

COPWATCH

Report

BERKELEY, CALIFORNIA

SPRING 1994

Berkeley's Illegal Campaign Against The Homeless

BY CAROL DENNEY

On December 8th, 1993, Berkeley Chief of Police Dash Butler, asked directly by a member of the Police Review Commission if the Department acknowledged the existence of police misconduct against the homeless, said no.


Two weeks later, police spokesperson Inspector James Gaebe affirmed that since early November the police had been using an obscure traffic ordinance to clear business districts of panhandlers and loiterers (*Bay Guardian*, Dec. 29). The inspector claimed that only one such citation had been issued (*Berkeley Voice*, Jan. 6). In fact, public records show at least nineteen citations were issued by two of downtown Berkeley's beat officers during the holiday shopping season. A volunteer for Community Defense Incorporated (CDInc.) interviewed approximately 45 panhandlers, and although only twelve of those interviewed had been cited, all but five of them had had contact with the beat officers, and had been told that they must move along or that they could not sit down, despite having committed no crime. [COPWATCH also witnessed such incidents— see page 4.]

While politicians argue over whether or not to create new ordinances to discourage panhandling, the crackdown on the poor, initiated in November, goes on. The campaign effects what one critic calls an "economic cleansing" of the business districts, regardless of whether it has any legal basis. And few panhandlers are willing to risk arrest or initiate lawsuits over a violation of their civil rights— their lives are hard enough already.

At least two complaints have been filed with the Police Review Commission, and the *Bay Guardian* highlighted the story in its December 29th issue. But to date no real light has been thrown on the origins of Berkeley's newest holiday custom: sweeping the streets of the poor.

A memo dated November 1st from the City Attorney, in response to a request for information from the City Manager's office, okays the use of the traffic ordinance in question to remove abandoned property from sidewalks. This was the legal permission cited by one of the beat officers when challenged about the crackdown on the poor.

But poor people themselves are not abandoned property. And as CDInc. volunteers can confirm, many panhandlers were told that sitting on or placing their belongings on the sidewalk was no longer permitted since there would soon be a law forbidding such things.

Clearly whatever group initiated the crackdown, possibly the powerful Downtown Berkeley Association, has had its wishes fulfilled without the benefit of a blessing from the City Council or the need of new and improved anti-panhandling laws. It makes even the most practiced political observer wonder who, in fact, is running this town. 



H. TOBOCKMAN

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National Conference Questions Jail "Suicides" and Border Shootings

BY DANIELLE STORER

The Third Annual National Conference on Police Accountability was held in Irving, Texas, from the 19th to the 21st of November 1993. About 35 people from eight states and Washington, DC, attended.

NATIONAL POLICE ACCOUNTABILITY WEEK

The National Coalition for Police Accountability (NCOPA), which organized the conference, is calling the Third Annual National Action for the week of March 3rd (the third anniversary of the beating of Rodney King). Any organizations struggling against police misconduct and abuse should try to hold some event as part of "National Police Accountability Week." COPWATCH will be among the organizations working on an event or action for that week; contact our office if you want to help.

Some members of NCOPA plan to meet that week in Washington, D.C., at the office of Attorney General Janet Reno, to demand that the Justice Department begin releasing statistics on murders by police and deaths in custody. NCOPA will bring a list of cases to Reno's office as evidence.

MISSISSIPPI JAIL DEATHS: GULFPORT, MISSISSIPPI

Everyone agreed that the most horrifying news was coming from Mississippi. Andrea Gibbs, a former prison guard, told the Conference some history of the organizing there.

COPWATCH Report

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

COPWATCH
2022 Blake Street
Berkeley, CA 94704
510-548-0425

RECYCLED PAPER - ALL PREPRESS LABOR DONATED

How You Can Help

The Committee Against Mississippi Jail Deaths is asking everyone to send letters or postcards to Rep. Edwards in support of Congressional hearings on the jail deaths. Ben Chaney, of the James Earl Chaney Foundation, will be in Washington, D.C., lobbying for the hearings. Here's a sample text:

Honorable Don Edwards
2307 Rayburn Building
Washington, D.C. 20515

Dear Representative Edwards:

I urge you to demand a Congressional hearing on the malfeasance and negligence of federal agencies, including the Justice Department and the FBI, involved in investigating the deaths under suspicious circumstances in Mississippi's jails and prisons. I do not feel these deaths have been adequately explained, and strongly suspect that they may include state-sanctioned lynchings.

For more information, call the Committee at (415) 821-6545. Their next meeting is at 7 pm on February 22 at 2489 Mission Street in San Francisco.

Four years ago, Gibbs and three other prison guards "blew the whistle" on guard beatings of children in a Mississippi youth detention center. Fired by the prison system, she founded Victim's Voice, an advocate for families of people who died or were beaten in custody. With this organization, she exposed inhuman conditions in many other Mississippi jails. She currently faces constant threats and harassment from police and KKK members: she has moved five times, been followed by police, and had her house searched by head guard Homer McKnight.

The brutality is systemic: the first week she worked in youth detention, guards lectured Gibbs on how to beat the children so there are no bruises. In 1989, when she exposed child-beating by Homer McKnight, two deputies and seven youths testified against McKnight—but no charges were brought against him. Yet one whistle-blower guard was brought up on charges based on one person's testimony.

Gibbs described Mississippi Prison conditions: prisoners are locked up twenty hours a day; six prisoners share one gallon of water a day in the summer; there is no education for school-aged children; inmates are put on depressant drugs, but there are no drug rehab programs. And in just the five months prior to the Conference, there had been fourteen more "suicides."

Victim's Voice is now working with twenty families, both black and white, with cases of police brutality or murder. Victim's Voice has held a memorial service for those who died in jail, brought pressure to bear on Attorney General Reno, and got nine specialists to investigate conditions in prisons. Through its efforts, the organization has gotten international publicity, and

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Lies, lies, and lies

Media coverage of the Grinage shooting echoes the police version

BY TRACY JAMES AND G. BLOOD

What has been described in the *Oakland Tribune* and *S.F. Examiner* as the "senseless" shooting of a "cop's cop" by another "uncooperative" young black male on December 15, 1993, was in fact an unsurprising response to police "justice." A closer examination of the facts reveal that this is a classic case of police abuse, and of the mainstream media's inability to provide fair and balanced investigative reporting.

The *Oakland Tribune* coverage of this incident was a self-contradictory ball of confusion. The December 17 issue reported that Oakland Police, who went to Luke Grinage's house to take his dog for a rabies vaccination, ended up engaging in a shoot-out with Luke that killed him, OPD Officer Grijalva, and Luke's wheelchair-bound father, Raphael Grinage. Early on, the article states:

The officers had offered to let the owner take the dog to his own vet for quarantine, investigators said. But something caused the dog owner, Luke Grinage, 21, to change his mind and start shooting at police with a shotgun.

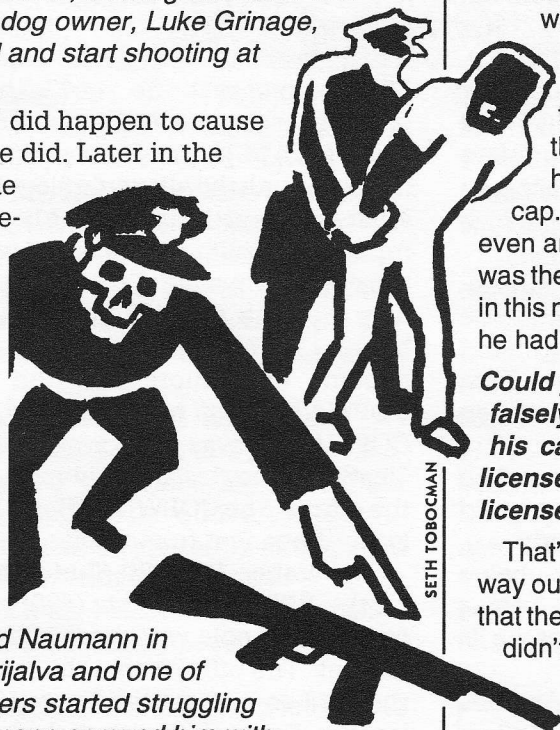
Indeed, "something" did happen to cause Luke to react the way he did. Later in the same article, the *Tribune* hints at what this "something" was:

Police offered to let Grinage take the dog to his own vet for quarantine. At first he agreed but then changed his mind and became uncooperative, Sims said. When police tried to arrest Grinage 'he initially complied for a moment' but then punched Naumann in the face, Sims said. Grijalva and one of the animal control officers started struggling with Grinage and Naumann sprayed him with mace and hit him at least once with a long baton.

So, the "something" turned out to be, at the very least, mace and a baton—used because Luke was "uncooperative," a loaded term that tends to obfuscate rather than clarify. Actually, Luke was anything but uncooperative. The eyewitnesses and subsequent facts reveal that:

- Luke invited the police into his home to resolve the issue of the vaccination.

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Interview with Rashidah Grinage

Mother Exposes Truth Behind The Coverup

COPWATCH talked to Rashidah Grinage, wife of Raphael Grinage and mother of Luke Grinage, both of whom were shot by police on December 15 in a shoot-out in their home. We asked her about some of the facts in the case that were never reported by the mainstream press, or the police.

One dimension that has not been addressed by any of the media is the question of the police having an ax to grind against your son. Could you elaborate on that?

Well, we have documented three occasions in which Luke was apprehended. None of them, in my view, was a valid bust. They never actually convicted him of anything. And the last two times, they never even charged him with anything. He never appeared before a judge. He simply served time downtown: they impounded his car, and they let him go. And there were several times when they accosted him but did not detain him.

There was nothing you could do about it...

Luke knew for example a friend of his who they [the cops] slammed coming out of one of these quick stops down on Foothill. They slammed him between two police cars and cracked his knee cap. That boy will never walk right again. They never even arrested him. That was Luke's experience, and it was the experience of many, many people that he knew in this neighborhood who had been messed with just as he had been messed with.

Could you tell us about this last incident where they falsely accused him of selling drugs and impounded his car? [Luke was stopped for a missing front license plate, and arrested for not having his driver's license.]

That's why I went to internal affairs, because that was way out of line. Somewhere along the line they alleged that there was crack cocaine in his car. If there was, why didn't they bring that forward as evidence and put it in front of the judge? But that was the pretext for being able to impound his car. [Luke was never charged with possession of cocaine.]

And it was always the same cop [Officer Naumann, who later shot Luke]. They knew each other.

Did he cooperate and go along with them?

Well, he didn't have any choice. At that point Luke had never resisted. And that's another interesting question. He had allowed them to cuff him, put him in a police car, and take him to jail on three previous occasions. Why at this time [the shooting incident] would he have just

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Cop Blotter

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

November 11th, Durant Center— Officer Bachman (BPD #12) approached a man who bought a can of beer from Johnston's Market. The container, which had not been opened by the victim, was taken and opened by Bachman, who then cited the person. The victim had been previously told by Bachman to "get off Shattuck Avenue." No test for intoxication was given.

November 17th, 2240 Shattuck (Mel's Diner)— Officers Bachman and Onciano (BPD #12 and #60) approached a homeless person and told him that he could not solicit, sit down, put his baggage down, or sit on a milk crate on Shattuck Avenue. No specific section of the California Penal Code or Berkeley Municipal Code was quoted to the man. (In fact, none of those actions are against the law.)

November 24th, 2480 Shattuck— Bachman and Onciano approached homeless people who were sitting on the buckets outside of the building. Bachman said to one of them that "you can't be sitting on that bucket," and then immediately cited the person for blocking the sidewalk. (To violate that law, one must block a specific person from passing, "willfully and maliciously.") The victim was clear of the thoroughfare of the sidewalk, and was up against the wall. Bachman also told the victim that he couldn't have a cup—which he didn't have in the first place.

December 4th, People's Park— COPWATCH observed BPD Officers Goss, Woolard, and Biandhi, on bicycles, fan out over the Park and stop to apprehend a person who was sitting down near the Free Box. The officers demanded to see identification. When the person couldn't produce one, the officers put him in handcuffs and took him away in a police car. The observers noticed that the victim was never told what law he was being taken into custody for. COPWATCH told the police that the victim "has a right to know what he is being taken in for." Goss replied that "we know and he knows what he is being taken in for."

December 7th, Telegraph and Haste (Amoeba Records)— One homeless person observed BPD Officer #90 talking to another homeless person about sitting down outside the store. Badge #90 told the observer to

"get out of here." After the observer wasn't willing to comply, Badge #90 physically pushed the observer and said, "Move 10 feet." The observer responded, "You don't have to push people around to make your point." The officer answered, "Yes, I can do that." The two kept on talking, and #90 continued to push him and tell him to "get out of sight."

December 7th, 2430 Shattuck— Bachman and Onciano told a homeless person that he couldn't sit next to the wall. Again, no specific law was quoted.

December 9th, 2480 Shattuck— Bachman and Onciano seized the milk crate which a homeless person had been sitting on outside the building, and put it in the back of a police car. No receipt was given to the person, nor was he told the reason or law that would justify this police action.

December 15, Shattuck Ave.— COPWATCH observed Officer Onciano ride down the street, telling homeless people to stand up. One homeless person said Onciano told her that she couldn't have any basket larger than 8 inches in diameter.

December 15, SW corner of Shattuck and Haste— COPWATCH observed Onciano apprehend two girls about sixteen years old for "breaking curfew." (There is no curfew in Berkeley.) As COPWATCHers were filming the incident, Onciano turned to them and asked, "Excuse me, who are you?" They replied that they were observing the incident and identified themselves as COPWATCH. They then asked about the previous incident, with the allegedly illegal basket—specifically what section of the law had he been enforcing? Onciano replied, "If you're so concerned with her, then she's up the street." Onciano also said, "Unless you are trying to help me with a police investigation, then get out of here." COPWATCH refused to leave. Onciano then became even more agitated and asked for the COPWATCHers' names. They refused to tell him. COPWATCH was in no way impeding or obstructing "justice." The closest observer was about ten feet from the officer. The COPWATCHer who was filming was at least fifteen feet from Onciano.

December 17, 2420 Shattuck (Giovanni's Restaurant)— BPD Officers Katz (#70) and Allen approached homeless people who were sitting outside of the restaurant. The officers told the people to stand up, and they did so and started to walk away. As they were leaving, Katz said to one of them that he was going to shoot him in the back, and then started following them down the street.

IF YOU HAVE EXPERIENCED OR SEEN POLICE ABUSE, AND WANT TO WORK WITH COPWATCH ON YOUR CASE, COME TO OUR DROP-IN HOURS: TUESDAYS, 6-8 PM, IN OUR OFFICE AT 2022 BLAKE ST. (NEAR SHATTUCK). OR CALL US AT (510) 548-0425 TO MAKE AN APPOINTMENT WITH A COPWATCH CASEWORKER.

COPWATCH would like to thank Motor Dude Zydeco, who played a benefit concert for COPWATCH at Ashkenaz on November 4, for their generosity.

We would also like to thank Todd Siders for his assistance, which helped make this report possible.

The L.T. Story

BY ANDREA PRITCHARD

On November 18, 1993, a Police Review Commission (PRC) Board of Inquiry unanimously sustained a complaint by a homeless man against BPD Officer Katz (badge #70). In his complaint, Darwin Harrell (known to many as "L.T.") described how the officer first illegally handcuffed him, and then poured some beer from a forty-ounce bottle directly on him, saying, "Here, Darwin, have a drink."

This incident occurred on July 31st, in the presence of several COPWATCHers on Shattuck Avenue. As the observers approached, the officer became extremely agitated. According to transcripts of PRC interviews, the officer used profanity toward observers as well as the arrestee, and kicked the possessions of other homeless people down the sidewalk.

Together, COPWATCH and Mr. Harrell filed a complaint against this officer. During the course of the investigation, Officer Katz's attitude towards homeless people in our city became disturbingly clear. For example, he stated that he arrested Mr. Harrell because he was drunk. When asked what evidence led him to that conclusion, Officer Katz told PRC commissioners, "Well, I could say that it was 4 pm, and as any officer who works that beat knows, by 4 pm those people are drunk." Observers noted that in fact the arrestee was not drunk.

Officer Katz also made it clear that he is tired of having to deal with homeless people, and in his police report, he blamed the city's "unusual sympathy for the homeless substance abuser" for the untidiness of some of the city's public areas. Apparently in response to Officer Katz's frustration with the homeless people congregating on Shattuck near Haste Street, Councilmember Dona Spring had the public benches removed from that area.

L.T.'s success is important because homeless people rarely have the resources to gather the witnesses, information, and determination needed to win a case before the PRC. It is also interesting that although there were six witnesses, Officer Katz felt that he could conduct himself as he did.

As our so-called leaders promote more anti-homeless ordinances and encourage police to get tough on "problematic street behavior," we can expect to see the police use more cruel and unusual tactics—and we must be ready to stop and watch when police approach people on the street. ●

"Problematic Street Behavior"

A Proposal is Born and a Circus Ensues

BY CAROL DENNEY

Clear proof that the police are conducting a campaign, distorting existing law, to sweep business districts of the poor (see front page), ought to have Berkeley's press and public up in arms. But the story took a back seat in the press to the anti-panhandling proposals set for a public hearing on February 15th. Civil libertarian groups such as the ACLU, the Berkeley

Green Party, and the NAACP, have all condemned the proposals, which many agree are the most extreme anti-poor measures in the nation.

The proposals ban soliciting for money in virtually all downtown locations during the day, or anywhere in Berkeley after dark; make sitting on any sidewalk in Berkeley illegal; and extend a newly "reinterpreted" set of

restrictive People's Park regulations to all city parks. These regulations target the homeless, criminalizing such acts as carrying more than one shopping bag full of belongings.

Moral and constitutional concerns clearly did not dominate the thinking of the Subcommittee on Solicitation which wrote the proposals, composed of Councilmembers Shirley Dean, Fred Collignon, and Dona Spring. Dean and Collignon, both running for mayor on nearly identical "more cops" tickets, benefit politically from posing as tough on "problematic street behavior," a phrase made popular by its ambiguity. Dona Spring, originally elected as a Green Party candidate, allowed her most powerful constituents, the merchants' and property owners' lobby called the Downtown Berkeley Association, to make their own recommendations to the subcommittee. Even city

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This would be a criminal act if the proposed laws pass.

Charity or Industry?

According to Eric Landes-Brenman, the City's Homeless Coordinator who spoke at a PRC meeting on January 12, Berkeley spent about \$21 million on homeless services last year (when we add up all of the local, state, and federal matching funds). Also according to Landes-Brenman, there are approximately 1200 homeless people in Berkeley. That translates into about \$17,500 annually for every homeless man, woman, and child in Berkeley.

What are we getting for our money ??

What Is the San José City Establishment Afraid Of?

BY CORNELIUS HALL

Once again, justice isn't blind, and the scales are weighted in favor of the Police and the San José City establishment. Phony charges have been filed against Juan Haro and other supporters of the Direct Action Alliance, a San José community group working to increase accountability of its city's police, and to establish a civilian police review board in San José. Several organizations who support the DAA's leadership in fighting for the rights of the community are demanding that all these charges be dropped.

The jury trial in the case of the DAA was set for late January at the San José Municipal Court, and is ongoing as this goes to press. The District Attorney has offered the protesters a plea bargain of thirty days in jail if they plead guilty, but so far they have refused to accept the deal.

The problem stems from a peaceful protest on April 17, 1993, the day of the second verdict in the trial of the LAPD officers who beat Rodney King. The young protesters held their heads up and pointed out the lack of leadership of so-called community leaders in fighting for justice. As reported by Frank Runninghorse of the Peace and Freedom Party, black students challenged the NAACP to get involved. NAACP member Joshua DuBose, who displayed pictures showing the beating he had suffered from the San José Police, criticized the NAACP's unwillingness to get involved in his case.

As the entirely non-violent protest ended, and the demonstrators began to leave, the cops made their move, surrounding the protesters without warning and arresting forty-one of them. In jail, Haro was taunted by police when they threw his meal on the floor and told him to eat it. The next day he was bailed out by Dr. Portillo of San José State University.

Juan Haro and Ricardo Rodriguez of the DAA, and Miguel Diaz, Chairman of SJSU MEChA, were charged with "inciting a riot," "blocking a roadway," "unlawful assembly," and even "false imprisonment" of 130 cops.

This is another serious travesty against citizens and their rights. The media—the *San José Mercury News* and the *SJSU Spartan Daily*—are partners in the abuse. The students and the DAA were referred to as "thugs" or "terrorists." Haro has no police record, and DAA protests have never been violent. Their effectiveness is demonstrated by the fact that the police had to trump up phony charges in order to arrest the protesters.

We can support by sending donations to the Direct Action Alliance Defense Fund: 48 South 7th St. #100, San José, CA, 95112; or call their hotline at (408) 236-3765. They have requested that people attend their court dates; call for details. ●

"As Soon As He Started To Run, I Dropped Him." BART Police Beat Man Unconscious

BY BRIAN BOYLE

On Wednesday, January 8, at 6:30 pm, a COPWATCHer arrived at the West Oakland BART station just after plainclothes BART Police had beaten an African-American male unconscious. According to the police, the victim had intended to pickpocket other riders and jump the fare, but was apprehended by plainclothes cops. He supposedly put up resistance by fleeing, at which time police forcefully beat him to the ground, where he lay handcuffed.

Police also handcuffed the victim's companion. Obviously scared, she started to tremble as she sat on the floor of the station. This caused the police dog to growl at her, and a BART cop yelled at her to "just sit still!"

The woman, concerned for her partner's health and safety, later asked if her companion was still alive. The officer responded by picking up the head of the unconscious man and asking, "Hey, is anyone still home in there?" and then dropping his head to the pavement.

As the victim was still lying unconscious, one officer bragged to another, "As soon as he started running, I dropped him."

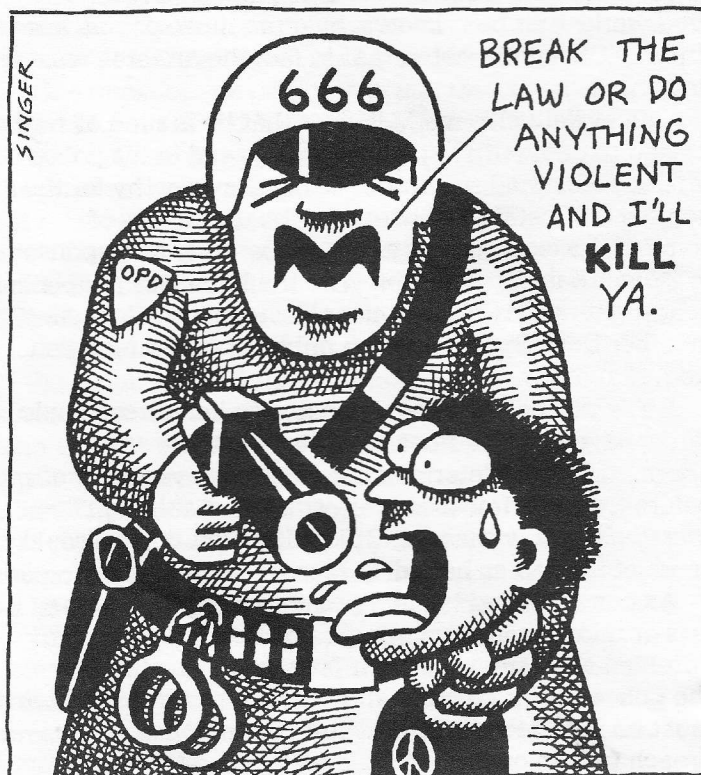
Eventually, as the victim became fully conscious, he

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NO EXIT


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AN OFFICER OF THE PEACE



(BART BEATING, from previous page)

was forced to his feet by the BART police, who picked him up by his handcuffed wrists (which were still obviously sore). This made the man scream out in pain. They led him and his companion about ten yards away and started interrogating them. The male, barely awake from his beating, was slumped over a wall standing up. Finally, at 7:25, the ambulance came to treat the victim. Two of the arresting officers had BART Police badge numbers 137 and 157.

This incident comes roughly one year after the BART Board acknowledged, in the wake of the killing of Jerrold Hall by a BART cop, that they needed to look into making systemic changes to make their police force more accountable. The Board then stalled and stalled—and by this time, they are no longer even contemplating further action. Instead, some members of the Board with very short memories are calling for yet more BART police. 

Police Attack Young Black Pregnant Woman

In a shocking personal account of brutality by OPD, Latasha McGehee, a 19-year-old pregnant Black woman, has released a statement describing her treatment at the hands of Oakland police. Ms.

McGehee gave a copy to COPWATCH, with permission to publicize the incident.

On January 19th, 1994, Ms. McGehee was a witness to the shooting of a friend of hers, Clint. They quickly took him to Highland Hospital, and since Ms. McGehee was feeling cramps and was worried about a miscarriage, she also asked for medical help. The statement tells the story:

A lady said I needed to be seen... As they took me to register, I heard one of those ladies whisper, "She's not an emergency case because she's not bleeding." I told Eric's sister [the sister of a friend of the shooting victim, who was with her] to take me downstairs—I was going to another hospital. When getting off the elevator, I heard crying—they said Clint had died.

Suspicious of Highland's reputation, Latasha insisted on going to Alta Bates.

I told Keisha [another friend] to go get the car and come get me, that I wasn't going back to Highland and that I wasn't going with the police.

The police came, Officer #729 or 726, and tried to manhandle me. He was saying I'm getting in the car, I wasn't pregnant, that I was running. He grabbed me. I started scratching him, saying, I'm pregnant, I'm not going back to that hospital. The other police he called for came. Keisha was screaming, saying, "She's having a miscarriage, she's pregnant." The police said, "She's having a miscarriage every time." Another police officer came from car 1226, badge #416. He came trying to pull me up—I was on the ground in pain. He hit me with his billy club... I saw blood on my shirt still coming down... [The police] waited for about 20 to 30 minutes

COPWATCH TRAINING VIDEO

If you're tired of police harassment and brutality in your area, get organized — start your own COPWATCH.

This 25 minute video produced by Berkeley COPWATCH provides an in-depth look at how ordinary citizens organized themselves to hold the police accountable to the people of Berkeley. The video includes ideas and techniques for street observation of police activity.

For additional information call 510-548-0425.

Yes, I want to order _____ copies of the **COPWATCH TRAINING VIDEO** at \$25 suggested donation per copy. Enclosed is a check for the full amount of \$ _____.

Name _____ Phone _____
Address _____
City _____ State _____ Zip _____

Return to: COPWATCH, 2022 Blake St., Berkeley, CA 94704


until the other car came. Car 1226 told [Officer #729] I stopped bleeding, and to take me to the hospital and tell them I hit my head on a gate, to handcuff me and take me to Homicide.

The police took Latasha McGehee to the Emergency room. However, she refused to cooperate with them, saying, "No! Take me to homicide and let me go, so I can take pictures and go to a hospital." They sent several groups of people, including social workers, to try to convince her to cooperate with doctors and police in cleaning up the wound (which would have the effect of removing evidence of the brutality).

I explained to them [the social workers] that the police didn't bring me there right after I was hit in the head. I told them he let me bleed 20 to 30 minutes before bringing me in, that he had stopped and parked the car first and then rolled up all the windows (I have asthma).

Finally, the police took her to Homicide, where they began interrogating her. When she refused to change her story and insisted that she had been beaten by police, the interrogator reacted violently:

He turned [the tape recorder] off, calling me a bitch and saying I needed to be smacked for that... He kicked the table on my knee, saying I was acting like a real bitch, and that he didn't care if I bled or cramped to death.

Soon afterwards, Latasha McGehee was released. She left directly for another hospital, where a nurse affirmed that the cut on her head "wasn't an accident." Ms. McGehee plans to file a lawsuit against the Oakland Police Department. 

(NATIONAL CONFERENCE, from page 2)

it is working on getting United Nations attention.

Victim's Voice desperately needs to raise money for surveillance equipment. Anyone who can help should contact Andrea Gibbs at P.O. Box 6741, Gulfport, MS, 39506. The group is planning a thirty-year commemoration of the Civil Rights Movement for this summer.

MONITORING THE BORDER PATROL: HOUSTON, TEXAS

More shocking news came from the U.S.-Mexico border. Recently there have been twenty cases of people shot in the back by border patrol as they try to re-enter Mexico. Maria Jimenez, of the Dallas American Friends' Service Committee (AFSC), gave a presentation.

The current U.S. racist anti-immigrant backlash provides a cover for the border patrol to abuse their authority. Legal residents and U.S. citizens who "look like illegal immigrants" are abused—in fact, 17% of abuse cases are against U.S. citizens. And cops with consciences who expose the abuse are fired and threatened.

The AFSC's organizing includes a data base to document cases and a manual to train lawyers who take on Federal agents, as well as pressure on Washington to reform. Last year, the AFSC won a lawsuit mandating the Border Patrol to set up a new system.

MORE NEWS FROM ACROSS THE U.S.

Organizations in both Portland, Oregon, and Milwaukee, Wisconsin, described their plans to start Copwatching—i.e., street patrols using scanners, video cameras, and even cellular phones. Representatives from Dallas, Albuquerque, and San Diego spoke about their struggles to establish civilian review boards.

Cornelius Hall told the conference about Berkeley COPWATCH's campaign for justice for his son, Jerrold Hall, who was murdered by BART Police last year. Mary Johnson of Chicago's Citizen's Alert discussed the years of organizing that went into the victorious campaign to fire John Birge, an officer who tortured many people in custody. Other cities spoke about their work in cases, campaigns, and lawsuits. Many had found support or worked through local church organizations, and some of these have networked to form the National Interreligious Taskforce on Criminal Justice.

One representative asked that everyone pressure their U.S. Congressional representatives to vote No on HR 1148, by Rep. James Murand, a bill which gives extra rights to cops. For more information, contact Murand's office at (202) 225-4376. A Yes vote was urged, however, on Craig Washington's Police Accountability Amendment to the Crime Bill currently in the House. Contact Washington (D-Houston, TX) at the House of Representatives: 1711 Longworth Blvd. Washington, D.C., 20515. His phone number is (202) 225-4318.

The 1994 National Conference on Police Accountability will be held in Santa Fe, New Mexico, and is planned for mid-October. ●

Community Policing Meeting Flops

Community Doesn't Buy It

BY JAMES COHEA

The Berkeley Police Department, with the help of City Councilmembers Fred Collignon, Dona Spring, and Carla Woodworth, held its public meeting on Community Policing for beats 6 and 7 on December 2, 1993. These beats lie on either side of Telegraph Avenue just below the U.C. campus. The meeting was unusual in a few ways: coincidentally enough, it was the only time the police consolidated two beats in one meeting, and it was the only meeting where so few in the audience were pro-police.

The officers of the two beats sat arms folded, facing the public. That was unlike the other beat meetings as well, where police took a friendlier stance. As Lieutenant Hamilton, the moderator, introduced each beat officer, at least a few in the audience began to boo and hiss. We were then told that this behavior would not be allowed. The behavior continued.

During the question and answer period, many members of the audience made angry complaints or asked about the system's lack of accountability. These kinds of questions were left with little or no response, or given "pass the buck" treatment, where each respondent would pass the question to another, so that at best only a vague answer would emerge.

As in other meetings, however, sympathetic statements, and questions of the "What can I do to turn my community into a paranoid police state?" variety, were met with extensive answers by Lt. Hamilton.

One question got particularly odd treatment. A man asked Lt. Hamilton if he was aware of the Berkeley Cannabis Law (on the books since 1979), which requires the police to make marijuana law enforcement their lowest priority. The lieutenant, after a pause, said, "Yes, I am." Then the man asked if the BPD was prepared to abide by that law. After a long pause, Lt. Hamilton said, "Chief, would you like to handle this one?"

Amid audience laughter, Butler walked to the front of the room. He said that this meeting was not to be on specific issues, and no answer would be given to the man's question. Many in the audience didn't think much of this answer and demanded another one. Finally, Councilmember Dona Spring spoke up—Chief Butler was clearly not about to say anything. She said, of course the police follow the Cannabis Law, just as they follow all laws. What am I supposed to believe that meant?

In his opening remarks, Lt. Hamilton had said, "The police are the community and the community is the police." I am one member of the community who will never be part of the police. So speak for yourself, Lt. Hamilton. ●

UPDATES

Coalition Demands An End To Selective Prosecution

On November 16, 1993, angry protestors marched from the Laney College Campus to the County Courthouse, the location of the offices of Alameda County District Attorney John Meehan.

The demonstration represented the coming together of a number of groups who had noticed a disturbing pattern in how the D.A.'s office chose which cases to prosecute. Systematically, violence against women is ignored, police crimes go uncharged—but young men of color are prosecuted on the flimsiest of evidence.

Speakers at Laney's main plaza and on the steps of the Courthouse included many victims of the "justice" system, such as Korissa Russell, whose attempted murderer was under-prosecuted, and Cornelius Hall, whose son Jerrold was murdered by police exactly one year earlier. Mr. Hall's lawyer, Randy Daar, and Tim Redmond, the *Bay Guardian* editor who broke the Jerrold Hall story, also spoke.

A rape victim from the UC Berkeley campus said that the experience of dealing with the police and the courts, who refused to press charges against her

SLAPP Suit Trial Begins

On February 25th, 1994, the civil suit brought by the Regents of the University of California against four People's Park supporters and the People's Park Defense Union goes to trial. The University admits to having spent over \$100,000 in public funds on the suit so far, an amount which would double after the costs of two weeks of court trial. The suit, determined by the First Amendment Project to be a SLAPP suit (Strategic Lawsuit Against Public Participation), asks for damages and a permanent injunction against four activists purported by the University to be a conspiracy.

The aim of a SLAPP suit is to paralyze those protesting corporate or government actions by making them devote their time and money to legal defense against the suit. Many newspapers and organizations, including the *Oakland Tribune* and the Berkeley City Council, have castigated the University for pursuing the suit.

To help with the defense, call 525-5054, and call Chancellor Tien at 642-2331 to request that he drop the SLAPP suit.


Lawsuit Filed Against Matrix

Although most of the publicity has died down, Operation Matrix continues in San Francisco. Mayor Jordan's

crackdown on so-called "quality-of-life" crimes, such as sleeping in a park or possessing a shopping cart, started last August. At the same time, the police began arresting Food Not Bombs for serving free food. Hundreds of arrests were made of Food Not Bombs alone. Over 5,500 total arrests have been made under Operation Matrix, and the vast majority of the victims have been homeless.

The motion for a preliminary injunction in the lawsuit to stop Matrix, *Joyce vs. City and County of San Francisco*, has been filed in federal district court. The court date will be on February 23rd. The purpose of the injunction is to stop the San Francisco Police Department from enforcing "Matrix" laws, which effectively make homelessness illegal.

However, Operation Matrix is as yet alive and well in San Francisco. As Greg Winter of the Coalition on Homelessness said, "As long as [City Hall] houses the current administration, we will find ourselves constantly on the defensive, pushing back a wall of hate whose sole will seems to be the eradication of homeless and other low-income people from San Francisco."

Your effort in fighting Operation Matrix is needed and welcomed. To learn more or to find out what you can do, contact Greg Winter at (415) 346-3740. 



SCOTT BRALEY

At the end of the rally, several protestors took their demands to Meehan's office. County Sheriffs blocked their way, claiming no one was there to accept them.

attackers, had been as bad as rape itself. And Andrea Pritchett of COPWATCH described the case of Nina Gelfant, whose rapist was never charged, since he was an Oakland police officer.

Representatives from COPWATCH, the Women's Action Coalition, NOW, CISPES, and Prairie Fire, told the crowd about their efforts for justice in these cases, all frustrated by the District Attorney's office. They emphasized that the problem wasn't just John Meehan, but the entire system of which he is a part.

(MEDIA LIES, from page 3)

- The receipt proving that his dog's shots were still current was found on the TV in the living room.

Exactly what happened in the house after Luke let the police in his home is not known. Nor will we ever know, because two of the potential witnesses are dead, and the police obviously have a vested interest in not allowing the truth to see the light of day.

Nor does the *Tribune* really know. But something they did know, but conveniently left out of the report, was that the dog's rabies vaccination had not expired. The police could have easily verified this fact by looking at Luke's receipt, dated October 24, 1991, which showed the date of the dog's last shot, and by calling up the ASPCA (which Mrs. Grinage did) and simply asking them how long the shot is good for. It is good for three years. Luke's vaccination shot for his dog wasn't due to expire for almost another year.

So why were the cops there in the first place? Was Luke "uncooperative" because he was getting beat down and arrested unjustifiably by some out of control cops? To ask the question is to answer it. Could it be that Luke was just defending himself?

The morass of distortions continued. Lt. Sims stated in the *S.F. Examiner* (December 16) that Luke's dog "had bitten at least three people in recent weeks." That's an outright lie! The *Examiner* goes on to state that "records showed the dogs rabies vaccination were overdue." Another lie! Both the police and the *Tribune* (December 16 and 17) claimed that the cops had to kill the dog because it was "loose inside the house" and "it tried to attack officers searching the house." This is a lie! The dog was chained to the side door, and its blood was still on the chain where the cops killed it, days after the shooting. The dog did not pose a threat where it was chained, and the cops murdered the dog out of their own viciousness. If these police lie about the killing of a dog, how much more doubtful is their account over the death of human beings.

The December 16 *Tribune* also notes that the dead officer, Grijalva, underwent surgery and died at 2:05 pm, while Luke and his father were pronounced dead on arrival at 2:20— more than an hour and a half after the shooting. What the article failed to explain was how the Grinages, who were shot at the same time and place as Grijalva (at a location only ten minutes away from Highland Hospital) could arrive at the hospital fifteen minutes after the officer had already undergone surgery. Nor has the *Tribune* or *Examiner* asked why the police would not permit the paramedics to take all three wounded parties at the same time. Don't civilians lives matter to the police? How about the *Tribune*?

In the *Oakland Tribune* of December 19, an analogy was made between Luke's actions and mass murders in Oxnard and New York. This analogy has no basis in reality: Luke had been the target of police harassment over a period of months, so the action he took was

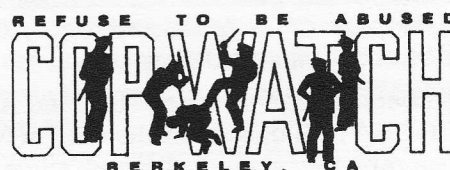
hardly random and irrational. In fact Luke's case is far more similar to the cases of Lonnie Berry and Nathan Cosby:

- In pursuit of a New Year's Eve reveler, who was firing his gun in the air, OPD Officer Ricardo Orozco and his partner took it upon themselves, without a warrant, to randomly search the units of a North Oakland apartment building. After they had been refused entrance, the cops tried to force their way into the unit. Orozco was shot in the face by Lonnie Berry, the apartment's resident, who had no connection with the reveler police were "chasing."
- On January 6, 1994, a combined force of twenty cops from OPD and the U.S. Secret Service, among other agencies, raided the Oakland home of Nathan Cosby, a black public school janitor. Cosby's estranged spouse had been arrested December 26 and charged with credit card fraud (she has since been released and the charges dropped). The cops stormed Cosby's house "to serve a search warrant"— for credit card fraud, hardly a violent crime. When Cosby did not answer the door the police used a battering ram to break it down. Afraid for his life (with good reason) Cosby got his weapon and attempted to escape. Belker, an Oakland cop, shot Cosby in the head, killing him.

Typically, in these cases of police misconduct, as time goes by more and more of the truth comes out— but only after most of the interest has died out. This is what happened when BART police shot Jerrold Hall in the back. And when the Alameda police typed in their computers "I'm gonna kill me a nigger tonite." And when the police fought San Leandro high school students, and when Housing Police beat up Darrell Hampton*, and when OPD Officer Riley raped Nina Gelfant.

These are common occurrences that represent a small example of how out of control the police are, and how poor of a job the corporate media does in presenting the truth about it. ●

* Note: As we went to press it was announced that Darrell Hampton had just won \$225,000 from the Oakland Housing Police in an out-of-court settlement of his lawsuit.



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(GRINAGE INTERVIEW, from page 3)

killer when he had never done that before? And that leads you to the inescapable conclusion that it was the way they treated him— namely by billy-clubbing and macing him— that turned him into reacting in that way.


Were you here when the incident occurred?

I was at school. I'm a teacher, and you know they never notified me that anything had happened here. Ever.

Your son Hamid explained to me that your next-door neighbor has a dog that had an expired rabies vaccination, and Animal Control sent a letter to them. Hamid told me that no such letter was ever sent here.

That's correct. Part of what we are now looking into is of course the whole issue of the animal control operation, which is run by OPD. There had been a minor incident the week before which has been [mis-]reported. Someone actually trespassed on my property and was bitten as they entered unlawfully in my home. They tried to enter through Luke's room. The chain was right there— they could see, or should have known, that there was an animal on the other end of that chain in the house. ([He] was coming here to drop off some papers for a friend of the family. It was just a mistake.) Now that person called up to ascertain that the dog had the rabies shots. Luke talked to him and said yes, he had the shots. But for whatever reason he [the trespasser] took it upon himself to call Animal Control to verify that those shots were current. That's what they used as a pretext for coming here.

In that case, there was nothing irregular about the dog biting the person. People have every right to defend their properties, persons, and possessions.

Right. And that's what Luke died trying to do. 

COPWATCH NEEDS YOUR HELP!

EMPOWER YOURSELF - EMPOWER YOUR COMMUNITY

Join COPWATCH and learn how to assert your legal rights, to organize events like forums or rallies, to publish a newsletter, to speak in public- or whatever you want to learn.

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COPWATCH survives entirely on friendly donations. If you have extra equipment - anything from a computer or a fax machine to office supplies or a tape recorder - we can use it! Or donate much-needed funds, which go to the publication of this report. Thanks for your generosity!

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(ANTI-HOMELESS LAWS, from page 5)

commissions interested in the proposals were not given this opportunity, and were not involved in developing the proposals. Not to mention the public's disenfranchisement in the process.


Perhaps as a result of this lopsided input, many lawyers think the proposals, as set forth on December 7th, are unlikely to survive a constitutional test by the courts. Even the City Attorney's advice was "provided in confidence" because of the probability of an ACLU challenge.

The main constitutional difficulty is that aside from sitting on the sidewalk and pushing a shopping cart through a park, most of the proposals regulate speech, not behavior. Even the most polite panhandling would become a criminal act in much of the business districts, as would requests for donations to the Free Clinic or the Salvation Army.

Historically, the courts have frowned on law that discriminates against content of speech; laws such as this proposal, for example, that make asking for money illegal, but not asking for directions to the bus stop. San Francisco Judge Orrick's recent decision affirming that begging is free speech is currently on appeal, but could make some of the local proposals moot.

Critics of the proposals who argue that aggressive or abusive behavior is already covered by existing law are usually met with the "more cops" response by those who point out that shoppers are discouraged by the presence of panhandlers or homeless people. These arguments try to draw a connection between homelessness, panhandling, and crime. But even Deputy Chief of Police Meisner admits that there is no such connection; not only does the behavior of most panhandlers and homeless people "fall below the level" of criminal activity, but both groups are more often the victims than the perpetrators of crime. And police resources downtown seem to be sufficient to conduct the current crackdown on still-legal behavior by street residents.

In the meantime, merchant associations and civil rights groups are gathering for a showdown: Councilmember Spring has backed off her initial support for the solicitation restrictions; the City Attorney insists there will be (but as we go to press has not released) a rewrite of the proposals; and a group of downtown merchants opposed to the proposals has begun to meet. The shameless Claremont-Elmwood Neighborhood Association has blanketed their area with a leaflet urging us to "take back our sidewalks" from panhandlers and the homeless. Sorry, whose sidewalks were those again?

The public hearing on the law will take place February 15th at 7 pm, at the Berkeley Community Theater. Those opposed to the proposals will hold a candle-light vigil against the war on the poor, starting at 6 pm, on the Theater steps. 

DEFY UNJUST LAWS!

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Video Scandal At UC

A scandal broke at UC when five UCPD officers were caught watching the Rodney King video "for training purposes" at 3:30 am in the Media Resource Center (MRC) on the Berkeley campus. The cops claimed they had been "training on the new alarm system"—which had not been hooked up yet. The Library had installed the alarm on UCPD advice, after ten months of late-night MRC break-ins. Staff would come to the center in the morning to find doors unlocked and videos, including pornographic tapes, strewn about.

As Jeff Pudewell, Director of the Library's Central Services, writes in his angry letter to UCPD, which was leaked to some newspapers and to COPWATCH, "It is not hard to conclude that for several months campus police officers have been surreptitiously entering the MRC, searching the video cabinets for interesting videos, and whiling away the early morning hours watching TV!"

Of course, the actual wrongdoing in this case is relatively minor. More telling is the question, why must the library pay \$4,000 for an alarm and hire security guards, when UCPD is supposed to protect campus buildings from crimes?

But what's really troublesome is the way the cops responded to the exposure. Not only were they not apologetic, they seemed outright angry that a Director of the Library had had the temerity to complain. Sgt. O'Connell, who told the Daily Cal, "We've been wronged," called Pudewell's letter "baseless, false, inflammatory...[and] negligent." Lt. Bill Foley said the accusations were "without substance."

As UC Berkeley Chancellor Tien once wrote to COPWATCH, UCPD is "neither accountable to the citizens of Berkeley nor to each other...[but only] to the campus administration." This incident leaves even that in question.

OFFICE SPACE AVAILABLE

COPWATCH is seeking another organization with whom to share its office, at Grassroots House (2022 Blake St., just off Shattuck). \$100/mo. includes use of meeting room, darkroom, kitchen, and back yard. If interested, call us at 548-0425.

CALENDAR OF EVENTS

February 21-25 — Conclusion of trial in lawsuit over police confiscation of homeless belongings. Department 14, Alameda Superior Court (1221 Oak St., Oakland), from 10 am to 4:30 pm. For details call CDInc. at (510) 644-2606.

February 23 — Court date for injunction against S.F.'s Operation Matrix (see p. 9). For exact time and location, call the Coalition on Homelessness at (415) 346-3740.

February 25 — Trial begins in UC's SLAPP suit (see p. 9). Call (510) 525-5054 for the best days to pack the courtroom.

March 1-7 — National Police Accountability Week. Call COPWATCH at (510) 548-0425 for details on events planned for that week.

Twice monthly — Berkeley Police Review Commission meetings. For dates and other information, call them at (510) 644-6716.

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