STATE SUPPORTS PEPPER SPRAY TORTURE
JUDGE CALLS PEPPER SPRAY LETHAL WEAPON

By Danielle Storer and Emily Abendroth

California's Commission on Peace Officer Standards and Training (POST) voted last fall to recommend the "direct application" of pepper spray as a police tactic for dealing with non-violent demonstrators. At their commission meeting November 5, 1998, POST approved new "Crowd Management and Civil Disobedience Guidelines" that increased punitive methods of pain compliance for non-violent resisters.

These guidelines come in the light of a recent court decision denying Earth First! activists' claims that Humboldt County Sheriffs Department used unreasonable force during fall of 1997 demonstrations (see box on page 12 to order a video of this incident). At that time, the deputies smeared pepper spray, via Q-tip, into the eyes of environmental activists who had secured themselves in metal sleeves while protesting old growth logging in Headwaters forest. Notably, two of the officers serving on the POST guidelines development committee were also implicated in the Earth First! civil suit; Sergeant Duane Fredrickson of the Eureka Police Department is a defendant in the case, and Murl Harpham is a Eureka Police Department captain. Both are POST committee members, and thus have a vested interest in normalizing the Q-tip method of pepper-spray.

In his October 26, 1998 ruling against the activists' appeal, San Francisco Federal Court Judge Vaughn Walker declared that "the uncontroversial evidence presented at trial unequivocally supports the conclusion that the officers acted reasonably in using OC (pepper spray) as a pain-compliance technique in arresting plaintiffs." This being the first documented instance of the direct application of pepper spray on passive protesters, human rights advocates across the nation were worried that Judge Walker's ruling would open the floodgates for increased use of force on non-violent offenders and those engaged in civil disobedience.

The November POST guidelines prove these concerns to be valid. In this document, "passive resistance" is defined as "a commonly used oxymoron (meaning a contradiction in terms) referring to non-violent opposition to the lawful directions of law enforcement during arrest situations." This definition effectively eliminates the differentiation between non-violent resistance and active physical resistance, allowing officers to treat any resistance as active resistance, and taking us back to pre-civil-rights days where non-violent sit-in protesters were beaten as they were being arrested.

For the past 30 years, civil rights activists have operated under the lawful assumption that methods of non-violent protest, passive resistance, and non-compliance were protected methods of first amendment free speech expression. Under such a framework, the police were expected to use no force other than simply removing the protester. It was also assumed that active resisters would be lawfully subject to the required police standard of using the minimal level of force necessary to effect an arrest. With this new POST definition lumping passive and active resisters together, departments are encouraged to use excessive levels of force on those who engage in non-violent protest.

Additionally, the report claims that "the application of non-lethal chemical agents, including OC spray, has proven
Who is COPWATCH?

We are a group of community residents and students who have become outraged by the escalation of police misconduct, harassment and brutality in recent years. We have joined together to fight for our rights and the rights of our community by directly monitoring police conduct.

We walk the streets and watch the police. Although it is important to resist police brutality by taking cops to court, filing complaints and having demonstrations, we believe that it is crucial to be in the streets letting the police know that THE PEOPLE will hold them accountable for their behavior in the community.

We have no single political or religious belief. Our volunteers come from a variety of backgrounds and belief systems. What we share is the belief that citizen participation in these issues and monitoring of the police is a crucial first step towards building a movement which is capable of stopping police violence and challenging the increasingly powerful role of police throughout our society.

If you have been a victim of police abuse, witnessed abuse or are just plain fed up with police misconduct and want to do something about it, give us a call. We will train you to COPWATCH. We also need artists, writers, researchers, outreach workers, organizers and others to help. We are an all volunteer group so your help is ALWAYS needed!

COPWATCH AND BOALT STUDENTS TEAM UP TO CREATE COMMUNITY ADVOCATES FOR POLICE REVIEW

By Chris Daley

COPWATCH is teaming up with students from UC Berkeley's Boalt Law School to provide much needed advocacy to people filing complaints with Berkeley's Police Review Commission.

Often, people utilizing the commission to protect their rights are not represented by an attorney. But the officer they are accusing of wrongdoing (often improper conduct or rudeness, use of racial slurs or abusive force) has the option of being represented by an advocate from the police union. This inequity can derail or severely hinder a complaint, preventing it from being heard or from producing an effective disciplinary action.

The law students will be known as the Community Advocates for Police Review (CAPR) and will be trained by attorneys and citizen's rights advocates to help people work their way through the often confusing and alienating process of filing a complaint. In addition to providing office space for the group, COPWATCH will be one of the main ways that word about CAPR gets to people who have been abused by Berkeley Police.

Once an advocate gets assigned a case, they will help fill out the paperwork and make appointments for interviews and hearings. The advocate will also be available to help interview the police officer and any witnesses, and to make opening or closing remarks at the hearings. Law students, while not lawyers, can serve well in helping to get through these administrative steps that often trip up people filing a complaint.

By working closely with COPWATCH, CAPR will be coming at the issue from the ground up. The connections, resources, and experience of COPWATCH members will help CAPR connect with people early on in the process before they begin to get discouraged or deflected by the process.

CAPR is still in its organizational phase, but once it is up and running (projected to be by spring) they will be taking cases of people who contact them.

If someone believes they have suffered abuse, they will be able to call a hotline to request a hearing. After an intake procedure, the person will be assigned a student advocate who will have access to a supervisory attorney throughout the process.

By working together, COPWATCH and CAPR hope to be able to create a more effective disciplinary process to protect Berkeley residents and visitors from abusive police officers. By effectively identifying abuse, the city will be better informed about what kind of further training is necessary and which officers may need to be watched closely. It will also give valuable data to COPWATCH and other groups who are tracking police abuse and demanding systemic changes to prevent abuse in the future.

CAPR can be reached at 510-841-6933 or e-mailed at bpra@mail.law.berkeley.edu.
DOES SAFE STREETS NOW HURT OR HELP COMMUNITIES?
(Free Box Threatened Again!)

Over the last three decades, thousands of community members have worked to build and preserve Berkeley's People's Park - now it looks like 42 people might be able to take control of its future.

A group of merchants and residents, organized through national community clean-up consultants Safe Streets Now! (SSN!), has threatened UC Berkeley with a slew of small-claims lawsuits unless changes are made to get rid of drug dealing and other perceived problems with the park. The group gave the university only a few weeks in which to respond to their list of demands.

On the top of their agenda was to have the university remove the "free-box." A small wooden structure where the general public can donate clothes and people in need can find them, the freebox facilitates a simple transaction of kindness without third-person interference by social bureaucracy or religious organization. In a letter to the university, SSN! said that drug dealers and addicts congregate around the freebox - some to buy and sell drugs, and others to get donated clothes to sell at second-hand stores for cash to pay for their habit.

Attached to the SSN! letter were activity logs "documenting some of the business of drugs and other illegal activities on or around your property."

The university, not normally threatened by the prospect of a lawsuit, decided to bow to the group's demands. A "Campus Safety Plan" was offered in response, outlining the ways in which the university planned to curb crime in the Southside.

Not surprisingly, given the UC has previously attempted to remove the freebox, among concessions was their agreement to have it removed. Other offerings included additional lighting, trimming trees bought by the community with garden funds, and funding for four additional full-time UC police officers for the Southside. The university also appealed to the city to match the

staffing with four city officers. The university already has four police officers assigned to the Telegraph Avenue Patrol (TAP); along with city officers, the once laid-back area is already crawling with cops.

"We are asking that you act immediately to evict from your property individuals who are selling or consuming drugs, consuming alcohol, threatening or abusing people, and creating disturbances that are causing a public nuisance that is endangering our health and safety and causing us emotional and mental distress," wrote SSN! in their letter to the university. "If no action is taken within ten days...42 neighbors will be forced to sue you in Small Claims Court for maintaining a public nuisance."

"As you may be aware, numerous claims such as this have been upheld by the courts, and neighbors have been awarded $5,000 apiece for damages."

Numerous SSN! claims have been upheld in court, but even more disturbing is how the organization can use the mere threat of a lawsuit to blackmail community members to see things their way.

Their action against the university is believed to be the first to single out a large public institution, but the organization has been working up to the challenge over the last decade, bullying individual property owners that don't meet their idea of "community standards."

SSN! began in 1987, when founder Molly Wetzel, decided to organize her neighbors against a landlord that they [Continued on Page 8]

OCTOBER 22 -- a national day of protest was organized to speak out against police brutality, repression, and the criminalization of a generation. Demonstrations, rallies and teach-ins were held all over the country. COPWATCH helped organize people in the East Bay to attend a demonstration and march in San Francisco in which speakers included COPWATCH members Gerald Sanders and Cornelius Hall (whose son, Jerrold Hall, was shot in the back and killed by a BART police officer on November 15, 1992).
POLICE SURVEILLANCE TARGETS GILMAN ST. YOUTH CLUB

By Just and Katie

Most of you have probably heard about Operation AveWatch—but how about Operation PunkWatch? No, it’s not a wristwatch with metal spikes on the band; it’s Berkeley’s latest move toward a ‘cleaner,’ ‘safer,’ ‘more economically vital,’ community, where profits come before people.

The building at 924 Gilman is more than just a punk club. It is a non-profit, volunteer-run endeavor. It is an alcohol and drug free all-ages community space where kids gather for events (mostly punk shows). And these days, that sort of behavior seems to merit surveillance.

In late December, according to Gilman staff, the atmosphere around the club changed. Due to complaints from a nearby high-tech firm about vandalism (mainly graffiti tags) and occasional underage drinking, there has been an increase of police officers lurking around the Gilman Street Project on weekends. On at least two occasions in the past month, police have videotaped and photographed the people going in and hanging around the club, usually from the opposite corner.

Civil liberties advocates have questioned the police practice of indiscriminate videotaping in public places (i.e., in Berkeley, on Fourth and Hearst, a posted sign warns shoppers that videotaped surveillance is on-going).

The neighboring business’ complaints have been offered as the justification for the surveillance of Gilman; they say club’s organizers are not providing enough security, leading to vandalism, drinking and unruly behavior in the surrounding area. The business has threatened to move to Albany if something is not done by the city.

In an interview with the San Francisco Bay Guardian, an assistant planning director confirmed that the City of Berkeley is watching the Gilman Project with possible plans to revoke the club’s permit. In one recent example of police surveillance of the club, a cop followed a group of young people to a creek by the club and videotaped them drinking, according to Gilman Street Project organizers.

An incident in which the local business owner saw someone tagging on his building may have initiated the crackdown, say club organizers. Although a member of Gilman’s security approached the taggers, when he went away to get others, it may have been presumed that the "urban artists" were let off without punishment. And some say the “final straw” came when a few palm trees planted by the company were destroyed.

There have also been reports that the company plans to start a 3 p.m. to 11 p.m. swing shift and that workers might not be “safe” with club goers around. In any event, what started as complaints of assault on private property has now snowballed into an attack on Gilman clubgoers.

The police seem to be starting a new oppressive program in the style of Operation AveWatch. Though the behavior of the club and their patrons has not changed, the surveillance certainly has. Graffiti has been a problem for a long time for the Gilman co-op. But they always paint over it. Club organizers also clean up the neighborhood on Sundays following weekend shows, regardless of whether any damage was caused by patrons of their club. They are also willing to pay for the damage to the palm trees.

The Gilman Street Project has a rich history in the city of Berkeley and has produced some really good bands; it would be a shame to let it be taken away on the basis of a few minor offenses that the Gilman Street Project is not directly responsible for.

Many are wondering how a city with such a progressive reputation can justify using police to serve the interests of one business owner at the expense of a cultural institution.

If you want to help the club, please check out the web site at www.gilman.org. Or call the Gilman Street Project’s hotline at (510) 525-9926.

Berkeley attorney and human rights advocate Osha Neuman (second from left) spoke at a COPWATCH “Know Your Rights” orientation in November. Daniel Garcia (left), brother of Mark Garcia, who was killed by San Francisco police officers when they hog-tied him after being pepper-sprayed, also attended the meeting.
Amadou Diallo, 22, African, February 5, 1999, New York, NY -- Diallo, an immigrant from West Africa with no police record, was unarmed when four New York City plainclothes police officers killed him in the doorway of his Bronx apartment building. Police say they thought Diallo had a gun when they fired 41 shots at him, but investigators did not find a weapon on or near the 22-year-old man, described by neighbors as a shy, hard-working Muslim who did not smoke or drink.

Tiyisha Miller, 19, African American, December 27, 1998, Riverside, CA -- Miller and several friends were returning home from a party early in the morning when her car had a flat tire, and she drove to an all night gas station. She called a cousin for help and then --- for safety reasons --- locked herself in her car to wait, with a gun on her lap. When the cousin arrived, she found Miller unresponsive and called 911 for emergency help. But instead of medical help, four police arrived. Unable to rouse her, the officers smashed open the driver's side window of Miller's car. It was then, authorities say, that she reached for the gun and the officers fired. Miller was struck a total of 12 times: four in the head, one in the chest, and in seven other parts of her body.

Brennan King, 21, African American, December 14, 1998, Cabrini-Green/Chicago, IL -- The police claim they shot him in self defense after King attacked them with a box cutter. Witnesses say that after the first shot, King begged the cops not to kill him, and then they shot him five more times, including once in the back of the head. King was well known in the community. He was helping raise two younger brothers, two cousins, plus his own children because his mother had died. He was prepared to start college this year. He marched with 100 other youth from Cabrini in the October 22nd Day of Protest Against Police Brutality. He said he also was marching for Freedom for Mumia Abu-Jamal.

Robert Forrest Murray, 51, African American, December 7, 1998, Bakersfield, CA -- Delano Police fatally shot Murray, a developmentally disabled man, claiming they thought he was armed. The shooting was ruled justified by a local D.A. Officer Gerald Lewis said the 51 year old man, who was in a cemetery at the time, turned toward him and raised his hand, which held what the officer believed was a gun. Two eyewitnesses said Murray did not raise his arm and did not have anything in his hand before the officer shot him. The witnesses, Geraldine Taylor and Jessie Rangel, who live in front of the cemetery, said they tried to tell officers that Murray was developmentally disabled before he was shot.

Timothy Wilson, 13, African American, November 9, 1998, Kansas City, MO -- During a police chase, Wilson's truck went off the road and got stuck in the mud. Police said that he gunned the motor while trying to get unstuck, placing officers "in fear of their lives." Yet evidence shows that four cops opened fire from the side of the truck, most likely after he had already gotten out of the truck.

John Smart, 46, Caucasian, October 6, 1998, San Francisco, CA -- According to police, Smart, a millionaire advertising executive, was seen arguing with a woman in the Tenderloin district of San Francisco. When approached, they say he jumped into his Mercedes and tried to flee. Police fired 15 rounds at him. Wounded, he lost control of his car and crashed into a building across the street, where according to some witnesses he was "finished off" with two shots to the head. Police denied this, but could not explain why two casings were found at that site, over 40 feet away from all others.

Leslie Baranowski, 39, Caucasian, June 6, 1998, Rocklin, CA -- Baranowski was shot in the head, while she slept, by her police officer husband. He had just been promoted to a "community policing and problem solving" unit. She had two teenage children.

Tommy Carl Valdez, Latino, January 21, 1998, Sacramento, CA -- Tommy was shot by two officers in the arboretum at Sacramento State University. It was claimed that Tommy pointed a gun at police. After the shooting, the police produced a toy gun.

Law enforcement statistics cover everything from how many bikes are stolen each year to the number of homicides in any given area. But there is no accounting, until now, of how many people have been killed by the police. When a cop is killed, newspapers run countless stories and images are broadcast on television. When an ordinary citizen is killed by the police it is a minor story, if it is mentioned at all. Worse yet, what is told about that death is often not close to the truth, but an unchallenged police account.

In response to this injustice, The Stolen Lives Project was formed in 1996 by the Anthony Baez Foundation, the National Lawyers Guild, and the October 22nd Coalition. The aim is to gather and publish the names and stories of the many people killed by the U.S. police and border patrol since 1990. The Project now has over 500 names, but these represent only a small fraction of the deaths. The Stolen Lives Project is much more than a statistical list: It puts a human face on the epidemic of police murder and cover-up, and is a tribute to the lives stolen from all of us. If you have a name and story to add to the list, or if you would like to support the work of The Stolen Lives Project, call 212 822-8596, or write KHL, Box 124, 160 First Avenue, New York, NY 10009.
Mumia Abu-Jamal is an award-winning journalist presently on death row. In 1981 he was elected president of the Association of Black Journalists in Philadelphia; as such he consistently exposed police violence and misconduct against the black community.

In 1982, Jamal was sentenced to death for the killing of police officer Daniel Faulkner. Since then, post-conviction relief appeal hearings have made public the false evidence, police coercion of witnesses and fabricated "confession" that were used to convict Jamal in a blatantly unjust trial.

The evidence in Mumia's case points to his innocence.

WHY DID THE STATE TARGET MUMIA?

Advocates for Mumia's freedom claim that he was convicted because of his political beliefs. Since Jamal joined the Black Panther Party at the age of 15, the FBI and the Philadelphia police had amassed hundreds of pages of surveillance files on Mumia for his opposition to racism and police brutality.

When he became a journalist, he was a consistent critic of the system and was the only member of the press in Philly to consistently bring the truth to the public about police atrocities committed against MOVE (a local African-American back-to-nature community movement).

According to Ramona Africa, a surviving member of MOVE, the news that a MOVE member's infant son had been killed by the police made Jamal take a closer look at the reprehensible treatment of the organization by the police.

"Mumia's first contact with MOVE came in 1976," said Africa, "and to this day, Mumia says he feels bad about the situation. My sister's (Janine Africa) three-week-old son was killed by the cops, deliberately knocked from her arms and trampled to death on March 28, 1976 ... Mumia heard about it, and he had talked to officials, and they were saying that it wasn't true, that there wasn't a baby [because there was no official birth record]. But we had birthed babies naturally at home...

"Mumia was very skeptical about it, but he did come out and talk to MOVE people...what ended up happening is, to really prove to people that the cops did kill our baby, there was a dinner one night at MOVE headquarters. And some reporters were invited, some politicians, a couple of city council people, and a few members of the clergy were invited. After dinner, they were shown the baby's body; when Mumia found out about it and realized that there was in fact a baby that had been killed by the cops, he was hurt and upset that he had been skeptical of MOVE and had leaned toward believing the system.

"He started coming around MOVE, more and more and covering MOVE trials, MOVE demonstrations, and confrontations that MOVE had with the police. He was the only reporter that told the truth about MOVE."

In an interview with Mumia in 1992 from Pennsylvania's death row, Jamal said the confrontation started heating up in Philadelphia in 1977 and 1978.

"...and it was really a very naked level of repression that the Philadelphia police heaped on MOVE -- I could not help but draw attention to that, as a reporter. The acting mayor at the time, Frank Rizzo, and his police started a siege against a MOVE house in Powelton Village in 1977. The siege lasted over one year. By the end, police cut off all water and electricity to the house, but people from the neighborhood and supporters from the city supplied MOVE with the basic necessities. Finally, on August 8, 1978, more than 700 policemen stormed the house. During their action, one policeman was hit in the crossfire of his colleagues. Nine MOVE members who were arrested in the house were later charged and convicted of having jointly killed this one cop. They were all sentenced to 30-100 years in prison, despite the fact that the judge admitted he didn't know who had shot the cop."

Mumia Abu-Jamal was targeted by the state because he was consistent and effective in exposing the lies the police were propagating in order to justify the unjustifiable brutality meted out to MOVE. In a sense Mumia Abu-Jamal was a Copwatcher, monitoring the cops and exposing their misconduct.

Therefore, Jamal is, in part, a martyr for the movement for police accountability, which is why COPWATCH is fighting for his freedom. It is imperative that we defend those who face reprisal for activity that we advocate.

COPWATCH JOINS THE FIGHT TO FREE MUMIA

COPWATCH has participated in community outreach programs so that people that have never heard of Mumia can become familiar with this case: we helped plan and organize the December 1998 march and rally in Oakland. Recently, members of COPWATCH were asked to speak at a church in East Oakland about Mumia's case.

On November 2, the National Association of Broadcast Employees and Technicians, who had been working without a contract for over a year and a half, went on a one-day strike against the American Broadcasting Corporation (ABC), which is owned by the Walt Disney Inc. The next day they were locked out for three months by ABC-TV. During this time, Mumia refused to allow a scab ABC crew to interview him. This, in turn, has lead to many unions opening their doors to Jamal supporters and many unions passing resolutions in support of Jamal's principal stand and his cause.

Locally, the Oakland teacher's union voted to hold a teach-in about Mumia Abu-Jamal and the death penalty. But

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the event came under fire from school officials, community members and police supporters. Oakland School Board President Noel Gallo and Oakland NAACP President, Shannon Reeves, a staunch Republican, were among those who argued that the teach-in would divert students from their academics studies. Union members argued that a study of Mumia's case and the justice system would only enhance the student's academic skills.

Then, just days before the teach-in, an Oakland police officer was shot and killed. Oakland Police Chief Samuels and City Manager Robert Bobb et al, with the help of the media, began to propagate the idea that if Oakland teachers went ahead with their teach-in, it would be disrespectful toward the slain cop's family. In the end, public pressure led to the cancellation of assemblies about Mumia, but many teachers pushed forward with lessons about Mumia in their classrooms.

Why is it that the authorities in Oakland and elsewhere in America, don't want young people, or any people for that matter, to learn about the case of Mumia Abu-Jamal?

For the past two decades the American ruling class has increased the exploitation of the working class and cut back on social programs that helped the poor. The powers that be understand that they are sitting on top of some very unhappy campers. They live in fear that a spark of protest could start a social explosion. That is why they have vastly increased the powers of state repression, including frame-ups.

At the same time, the ruling class recognizes the need to maintain the illusions that the judicial system-the cops, courts, and prisons-are neutral and fair. They know and fear that these illusions are being threatened by the fact that more and more people are finding out about the case of Mumia, an innocent man on deathrow. The ultimate injustice! They know that if we study and understand what happened to Mumia we will better understand how this system really works, who it works for, and who it doesn't work for. Mumia's case is an indictment of the system. That's why the powers that be don't want the people to know about him.

Nonetheless, Mumia continues to speak out against injustice from inside prison walls, despite efforts by the Philadelphia Police and the national Fraternal Order of Police to stop him. Ironically, years after Mumia began to speak out against the Philly police, the U.S. Justice Department was compelled to investigate and prosecute elements of the department for brutality and corruption, resulting in the imprisonment of a number of cops and the release of many of their frame-up victims.

COPWATCH NEEDS INTERNS AND VOLUNTEERS!
You can learn skills while organizing with COPWATCH for social justice. College credit available through U.C. 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, and design fliers.
- Speak in public and lobby 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.

Free Mumia
Western Regional Conference
Saturday, March 6, UC Berkeley
Pauly Ballroom
This conference will build the April 24
"Millions 4 Mumia" demonstrations in
San Francisco and Philadelphia.
For more information: (510) 321-6772
"CRITICAL RESISTANCE" A SUCCESS
Organizing continues against oppressive criminal justice system

By Danielle Storer

At least three thousand people from across the country attended the Critical Resistance conference last fall, where people shared their various approaches and commitments to working against human rights abuses in the U.S. criminal justice system. Organized by the Committees of Correspondence, Angela Davis, and many other local human and civil rights activists, the conference was held September 25-27, 1998 on the UC Berkeley campus. COPWATCH participated by conducting two workshops and setting up our table to distribute literature and inform people about our organization and its goals.

What was unique about the conference, said National Lawyers Guild attorney Rose Braz, a conference organizer, was "the participation from people of all different aspects of the movement: former prisoners, family members, policy-makers, academics, activists, students...people really want to work on this issue." COPWATCH organizer Andrea Prichett, spoke along with Cindy Pickett of the Mendocino-Lake Counties Human Rights Monitoring Project at a "Copwatching Strategies" workshop. Andrea spoke about the development of Berkeley COPWATCH in a university town. This contrasted Cindy's account of monitoring the police in rural communities. Unfortunately, the urban residential city copwatching experience was not represented because the planned speaker from New York City had a last minute change of plans. The workshop was moderated by Osha Neumann of Community Defense, Inc.

COPWATCH also participated in a workshop on alternatives to the current criminal justice system. Andrea gave a presentation on "popular justice," the concept of avoiding the criminal justice system by using community-based methods of conflict resolution in order to resolve conflicts among community members. (See box - same page)

In the wake of the conference, organizers are continuing to plan events to keep people involved in the struggle for civil and human rights. A similar but smaller conference was held last fall at Fiske University in Nashville. Another one is planned for London.

The Critical Resistance Film Festival will re-show films that were presented at the conference. Starting Thursday, Jan. 28, the films will show for six Thursdays in a row. The festival will be held at 777 Valencia St. in San Francisco; All shows begin at 7:30 p.m.

"Go to Prison" Week will be held April 11-17. Organizers are asking people all over the country to try to get into a prison to visit someone or to hold a demonstration outside a prison. To get involved in local organizing for this event, or if you want to organize in other areas, contact Critical Resistance through their website at www.prisonactivist.org/critical; their email address, criticalresistance@aol.com; or by phone, (510) 841-6317.

The follow excerpt is taken from COPWATCH organizer Andrea Prichett's presentation on Popular Justice at the Critical Resistance Conference:

...How many times have we tried to mobilize a community to oppose some police policy, practice or particular officer only to be met by someone in the community who rushes to the defense of the police by saying that we need them and "what choice do we have?" This division is very harmful to the police and it helps to explain why community policing has proven to be such a valuable propaganda tool for them.

...Police have been slowly introduced into areas that never had police officers before. There are transit cops, school yard cops, hospital cops, library cops, and more. Community policing has taken on the idea of a cop on every corner to a new extreme. Between 1992-1996 the total number of police in America rose by 20%.

...We must be able to effectively address the very real issue of crime in our neighborhoods and no longer allow the police to exploit our suffering and divide our communities. If we can begin to solve problems in our own neighborhoods without using the state apparatus, we can reduce the number of people entering prison and cultivate unity and understanding instead of fear and division.

...The most prominent example of practicing popular justice comes from South Africa. In the late 1980's the strategy for fighting the apartheid regime was to make the townships ungovernable. Residents refused to recognize the authority of South African government and would not collaborate with the police or military. This was an effective strategy. However, in the absence of police, they had to figure out what to do when people committed crimes against each other. They created street committees.

...The current situation in South Africa is different from that of the mid-'80s but they are still working to maintain certain kinds of community justice mechanisms that can function independently of the state judicial apparatus. The focus of this kind of justice is on reconciliation, restoration and compensation. It is not a punitive system. It is corrective.

...I am not saying that the single way to stop the flow of human beings into prisons is simply to stop calling the police. I am saying that it is a start towards self-reliance within the community and a greater unity. I can imagine a time when our neighborhoods are united, interactive and supportive of all residents instead of being suspicious and divided. I truly believe that if we just walk out of here today with the intention that we will try not to call the police in our private lives or in our organizational lives and that we will look for opportunities to resolve conflict and learn how to help others to manage conflict that this will be a revolutionary step towards isolating the machinery of oppression, namely the police and the prisons."
Safe Streets?
Continued from Page 3

believed turned a blind-eye to drug dealing tenants. The 75 residents sued in small claims court for allowing the property to be used for activities that prevented their "enjoyment of life and property" and collectively won $218,325. The neighbors claimed the negligent property owners caused them "severe emotional and mental distress" by allowing illegal activity in their community.

Then in 1991 Wetzel organized another Berkeley community against a fellow neighbor - this time, Lenora Moore, an elderly woman who, at the time, had lived in her house on Oregon Street for 30 years. Moore, a board member for the South Berkeley Women's Community Health Center who had worked for the Berkeley Women's Health Collective for 13 years, was accused of allowing suspected drug dealers into her home. Surveillance logs created by neighbors to support claims that Moore's children and extended family were dealing on or near her property were vague, overly suspicious, and often racist.

According to SSN, efforts are made to "resolve" complaints against a property owner without going to court. In Moore's case, several threatening letters were sent demanding a "fast and expedient ending" to all illegal activities that her family (and associates not living in Moore's home) might cause on or around her property. The letters were not signed with the names of concerned neighbors, but simply with the name WORC (Neighborhood Watch for Ward, Oregon, Russel, and California Streets).

Throughout the ordeal Moore charged that she was a black scapegoat for problems perceived by a mostly white neighborhood group. What was the "fast and expedient ending" WORC members wanted? Within a letter to Moore dated on the day of their small-claims court date, the answer is revealed - they wanted her to move out of the neighborhood. No other solution would satisfy WORC. In their letter, WORC told Moore they even had a realtor ready to sell her home of 30 years.

They added, "please don't make us pursue this case against you, for we will win."

Moore offered to put up a fence around her house to end loitering and patrol her property with her husband. She promised to get restraining orders against relatives. WORC refused her offers. Wetzel sent Moore a hand-written letter advising her that SSN! "has a stable of corporate lawyers willing to work for No Cost if she decided to try and counter-sue the organization. In the end, SSN! won their lawsuit, and Moore was forced to pay over $250,000 to some 50 neighbors.

In the year's since, SSN! has grown into a national non-profit that has worked within numerous cities in California and many others across the country. Wetzel estimates that they've helped win over $1 million dollars in Small Claims Courts suits.

SSN! promotes their work as a "leading innovation in community policing" that allows neighbors to work in a "collaborative way" to "rid their neighborhoods of drug houses." City officials, community leaders and police departments have encouraged the organization's efforts to "clean-up" their neighborhoods.

But SSN! doesn't just target drug dealers. Though drugs and gangs are the most cited problems for using the program, SSN!'s tactics have been used against less threatening problems such as noise and litter, pitting neighbor against neighbor. And the potential for abuse in SSN!'s system of vigilante justice can not be ignored.

For example, in Los Angeles County, the SSN! program came under fire after it was misused by four families who tried to drive another family out of their neighborhood. At the root of the neighborhood discord was a fight between the teenage daughters of two families. At one point, officers in the Sheriff's gang detail were sent to the targeted family's home after someone falsely accused their children of being gang members.

And in a pricey Southern California harbor community, 24 neighbors sued a tenured professor at Long Beach State
effective in a wide variety of civil disobedience situations." Given that over 100 in-custody deaths have been attributed to police use of pepper spray nationally since 1992, such application can hardly be termed "non-lethal," inflicting only "temporary discomfort." As Mike Doubet concludes in his "Medical Implications of OC Spray" research paper: "The warnings and concerns from the scientific and medical fields about the potential hazards of OC spray can no longer be ignored...The hazards are real and there is evidence there to support it." Specifically, Doubet describes the risks to the eyes associated with pepper spray: "In humans, OC spray is associated with severe twitching of the eyes, stinging, lacrimation and spasmodic closing of the lids." It can also cause inflammation, loss of reaction to stimuli, loss of sensation, and corneal abrasions, according to Doubet's report.

In addition to the medical research, the potential hazards of pepper spray were affirmed by a U.S. appellate judge. In a December 2, 1998, U.S. Court of Appeals case, Judge Helen Frye stated (in stark contrast to Judge Walker's analysis in the Humboldt case) that pepper spray is "an instrument capable of inflicting death or serious bodily injury." Based on this finding, a convicted robber was given a four-level increase in sentence for using a dangerous weapon (pepper spray) in commission of a crime.

When California first approved police use of pepper spray, the California Environmental Protection Agency and Department of Justice made specific guidelines for its use. Based on those guidelines, in March 1993, the Berkeley Police Department issued a draft of its new OC training policy in which its very first tenet explicitly stated: "OC Spray should be used only in situations where a weapon is absolutely required to control violent behavior. It should never be used under any circumstances in an indiscriminate or punitive manner." Under the new POST recommendation, the direct application of pepper spray on nonviolent offenders is nothing if not punitive in nature. In fact, it can be regarded as torture.

Notably, at the November 17, 1998 Berkeley City Council meeting, COPWATCH member Russell Bates addressed the council and opposed the POST decision that encourages police departments to adopt the direct-application method for pepper spray. Berkeley City Manager James Keene responded by saying, "It is not part of the Berkeley Police repertoire to dab pepper spray in people's eyes." Still, there is nothing stopping any California police department from now adopting this tactic.

These guidelines must be regarded seriously and contested immediately, as they constitute "the generally accepted principles" by which California law enforcement agencies will respond to lawful and unlawful assemblies. However, they are not omniscient. The preface to the lengthy report states: "The guidelines do not constitute a policy, nor are they intended to establish a standard for any agency. The Commission is sensitive to the needs for agencies to have individualized policies that reflect concern for local issues." It is up to citizens to demand that their local police department neither accept nor enforce these new recommendations. We must resist this alarming shift towards increased criminalization. The sanctioned approval of direct application of pepper spray to the eyes and the use on nonviolent protesters is a threat to the civil and human liberties of us all.
for $120,000 because she hoarded trash in and around her house. The professor's attorney said the neighbors' actions were "excessive and mean-spirited" and that they targeted the 57-year-old engineering professor because "she just didn't fit in."

Community policing is not about neighbors watching out for each other, but keeping an eye out against "problem" neighbors. Critics of SSN! have questioned the group's close ties with the police and see SSN! as an organization that promotes pushing problems out of neighborhoods instead of working to solve them. They also suspect a high percentage of SSN! targets are people of color.

In one SSN! situation, an over-zealous neighborhood watch group in Berkeley saw large numbers of people gathering at a former drug house and marched over to investigate their new neighbors -- only to discover the household was just welcoming folks over for Thanksgiving dinner.

SSN! encourages citizens to define their own neighborhood mores of conduct and promotes their program as a way to enforce those standards without "waiting for the police and the criminal justice system." Apparently the wheels of justice turn much too slowly for those who want safe streets NOW. But is fast justice fair?

Using the civil court system unfairly circumvents the criminal justice system. Civil liberties advocates say criminal activity should be prosecuted in a criminal court. By using the civil courts, SSN! cases have a lower burden of proof for their grievances, the defendant has no right to counsel, and the filing fee is nominal.

In Long Beach, neighbors were awarded $25,000 for noise and "constant foot traffic in and out of building" from a suspected drug house. The owner is appealing the judgement. Homes with domestic violence or loud parties have also been SSN! targets. Neighborhoods that hire SSN! (at a cost of $4,000) are taught to document evidence against residents or owners of property deemed a "public nuisance." These surveillance logs are written anonymously, giving the property owner no opportunity to challenge their accuser.

To win a case, neighbors merely have to prove that the owners of a particular property have caused them emotional distress, disturbance to their quality of life, or reduced property values. In our overly- litigious society, SSN! is a tool for abuse.

"...It clearly shows that citizens can take the law into their own hands and win. This is America. This is wonderful," gushed one SSN! participant.

Also worthy of consideration is the fact that, according to Wetzel, the threat of a lawsuit is usually enough to cause an eviction, and that only 15% of SSN! cases have actually ended up in the courts. Which means folks that can't afford to risk a costly court outcome might allow themselves to be run out of town by the neighborhood posse.

In the case of People's Park, the UC system can afford a $220,000 fight, although if SSN! pursues its case in court, it's expected that more residents and merchants, with no risk in doing so, will jump on the chance to dig $5,000 from the university's deep pockets. Nonetheless, the university is probably less threatened, and more grateful, for the excuse to drive the poor and homeless out of the park under the guise of getting rid of the drug problem.

SSN! finds its strength in numbers and an assumption of community "standards." In the case of People's Park, SSN! presumes the challenge is against one institution, and may yet be surprised when a greater community of people rise, once again, to the defense of their park.
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 or write us, or come to our weekly Monday meeting at 8 p.m. at our office:
COPWATCH
2022 Blake Street (near Shattuck)
Berkeley, CA 94704
(510) 548-0425

The Headwaters Action Video Collective has produced a new video titled, "Fire in the Eyes" which includes footage of non-violent forest defenders being tortured with pepper spray. To order a copy, please send a check or money order (suggested donation of $20) to: HAVC, P.O. Box 2198 Redway, CA 95560. For more information, call (707) 459-5490, ext. 582 or email havoc@humboldt.net.

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COPWATCHERS DEFEND THE RIGHT TO OBSERVE

On January 30, at 8:15 p.m., two COPWATCHers were walking up Durant Avenue and stopped to watch two young women being detained in the hallway in front of the post office right above Telegraph. Officer Braunecker, #44 of the UCPD, became noticeably irritated at being watched.

When the COPWATCHers asked why the girls were being detained, Braunecker replied that it was none of their business. Then he very aggressively asked the COPWATCHers, and one other woman observing the scene, their age. He demanded to see I.D., supposedly to check the legality of the three of them smoking cigarettes.

When one COPWATCHer said that he didn't want to give that information, Braunecker grabbed him by the arm and forced him into the hallway. The females were also pulled into the hallway, and Braunecker ignored their complaints that he was hurting the young man and that they were more comfortable showing him their identification on the sidewalk. The detained women were eventually released.

COPWATCH is filing a complaint with the U.C. Police Review Board. We must not tolerate abuse that challenges our right to COPWATCH. Refuse to be abused!