telegraph Avenue told me they had observed four cops tearing down flyers. Looks like a pattern is forming.

We ask that the Chief reign in these vandals before there is some serious constitutional trouble. The First Amendment guarantees freedom of speech for everyone, including those who oppose police use of pepper spray.

Anyone who saw officers removing political flyers, would you kindly call and report it to the COPWATCH office, including badge numbers, of course.

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