

COPWATCH

Report

BERKELEY, CALIFORNIA

SUMMER, FALL 1998

OPERATION AVEWATCH: CITY MANAGER DIRECTS PARAMILITARY EXERCISE ON TELEGRAPH (Police Review Commission Shut Out)

By Andrea Prichett and Bonnie Eslinger

Graphic from ARA LA

Inside -

Operation AVEWATCH

Report on UCPD and Sproul
Confrontation Highlights
Need For Outside Review

Torture in a Can

The High Price of Civil Rights

The Stolen Lives Wall Project

Justice for Mark Garcia

The Killing of Marvin Noble

Police Victims' Families Share
Hope

Trespassing on Telegraph

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

Why would Berkeley's City Manager spend \$80,000 for one month's worth of police services to deal with such minor offenses as littering and jaywalking near the University? This is just one of the questions Berkeley citizens must seriously consider if they are to understand the implications of a program like Operation AVEWATCH. Originally put into effect as a 30-day plan that should have ended on July 15, it was later revealed that City Manager James Keene quietly approved continuing the crackdown on Telegraph Avenue's poor and homeless youth for an additional month. In making this decision, Keene choose to ignore the widespread concern expressed by citizens, community leaders and organizations like COPWATCH that the police takeover of Telegraph was discriminatory and violated people's civil rights.

In authorizing AveWatch, Keene not only established his authority to deploy large numbers of officers as he pleases, but also his contempt for outside oversight of police activities. The extraordinary paramilitary-style operation on the three-block area between Durant and Haste streets caught many by surprise when it began: the menacing police mobile substation, large black paddywagons, patrol cars, sidewalk cleaners, animal control officers, mental health workers, and groups of bicycle and patrol officers crowded Telegraph almost overnight.

But as the first reports of people being arbitrarily searched, detained and ticketed for such activity as putting out a cigarette on the street and leaning against Cody's bookstore began to circulate, COPWATCH was on Telegraph documenting these incidents, organizing concerned citizens and calling an end to AveWatch. Ironically, a COPWATCH complaint about a similar police "sweep" in February was about to be heard by the city's Police Review Commission on June 24, so COPWATCH worked to get people to attend the PRC's meeting and speak out against the repressive program.

About 50 people, many of them homeless, attended the meeting. COPWATCH asked the commission to recommend that Operation AveWatch be suspended, to investigate whether such crackdowns constitute discrimination, and to review the complaint process in order to make it easier for people who live without homes and phones to file complaints against offi-

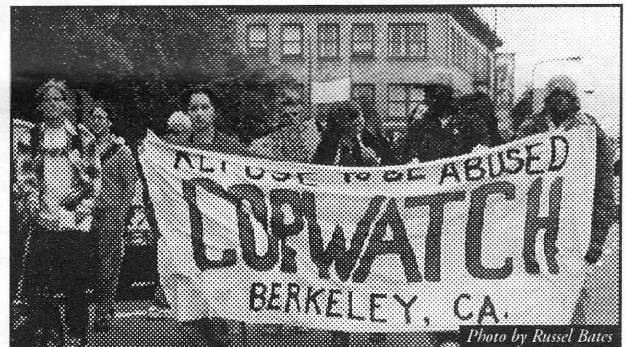


Photo by Russel Bates

COPWATCH leads a group of homeless youth and concerned citizens from Telegraph Avenue to the North Berkeley Senior Center for a Police Review Commission meeting on June 24. Many homeless youth and concerned citizens spoke out against Operation AveWatch at the meeting.

(continued on page 8)

Report on UCPD and Sproul Confrontation Highlights Need For Outside Review:

"Unreasonable Force" Used Against Student Protesters

By Bonnie Eslinger

The fact that an internal investigation done by the UC Berkeley Police Department exonerated officers who beat and pepper-sprayed unarmed protesters last year - while a university review board condemned the same officers as having used "unreasonable force" - gives weight to the argument that it is inappropriate to have the police investigate complaints against one of their own.

The need for an "independent" investigation of the highly publicized April 1997 incident, in which pro-affirmative action demonstrators were physically assaulted by police, was so clear that university officials decided to by-pass standard complaint procedure that gives the UCPD first crack (pun intended) at handling their critics. The UC Police Review Board - an on-paper committee that had previously not met since 1994 - normally only considers cases on appeal. But pressure from COPWATCH, demonstrators, other students, and community members pushed Vice Chancellor Horace Mitchell to call for the special UCPRB investigation.

In a 62-page report released on June 30, 1998 the outside review board concluded that three UCPD officers "used unreason-

able force" against demonstrators. The board also reported that they felt their investigation was "more comprehensive and balanced" than the department's, and that they had some "problems" with the UCPD's "evaluation of the evidence":

- The board felt that several officer accounts were accepted "uncritically" despite "highly reliable evidence" that contradicted their testimony.



This T-shirt design, offered in a police equipment supply catalog illustrates a prevailing institutional philosophy within the law enforcement profession. We do not need this "gang" mentality in our communities.

- Unclear policies regarding crowd control and the use of pepper spray allowed the UCPD to wrongly justify problems with communication, crowd control and the use of pepper spray.

- The UCPD's failure to criticize the officer who served as Acting Chief on the day of the incident "may in part have reflected the investigating officer's understandable reluctance "to condemn another officer who was "technically his superior."

Among the "serious concerns" of the board was the "department's failure to fully analyze and justify" the use of force against demonstrators on the ground. Their investigation concluded that unreasonable force was used by two officers in deploying their batons and by another officer in his

use of pepper spray. (The officer also failed to adequately report the use of pepper spray to his depart-

ment.) The board was also concerned about the "clarity and wisdom" of UCPD's policy for use of pepper spray in crowd control situations and the adequacy of the UCPD's pepper spray training. The board recommended an overall review of the effectiveness of pepper spray for crowd control, as well as a "well-understood" crowd control policy in general.

The report also noted that the patrol sergeant in command made no medical arrangements for those pepper-sprayed, adding his comments that "he did not consider normal irritation from pepper spray an injury but rather a temporary symptom that would ordinarily go away within 30 to 45 minutes" and that departmental policy applied only to suspects who had been taken into custody and not to "people who have avoided arrest and gone back to a crowd."

Another concern was the UCPD's baton policy as it gives blanket approval to officers to use any type of strike they deem necessary when "use of the baton is authorized," and full discretion in the use of force. The department conceded to the board that different strikes and degrees of force generate different risks of harm, but nonetheless all officers are trained to give baton strikes at maximum force. "Discretion can be abused," wrote the board. "We are unwilling to accept that the University has wholly abandoned the common-sense requirement of reasonableness in the exercise of officer discretion."

Many of the board's questions of the UCPD concerned police communication, or lack thereof, with the protesters - something that might have diffused much of the confusion and hostility that built during the incident. "As best we can determine, no police officer or UC staff member made any attempt to identify any...formal liaison or point of contact for student questions or negotiations," the board noted. In his testimony, Captain Beckford, the Acting Chief, stated, "We do that in an attempt to be collaborative and to have a clear line of communications. But there is certainly no responsibility on our

(Continued on page 9)

COPWATCH Report

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

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

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

PRE-PRESS LABOR DONATED



FINANCIAL SUPPORT RECEIVED BY THE VANGUARD PUBLIC FOUNDATION -- THANK YOU!

Torture in a Can; The Struggle Continues

Campaign Kicks Off To Ban Police Use of Pepper Spray In San Francisco

By Chris Zamani, Police Watch

As pepper spray becomes an increasingly popular tool by law enforcement agencies across the country, more and more people will find themselves the victim of a burning, toxic blast to the face from capsicum (red pepper). The reality of police use, or misuse, of pepper spray affects many of us in the Bay Area. People have died in "cookie cutter" patterns of death: the pepper spray victim experiences a crisis, stop breathing and they die. The Human Rights Solidarity Committee of the Ella Baker Center for Human Rights is challenging this popular method of government-sanctioned torture by kicking off a campaign to ban police use of pepper spray in San Francisco.

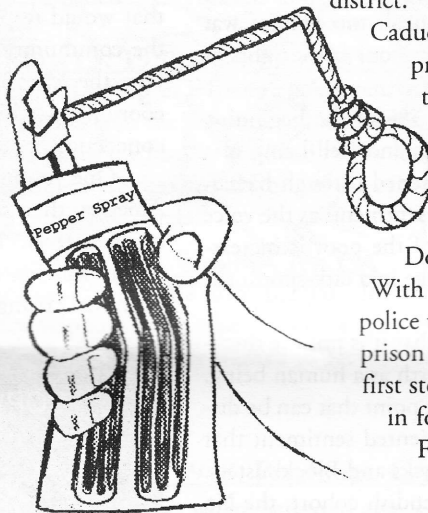
The Human Rights Solidarity Committee and its parent organization, Bay Area Police Watch, are all too familiar with the detrimental effects that pepper spray and police have on poor neighborhoods and communities of color. In 1996 a Latino man, Mark Garcia, was beaten, hog-tied, stepped on and had several canisters of this deadly toxin emptied into his face. Mark Garcia died, neglected, in the back of a SFPD police van; no one washed the pepper spray from his eyes and body; he died in agony. Police claim that pepper spray is used as an alternative to other forms of force such as the baton. They say that it is designed for use on violent individuals and is only used this way. Mark Garcia and many others who have been pepper sprayed and died were experiencing a crisis, not committing a crime. Police say that pepper spray is not used as a form of crowd control, yet student activists in Sproul hall at UC Berkeley were beaten and pepper sprayed, en masse, for non-violent protest in April 1996. You could not classify nonviolent environmental activists sitting in an office peacefully as "violent, aggressive criminals," yet this truth did not save Earth First comrades from having pepper spray applied to their eyes with Q-tips at a sit-in in Humboldt County. Furthermore, studies have proven that pepper spray is not even effective in stopping aggressive persons; in a test where two hundred subjects were given a violent objective to accomplish after being pepper sprayed, two hundred out of two hundred of the test subjects were able to accomplish their objective, that means 100% ineffectiveness!

The California government knew that pepper spray was not tested but they gave it to the cops and the public anyway. The bottom line is that when the police say they know the dangers of pepper spray they lie: no credible study has been completed on the medical implications of pepper spray. When police tell us that pepper spray is only used under strict guidelines, they lie: cops have used pepper spray on everyone from the homeless to non-violent activists

to grandmothers. The cops could care less, just ask Mark Garcia's family. Pepper spray in the hands of police translates into torture for poor people and communities of color. Support is needed as the Human Rights Solidarity Committee takes on this Goliath-sized battle in San Francisco to protect our communities from police danger.

The Human Rights Solidarity Committee is not the first to take on the battle to ban police use of pepper spray. The campaign in San Francisco is modeled after an earlier campaign by COPWATCH to ban police use of pepper spray in Berkeley. Although COPWATCH's ongoing campaign has not yet resulted in a ban on pepper spray, our comrades in Berkeley have inspired the committee with their efforts. Their past work, successes and disappointments has made our work possible.

The Human Rights Solidarity Committee's campaign began with a community forum and panel discussion in July on the case against police use of pepper spray. Lenore Anderson of the EBC presented the case against police use of pepper spray to a diverse crowd of community members in San Francisco's Mission district. The panel included Marykate Connor of Caduceus Outreach Services who discussed the problems that police with this weapon pose to the homeless and especially the mentally disabled. These communities bear the brunt of police harassment and brutality and are more commonly the victims of pepper-spray torture. The panel also included Dorsey Nunn of Legal Services for Prisoners With Children who discussed the dangers that police with this weapon pose on everyone including prison inmates. The event was a success and was the first step in mobilizing the community to come out in force to ban police use of pepper spray in San Francisco.



LYNCH ROPE IN A CAN!

The next step in the campaign is to take the case to the San Francisco police commission to be banned. The police commission will not act if there is not strong support within the community to take this weapon out of the police arsenal. Lenore Anderson of the EBC has authored a thirty page research report presenting the facts against police pepper spray. The information in this report will be brought to the San Francisco Police commission. Copies of The Case Against Police Use of Pepper Spray are available by calling (415)543-9444, ext.233. The Human Rights Solidarity committee will mobilize support from now until the issue is taken to the police commission. We need your help, victory in this campaign will result in the first ban on police use of pepper spray in the United States.

We need organizers, volunteers, community folks, students (let's just say everyone) to help us build this campaign.

Pepper spray kills. There have been over thirty five pepper spray-related deaths in California alone in the past five years. The police hold in their arsenal a lethal poison, capsicum, one of the most powerful pain-inducing substances known. Bay Area law enforcement have proven, in practice, that they are not responsible enough to carry this weapon on their belts. We cannot allow the police to carry a weapon that has unknown effects. The Human Rights Solidarity Committee challenges these

(Continued on page 10)

Report on UCPD and Sproul Confrontation Highlights Need For Outside Review:

"Unreasonable Force" Used Against Student Protesters

By Bonnie Eslinger

The fact that an internal investigation done by the UC Berkeley Police Department exonerated officers who beat and pepper-sprayed unarmed protesters last year - while a university review board condemned the same officers as having used "unreasonable force" - gives weight to the argument that it is inappropriate to have the police investigate complaints against one of their own.

The need for an "independent" investigation of the highly publicized April 1997 incident, in which pro-affirmative action demonstrators were physically assaulted by police, was so clear that university officials decided to by-pass standard complaint procedure that gives the UCPD first crack (pun intended) at handling their critics. The UC Police Review Board - an on-paper committee that had previously not met since 1994 - normally only considers cases on appeal. But pressure from COPWATCH, demonstrators, other students, and community members pushed Vice Chancellor Horace Mitchell to call for the special UCPRB investigation.

In a 62-page report released on June 30, 1998 the outside review board concluded that three UCPD officers "used unreason-

able force" against demonstrators. The board also reported that they felt their investigation was "more comprehensive and balanced" than the department's, and that they had some "problems" with the UCPD's "evaluation of the evidence":

- The board felt that several officer accounts were accepted "uncritically" despite "highly reliable evidence" that contradicted their testimony.



This T-shirt design, offered in a police equipment supply catalog illustrates a prevailing institutional philosophy within the law enforcement profession. We do not need this "gang" mentality in our communities.

- Unclear policies regarding crowd control and the use of pepper spray allowed the UCPD to wrongly justify problems with communication, crowd control and the use of pepper spray.

- The UCPD's failure to criticize the officer who served as Acting Chief on the day of the incident "may in part have reflected the investigating officer's understandable reluctance "to condemn another officer who was "technically his superior."

Among the "serious concerns" of the board was the "department's failure to fully analyze and justify" the use of force against demonstrators on the ground. Their investigation concluded that unreasonable force was used by two officers in deploying their batons and by another officer in his

use of pepper spray. (The officer also failed to adequately report the use of pepper spray to his department.)

The board was also concerned about the "clarity and wisdom" of UCPD's policy for use of pepper spray in crowd control situations and the adequacy of the UCPD's pepper spray training. The board recommended an overall review of the effectiveness of pepper spray for crowd control, as well as a "well-understood" crowd control policy in general.

The report also noted that the patrol sergeant in command made no medical arrangements for those pepper-sprayed, adding his comments that "he did not consider normal irritation from pepper spray an injury but rather a temporary symptom that would ordinarily go away within 30 to 45 minutes" and that departmental policy applied only to suspects who had been taken into custody and not to "people who have avoided arrest and gone back to a crowd."

Another concern was the UCPD's baton policy as it gives blanket approval to officers to use any type of strike they deem necessary when "use of the baton is authorized," and full discretion in the use of force. The department conceded to the board that different strikes and degrees of force generate different risks of harm, but nonetheless all officers are trained to give baton strikes at maximum force. "Discretion can be abused," wrote the board. "We are unwilling to accept that the University has wholly abandoned the common-sense requirement of reasonableness in the exercise of officer discretion."

Many of the board's questions of the UCPD concerned police communication, or lack thereof, with the protesters - something that might have diffused much of the confusion and hostility that built during the incident. "As best we can determine, no police officer or UC staff member made any attempt to identify any...formal liaison or point of contact for student questions or negotiations," the board noted. In his testimony, Captain Beckford, the Acting Chief, stated, "We do that in an attempt to be collaborative and to have a clear line of communications. But there is certainly no responsibility on our (Continued on page 9)

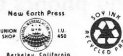
COPWATCH Report

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

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

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

PRE-PRESS LABOR DONATED



FINANCIAL SUPPORT RECEIVED BY THE VANGUARD PUBLIC FOUNDATION -- THANK YOU!

COPWATCH Report • Summer / Fall • 1998

Torture in a Can; The Struggle Continues

Campaign Kicks Off To Ban Police Use of Pepper Spray In San Francisco

By Chris Zamani, Police Watch

As pepper spray becomes an increasingly popular tool by law enforcement agencies across the country, more and more people will find themselves the victim of a burning, toxic blast to the face from capsicum (red pepper). The reality of police use, or misuse, of pepper spray affects many of us in the Bay Area. People have died in "cookie cutter" patterns of death: the pepper spray victim experiences a crisis, stop breathing and they die. The Human Rights Solidarity Committee of the Ella Baker Center for Human Rights is challenging this popular method of government-sanctioned torture by kicking off a campaign to ban police use of pepper spray in San Francisco.

The Human Rights Solidarity Committee and its parent organization, Bay Area Police Watch, are all too familiar with the detrimental effects that pepper spray and police have on poor neighborhoods and communities of color. In 1996 a Latino man, Mark Garcia, was beaten, hog-tied, stepped on and had several canisters of this deadly toxin emptied into his face. Mark Garcia died, neglected, in the back of a SFPD police van; no one washed the pepper spray from his eyes and body; he died in agony. Police claim that pepper spray is used as an alternative to other forms of force such as the baton. They say that it is designed for use on violent individuals and is only used this way. Mark Garcia and many others who have been pepper sprayed and died were experiencing a crisis, not committing a crime. Police say that pepper spray is not used as a form of crowd control, yet student activists in Sproul hall at UC Berkeley were beaten and pepper sprayed, en masse, for non-violent protest in April 1996. You could not classify nonviolent environmental activists sitting in an office peacefully as "violent, aggressive criminals," yet this truth did not save Earth First comrades from having pepper spray applied to their eyes with Q-tips at a sit-in in Humboldt County. Furthermore, studies have proven that pepper spray is not even effective in stopping aggressive persons; in a test where two hundred subjects were given a violent objective to accomplish after being pepper sprayed, two hundred out of two hundred of the test subjects were able to accomplish their objective, that means 100% ineffectiveness!

The California government knew that pepper spray was not tested but they gave it to the cops and the public anyway. The bottom line is that when the police say they know the dangers of pepper spray they lie: no credible study has been completed on the medical implications of pepper spray. When police tell us that pepper spray is only used under strict guidelines, they lie: cops have used pepper spray on everyone from the homeless to non-violent activists

to grandmothers. The cops could care less, just ask Mark Garcia's family. Pepper spray in the hands of police translates into torture for poor people and communities of color. Support is needed as the Human Rights Solidarity Committee takes on this Goliath-sized battle in San Francisco to protect our communities from police danger.

The Human Rights Solidarity Committee is not the first to take on the battle to ban police use of pepper spray. The campaign in San Francisco is modeled after an earlier campaign by COPWATCH to ban police use of pepper spray in Berkeley. Although COPWATCH's ongoing campaign has not yet resulted in a ban on pepper spray, our comrades in Berkeley have inspired the committee with their efforts. Their past work, successes and disappointments has made our work possible.

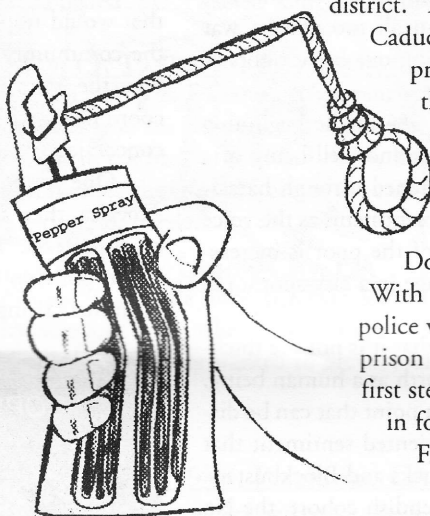
The Human Rights Solidarity Committee's campaign began with a community forum and panel discussion in July on the case against police use of pepper spray. Lenore Anderson of the EBC presented the case against police use of pepper spray to a diverse crowd of community members in San Francisco's Mission district. The panel included Marykate Connor of Caduceus Outreach Services who discussed the problems that police with this weapon pose to the homeless and especially the mentally disabled. These communities bear the brunt of police harassment and brutality and are more commonly the victims of pepper-spray torture. The panel also included Dorsey Nunn of Legal Services for Prisoners With Children who discussed the dangers that police with this weapon pose on everyone including prison inmates. The event was a success and was the first step in mobilizing the community to come out in force to ban police use of pepper spray in San Francisco.

The next step in the campaign is to take the case to the San Francisco police commission to be banned. The police commission will not act if there is not strong support within the community to take this weapon out of the police arsenal. Lenore Anderson of the EBC has authored a thirty page research report presenting the facts against police pepper spray. The information in this report will be brought to the San Francisco Police commission. Copies of The Case Against Police Use of Pepper Spray are available by calling (415)543-9444, ext.233. The Human Rights Solidarity committee will mobilize support from now until the issue is taken to the police commission. We need your help, victory in this campaign will result in the first ban on police use of pepper spray in the United States.

We need organizers, volunteers, community folks, students (let's just say everyone) to help us build this campaign.

Pepper spray kills. There have been over thirty five pepper spray-related deaths in California alone in the past five years. The police hold in their arsenal a lethal poison, capsicum, one of the most powerful pain-inducing substances known. Bay Area law enforcement have proven, in practice, that they are not responsible enough to carry this weapon on their belts. We cannot allow the police to carry a weapon that has unknown effects. The Human Rights Solidarity Committee challenges these

(Continued on page 10)



LYNCH ROPE IN A CAN!

The High Price of Civil Rights in Berkeley

By Katie

I am not homeless. I do not sparechange and "intimidate" the general populace with my presence. I do not stick out like the proverbial sore thumb in a society where money and clothing can outweigh strength and spirit any day. I hold regular nine to five jobs, slanging baked goods and three minute friendships. I am the type that is often called on to babysit, a "productive" member of society. As this person, I ask in wonder how Berkeley of all places sustains the belief that their children are better off walking in a neighborhood devoid of street people than learning through these same people the value of civil rights.

Although June's Operation Avewatch was created under the pretense of cleaning up Telegraph, it was a frightening indication of the increasingly blurred line between business and politics. We can all agree that money and politics go hand in hand, but when this disturbing union starts flexing its muscles in an all too blatant war against the poor, we are all in danger of losing our basic rights as humans and citizens of the country we live in.

Business on Telegraph went down all of 1% in the beginning months of 1998, and because of this, the lives and well-being of a huge group of people were dangerously threatened through harassment, intimidation, and obvious hatred and resentment; as the voice of money grows louder every day, the voice of the poor is increasingly smothered. And this is only the first stage in a city-sponsored movement to outlaw homelessness.

To some it seems downright self-evident that it is not the thickness of one's pocketbook that decides their worth as a human being. However, it appears that some feel that this is a point that can be disputed. And it is that staggeringly revenue-oriented sentiment that will one day drown Berkeley in a sea of Starbucks and Blockbusters.

And this crackdown (together with its fiendish cohort, the No Sitting law) is a threat not only to the peace in Berkeley, but to all the other communities that hold up Berkeley as a symbol of civil rights and freedom. If Berkeley were to decide that sitting on side-

walks is a blight on humanity, there would be no shortage of terrified city councils across the country jumping on the bandwagon. As much disgust as I feel being in cities where there is already a No Sitting law, I would feel straight up ashamed to walk the streets of Berkeley and feign any sense of pride in the community if Berkeley adopted such a law. Of course, that pain could be eased as long as I have a friendly kiosk guiding me to all the desirable and delectable shops gracing Beautiful Downtown Berkeley. I think Aldous Huxley is laughing at me.

But seriously, folks, the issue is this: there are certain rights that we are all entitled to, luxuries like sleeping peacefully and (you better sit down for this) eating. If the city wants to get these kids off the streets, they had better give them a place to go. And by this I don't mean telling them to go to S.F. I mean a place should be provided for them where they can get their feet on the ground (through all those career counselors that we don't have but should), a place that would respect their needs (like allowing dogs inside). Ideally, the community would pitch in for this, instead of bitching about how the extra taxes will leave less money for cushy Laura Ashley coordinates while feasting on sangria and Martha Stewart's latest concoction.

One young man said, "For the longest time I thought I lived in America, then someone told me I lived on the streets." So he lives on the streets. But it has opened his eyes, and at least he is not living in oblivion like all the people who point at him with the word "criminal" rising from their manicured mouths.

COPWATCH "KNOW YOUR RIGHTS"

TRAINING & ORIENTATION

SATURDAY, OCTOBER 3

11 a.m to 1 p.m.

AT COPWATCH OFFICE

Call 548-0425 for more information

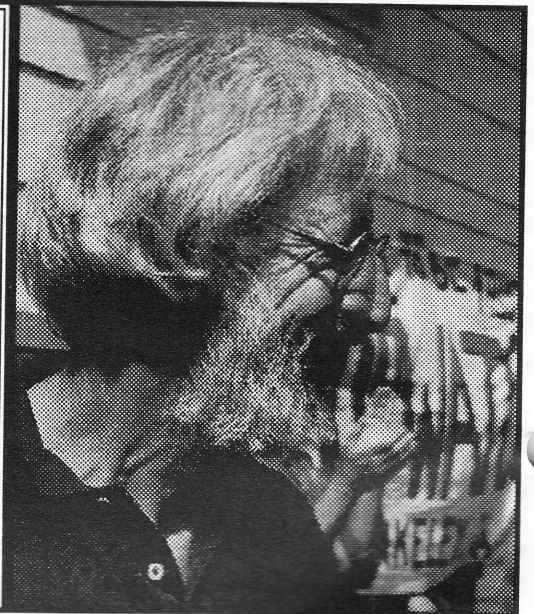
COPWATCH Celebrates 8th Anniversary Presents Osha Neumann with "Refuse to Be Abused" Award

By Danielle Storer

On April 26, COPWATCH held an outdoor anniversary party to celebrate our eighth year of watching police and organizing against police violence.

During the event, we presented local civil rights attorney Osha Neumann with the COPWATCH "Refuse to be Abused" Award for his years of commitment to police accountability and justice for victims of police brutality. Through his work with Community Defense, Inc., a non-profit legal support organization, Osha has donated countless hours of research and litigation on individual and class action cases regarding homeless people's rights, unjust laws, free speech and people's rights to politically protest.

Food Not Bombs provided a veggie meal for the party and the crowd enjoyed live music from Rebecca Riots, Missin'Cousins, Ashley Krey, and Suzanne Lapidus.



THE STOLEN LIVES PROJECT

In this country we can get statistics on everything from how many bikes are stolen each year to how many people own dogs. There are statistics on homicides and crimes too, but there is no accounting - except for this project - of how many people have been killed by the police. One reason is that this information is hidden from the general public. When a cop is killed it generates pages of newsprint and is on television for days. When an ordinary citizen is killed by the police it is a minor story, if it is even mentioned at all. And what is told about that death is often not even close to the truth. As if from the mouth of the police, the media will announce "suspect shot in a shootout," not "police shot an unarmed 14-year-old boy in the back."

In response to this injustice, the **Stolen Lives Project** was formed by the Anthony Baez Foundation, the National Lawyers Guild, and the October 22nd Coalition. COPWATCH has also joined in this effort. The Stolen Lives Project is much more than statistics. It is a tribute to the lives that the police have stolen from us. It puts a human face on the epidemic of police murder and cover up. The Project now has over 500 names, but these represent only a small fraction of the deaths. Some estimate that over 20,000 people have been killed by police in this country since 1990.



Charles Vaughn Sr., 60, African American, May 19, 1998, Seaside, CA

Charles, a well-known and gentle college professor, suffered from Schizophrenia. Mental health workers had called police for help in taking him to the hospital. Charles climbed to the roof of his one-story apartment where he knelt and pleaded to the police, "please just leave me alone." Police pepper-sprayed Charles and then ordered him to stand up. Obeying their orders, Charles stood up and the police opened fire. He bled to death on the rooftop.



Sheila Detoy, 17, Caucasian, May 13, 1998, San Francisco, CA

Sheila and two young male friends had driven up to a friend's apartment when plainclothes police came running at them with guns drawn. Scared, and not knowing who the unidentified men were, the three youths attempted to speed off. The police opened fire on the car, hitting Sheila in the back of the head. They later claimed the car had tried to run them down, but numerous witnesses say that at no time were the cops in front of the car. Even though the youth were unarmed, the two survivors have been charged with the murder of Sheila.



Chilla Amaya, 25, Latina, March 7, 1998, Union City, CA

Police killed Chilla with five shots at close range as she stood behind a locked security door at her family's home. The family called the police for non-emergency help for Chilla, who was distraught. Her father and daughter, who were in the house with Chilla, say they were never in any danger but only wanted to prevent Chilla from hurting herself.



Paul Rodrigues, 41, Hawaiian, March 10, 1998, Petaluma, CA

Paul, described by the director of the homeless shelter where he stayed as a "gentle, nice guy," was shot and killed by police. They alleged he came toward an officer with a bicycle fork after trying to break into the homeless center. There were no independent witnesses.



Drue Harris, 37, Native American, February 28, 1998, Sonoma County Jail, CA

Drue was arrested after a verbal argument with a woman friend. He phoned his mother from jail late in the evening sounding very distressed and scared. His mother called the jail to inform them that Drue was emotionally upset; she asked that he be watched, and was told they would "handle it." She was later told that Drue had committed suicide.

Begun in 1996, the Stolen Lives Project is a work in progress. The aim is to gather and publish the names and stories of the many, many people killed by the U.S. police and border patrol since 1990. Each name will be read aloud, remembered, and honored in cities across the country on October 22nd, during the National Day of Protest to Stop Police Brutality. The Stolen Lives Project hopes to help create a climate of intolerance against police brutality.

If you have a name and story to contribute to this list, or if you would like to support the work of the Stolen Lives Project, call 212/822-8596, or write c/o KHL, Box 124, 160 First Avenue, New York, NY 10009.

Justice for Mark Garcia

Office of Citizen Complaints Calls for Disciplining of Officers

By Gerald Smith

On the morning of April 6, 1996, Mark Garcia was walking down the middle of Caesar Chavez St. in the Mission District. He had been robbed of his clothing and was literally screaming for help. Here is the "help" that the San Francisco Police Department (SFPD) provided him: the cops rushed Mark grabbing his genitals; they emptied several canisters of pepper spray into his face; after being handcuffed Mark Garcia was thrown to the ground where then Lieutenant (now Captain!) Gregory Suhr, according to his own deposition, stood on Mark's back for five minutes (an extremely dangerous act given the use of pepper spray); Mark was then hog-tied and left in the police van on his stomach. A nearby ambulance was diverted from taking Mark to the hospital by police dispatch. En route to the hospital Mark Garcia suffered a severe heart attack.

After two long years, the Office of Citizen Complaints (OCC) finally released their findings this June and confirmed what the Garcia family, police accountability activists, and many in the community have been saying all along. The OCC has recommended that at least seven SFPD officers be disciplined for neglect of duty in the case of Mark Garcia, who died in custody two years ago after being doused with pepper spray, hog tied, and thrown in the back of a police van.

The OCC also found that some officers that subdued Brother Garcia failed to follow SFPD policy for using pepper spray. Does this require proof? Consider the following:

SFPD General Order 5.01 states what the cops are suppose to do when they use pepper spray. It states, "an officer who has sprayed a person with Mace or O.C. (pepper spray) must flush the person's eyes with clean water at the scene or as soon as possible." Clear enough for you? O.K. What happened? Eugene Gomez, the gas station attendant, said in his deposition to the Homicide Detectives that he gave water to one of the cops to help another cop and that officer Stephanie White went to the sink and rinsed off her face.

There's more. Officer Rosemary Rich said in her deposition that, "I rushed to the bathroom at the gas station and brought Officer Deen towels soaked with water." The manufacturer of pepper spray recommend that two seconds of exposure to this chemical weapon is enough to do the job. But the SFPD cops at the scene of Mark's murder transformed themselves into a mad dog lynch mob. The cops were so out of control in their effort to pepper spray Mark Garcia into submission that they sprayed each other. So, after their twisted frenzy, in which they used multiple cans of pepper spray, the cops made sure to wash the pepper spray off of themselves. There was plenty of water, but not one drop for Mark Garcia who lay on the ground gasping for air.

According to SFPD bulletin #94-177 (1994) in order to prevent in-custody deaths the document states clearly: "Restraining the subject by handcuffing and hobbling (maximum restraint) [hog-tying, ed] can further impair the subject's ability to obtain enough oxygen...the safest position to place a handcuffed prisoner is the sitting position." Mark was transported in the police van hog-tied on his stomach.

In October 1995, after Aaron Williams was killed by the cops under very similar circumstances, General Order 5.01 was updated to reduce the possibility of a repeat of Aaron's tragic fate. It says, "Persons who have been with Mace or O.C. must be transported in an upright position by two officers. The passenger officer shall closely monitor the subject for any signs of distress which would require medical evaluation and/or treatment." When homicide detectives questioned Gregory Suhr in regards to allowing Mark to be transported on his stomach, he admitted, "I knew it was not the optimum way to transport him." There are rules that govern the SFPD. But these rules are deliberately disregarded and broken with reckless abandon by the cops that are sworn to "serve and protect" us.

The information above clearly demonstrates that the SFPD is incapable of learning or of changing. That is why from the get go Copwatch has never endorsed proposals to "reform" the way the police use pepper spray. Instead, we have, and continue to, call for banning the police use of pepper spray.

Since the OCC, the city's one-eyed three legged watchdog, has declared that the cops were wrong in their treatment of Mark Garcia all people of good will in San Francisco must demand an immediate disciplinary hearing for the cops who beat, pepper sprayed, and hog-tied Mark Garcia. We think it is only rational and fair that the cops that abused Mark, and then let him die, be fired and jailed.

We must keep in mind while we spread the word and organize to stop these cop killings that truth is on our side, justice is on our side, and if we systematically get the word out to the working people of San Francisco, themselves potential targets of police abuse, they will be on our side. Brothers and sisters, comrades and friends, Copwatch invites you to join this struggle for justice not only for Mark Garcia and his family, but for all of us!

The Killing of Marvin Noble

By Cindy Pickett

Marvin Noble, a 45-year-old black man with a history of mental illness from Ukiah, Mendocino County, was shot and killed by the Ukiah police on July 16.

The Mendocino County Department of Mental Health had called police to pick up Noble, reportedly because he failed to show up for his bi-monthly medication. Noble had been prescribed the psychotropic drug haloperidol (Haldol), a powerful tranquilizer administered by injection.

Marvin Noble was sitting quietly in the Foster Freeze drinking a lemonade about 1:00 P.M. when he was approached by police officers and asked to step out to talk to them. According to witnesses Noble asked the police "Why do you want to talk to me here?" He then pulled out what witnesses described as a "small hunting knife." When the police drew their guns in the crowded restaurant, Noble got up and went outside, where police pepper-sprayed him. Nonetheless he continued walking towards his apartment about a block away.

According to witnesses Noble no longer had the knife in his hands. People saw him walking along rubbing his eyes with both

WHAT DO ALL THE NUMBERS MEAN?

A GUIDE TO SURVIVING ON TELEGRAPH

Up and down Telegraph Avenue stores have posted "No Trespassing/Private Property" signs in their windows with strange letter/number salads on them, asking/warning people not to sit or lie next to the building. You're led to believe that the numbers and the letters provide the legal basis for the warnings.

They don't!

IT'S NOT A CRIME TO SIT AGAINST THE BUILDING!

So, what do all those letters and numbers refer to? Here's the key to the puzzle:

BMC 13.52.010 is a Berkeley municipal code trespassing ordinance. It prohibits *"Entering upon posted property"* and says *"It is unlawful for any person to enter or go upon or pass over or remain upon any land of another where the person entitled to the possession thereof...has posted...printed notices that said land is private property and warning all persons from trespassing thereon."*

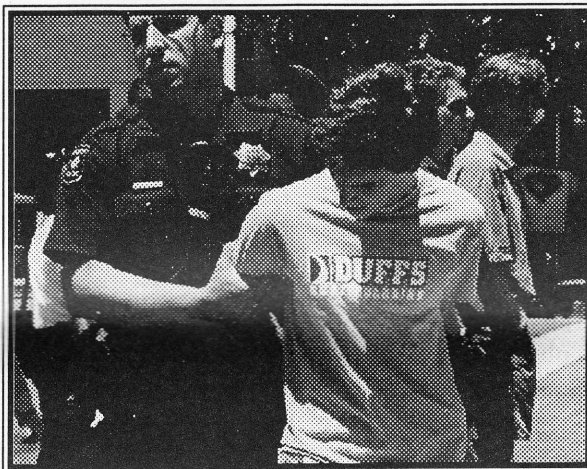
Why doesn't it apply?

Simple: You can't trespass on a public sidewalk or area opened to the public (such as the plaza in front of Cody's) no matter who technically owns it. If the area has been opened to the public for pedestrian use, the owner of the property can't forbid people from sitting on it (as long as they are not intentionally blocking other people).

Property lines often meet in the middle of the street. This doesn't mean that owner of a piece of property can decide anyone using the street is a trespasser. Technically, the city "owns" the right to public use of most streets and sidewalks (it's called an easement). The constitu-

tion, by the way, provides the highest degree of protection for free speech and assembly on public streets and sidewalks "wherever the title...may rest."

BMC 13.52.020 is another municipal trespassing ordinance. It forbids: *"Entering upon property after being personally forbidden to do so"* and says that you can't *"enter or go upon or pass over or remain upon any land of another after being personally forbidden to do so by the owner...or...agent."* This is just like the other one except instead of a sign telling you to go away, you're personally told to



leave. Again, property owners have no right to tell you to get off property that's been opened to the public.

BMC 13.36.010 prohibits *"Obstructing free passage of person or vehicles in public ways."* It says you can't *"intentionally stand, sit or lie in or upon any...sidewalk...so as to prevent the free passage of persons...over, along or across the same."* Such municipal obstructing statutes have been held by the courts to be constitutional only as applied to people who purposefully block the way. Just taking up space that someone else might theoretically stand in is not a violation.

PC 602.1 is a state penal code section which forbids *"obstructing or intimidating business operators, public agencies or customers."* It says a person commits a misdemeanor if that person *"intentionally interferes with any lawful business...by*

obstructing or intimidating those attempting to carry on business, or their customers," and who, after being asked to leave, refuses to do so. If you're just sitting by the side of the building not intimidating anyone, this doesn't apply to you.

PC 602(j) is another penal code section which makes it a misdemeanor to *"lodge"* someplace without the permission of the owner. No one know what lodging is, and the statute is undoubtedly so vague as to be unconstitutional. Whatever it means, it doesn't mean just sitting against a building.

So how come you're being told to "move along" whenever you park your butt next to a building? For this, you need some history. Back in 1995, Berkeley enacted an ordinance making it illegal to sit within six feet of a building in a commercial zone. The ACLU (American Civil Liberties Union) promptly sued the city and won an injunction against the enforcement of the ordinance in a federal court which found the law violated the First Amendment right of assembly and free speech. The city appealed the ruling. While the case wound through the courts, a new city

council was elected which repealed the ordinance in its entirety. The police (and some merchants) have never accepted that the law isn't there any more. They decided they could get the same results by threatening people with the letter/number salad that's been posted up and down the Avenue.

So, don't be fooled, it is not a crime to sit against a building. I repeat: **IT IS NOT A CRIME TO SIT AGAINST A BUILDING.**

Now, how you deal with the cops is up to you. But if all you're doing is sitting against a building, and there is plenty of room for people to pass by, and you're not hassling people, or blocking an entryway, you should beat the rap. Good luck!

*Osha Neuman
Attorney for the people!*

KNOW YOUR RIGHTS: DEMONSTRATIONS

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceable assemble, and to petition the Government for a redress of grievances."

Although the First Amendment of the Constitution of the United States guarantees your right to speak out and demonstrate, the police may still declare a protest an "unlawful assembly" if they determine that illegal activity is taking place, public safety is at risk, or there is imminent danger of collective violence. Examples of illegal activity including blocking traffic, damaging property, trespassing, assault, resisting arrest, etc.

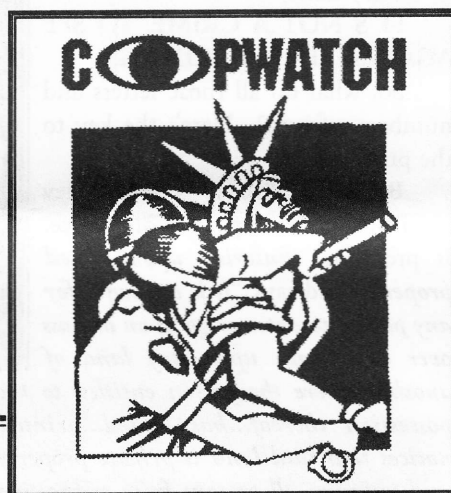
COPWATCH encourages the use of non-violent tactics in protest situations such as demonstrations and civil disobedience as a stand against state-sanctioned violence and to testify to the power of the people's will and courage.

If you participate in a protest of some sort, we recommend you do not carry weapons, illegal drugs, address books or sensitive political documents. If you need to carry prescription drugs, have a doctors' phone number to verify the prescription.

If the police stop you at a demonstration, they must give you a reason for detaining you, otherwise you are free to go. Remember, protesting is not against the law. The officer must be able to cite a specific criminal activity that you are suspected of being involved in.

If you are arrested, you may choose to go limp, but otherwise, do not resist physically. You have a right to remain silent. Don't volunteer information to the police, press or people in jail. You only need to give the police your name, address, and date of birth. You may be handcuffed, searched, photographed, and fingerprinted. Say repeatedly, "I don't want to talk until my lawyer is present."

COPWATCH also recommends having "legal observers" at all demonstrations to watch and record the actions of the police. Observers gather information that may be helpful in later proceedings (police misconduct complaints, trials, etc.) and keep track of arrestees. Also, legal observers often provide a presence in which police misconduct is minimized. Note: observers should not become involved in crowd control or conflict resolution, nor should they become spokes-people or liaisons.



INSTRUCTIONS FOR LEGAL OBSERVERS:

- Bring notebooks, pens and a camera. Other items you may wish to bring include change for phone calls, ID and binoculars or flashlight, if appropriate. Observers often wear a green armband to identify themselves. During the action write down all the information you can. Always record times next to events:
- Which cops and agencies are present
- Whether they're identified properly (badge numbers on helmets, on stars, or on cloth patch). If there's time, record all badge numbers, especially of bad cops
- Who's in charge
- Warnings given, who gave them, what they said, what time, how much of it (if any) you can hear, where you are standing
- Routes taken by demonstrators (record street by street with time next to it)
- License numbers of private (or police) cars which may drive through or into demonstrators or blockades
- Names of people arrested
- Any unusual circumstances: force used, injuries, sweeps, inability of demonstrators to disperse, etc.
- Witness' names, addresses, and phone numbers
- What media is present
- Names of people with cameras, videos, etc.
- After the action, make sure your notes go to your group's legal coordinator, or whomever's in charge. Make sure the notes are legible and make sense to another person. Keep all information on file for several months: it may be a while before the notes are needed or photos become critical.

WARNING: THERE IS ALWAYS A CHANCE THAT OBSERVERS WILL BE ARRESTED: MAKE PLANS JUST IN CASE. Much of the above information was provided by the National Lawyers Guild, an organization which advocates for civil rights and economic justice. The phone number for the San Francisco Bay Area Chapter is (415) 285-1055.

hands. He managed to get to his apartment building and unlocked the main door which locked as it closed behind him. Police were immediately buzzed in by another resident of the building and according to the police the officers used the police canine (K-9) in an attempt to disarm Noble. Allegedly, Noble stabbed the dog and was shot to death by the dog's handling officer, Sean Kaeser.

Police contend that the incident occurred in the stairwell that serves other apartments thereby endangering the other residents, justifying the use of the dog on Marvin Noble. However according to the owner of Pet Porium, which is located directly beneath Nobles' apartment, he heard a commotion and what sounded like a gun shot from directly overhead in Nobles apartment and not in the stairwell which shares a common wall with the business.

This is an important discrepancy between the police version and a witness because if Noble was in his apartment he was no longer a danger to the public. And it seems the police line in this one is going to be that it was necessary to kill Noble because his behavior was rapidly becoming dangerous to other people.

Police stated that Noble was brandishing the knife as they were following him to his apartment, but witnesses all state he did not even have the knife in his hands let alone "brandishing" it. Other witnesses said they saw two of the officers with guns in their hands, one of them being Kaeser, the dogs' handler and the officer who killed Noble.

Many witnesses seemed to think Marvin was frightened and just wanted to get home. He was guilty of no crime, had no warrants and was doing nothing wrong. The Department of Mental Health had asked the police to pick up Marvin Noble because he was "decompensating." Knowing this, it seems unreasonable to send police officers to pick him up instead of someone he knows and maybe trusts. They wanted him picked up because they thought something was wrong, but they didn't send someone qualified to deal with that particular situation. Something is very wrong with this picture.

The Department of Mental Health, as well as the police, is definitely culpable in this matter. A man is dead because of their insensitive and unprofessional behavior and yet Bob Wolf, director of the county Department of Mental Health said, "...I wouldn't say there's any blame. People did what they had to."

Also extremely disturbing is that Marvin Noble was left lying there while the police dog, Ido, was being administered to by the first paramedics on the scene and was loaded into the first ambulance on the scene, Marvin Noble being left to wait for the second ambulance.

Police are using the usual tactics to discredit and dehumanize

Marvin by playing up his 1981 alleged rape of his estranged wife and holding his children hostage. He was found not guilty by reason of insanity and was released in 1986 after spending three and a half years at Atascadero State Hospital. He was released under the supervised CONREP program.

However, the people in Ukiah describe him as a "quiet," "mellow," "self-contained" person. According to his neighbors he has lived peacefully since being released twelve years ago.

On August 5, the Ukiah City Council was scheduled to meet where community members were asking the City Council to order an independent civilian investigation into this matter. On Saturday August 15, a Memorial Gathering was held where people were able to voice their feelings and concerns over this tragedy. For more information you may call the Mendocino Environmental Center at (707) 468-1660.

October 22: A National Day of Protest to Stop Police Brutality

By Nathan Samson and Gerald Smith

On October 22, 1998 there will be a national demonstration in major cities across the United States to protest police brutality, repression, and the criminalization of a generation. Remember: power concedes nothing without a demand. We, people from all walks of life, must demand an end to police brutality and violence.

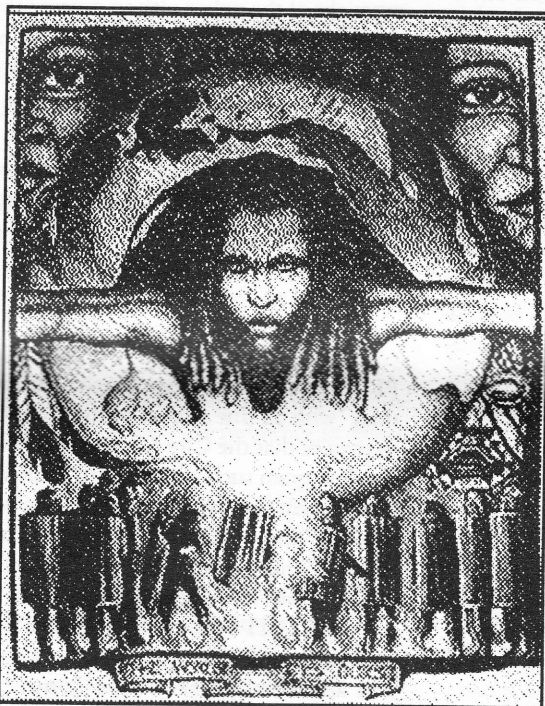
This protest will be the third annual demonstration sponsored by the October 22nd Coalition Against Police Brutality. Last year, people in more than 50

cities across the U.S. took to the streets on this day and participated in marches, rallies, cultural events, teach-ins, and other forms of protest. Supporters of October 22nd are also asked to wear black on that day.

The intensity of police brutality increases each year as hundreds are shot down in cold blood, beaten to death or suffocated with pepper spray. Tens of thousands more every year suffer abuse short of death.

Of the 1.7 million people in prison, most are young, black and Latino. October 22nd organizers hope to bring together people from different backgrounds, including those who may be unaware of the terror and abuse police inflict on people of poverty and color.

"We are in a war for our lives," said Abner Louima, the young Haitian immigrant who withstood a toilet plunger rape at the hands of New York police officers. Wake up people, a repressive police force that is violent and will kill at will is here before our eyes. That is why it is an absolute must that you—yes you—demonstrate against this state of repression and unfreedom in a country that claims to be free. Join us October 22nd! For more information on October 22nd, and the day of protest, call (888) NO BRUTALITY, or visit their web site at <http://www.unstoppable.com/22> or e-mail at oct22@unstoppable.com



"The World is Ours" by MT at Art vs, Cops art show San Francisco, March 1997

STOP POLICE BRUTALITY!



OCTOBER 22 WEAR BLACK

Police Victims' Families Share Hope

By Cornelius Hall

The Families' Support Group, as it is currently known, began with the idea to unite and organize family members who have lost loved ones to police shootings and brutality. A variety of local police accountability groups are supporting this effort, including COPWATCH, October 22, PUEBLO (People United for A Better Oakland), S.F. PoliceWatch, and the Human Rights Defense Committee. Group members come together from counties all over Northern California, including Alameda, Merced, Napa, San Francisco, Santa Clara, San Mateo, Solano, Sonoma and Sacramento.

The first meeting was held at the home of Mary Diaz Boisse in Fremont. Mary's brother, Art, was killed in San Jose by a Santa Clara County Sheriff; he was run over after being found going through a convenience store dumpster. About 30 family members and others attended the first meeting, getting acquainted and sharing stories of pain. Iris Baez - whose son was choked to death by police after a football he was playing with hit the officers' car - came from New York to share her experience and help get the group organized. Baez recently won her case against the police, and the officers involved in her son's death will serve jail time.

One of the group's primary goals is to create a "first-aid packet" for people who have lost a loved one at the hands of the police. This packet would include such information as what forms and reports to obtain immediately after a killing, where families can go for psychological aid, referrals to lawyers, and how to reach a "quick response" group that can aid in organizing memorials, etc.

The group, which is still undecided on an official name, is currently working to organize protests and/or memorials for Mark Garcia, Baraka Hull, Chilla Amaya and Charles Vaughn, among others. Those interested in getting involved or who wish to join the group can contact any of the following members:

Cornelius Hall, COPWATCH, (510) 548-0425 or
(510) 701-3462

Gery Woods, Human Rights Defense Committee,
(408) 279-1416

Mary Alice Rodrigues, October 22, (415) 864-5153

Rashidah Grinage, PUEBLO (510) 452-2010

Police Watch (415) 543-9444

(Cornelius' son, Jerrold Hall, was shot in the back and killed by a BART police officer on November 15, 1992.)

**COPWATCH NEEDS
DONATIONS AND
VOLUNTEERS**

(Operation Awatch Continued)

cers. After hearing several hours of moving testimony about the negative effects of the police crackdown, the Police Review Commission moved swiftly to try and put an end to AveWatch. The following day, the commission issued a press release calling on the city council to put a moratorium on the program; the commission also organized a public hearing and took measures to get more homeless people involved in the complaint process.

Commissioners also questioned why they were given no prior notice of AveWatch, or provided with the information council members received on the program's daily cost and progress. The Police Review Commission was created by city ordinance 25 years ago to provide a way for the average citizen to have a say in how their police force operates. It is inexcusable that James Keene and/or Police Chief Dash Butler did not let the PRC know about such an extensive and costly crackdown. James Chanin, one of the founders of the ordinance creating the PRC and a former chair of the commission, said "It shows clearly that he (Keene) has no respect for the concept of civilian oversight of the police. It's an outrage that the city manager would try to cut the only investigator position in this year's budget from the police review commission and then be willing to spend \$80,000 on police activity that he admits won't accomplish anything."

Keene attended the PRC's public hearing on AveWatch, held one week later, on July 1 (although he left after making his comments and did not stay long enough to hear public comment). At the hearing, Keene told the PRC that he didn't expect any long-term accomplishment by AveWatch, but authorized the program merely to respond to the concerns of "the people he works for and with."

Who exactly is Keene working for? In a memo to the City Council obtained by COPWATCH, Keene recommends against the PRC's request to end AveWatch. Further, he informs the city leaders that, "with all due respect to the Council, it does not have the power to require that the City Manager consult the PRC prior to commencing a program such as AveWatch. The PRC is also misinformed when it states that the Commission has the power to set 'police department practices and procedures'. The Commission only has the power to make recommendations to the Police Chief and me..."

So what were the real motivations behind Operation AveWatch? COPWATCH believes the takeover was politically motivated, pressured into existence by politicians pandering to business interests and afraid to appear soft on crime. The plan to "do something" about Telegraph Avenue came about as a result of merchants complaining to the City Council about declining sales. Business owners believed their profit loss was related to the presence and sometimes rowdy and obnoxious behavior of the homeless youth who sit on Telegraph's sidewalks. Merchants exaggeratedly cited incidents of littering, public urination, and blocked sidewalks as reason for the city to take action. Keene informed the PRC that the idea and implementation of the greatly-increased police presence on Telegraph was done by his own initiative, but that he was responding to the council's wishes and the "many conversations" about the area.

So beginning on June 15, the Berkeley Police Department rolled out large numbers of officers onto Telegraph, in response to Keene's hopes that the homeless youth could be intimidated into leaving the area, and the rest of Berkeley would feel assured that "something" was being done about the perceived problems of the avenue.

The increased police presence did little other than create tension on the avenue and give the impression of (Continued on page 11)

Victim's Voice: Trespassing on The Avenue

By Jenny Ruel

This all happened on Saturday, July 18, 1998:

I was sitting in front of Rexall Drug Store around 4 or 5 p.m. My boyfriend Jason and I had stopped there to feed and give water to our dogs in the shade. An employee came out to say that her boss said "the encampment people need to leave." Jason told the woman that she could tell her boss that we weren't doing anything wrong, so we weren't going to leave. A few minutes later, the store owner came and told us that we couldn't sit there (on the sidewalk). "We aren't doing anything wrong," I said, and we're not moving anywhere else to feed our dogs." He said, "Fine then, I'm calling the cops," and stormed into the store.

Officer Katz and another officer (Linegar, as stated on my ticket) soon walked up to us. They told us that our dog was trespassing because he was sitting in the tiled area in front of the store. So I moved him out of the tiled area and onto the sidewalk. We were told that the tiled area in front of the store was private property, and if our dog, or any part of him, was in that area again we were going to be arrested for trespassing.

By this time our dog, our stuff and ourselves were an inch or two away from the "property line" that the officers showed us. We kept trying to show both officers this fact as we kept sitting there to stand up for our right to sit there. The officers just kept repeating to us that we were trespassing because of the "property line." Eventually Katz asked us for our IDs. We told him that since we had not committed any crime, we didn't need to show him any identification. As the arguing was going on, the store owner noticed that a few chunks of dog food had fallen onto the tiled area, and he pointed this out to the officers. Hearing this, I immediately picked up the chunks.

Katz turned to the store owner and asked if he wanted us cited for littering and arrested for trespassing and the store owner said yes. So Katz pulled me up, threw my arms behind my back, handcuffed me, and put me in the back of his car. From there, I watched as Jason scrambled around to gather our stuff and the dogs. When the officers approached him to arrest him, Jason told them he had done nothing wrong, so he was being falsely arrested. They grabbed him anyway, drug him into the street, and pinned him down to the back of the cop car and handcuffed him.

The arresting officer's partner tried to grab our dogs away from the friend whom Jason had given the dogs to, but eventually he left the dogs with our friend. Once Katz had me in his car alone, he kept telling me to shut up and tell him my age. I just kept rambling on about how I was being falsely arrested and that I wasn't going to say anything until my lawyer was present. We proceeded on to the jail. Once we got there, Katz took me out of the car and immediately pulled everything out of my pockets before we left the parking lot. I told him that he needed to read my rights, and he said I have no rights. We walked into the room where they took our information. Katz kept trying to ask me about my personal information, and I kept replying that I wasn't going to speak unless my lawyer was present.

Katz started to dig through my papers and read them aloud when I have an I.D. which would obviously have the information that he needed. He found out that Sunday was my birthday and laughed as he said they would fix me a special jail cake. Once they wrote down our information, they took us upstairs, so we could be searched, finger printed, and put into our cells. My prison guard was telling me what to do, and she offered me a shower. When she did this, Officer Katz told her that it was against my lifestyle to shower, so I shouldn't get one. My prison guard gave him a disturbed look and continued talking to me. Then I was locked up in my jail cell for a few hours and let out. As I was getting my stuff back, my prison guard gave me my citation and told me when I needed to go to court. Then I got my stuff and waited until Jason was released.

(Torture In A Can Continued) killer cop toys and calls for support and solidarity with the people of the Bay Area. To support the

campaign to ban police use of pepper spray in any way please call the Solidarity Committee at (415)543-9444, ext. 233.

**Watch Out!
COPWATCH
Comic Book
Coming Out
Soon ...
So Be
Prepared!**



(Operation Awatch Continued) a serious crime problem, which seemed to actually decrease business to the area. Council members such as Kris Worthington began to question the effectiveness and political agenda of the program (although Worthington did tell the PRC that he does "support utilizing additional police to enforce current laws" on Telegraph). More conservative council members, including Mayor Shirley Dean, went on the defensive in their attempt to justify AveWatch. Dean, at a community meeting and in an editorial published in several local papers, asserted that AveWatch was not about scapegoating the "homeless," but merely their "behavior." COPWATCH participated in that community meeting, organized by students and held at the Chateau co-op, and challenged Dean's political double-speak. It was clear the mayor was backpedaling, as she had already campaigned (unsuccessfully) to make city money for social services for the homeless conditional on the creation of ordinances that would criminalize such "intimidating" behavior as sitting on the sidewalk.

On June 28, the Police Review Commission's recommendation to end AveWatch finally came before the City Council. The PRC's proposal called not only for a moratorium, but also asked that the council require the Berkeley Police Department to notify the commission "prior to implementation of proposed sweeps in any areas of Berkeley." The council kept the room of concerned citizens waiting and did not consider the proposal until near midnight. The results were not worth the wait. Councilmember Spring watered down the proposal in the hope of mandating some level of cooperation between the police department, city manager and the PRC. Unfortunately, even the weak language "encouraging" the city manager to "communicate" with the PRC failed to pass.

It is clear that independent civilian oversight of the police is in danger of being lost in Berkeley. In the last year we have seen the city manager work to reduce PRC staffing, ignore requests for information and even forbid the PRC staff from putting out a table on Telegraph to outreach and gather complaints. It seems that James Keene wants to minimize the impact of the PRC. Unfortunately, the conservative members of the council seem content to let Keene decimate the reputation and effectiveness of our PRC.

Now is the time to strengthen, not strangle the power of Berkeley's Police Review Commission. COPWATCH calls on the citizens of Berkeley to not let 25 years of civilian oversight come to an end:

- Don't elect city council representatives who work against the PRC and consider civilian oversight to be a burden to police.
- Pressure the city council to reign in or replace City Manager James Keene in order to curb his efforts against the PRC.
- Organize to change the City Charter to enable the PRC to

act independently from the city manager.

Technically, the dramatic takeover of Telegraph Avenue by Berkeley police has ended, but incidents of selective enforcement, harassment, bogus citations, and unwarranted detentions and searches continue to be documented by COPWATCH. To the poor and homeless people who frequent Telegraph, it seems clear that the alliance of city officials and merchants that ushered in this repressive police exercise are determined to keep the pressure on. Operation AveWatch may be over, but its damage has yet to be undone.

"I'm speaking on behalf of some of the kids on the avenue, a bunch of homeless kids that the cops are basically abusing and harassing. Every day we see groups of five or six cops hanging out on every corner with paddywagons and huge guns that are supposed to scare us. People are being ticketed for no apparent reason and going to jail. My dog got kicked in the chest last night for no apparent reason, got hit by a police billy club. It's ridiculous. You guys are all just making a big issue out of a group of people who just want to live and survive, just living a different way. And you all are making a big mistake - you're wasting money, you're wasting energy. You know, it's a group of people: just let us be, and we'll be fine. You all are bringing up a lot of anger and tension for no apparent reason. We're not scaring your tourists away. They're being affected by walking down the avenue and feeling all this anger and tension that is being built up by all the cops. We're not doing any harm. You guys just need to chill."

Melissa - as told to Berkeley's Police Review Commission on June 24, 1998

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

- | | |
|---|---|
| <input type="checkbox"/> add my name to your mailing list and send me 2 free issues | <input type="checkbox"/> send _____ T-shirts @ \$15 suggested |
| <input type="checkbox"/> \$5/year - low income | <input type="checkbox"/> \$20/year - supporter |
| <input type="checkbox"/> \$35/year - sponsor | <input type="checkbox"/> \$50/year - m(p)atron |
| <input type="checkbox"/> _____ other | donation each. Circle size(s): XL L |
| | Fabric color: Black White |

Name _____ Phone _____

Address _____

Organization _____

Comments _____

Return to: COPWATCH, 2022 Blake Street, Berkeley 94704. Contributions are NOT tax deductible.

COPWATCH REMINDERS

- ★ **COPWATCH Weekly Meetings** - COPWATCH needs your support, energy, and ideas! Come to our weekly meetings at 8p.m. on Mondays at our office.
 - ★ **COPWATCH Radio** On hold while the Free Radio Berkeley battles the FCC.
 - ★ **COPWATCH Orientation/Yard Sale** --
Saturday, October 3
- For more information on these or other COPWATCH events call COPWATCH at 510-548-0425**

DO YOU HAVE A VIDEOCAMERA YOU CAN DONATE TO COPWATCH?

If you have one you're not using, we can put it to work for police accountability and justice!
Please Help!

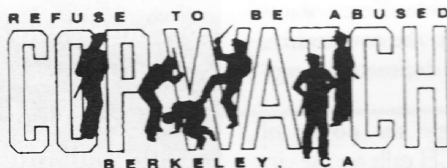
COME TO
CRITICAL
RESISTANCE
UC Berkeley, Sept. 25-27 1998

COPWATCH NEEDS INTERNS AND VOLUNTEERS!

You can learn skills while organizing with COPWATCH for social justice. College credit available through UC Berkeley. (Call for details)

- Learn about your rights and assist victims of police misconduct in filing complaints
- Organize events, forums, and demonstrations for police accountability.
- Create videos, write for the COPWATCH Report, design flyers.
- Speak in public and lobby public officials to change police practice.
- Take part in outreach and street patrols to directly help those targeted by police abuse and misconduct.
- Assist with office work and fundraising efforts.

COPWATCH REPORT



COPWATCH

2022 Blake Street
Berkeley, CA 94704

Forward and return postage guaranteed

**IF YOUR ADDRESS SAYS LAST ISSUE, WE NEED
TO HEAR FROM YOU -- SEE PAGE 3**

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

IRINA (new)
RAMERO DE TERREROS 1310-402
COL. NARVARTE, 03020