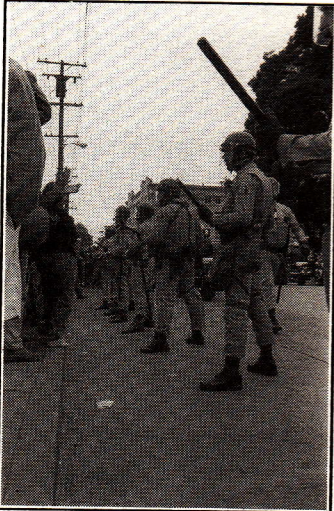


COPWATCH

Report

BERKELEY, CALIFORNIA

SUMMER 1991



BRENDA PRAGER

Police Out of Control, City Government Out to Lunch: A COPWATCH statement on police violence in the Southside

As a community group concerned with the connections between police abuse of power and the rights of citizens, particularly homeless and poor citizens who bear the brunt of this abuse, COPWATCH condemns the actions of University of California and City of Berkeley officials during the first week of August. Many of the residents of the Southside, particularly homeless people and their supporters, are very familiar with the long established pattern of harassment, physical abuse, theft of property, and arbitrary arrest at the hands of UC and Berkeley police, and are justifiably bitter. In an environment such as this, deployment of large numbers of police is predictably counterproductive, increasing the potential for violence. This was amply demonstrated during the five days of July 31st through August 4th. The decision to bring an occupying army to the Southside suggests ignorance of the prevailing social conditions in this neighborhood, and was a tactical mistake if the goal was to maintain peace.

Police handling of Park gatherings on those days was marked by arbitrary demands and consistently excessive and unnecessary force. On Saturday afternoon, the police blocked a planned march and ordered everyone back into the Park! People responded by sitting down on Haste Street in nonviolent resistance to illegitimate police orders. Police proceeded to force everyone back into the Park by beating anyone within reach of their sticks. Some people sustained severe injuries requiring hospitalization, and those attempting to care for the injured were also attacked. Why was this level of force used upon people who were nonviolently sitting down in a street that had already been closed to traffic by the police? Allowing people to sit there all day would not have endangered the community. But it might have shown the community that Park supporters are determined and nonviolent. Is that considered a threat? We demand an explanation from the City on the use of force in this situation. In contrast to Saturday noon, police forcibly cleared the Park on Friday night by charging into the park, sticks swinging, without advance warning. People suffering blows included a homeless man with one arm and one leg. What motivated police to clear the Park is not obvious. At the time, people in the Park were not gathered in a single group that would have been perceived as threatening. There were small gatherings spread out over the Park, talking, playing music and so forth. The police sweep of the Park forced most people down Haste to Telegraph where the crowd was fired upon with rubber and wooden bullets. Those who did not run were beaten, including Berkeley Police Review Commissioner Beverly Kelly. Why did the police feel compelled to create an incident by unnecessarily ejecting a peaceful gathering from the Park?

Is it cause and effect or coincidence that with the visible police presence

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drastically reduced on Sunday, with people able to exercise their first amendment rights to assemble, speak and march without police interference, that no incidents of violence occurred?

The chronology of events Thursday through Saturday documents repeated police attacks on groups and individuals who had not been engaged in violence against person or property. To inflict bodily harm on and suspend the constitutional rights of nonviolent demonstrators and bystanders has only succeeded in escalating the level of anger and frustration in our community. Again, we condemn in the strongest terms the massive deployment of police in the Southside.

The most serious demand that we must make of our city government is an explanation of why the police were instructed to shoot rubber and wooden bullets at crowds on three consecutive nights. This is a common method for crowd dispersal in countries where the civil liberties that we expect as U.S. citizens do not exist. These bullets have the potential of being lethal, yet they were used under conditions that did not warrant lethal force. We are thankful that no fatalities resulted from three nights of use, but we maintain that the lack of fatalities in no way absolves city officials of their responsibility. We call for revision and oversight of police policy so that such an unwarranted breach of public safety is never again allowed to happen in the streets of our city. Chief of Police Dash Butler and City Manager Michael Brown must be held accountable. The statements and actions of these "public servants" show that they are not fit to serve a city as diverse and dynamic as Berkeley. We demand their immediate dismissal.

COPWATCH Report

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

COPWATCH
2022 Blake Street
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New Police Tactics: Intimidation and injury in the service of UC authority

by *Andrea Pritchett*

Over the past few weeks, demonstrations concerning the fate of People's Park have received considerable public attention. Unknown to most observers of these events, however, are details of new police tactics, UC police in particular, introduced during the latest Free Speech clashes.

Most people know that when you have crowds of angry protesters you can expect also to find rows of helmeted riot police prepared to use their hands and batons when it is warranted (i.e., for self defense). But what about unwarranted use of their power? Following is a list of incidents which have occurred in the course of night skirmishes over construction of the volleyball courts, and during the sidewalk vigil to defend the right to sleep, which was initiated on the Haste Street side of People's Park on June 25. The vigil continued every night until July 31, when police, using force and intimidation to clear the streets, made the Southside area too dangerous a place to challenge laws against sleeping. The vigil resumed on August 4, when the massive police occupation was scaled down, and has continued every night since.

- One protester had a bag placed over his head while in the custody of UCPD. Officer #5 pulled the subject out of the van, calling him "klutz" when he stumbled. At one point, the officer told him "if there weren't so many witnesses around, I would blow your head off."
- Protesters arrested by UCPD for being on the volleyball courts while having a meeting were shackled leg to leg for transport to Berkeley Jail. All individuals had been charged with trespassing and other citeable offenses.
- Women protesters have reported numerous incidents in which UC police officers (mostly, but not exclusively male) conducted repetitive "searches" of their breasts and groin areas.
- One protester, after having been arrested for running through the park with the volleyball, was handcuffed with plastic, flexible cuffs. These handcuffs were removed while officers surrounded the arrestee and still other officers attempted to obstruct videocameras recording the proceedings. According to the arrestee,

another type of cuffs were applied. He reported feeling a burning sensation in his hands.

Witnesses observed an officer take something from his breast pocket and apply it to the detainee's wrists. Upon arrival at Santa Rita Jail, the arrestee noted two puncture wounds on his hand and the loss of hair around the wound. The cause of the injury has not been verified, but one doctor indicated that it could have been caused by a stun gun.

- A disabled man was sitting on the dirt strip between the sidewalk and street as part of the nightly vigil. He was arrested for lodging and blocking a sidewalk. Officers of the UCPD used pain compliance holds on his wrists to try to "make him walk" while another officer held the man's cane in his hands.
- A female protester was arrested for attending a meeting in the volleyball court. As she tried to walk, officers on either side of her applied pain holds to her wrists while a third officer applied dangerous pressure holds to her carotid arteries. These holds are intended to stop the flow of blood to the brain, thus depriving it of oxygen.

In addition to these kinds of essentially torture techniques, the University has employed a variety of other tactics intended to further a specific political agenda as well as to suppress opposition to UC authority.



Police apply a carotid pressure hold to a Park supporter.

- Lt. Beckford and other paid UC officers were present at People's Park on July 27, wearing volleyball attire and holding volleyballs in an effort to demonstrate "community support" for volleyball courts.
- Phoney arrests and excessive charges have been brought against Park supporters in an effort to crush dissent and increase bail amounts. Over 240 arrests have been made and most charges will be dropped.
- People arrested for "vandalizing" the courts (e.g., scratching the wood with a fingernail) and "trespassing" on the court during normal hours of operation have been banned from People's Park and University property, without first having a hearing.

- UCPD has instituted the use of directional microphones for eavesdropping on conversations in the Park. They have turned the building across from the Park into a police staging area and base of operations.
- UC officials have waged a campaign designed to discourage the public—students, staff, community members, and residents of the greater Bay Area—from seeing the situation for themselves by issuing warnings that the Park is dangerous and should be avoided at all times, particularly during protests.
- Threats have been made to people who bring their children into the Park that they will be reported for endangering a child and could have their children taken from them.

The numerous incidents of excessive clubbings, beatings, shooting of protesters in the back, and selective tackling of individuals at protests, appear part of a larger UCPD policy to implement tactics which clearly violate our constitutional and civil liberties. At COPWATCH, we are extremely concerned that by the deafening silence of our elected representatives and UC officials, officers are actually being encouraged to use "whatever means necessary" to suppress First Amendment activities. If no official body or individual is willing to investigate and condemn the use of what amounts to torture and violation of due process against Berkeley citizens by the UCPD, then the situation will continue to degenerate and UCPD will be emboldened to commit still greater offenses against our community in the future.

How Much Does It Cost to Throw a Beach Party in People's Park?

by Mitja Che Baumhackl

As the first volleyball games begin, the total cost of the police presence in People's Park continues to mount. Although the University budget for what has been called "the world's most expensive kitty litter box" is \$150,000 a year for the next two years, reimbursing Bay Area police departments could add an additional \$210,000 to the University's costs.

While the Berkeley campus usually deploys 65-75 officers for the entire campus, an additional 75 officers were brought in from other UC campuses for the

University's decision to build volleyball courts in the park. On Monday, August 5th, Plummer announced that he would send UC a bill for \$70,000. Plummer also estimated that the other departments spent a total of \$210,000.

It is not immediately clear if UC would be obligated to reimburse Bay Area police forces. Mutual aid between departments generally means a reciprocity of expenses, although university spokesperson Ray Colvig told the San Francisco Examiner "We are willing and eager to sit down with Sheriff Plummer . . . We understand that his and other departments, as well as the university, are having budget problems."

Reached by telephone on Monday, August 12th, an aide to Sheriff Plummer reported that "an official agreement has not been announced" between Alameda County and the University.

Since the initial five days of protest, the volleyball courts have remained under 24 hour protection. The UCPD reported that after Monday, August 5th, when 57 mutual aid police patrolled the park, its force was back to normal size. This may be incorrect,



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demonstrations occurring Wednesday, July 31st through Sunday, August 4th. In addition to each officer's pay of approximately \$20 per hour, the Daily Cal reported that the University spent an additional \$160,000 for the five days of overtime, transportation, and housing costs incurred by total of 150 UC officers.

In addition to the UC campus police, Alameda County Sheriff Charles Plummer estimated that an additional 110 officers were sent from police departments of Berkeley, Oakland, Hayward, Newark, Fremont, San Leandro, BART, the East Bay Regional Park District, and the California Highway Patrol. Sheriff Plummer has repeatedly criticized the

however, as one officer at the park on Sunday, August 11th was heard to snap at an inquisitive reporter, "Leave me alone. I'm not from this campus, I don't live here."

According to the Police Review Commission and the Internal Affairs Bureau, police officers from other cities visiting under the mutual aid agreement were under the command of the Berkeley Police Department. Reports of police misconduct can be filed using the PRC incident form. Grievances with the UCPD can be filed with the University [see also the article on the next page] and community members are urged to fill out COPWATCH incident forms as well.

UCPD Complaint Process a SHAM!!

by Andrea Pritchett

On May 25th 1991 at approximately 6:00pm, I witnessed Officer Pang (UCPD) standing next to his double-parked patrol car on Durant Avenue next to the Durant Center. He was alternately talking with bystanders and speaking into his shoulder microphone. I noticed a man known as Chicken George walking angrily up and down the street and yelling about 20 to 30 feet away. Chicken George crossed the street and continued to prance around yelling all the while. Along with my COPWATCH partner, I asked the Officer what the trouble was. He said George had refused to sign a J-walking ticket. At that point, Pang got into his car and drove diagonally across the street, one leg hanging out of the car and with his door wide open. He stopped abruptly as the car approached the opposite curb, George was crossing the street back towards the Officer. Pang lept from his car and with a swift motion, grabbed George's right hand, swung him around and kicked George in the back, forcing him to the ground. At this point, a back-up vehicle arrived and George was handcuffed and forced into the car.

I felt that unnecessary force was used in this situation and I wondered why Officer Pang didn't wait for back-up to arrive before making the arrest.

On May 29th I left a complaint with the desk officer at the UC Police Department. One month later, I called to find out how the investigation was going. I was told that they had no complaint in their files. I re-submitted the complaint in the first week of June. Officer O'Connell received my complaint. She began by telling me that I should have told the desk officer to sign the complaint in the first place. I told her that I didn't know that this was my responsibility. After telling me that my statement was incomprehensible, that UC doesn't accept third party complaints, and that she didn't believe that Officer Pang would do something like that, she took my complaint. I was taken to an office in the back of the station. There the Officer asked questions and chuckled at my responses. I objected to this, fearing that my complaint wasn't being taken seriously. The Officer then told me that, "You guys don't know the good cops from the bad cops." She also warned me that, "If you're not careful you're going to kill yourself. If not directly, then by a heart attack or something." I don't know if the officer was threatening me or was genuinely concerned for my health. Either way, I had doubts about the status of my complaint.

After a few days, Officer Maloney asked if I could

meet with him at the station. He said that he was the investigating officer in the case. Despite the fact that Officers Maloney and Pang work as partners on certain events, Maloney was sure that he would do a good job investigating. It is now six weeks later. I still haven't officially heard from UC, but Officer Maloney explained that if my complaint had merit, a five person Sufficiency Board would be convened to hear the complaint. As the subject Officer in the investigation, Officer Pang had the right to choose two of the five appointees to the Sufficiency Board from among his fellow officers. The remaining appointees are UC Lieutenants.

On August 5, I asked Officer Maloney how the investigation, which was supposed to be completed within seven days, was coming. He told me that the People's Park demonstrations were keeping him too busy. I have stopped trying to have my complaint heard. As a member of COPWATCH, and someone who has encouraged people to file complaints with UCPD, I now say don't file. Don't validate their mock complaint process. It is a sham, and I believe, intended to collect more information about you, the complainant, than the offending officer. There's got to be a better way...

Bail Money Urgently Needed

One of the most important fronts in the battle for People's Park is the urgent need to raise money for bail. Many people who have put their bodies on the line have gone to Santa Rita Jail, and will continue to go. In addition to the flagrant police brutality that many of us have witnessed, the authorities are also waging a more insidious campaign of psychological brutality by keeping people in jail for petty, citeable offenses or holding people for several days, then releasing them without charges.

There are two ways to give money. **You can donate any amount, or you can put up a large amount and get it back.** We need both!

Make check payable to:

Community Defense, Inc.

Call us at 644-2606 or drop by our office at 3126 Martin Luther King Jr. Way.

Highlights of the PRC

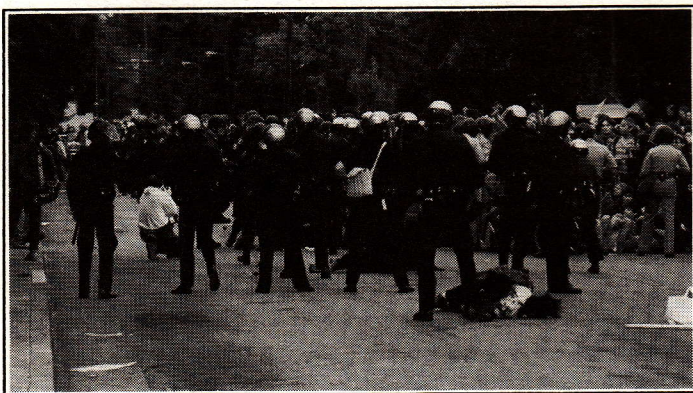
At the June 12 meeting of the Berkeley Police Review Commission (PRC), Commissioner Burnstein urged the Commission to look into an incident in which Richard Phillips was beaten by SFPD after a car chase into Berkeley in June of 1990.

BPD policy issues arising from the Lindstrom and Samuels cases remain unresolved. Commissioner Osha Neumann noted the appearance of a police cover up in both instances and said that Chief Butler's responses do not adequately allay those concerns.

City Manager Michael Brown sent a letter to UC requesting the cooperation of the UCPD with PRC investigations, nearly four months after a PRC motion asked him to do so. A proposal to hold monthly meetings with the City Manager was adopted at the July 24th meeting.

The PRC requested special ID tags for use when observing demonstrations. Two of the more conservative members of the PRC were seen at People's Park observing the recent protests. One of them, Commissioner Beverly Kelly, was found Friday evening, August 2nd, on Haste Street, dazed and bloody after being beaten by Berkeley's finest. (She was still wearing her PRC ID tag). The other, Polly Armstrong, managed to elude police.

A variety of police violence issues including the shooting of wooden and rubber bullets into crowds, indiscriminate search and seizure, the introduction of hundreds of police into the Southside of campus, as well as the beating and clubbing of peaceful protesters and innocent bystanders, premise to fill the PRC agenda for many months to come.



**WILL BERKELEY HAVE A NEW POLICE CHIEF?
FIND OUT AT THE NEXT MEETING OF THE PRC
WEDNESDAY, SEPTEMBER 11 AT 7:00 PM
SOUTH BERKELEY SENIOR CENTER
2939 ELLIS ST., NEAR ASHBY BART**

Cop Blotter

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

JULY 16: A homeless man was sleeping in front of St. Mark's Church when he was woken up by two Berkeley cops kicking him. They knocked out two of his front teeth and gave him a black eye. They called him a bum and told him to get a job, and arrested him for attempted burglary and trespassing.

JULY 31: A woman was walking down Haste with a line of approximately 20 officers behind her. One of them began to forcibly push her down the street with his night stick. When she finally turned around to say she was trying to leave the area, three officers hit her in the face with nightsticks. One officer asked, "Are we gonna take this bitch," another replied, "No, I'll handle her."

AUG. 2: A man was sitting on the stage in People's Park at 10:30pm. The police told him to go. He had his prosthetic leg off and said he needed time to put it on. An officer swung at his head and the man blocked the blow with his arm.

AUG. 2: A First Aid group was given permission to set up a station on Haste. All the members were clearly identified with Red Crosses. Cops came to sweep the street of all the people, and told the station to remove their things. One of the men in a white coat began picking up the supplies and as he was doing so was clubbed several times by a cop.

AUG. 3: As people gathered to march from the park, the police blocked movement at Haste. The police raised their batons and were moving towards protestors. One woman, while standing her ground was surrounded by cops. They beat her with their batons, pulled her to the ground, pushed her face into the ground and dragged her away from the group of protesters.

AUG. 3: At that same time, one man was seriously injured by blows to his kidneys. A group of people carried him on a stretcher to an ambulance near where Michael Brown and Dash Butler were meeting. As the group began yelling at them they were chased away and struck by about ten officers in riot gear.

AUG. 3: A man was sitting on a fire hydrant playing his guitar. There was no order for him to disperse, but an officer jammed a nightstick in his chest just the same. Another officer hit him in the head. The man tried to run from them and was chased and knocked down, knocked unconscious and then arrested. He was held for a day and a half and then released without charges.

AUG. 3: A man told others to write the names and badge numbers of cops down, and was taken to Santa Rita for two days with a resisting arrest charge.

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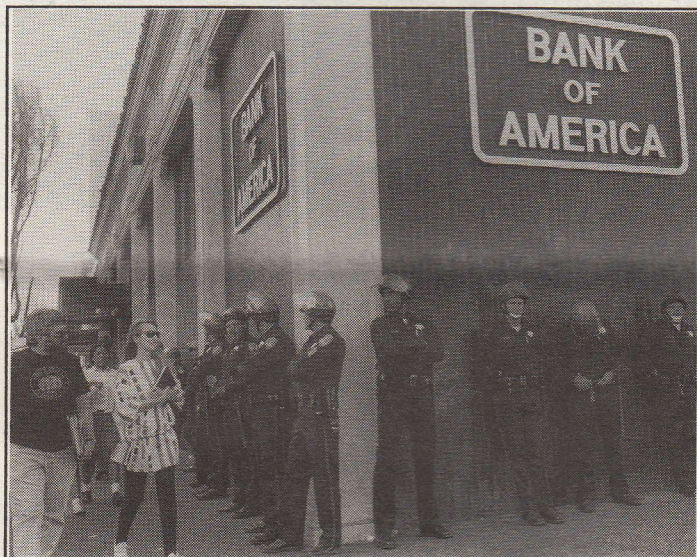
SCENES FROM AN OCCUPATION



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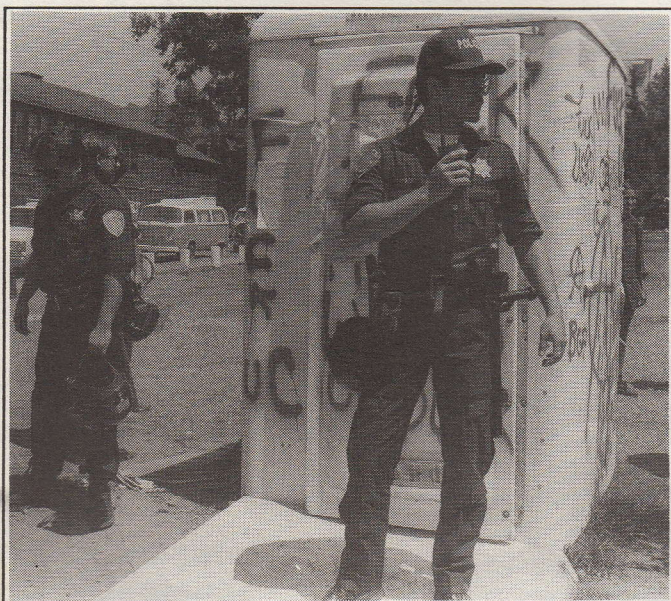
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Volunteer and Internship Positions Available with COPWATCH

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

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

All volunteers and interns should be able to attend weekly meetings on Mondays at 8:00pm at 2022 Blake St. For credit take PACS 197 for 1-3 units (5-15 hours of work a week). Come to the Monday, Aug. 26 meeting to fill out paperwork for internship credit, or call Danielle Storer (Internship Coordinator) at 548-0425.

Videotape and photos of People's Park Demonstrations are needed...

...by people filing law suits against the police. Any visual documentation that you have, including images that contain no confrontations between police and protesters, may be crucial to the success of these suits. If you will allow us to make copies of your tapes or photos, please contact COPWATCH at 548-0425.

(continued from page 6)

AUG. 10: After a march through Berkeley, people returned to the Park and walked through the courts. Some people remained in the courts for a little while, but as they were trying to exit the courts, under a police order to disperse, a number of people were pushed, by the police, back into the court and then hit with batons and/or arrested.

COPWATCH

2022 Blake Street
Berkeley, CA 94704



Returned For Better Address

~~Public Eye~~
~~c/o Investigative News Features~~
~~P.O. Box 1469~~

You are invited to our weekly COPWATCH meetings
Every Monday at 8 PM, 2022 Blake Street (near Shattuck)