

COPWATCH

Report

BERKELEY, CALIFORNIA

FALL 1993

War on Drugs or War on Citizens?

A PERSONAL ACCOUNT BY YVETTE AUSTIN

I'm writing this to any and all citizens to warn them of the danger we are in from the intimidation and harassment tactics used by the Berkeley Police Task Force. Their viciousness and disrespect for private citizens have made me lose all faith and trust in the authority of the police department.

On Monday, June 14th, at 4:10 pm, I arrived at my house after work to find the wooden door and security gate were broken and forced open and the door jamb splintered beyond repair. My first thought was "Burglars!"

My husband rushed into the house ahead of me and was immediately told to "stop" dealing drugs. He was handcuffed and ordered to sit on what was left of my couch. I was told to stay outside; after protesting, I was allowed in and told to sit down and shut up. As I still protested and demanded to know what was happening, they produced papers authorizing them to search my house for drugs, etc. My husband, who is retired and in his late forties, was verbally accused of being a main drug supplier.

The gang leader, Officer White, repeatedly made threatening accusations, demanding to know where were the drugs, the money, the guns. Protesting that we don't do drugs, only have income from our jobs, and own no guns, we were accused of lying — while all this time other members of the gang were going through my purse, throwing clothes out of drawers, and tossing aside contents of jewelry boxes (I still cannot find my wedding rings). My entire house looked like the results of

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Who is "Informant X?"

The Right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable causes, supported by oaths or affirmations, and particularly describing the place to be searched and the persons or things to be seized.

- Fourth Amendment, Constitution of the United States

City officials, city council members and the Berkeley Police are continuing their Community Involved Policing tour of our neighborhoods, loudly proclaiming their new found "sensitivity" and desire to "work together." Meanwhile, residents of West and South Berkeley are being subjected to storm-trooper tactics by the Berkeley Drug Task Force, and a campaign of terror.

Recent complaints filed with the Police Review Commission, and reports received by Copwatch from residents too fearful of police retaliation to make public their complaints, reveal an alarming pattern of brutality and harassment being carried out in the name of the War on Drugs. Search warrants are issued on the basis of information provided by "reliable informants" referred to only as "Informant X," and these have allowed the police to force their way into people's homes with guns drawn on elderly women as well as children. In each of the three complaints before the PRC, the rooms were ransacked, residents were harassed, humiliated and traumatized — yet no drugs were found.

Who is Informant X? According to affidavits signed by police and submitted to Berkeley judges, Informant X is an individual who has provided reliable information to police in the

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Cop Blotter

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past. This mysterious person is often on probation and is being paid for his or her services. Informant X's identity is known only to the officers involved; not even the judge knows X's identity.

The only time that the police are required to reveal X's identity is in the course of a trial. The interesting thing about the most recent round of searches is that no arrests have been made, so there will be no trials. Therefore, the police don't have to reveal who Informant X really is. This protects X and enables the police to continue to utilize the services of X in intimidating the community.

In one case, an elderly woman was held at gunpoint by police who were looking for someone she had never met. With guns trained on the 74-year-old woman, police concluded their search only after ransacking her home and discovering two Berkeley High textbooks from the drug awareness program attended by her grandson.

In another incident, a 13-year-old girl was body-searched by both a male and female officer while guns were pointed at her head. The raid yielded exactly one small bag of balloons and some mail. Other raids have included property destruction, strip-searches and threats of violence. In some instances the searches are conducted while the occupants are not even at home.

How many fruitless searches must be conducted on the basis of inaccurate information before action to stop these abuses is taken? Why do our judges (Conger and Rhine particularly) continue to sign these warrants after so many "bad" raids have been conducted? Who will check the use of Informant X and how will we ever know if Informant X even exists outside of the imaginations of our task force officers?

Recent census figures indicate that African-

Fremont Police Murder Patrick Adams

JUSTICE FOR PATRICK ADAMS COMMITTEE

On Thursday, August 19, 1993, Patrick Adams, a nurse at Washington Hospital in Fremont, was killed by over 50 rounds of police gunfire in his backyard. Earlier that evening his wife Johnette Adams had called 911 for emergency assistance, fearing that her distraught husband was about to shoot himself. Rather than dispatching psychiatric help and using suicide prevention methods to attempt to calm him down, eleven fully armed police officers converged on the house.

Disregarding the family's request that they try to speak to Adams, police, with guns drawn, surrounded Adams in the back yard, where he was cornered and huddled behind a lemon tree. In less than thirty minutes, Fremont police pumped multiple rounds into him after Adams supposedly pointed his gun **at himself**.

Americans are leaving Berkeley at a greater rate than any other minority. In the last ten years alone, the number of black families living in Berkeley dropped by 16%. Some community leaders try to account for this exodus by saying that the high level of crime deters African-Americans from wanting to move to Berkeley. Does this analysis include police crime? Could this figure be related to the Berkeley arrest ratio which makes African-Americans eleven times more likely to be arrested than white people? Could the terrifying ordeal of a police raid and threats of continued harassment account for some residents' desire to relocate? Does the possibility of new local ordinances such as the Anti-loitering law further empower the police to selectively accost and arrest citizens based more on the individual prejudices of the officer than on the facts surrounding an actual crime?

Behind the well-financed and heavily orchestrated effort to make South and West Berkeley Constitution-Free zones, we can only wonder who stands to benefit from these tactics. By their own admission, the police have been ineffective in their efforts to stop the drug trade in these neighborhoods. Could this be because they have lost the confidence of the people they supposedly "serve"?

We protest in the strongest terms these gestapo tactics and demand an immediate end to these kinds of searches. If you or anyone that you know has been a victim of this city-sponsored terror campaign, contact Copwatch immediately. Together we will organize to take action against violations of our fourth amendment rights.

COPWATCH Report

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

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"Community" Cops Con the Community

Report and Analysis on City's Beat Meetings

BY G. BLOOD

As part of the Berkeley Police Department's (BPD) strategy for the implementation of Community Involved Policing, meetings have been held in many of the 18 beats of the city of Berkeley. Members of Copwatch have attended most of the beat meetings thus far and have obtained an opportunity to deepen our understanding of the very different areas of Berkeley.

Has the BPD decided to fundamentally alter its relationship with the community it patrols? Hell no!

Here are the facts with our analysis of exactly what the BPD was up to in its "Community Involved Policing" meetings. A report on one typical meeting went as follows:

On July 21, 1993, Brian and Gerald of Copwatch attended a meeting entitled 'Community Involved Policing' at the Franklin School, on Virginia St. This particular meeting was called by the BPD to sell the idea of 'Community Policing' to the residents of beat 18 (northwest Berkeley).

Linda Maio, Berkeley City Councilperson for District One, opened up the meeting with her explanation of 'community based policing'. She read from a leaflet on Public Safety. She called for enhanced communication between the BPD and the Berkeley community.

Officer Hamilton of the BPD gave a presentation for the cops. He went out of his way to make it clear that the meeting was called exclusively for the residents of beat 18. Officer Hamilton then proceeded to introduce the Beat 18 police, the Chief of Police, etc.

There were less than a hundred people present at the meeting. Among those present were 15 uniformed police. As the meeting dragged on we realized that there were a fair number of city employees, and low level bureaucrats, and plain clothes cops in the audience. The BPD with the cooperation of other City of Berkeley departments had obviously stacked the meeting.

Hamilton then explained the reasons behind 'community policing,' which from his perspective were:

- 1) Officers should be involved with members of the community, and 'form a partnership'.*
- 2) The 'new' philosophy implies and dictates that police*

officers will be orientated towards 'problem solving' — getting at the heart of problems — and social work, rather than simply law enforcement.

Community Policing is planned to go into effect January 1, 1994, in Berkeley.

Officer Hamilton made an appeal for cooperation for safety in 'our' city. He was articulate and effective in his arguments, and in generating a feeling of inclusiveness.

But the point of utmost importance, because it can be thrown back into the faces of the BPD and their cheerleaders: Hamilton claimed that the information gathered at the community meetings would be the basis of how the Police Department would shape its 'community policing' program.

The BPD, with the assistance of the city council, want to convey the image to the Berkeley citizenry that community policing is some form of a mass participatory grassroots anti-crime 'movement.' Indeed, it is not.

For example, the BPD had already chosen for the residents of Beat 18 who the Beat cops would be for that particular area. At the same time, the BPD is talking to the residents of Beat 18 about "empowering the community." If the community is to be empowered, and to "form a partnership" with the Berkeley BPD, then the Beat 18 residents should have been involved in the decision-making process of choosing the beat cops.

The police are a paramilitary force that exist to defend the property

and interests of the rich and powerful. Thus, this community policing operation is conceived and managed from the top down like all military campaigns.

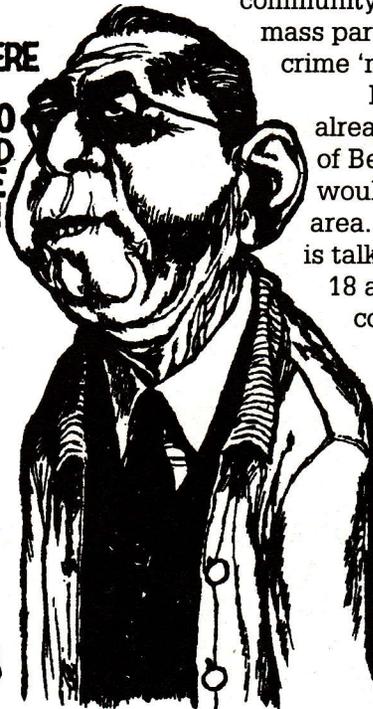
The aims of community policing have nothing to do with 'partnership' and 'empowerment.' It is simply another tactic used by the state in parallel with the on-going fiasco called the 'Drug War.' Previously, cops took on a military-like posture in the Drug War. Now, they are taking on the angelic image of a 'friendly neighbor.' It is clear that the city of Berkeley is not addressing the causes of social problems like homelessness, or the introduction of an illegal economy in certain neighborhoods (drugs and prostitution). One cannot cure social problems through a military campaign. It will be unsuccessful and at the very least a waste of tax dollars.

The report continued:

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**"I'VE LIVED HERE
IN THIS CITY
FOR OVER 40
YEARS!... AND
NEVER ONCE
HAVE I BEEN
BRUTALIZED
BY THE
POLICE!!"**

ROBB



(COMMUNITY POLICING, from page 3)

The question and answer period that followed Hamilton's presentation was revealing. First up was an elderly African-American woman who lambasted the BPD for poor service and being ineffectual against crime.

There was no response by Hamilton or anybody else from the BPD.

Second speaker was a white male who called for more anti-loitering laws.

Hamilton responded extensively.

Third speaker, a white male, complains about lack of enforcement of traffic laws (speeding), prostitution, and homelessness.

Once again Hamilton responds extensively. This time he goes on to say that "the police are in part social workers". Their main method of social work is referral, he said.

Recent examples of the type of "social work" the police have in mind can be found in our Cop Blotter: officers pouring beer on an arrested homeless man, or citing a homeless man with eleven kids for spare-changing passersby.

What is a policeman trained to do, be a marriage counselor or enforce the law? Can marriage counselors walk around with handcuffs, billy clubs and revolvers as well? As the city's social services shrink, the city is essentially saying, "That's all right, the police will do the social work. We'll hire plenty of police, and they'll do it all!" This political tactic on the part of the BPD is in line with the Weed and Seed program cooked up by the FBI in the wake of the civil unrest in Los Angeles in 1992.

"COMMUNITY POLICING": UTOPIAN AND REACTIONARY

According to a leaflet distributed by the BPD, the definition of "Community Involved Policing" is as follows: "Simply stated, Community Involved Policing involves police officers getting to know all of the citizens on their beat in order to prevent crime and to solve problems. Another goal is to empower the community as well as the beat officers to address problems."

Since the police spokesmen at these meetings asserted that community policing will allow the beat cop to "get to know the residents of his or her jurisdiction" and only a few beat cops will be assigned to each beat, one resident asked: "How can one policeman get to know 7,000 people?"

Good question. In fact to ask this question is to answer it. "One policeman" cannot possibly "get to know 7,000 people." Not to worry, the police have a solution to this apparent problem...more police. This reveals the utopian/reactionary character of the whole campaign surrounding this scam. Community Policing is utopian because it will never really operate as its

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Berkeley's Proposed Anti-loitering Ordinance

[Although the courts have declared most anti-loitering laws unconstitutional, the City hopes that with a clause that the arrestee must have an "intent" to deal drugs, the courts (which have played a big part recently in dismantling the Bill of Rights) will let its latest proposal stand.

This proposed law shows the other side of the City Council's liberal facade. Recently they endorsed a resolution condemning the "War on Drugs" as a failed approach to the drug problem — while at the same time they are intensifying that war with this proposal!

Statistics show that even without this law, African-Americans are **eleven times** more likely than whites to be arrested in Berkeley, even though drug use is about the same in both communities. The ratio nationwide is four to one.]

"An Ordinance Prohibiting Loitering with the intent to buy sell, transfer or use illegal drugs, after being asked to leave by a peace officer, at the following locations: (1) Parks; (2) Schools; (3) Recreation centers; (4) Laundromats open 16 hours per day or more; (5) Retail liquor outlets; and (6) Boarded-up buildings; or within the same or adjacent block thereof:...

" Section 4. Method of Enforcement and Probable Cause:

A. Whenever a peace officer has probable cause to believe that a person is loitering with the **intent** to buy, sell, transfer, or use illegal drugs in any of the above-specified locations, the officer must first require the person to leave the designated location. Only if the person refuses to leave the designated location upon request of a peace officer shall the person be subject to arrest.

B. For the purpose of enforcing this ordinance only, probable cause that a person has the intent to buy, sell, use, or transfer illegal drugs shall be confined to the following circumstances:

1. When the enforcing officer has **information** that the individual has repeatedly been involved in illegal drug activity at the same location in the past **by virtue of the officer's own experience or that of other officers**; or

2. When a **reliable informant** has given the enforcing officer information that the individual **intends** to engage in illegal drug activity at that location; or

3. When the enforcing officer has received complaints from citizens that the individual is engaging in illegal drug activity at that location; and

4. The **enforcing officer's personal observation** of the individual's behavior at the location is consistent with the information known or received under 1, 2, or 3."

This "Get-Tough" War on Drugs Isn't Working

The ACLU's John Crew on the Anti-Loitering Proposal

[On July 28, 1993, the PRC reconsidered its vote approving the proposed anti-loitering law. At this meeting, John Crew, director of the Northern California ACLU Police Practices Project, spoke to the Commission on his opposition to the proposal. Afterwards, the commission voted to study the proposal further. Following are excerpts from Crew's speech.]

First let me thank you for giving me the opportunity to address you. I want to make it clear that our concern is not just legal, but also of a policy nature, and on the practicality of how this has to be enforced if in fact it passes... This is a very sensitive issue that this Commission three years ago took a lot of time over, to hear impassioned testimony from both sides of the issue.

Our opposition to this ordinance in no way should be viewed as minimizing the reality of the drug problem and the crime problem, and the terrible toll it takes on so many neighborhoods; not just in Berkeley, but around the country. We believe that trying to deal with the drug problem with an ordinance that is in our opinion unconstitutional, and will almost inevitably lead to violations of rights, is not only a bad idea legally but creates police-community relations problems as well.

This ordinance will create special zones in Berkeley that could be as large as nine blocks square, where one's constitutional rights would be less, and police powers would be significantly more. The specific intent is to take behavior that would otherwise be considered innocent and somehow make it criminal. Out of frustration with the drug problem, if we don't have probable cause to make a good arrest, we're going to make up a crime and try to guess and infer illegal intent from innocent behavior. That's just not a good idea legally. It's police work by hunch and guesswork rather than by evidence and that's the core of why there's a constitutional problem. That's also why it's a bad idea from a police perspective as well: the reason that we want police officers to act on evidence and not based on their hunches is that, inevitably, if you ask them to work on hunches, they will include within those hunches all sorts of biases and prejudices that may not be accurate...

It's our view that the best weapon [the police] have to fight crime is not their gun or their baton; it is community trust and confidence. And if you break

down that confidence by harassing someone who has done nothing wrong, that's someone who in the future isn't going to feel comfortable going to the police to help them to solve crime...

Then there's the question about the warning: that maybe we have a kinder, gentler, loitering law, because we get a warning that if we don't leave the area we will be arrested. It actually cuts both ways, because there is not automatic review about officer discretion. At least when you make an arrest, you write up an arrest report, and there's a record so you can judge whether or not this was a proper arrest. If you are giving officers power out on the street to say get out of this area, or leave within two blocks, and there is no overview of that, there's no prosecution, then there's really no way to check whether or not this discretion is being abused. Which leads to another point: I have a question as to how this commission is going to deal with complaints coming from this ordinance. How are you going to be able to draw the line, given the fact that there is virtually unlimited discretion, of when that discretion is being abused? You are charged with trying to adjudicate these laws and make reasonable judgment on officer's behavior, and frankly I don't know how you do that with this sort of ordinance. And in the absence of that, what do you tell the public — that every stop under this ordinance in these nine-block areas is beyond the control of this commission? That's a real practical problem, and I hope before you endorse this ordinance you spend some time to think about it.

Another practical point — it takes those people, who you do not have probable cause to arrest, and it says, move two blocks away — that's it. All it does is to take the drug trade and move it two blocks from the specified location, and actually deeper into residential areas. I don't think that is a positive solution...

Police professionals around the country are recognizing that this "get-tough" War on Drugs is not working, and they're not changing their minds because they are civil libertarians. They are changing from a very practical perspective, recognizing that the old approach simply has not had an impact on the problem. But also that approach had a real effect of isolating the police from the community they serve. That's why so many other cities are going in the opposite direction — just when you're being asked to reconsider a three-year-old proposal.

IF YOU ARE A VICTIM/SURVIVOR OF POLICE BRUTALITY, MISCONDUCT OR INJUSTICE, AND YOU WANT TO WORK WITH COPWATCH ON YOUR CASE, CALL (510)548-0425 AND ASK FOR AN APPOINTMENT WITH A CASEWORKER.

Pepper Gas Update

The last issue of the Copwatch Report questioned the safety of pepper gas, also known as OC spray, the most recent addition to the UCPD and BPD arsenal. The spray is similar to Mace in its effects.

So far, there have been at least seven deaths in California alone that are partially or totally attributed to the use of pepper gas by police on citizens. On July 11, one man died in Concord, North Carolina when the spray aggravated his asthma and caused him to choke. In this case, the results of the autopsy, released in August, triggered a riot in the town of Concord. Federal authorities say they are investigating whether pepper gas should be used by police agencies.

The Berkeley and UC Police Departments have not suspended their use of the spray.

NO EXIT

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THE ULTIMATE BERKELEY CRIME:



Copwatch would like to thank all those who donated items for our October yard sale. The proceeds went to the publication of this report.

Note: Because of a transition in the volunteer staff of the Copwatch Report, we have only published three issues this year. In the future we will endeavor to adhere to a more regular quarterly publication schedule. We apologize for the lapse.

Cop Blotter

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

JULY 30 AND AUGUST 2 - SAN PABLO AND UNIVERSITY - Officer Torrence, BPD badge no. 63, issued two citations to a man on the corner of University and San Pablo, outside of a Wells Fargo Bank, for "annoying the public," BMC 13.32.050, which was found unconstitutional two years ago. Apparently this man and his son simply ask for spare change on that corner. Officer Torrence also threatened the man with taking his son into juvenile custody a number of times. The officer said, "There is no panhandling on my beat!"

JULY 31 - HASTE AND SHATTUCK - In clear view of 4 witnesses, BPD Officer Katz pours beer on a handcuffed homeless vet who was arrested supposedly for being drunk in public.

SEPTEMBER 18 - MISSION BETWEEN 16TH AND 24TH STREETS, S.F. - Copwatch observed two SFPD officers harass pedestrians up and down the Mission in the early morning hours. Every caucasian person that passed the officers would not be stopped, but if an African American or Latino passed the officers he or she would get searched or hassled. There were no arrests, just searches. Also, what Copwatch overheard of the officers' conversation was a stream of insulting references to the people they had seen on the street the day before.

SEPTEMBER 28 - TELEGRAPH AVE. - Hairwrap artist Phillip Roundtree was arrested and taken into custody for "doing business without a license." Roundtree had applied for a license, but the Berkeley Finance Department demanded that he attend 1600 hours of cosmetology school before a license to wrap multi-colored strings around strands of hair could be issued. Unfortunately, none of the accredited Bay Area cosmetology schools have courses in hair-wrapping. Roundtree says he learned his art in Tibet. The judge at first dismissed charges, but later imposed fines in the thousands of dollars at the request of the City Attorney, Manuela Albuquerque. In addition Roundtree has spent quite some time in jail, all for hairwrapping on the Ave.

SEPTEMBER 29 - AQUATIC PARK - Undercover Berkeley cops stopped a pedestrian because he "fit the description" of somebody who stole something in the area on some previous evening. The cops tried to get his ID but were unsuccessful because the man knew his rights. However, the cops illegally searched his pockets against his will and took a picture of him. They also told him to leave the area and not to come back.

San Fransisco, "#1 Destination," Attacks Food Not Bombs and the Homeless

BY DENNIS MOBLEY

The month of August was San Fransisco Mayor Frank Jordan's target date to initiate the city's war on the homeless, better known to SFPD as Operation Matrix — a concentrated effort by SFPD to criminalize homelessness with a crackdown of arrests and harassment.

Operation Matrix involves a new policy of harassing people who are sleeping on the street or in the parks, as part of a program of what is called "Quality of Life" enforcement. Homeless people's belongings have been taken from Civic Center Plaza, and along Market St. and the Mission, and thrown in a special police garbage truck. At the same time, the SF Transbay Terminal, which had sheltered up to 300 people a night, started locking its doors at 7 pm.

Members of Copwatch witnessed first-hand some of the crackdown. The first week of August we spotted a motorcycle officer kicking awake a Vietnam veteran who was lying down with a blanket in Civic Center Plaza. After the vet responded he was cited for "camping." We asked the officer why he gave the vet a ticket. His response was, "He was in the position," and didn't respond when he drove up on his motorcycle.

Thursday, September 2 - After an injunction had been served to prevent Food Not Bombs from serving free food in public, supporters came to the 6 pm serving in Civic Center Plaza. The supporters were met by at least 15 police cars and paddy wagons. The cops arrested more than a dozen people and prevented Food Not Bombs from serving food to hungry and homeless people. Those arrested were charged with "conspiracy to serve food," a felony offense!

In response, a rally was held Friday, September 3 at Civic Center, where five people were arrested, and the food was dumped on the ground by officers.

September 8 - Food Not Bombs held a large demonstration in front of San Fransisco City Hall where members of the National Lawyers Guild and over 250 supporters attended. As members of the city's elite, dressed in tuxedos and ball gowns, entered City Hall to celebrate the start of the opera season, Food Not Bombs served food and marched around the City Hall building, despite the presence of many riot police.

September 9 - Six people were arrested at noon at the lunch serving in front of City Hall, where officers also confiscated a vehicle used to help transport food belonging to Ayuda, a Latino homeless organization who also assist homeless and hungry people in S.F.

September 10 - Police swarmed on the lunch serving where two people were arrested. The

blundered attempt to arrest a third person was frustrated when that person jumped into a nearby fountain. S.F. police decided against going into the fountain to arrest him. They waited over an hour for him to come out, coaxing him with promises of lessened charges, but he told them he would only come out if they promised full amnesty for all those arrested in the last week.

The arrests and harassment of Food Not Bombs and the homeless continue, with hundreds of arrests made. With the declaration of San Fransisco as the world's #1 tourist destination, citizens were faced with the sight of City Hall draped with a banner reading "San Fransisco - #1 Destination" with a line of riot police in front arresting people giving out food.

For more information or to help, contact San Fransisco Food Not Bombs at (415) 330 - 5030, or write to 3145 Geary Boulevard #12, San Fransisco, CA, 94118. Thanks to FNB's Andy Ross and the Berkeley Info-Shop for contributing to this report.

Note: In recent months, the UC Berkeley administration has twice confiscated East Bay Food Not Bombs's tables from where they were stored in People's Park. UC's PR man, Milton Fujii, said that they were acting in the interests of "the community" by doing so.

COPWATCH TRAINING VIDEO

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

This 25 minute video produced by Berkeley COPWATCH provides an in-depth look at how ordinary citizens organized themselves to hold the police accountable to the people of Berkeley.

The video includes tips on:

1. Techniques for effective and safe street observation
 2. How to do your own investigation of police crimes
 3. How to guard your organization from retaliation
- ...and a whole lot more!

For additional information call 510-548-0425.

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

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

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

"For Young Blacks and My Son, Justice Is Not Blind"

Update on the Jerrold Hall Case

BY CORNELIUS HALL AND DANIELLE STORER

At a congressional hearing to obtain moneys for transit systems, BART won the money over other systems — but one Congressman was overheard to say: They (BART) got the money, but there's blood all over it.

Nothing has changed at BART. There's a pattern in what's happened over the past year: Train wreck — suit filed. Beating of Black male passenger by Transit Police and skinhead — suit filed. Shooting in the back and killing of Jerrold Hall — suit filed.

All these incidents have a logical explanation according to BART Public Relations man Mike Healy. No wrongdoing is ever found, for BART can do no wrong, and neither can he. BART is supposed to have disciplined BART Police Officer Fred Crabtree for firing a warning shot, which was against policy, before the shot that killed Jerrold. No one knows what the discipline was. Also, new evidence indicates that in fact the first shot may also have hit Jerrold. Worst of all is that BART would discipline Crabtree for firing shots into a tree, yet clear him for taking a human life.

The parents of Jerrold Hall, Cornelius and Rose Hall, are suing BART for the death of their son. The lawsuit seeks damages in an unspecified amount. The suit alleges that BART allowed Officer Fred Crabtree and other police

officers to treat Black suspects in a discriminatory way. The suit also alleges that BART has not sustained a complaint of misconduct against any of its officers. Mike Healy denies this allegation and says that it was only true for the past five years. Cornelius and Rose state that their son would not be dead had he been white. Cornelius said, "We as middle-class Blacks can go to the same schools, churches, and stores as whites, and buy the same houses and cars. But we are treated differently, worse, by the police. For young Blacks and my son, justice is not blind, it is racist."

On August 3, Bay Guardian Reporter Tim Redmond, who broke the story of Jerrold Hall's murder, joined ACLU Attorney John Crew, BART Board Member Richards, and UC Berkeley Professor Jerome Skolnick on the KOED radio show, "Forum." Redmond went over the details of the November 15 shooting death, and Richards said that the BART Board put off discussion of police policies, "because of an emotionally charged atmosphere at meetings" in January 1993. As of this printing the Board has yet to take any action on this matter. "The message to other police officers and the public is: policies don't matter," Redmond responded.

On August 20, Superior Court Judge Alfred Delucchi dropped the charges against John Henry Owens, a friend of Jerrold's who witnessed the murder, to Misdemeanor "Accessory After the Fact." Previous to this, Owens had been charged with felony "armed robbery." John Owens pleaded no contest, and was sentenced to one year court probation.

The results of the FBI investigation of the shooting of Jerrold Hall in the back of the head by the Transit cop, Fred Crabtree, are still pending. The investigation was over in April 1992 and was sent to the Justice Department. As of this writing, no ruling has come down yet. Letters have been sent to Janet Reno and to the acting head of the Justice Department's Civil Rights office, with no response.

The Alameda County District Attorney, John Meehan, also refused to prosecute Officer Crabtree. The next plan of action is a rally and march to the D.A.'s office on November 15, 1993 (the anniversary of Jerrold's murder), in protest of the D.A.'s ruling and failure to indict Crabtree. He will be put on notice that he can be removed by our votes — "the Pen is mightier than the Sword!"

For more information about the rally, call the Coalition Against Selective Prosecution in care of Copwatch, at (510) 548-0425.



North Richmond Justice Committee Proposes "Alternative Sentencing"

On July 13th at 11 am, approximately 30 supporters of the North Richmond Justice Committee's Alternative Sentencing proposal gathered outside the Martinez Superior Courthouse. Among the supporters were residents of North Richmond as well as representatives of many social service agencies. Representatives from the Committees of Correspondence and Berkeley Copwatch were also present.

Although scheduled to be a probation hearing for Dwight "Bird" Woodard, the proceeding was heavy with implications for the Alternative Sentencing program itself. All morning long, witness after witness attempted to explain the program to the judge and to demonstrate the widespread support for Alternative Sentencing that exists in the North Richmond area and elsewhere. These arguments are summarized in the following letter to Judge Patsey from supporters of the plan:

Dear Judge Patsey:

The North Richmond Justice Committee is writing to you because of our concern for several of our young people who are presently in front of you with pending charges. The Justice Committee has met weekly since its formation approximately one and one-half years ago. Our goal is to deal with community conflicts, including community-police problems. Our statement of purpose is attached to this letter as Exhibit "A". We are a multi-cultural committee and our members range in age from late teens to seniors.

In the last year, we have helped resolve conflicts between members of the community including ethnic conflicts, and we have helped mediate disputes between "gangs", thereby being partially responsible for the 60% drop in the homicide rate in Richmond in 1992. (Some of the conflicts have re-emerged in 1993.) We have worked closely with members of the Contra Costa Sheriff's and, to a lesser degree, with the Richmond Police Department... We recently sponsored a gang conference where gang-affiliated youth and community adults came together to discuss solutions for continuing problems.

Our ongoing issue is developing alternative approaches to the problems of drugs and violence which are destroying our community and our youth. There is increasing acknowledgment that the "War on Drugs" does not and has not worked... Our youths are killed and incarcerated at an alarming rate. The tensions between the citizenry and police grows, the unemployment rate is massive, and hopelessness, despair and rage permeate the community. At times, North Richmond seems more like a war zone than a neighbor-

hood. For example, during the latest sweep to serve warrants from the recent grand jury indictments, doors throughout the community were kicked in, several arrestees and bystanders were brutally beaten, and a sense of fear and despair permeates.

We know that the greatest chance for our young people to get out of the cycle of crime and despair is if there is concerted and real community support. We are giving up on any expectation that the county or other government entity will place any significant resources into our community for anything other than law enforcement. We are, therefore, doing our best to create alternatives with our own resources and it is our firm belief that the huge drop in the homicide rate is directly attributable to this community participation and support. We are also aware that we have a long way to go, as the problems are massive and reach far beyond the borders of North Richmond.

Our request to you is to work with us in helping some of the youth currently before you. Three of our young men - Robert Matlock, Jonathan Washington and Dwight Woodard - have worked with our Committee and on some of the community projects. We are structuring a proposal which we hope you will accept and which, over time, we hope can be expanded to include others of our youth. We have selected these three because of their prior commitment to our work as well as our discussions with them about what we expect of them if they are incorporated into this program. All three have indicated a firm commitment to cooperate and we feel that we have the connections with them to succeed.

Our proposal is as follows:

- 1. That they be placed on felony probation on whatever terms the Court wants to set.*
- 2. That each of them participate fully in the North Richmond Neighborhood House Out-Patient Drug Program, where Bubba Godfrey, a member of the Committee and staff at the Program, will supervise them and report to probation if they fail to fully participate.*
- 3. That all three work full time. The San Francisco Foundation has given our Committee a \$20,000 grant. Four staff positions were created. See the Grant Outline attached hereto as Exhibit "B". These three will each receive one of those positions. They will be expected to work full time with youths in helping them create alternatives to drugs and violence. Bobby Bowen, an alcohol, drug and violence prevention specialist with Opportunity West, will supervise these staff positions.*
- 4. Each of the three is also expected to volunteer for other activities which arise as part of our ongoing program. We expect them to become fully functioning brothers, role models for the youth, and community activists in exchange for the time, energy and resources which the Committee is investing in them.*

Although we are focusing on Dwight, Jonathan and

(continued on page 11)

(COMMUNITY POLICING, from page 4)

advocates describe it. And it is reactionary because the BPD uses this "crusade" and these meetings as a platform to advocate their solutions to crime (anti-loitering laws, more police, "war on drugs"), which, by the way, have all failed.

AUTHORITARIAN "DEMOCRACY" AT WORK

For the first half of the Q+A period officer Hamilton refused to recognize Brian, who had his hand up from the beginning of the discussion period, but who the police had seen earlier handing out Copwatch Reports. Gerald suggested to Brian that he move to the front of the room where everyone in the room could see that Hamilton was refusing to recognize him. After Brian moved to the front of the room, he was called.

Brian asked a question about the community's power to hire and fire police who are guilty of misconduct.

At this point an interesting thing happened. Before Hamilton could answer, BPD Chief Butler hopped up to answer Brian's question. This had obviously been worked out in advance. However, Butler did not answer Brian's question directly. He stated that the Berkeley Police Review Commission served the function of examining claims of police misconduct along with the BPD's internal affairs department. His delivery was real smooth. Given the general pro-police feeling in the room no one challenged his handling of Copwatch's question. In fact, not even the PRC has the power to hire and fire officers; only the police chief does. Hamilton did not call on Gerald who put his hand up at this point.

Someone asked a question about the Neighborhood Advisory Council, ostensibly the community's part of the decision-making process of the community policing 'process.' The councilwoman took the microphone but oddly failed to directly answer the question.

Thus it became clear that the police and politicians had agreed in advance not to directly answer any 'hostile' or even probing questions.

The BPD cannot allow a democratically organized discussion at any meeting they control. They cannot afford to. Whoever is sure of his or her position need not fear the presentation of an opposing standpoint. Only those who are obliged to defend a false position, must use bureaucratic means of suppressing a contrary standpoint, such as taking questions selectively or ignoring or evading sharp questions.

CONCLUSION

The Rodney King incident is a watershed in the history of the American police. Because the video of the Los Angeles Police Department at work caught them in the act, it was understood by the millions around the world who viewed this vicious beating that this sadistic ritual was standard procedure for the

LAPD. The racist brutality of the American police could no longer be denied.

Desperate to shore up the damage inflicted on the credibility of the police, the politicians, in alliance with the media, embarked upon a public relations campaign designed to gift-wrap the still violent and corrupt police forces.

The "reforms" they came up with were the leftovers from previously unsuccessful PR campaigns — none of which represented a significant step forward. We've heard plenty about Police Sensitivity Training, calling in the feds (who were supposed to review 15,000 cases of police brutality, in the wake of Rodney King), more black cops, more Police Review Boards, etc., etc.

According to the New York Times of March 24, 1991, "Mr. Siegel, of the NY ACLU, said that such reforms are necessary if the country is to avoid a replay of the urban violence of the 1960's. 'What's alarming is that rage stays,' he said. 'There's a percolating anger out there and if you don't have a safety valve, I think it's going to blow up.'"

The "blow up" occurred in Los Angeles and reverberated throughout the country after the Simi Valley jury found the cops that beat Rodney King innocent. Now community policing is the latest "safety valve."

The real logic behind community policing was bluntly laid bare by a Labour Party official in Britain:

"If you read police literature you find that most forms of policing are pretty ineffective, so you might as well give the people what they want, which is police officers on the beat... I wanted to push beat policing not because it reduces crime but because it increases people's acceptance and confidence in the police." (Crime, Class, and Corruption: The Politics of the Police, by Audrey Farrell, p. 163).

We of Copwatch see it as our duty to expose these attempts to put a more palatable face on the coercion, intimidation and brutality which lie at the very core of the BPD. We will continue to expose every instance of police misconduct that is brought to our attention, large and small. Join us!

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(NORTH RICHMOND, from page 9)

Robert, we are also concerned about the many other youth from North Richmond who are currently incarcerated and/or facing charges, and it is our dream that this program will expand to incorporate them too.

We are happy to provide you with any further information, to meet with you personally, or to work with you in whatever way, to help these young men turn their lives around.

Thank you, in advance, for your cooperation on this matter.

Sincerely,

Michele Jackson, Neighborhood House of North Richmond

Bobby Bowen, Opportunity West

Francie Koehler, Rand Investigations

Bubba Godfrey, North Star Drug Treatment

Unfortunately, after another day of testimony on July 27th, Judge Richard Patsey decided to send Mr. Woodard to state prison for three years because he decided that there was a "preponderance of evidence" against him.

Bobby Bowen, an Alcohol, Violence and Drug Prevention specialist working with Opportunity West, expressed frustration with the ruling: "Judge Patsey had a choice. Instead of supposedly selling a \$20 rock of cocaine to a highly paid police informer, Dwight could have been doing something else. At a time when only 15% of Chevron's 3000 workers actually live in Richmond, Santa Fe Steel is closing up, and every other major employer is phasing out or cutting back their operations, what choices really do exist for our young people?"

Despite Judge Richard Patsey's indifference to the desires of communities like North Richmond, the Justice Committee fully intends to continue their work, and to put forward more alternative sentencing proposals in the future. For more information, contact the North Richmond Justice Committee at (510) 236-5812, and ask for Bobby Bowen.

(WAR ON DRUGS, from page 1)

a tornado: kitchen cabinets thrown open, sugar and flour dumped all over. The Berkeley Police demanded our car keys; when I refused to give them the keys to my son's car, they threatened to break into the car. Of course, I gave them the keys to my son's car and to my own. I later discovered that back seats were pulled out and seats ripped in my son's car.

After the police didn't find anything, we were told by Officer White that they "would be back again," because they "knew we had something." I asked who would be responsible for cleaning and repairing my house. I was told, very abruptly, "YOU." I also asked what would have happened if I had not come directly home — would they have left my house open for thieves or anyone else to come in? Again, very abruptly, "NO," they would have pulled the door closed.

My husband was un-cuffed but not before he was taken into another room, and humiliated by being made to strip naked and his bodily orifices searched.

I cannot understand the BPD, who I've called on numerous occasions to complain about obvious drug dealing taking place on public streets. To have been violated, in a sense raped of my privacy, has left me in a state of anger, anxiety, and frustration. I asked the gang of thugs (and that's how they acted and treated me), "Can anyone call and say drug dealing is going on at such-and-such a street, and you would without question or investigation break into their home?" The answer was, "YEP." To me, this sounds like a George Orwell horror story or a scenario from a Nazi police state. Is this a war on drugs or a war on citizens?

IF YOU HAVE BEEN SUBJECTED TO AN UNJUSTIFIED HOUSE SEARCH BY POLICE,

CALL COPWATCH

(510) 548-0425

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

- add my name to your mailing list and send me 2 free issues
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- \$20/year - supporter
- \$35/year - sponsor
- \$50/year - m(p)atron
- _____ other
- send _____ T-shirts @ \$15 suggested donation each
- Circle size(s): XL L M S

Name _____ Phone _____

Address _____

Organization _____

Comments _____

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

Calendar of Events

**Thursday, November 4
8 pm**

*Benefit for Copwatch with
Motor Dude Zydeco
Ashkenaz
San Pablo & Gilman, Berkeley
Info: COPWATCH (510) 548-0425*

**Saturday, November 6
8:30 am - 5 pm**

*Women Speak Out
on their experiences with
the "Justice" system
First Presbyterian Church
27th & Broadway, Oakland
Sponsored by East Bay NOW
(510)287-8948*

**Saturday, November 6
9:30 am - 1:30 pm**

*The City of Berkeley's
"War on Drugs" Forum
South Berkeley Senior Center
Ellis and Ashby Streets
For more info, call Berkeley Police (!)
(510) 644-6695*

Monday, November 15

*Rally for Justice on Anniversary of
Jerrold Hall's Murder
Rally and March to D.A.'s Office
at 1225 Fallon St., Oakland
For exact time and place,
call the Coalition Against
Selective Prosecution
c/o COPWATCH (510) 548-0425*

November 19 - 21

*National Conference on
Police Accountability
Dallas, Texas
Info: call COPWATCH or
The National Coalition for
Police Accountability
(312) 663-5392*

*The Berkeley Police
Review Commission meets
twice monthly, on the second
and fourth Wednesdays of
every month. For location,
agendas, and other information,
call them at (510) 644-6716*

Gelfant Wins Lawsuit Against Cop Who Raped Her

Nina Gelfant, who was raped twice by Oakland Police Officer Bernard Riley in 1991, won a civil lawsuit against him and the City of Oakland last May. The judge awarded her \$822,000 in damages from both the city and Riley himself.

The details of the case were discussed in the Spring 1992 issue of the Copwatch Report. Riley testified during the trial that he believed sex without a woman's consent is not rape unless she complains to the police - which Gelfant did do.

Despite Gelfant's victory, Riley remains on the force, and District Attorney John Meehan refused to press criminal charges of rape against him.

Because of this case, the Jerrold Hall case (p. 8), and a number of others, a coalition of local groups calling for justice has formed. The coalition, comprised of Copwatch, WAC, CISPEs, NOW, and Prairie Fire, is marching on the office of the District Attorney on November 15, 1993 (see above), to demand action in these cases.

JOIN COPWATCH

Are you sick and tired of police brutality and harassment? Want to do something about it? Come check out COPWATCH. We are dedicated and angry volunteers who monitor police conduct with scanners and video cameras. We are concerned residents who help victims and survivors of police abuse with everything from lawyer referral to press conferences to planning a demonstration. We challenge prevalent pro-police propaganda with reason, facts, and local organizing.

From "Community Policing" scams to incidents of physical abuse, we are drowning in a sea of calls for help from the community. WE NEED YOU!

Bring your ideas, stamina, and compassion to:

**COPWATCH • 2022 Blake Street (near Shattuck)
Meetings are 8 pm Mondays • or call 548-0425**

COPWATCH

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IF YOUR ADDRESS LABEL SAYS **LAST ISSUE**, WE NEED TO HEAR FROM YOU - SEE PAGE 11 FOR SUBSCRIPTION INFO