

COPWATCH

REPORT

COPWATCH Berkeley, California

Winter 2006 510 548-0425



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NEW ORLEANS A Police State Encampment

By Gerald Smith

New Orleans: After the Flood

The ravaging of New Orleans in the wake of Hurricane Katrina has deeply shocked the country and the world. By now everyone knows that 100,000 people, overwhelmingly black and poor, were left to die in the New Orleans death trap. Consider the levees that authorities knew couldn't handle a big storm but weren't repaired because the money went to the war on Iraq; the patients trapped in public hospitals without supplies while those in private hospitals were taken out by helicopter; the "evacuation" that provided no transportation for those without cars and money. The evidence is irrefutable that race and class determined who escaped and who didn't, who lived and who perished.

Today the Big Easy is a police-state encampment, occupied by an estimated 14,000 heavily armed government officers and their machine guns, patrolled by military trucks, up-armored Humvees, Black Hawks and Chinooks. The poor and working people of New Orleans, black and white, but mainly black, have been dispersed across a half-dozen states. In their shelters, they are wondering whether the government means this diaspora to be temporary, or will it attempt to bar them from ever returning to New Orleans? Some may be starting to feel like the Palestinians displaced by the Israeli Zionists in 1948 who are still sitting in their "temporary" refugee camps today. When the Federal Emergency Management Administration (FEMA) tried to stuff them onto cruise ships in the New Orleans harbor, flood survivors refused to go aboard. After being locked down in the New Orleans Superdome and then the Houston Astrodome, their experience told

them these would quickly become prison ships. So instead, FEMA is building huge trailer parks where tens of thousands are to be housed, "temporarily" of course.

Fema: The Occupation Comes Home

Since the hurricane, every day has brought new revelations about how the government systematically prevented doctors, nurses, firefighters and anyone else from reaching those marooned in the flooded city. We know of "first responders" who were ordered not to respond and Air Force pilots who heroically rescued survivors and were reprimanded for doing so. Now the bourgeois media are beginning to admit

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that the stories they broadcast and printed about "thugs" raping and murdering people and rampaging "anarchy" in New Orleans were wildly exaggerated. A racist frenzy was whipped up, but why? Because the principal objective of the government at all levels of local, state but especially federal government was not to rescue the victims but to militarily occupy the devastated city and put the population under martial law.

The units sent into New Orleans were not search-and-rescue units, but National Guard Military Police, the Army's 82nd Airborne and 1st Cavalry divisions and the 1st and 2nd Marine Expeditionary Forces,

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 perspectives. 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 REPORT

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

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back from Iraq (where they stormed Baghdad in the 2003 U.S. invasion). Many of their tactics were the same in both cities, only here they were engaging in combat operations against mythical insurgents who put up no resistance.

This is no exaggeration, but a precise description of plans drawn up by the Defense (War) Department long before 11 September



2001, which led to the establishment of the U.S. Northern Command. Once fatuously described as "an office in search of a mission" (Christian Science Monitor, 25 February 2002), NORTHCOM is now larger than the command center for all U.S. operations in Latin America (SOUTHCOM). Its mission is to set the stage for junking the legal prohibition against using the military to police the domestic population. The proscriptions of the Posse Comitatus Act of 1878 have been increasingly skirted by Republican and Democratic administrations alike. Now, in New Orleans, the generals have seized the opportunity to lock down an entire city indefinitely.

First Responders Urged Not to Respond

The FEMA bulletin and DHS directives certainly discouraged many would-be aid workers. Consider the following incidents:

On August 31, a caravan of 1,000 volunteers towing 500 private boats assembled in Lafayette at the appeal of a Louisiana state senator and headed toward New Orleans with a police escort from the Jefferson Parish sheriff's department. However, according to a participant, when they got off the Interstate, they found their

way blockaded by FEMA. Agents said no boat over 16 feet would be allowed. They also refused to let the boatmen go to hospitals to ferry out patients who were dying there. All 500 were turned back. A couple who got through to the launch site of the state Department of Wildlife and Fisheries (under FEMA command) reported "there were over 200 DWF agents just standing around and

doing nothing...FEMA would not let them help" (reported on the Securing America web log, 3 September; WNYC radio, 5 September; and the Lafayette Daily Advertiser, 12 September).

The Navy amphibious assault ship USS Bataan, with 1,200 sailors, a fully equipped and staffed 600-bed hospital, and capacity to generate plenty of electricity and 100,000 gallons of fresh water a day, rode out the storm in the Gulf of Mexico and attempted to aid New Orleans as soon as it passed. FEMA turned the Bataan away (Chicago Tribune, 4 September). Some 1,400 firefighters from all over the country headed to the Gulf Coast to help. But they were corralled by FEMA and sent to Atlanta...for public relations training. "They've got people here who are search-and-rescue certified, paramedics, haz-mat [hazardous materials] certified," complained a Texas firefighter. The American Ambulance Association offered to provide 300 emergency vehicles, but the General Services Administration and FEMA turned them down (Washington Post, 4 September).

As the toll of confirmed dead climbs over 1,000, the fact that at least 154 of the bodies were recovered in New Orleans hospitals >>continued on page 6

POLICE AND CITY HELP PLAINTIFFS SUE GRANDMOTHER

By Andrea Prichett

While Berkeley Copwatch's main mission is to observe police, and teach people how to observe police and to know their rights, it is also our responsibility to comment on injustice when we become aware of it. For this reason, we feel that we must speak out about the case of Lenora Moore and the technique of using mass small claims actions to drive certain people from a neighborhood.

Lenora Moore is an elderly, African American woman who was born and raised in Berkeley and is currently being sued by an entire group of neighbors for allegedly "allowing" drug dealing to take place on or around her property. The neighbors don't seem to care whether Lenora had any part in the drug activity or whether she was even aware of it. They can't seem to get the evidence necessary to convict the people who they believe are actually causing the problems. Therefore, they have chosen to focus on Ms. Moore, not because she is guilty of a crime, but because she is an easy target.

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This technique of using the civil courts to sue property owners has been used in a growing number of cities, including Oakland. This Fall, an elderly grandmother named Ruby Harris was sued by the city. Councilmember John Russo and Ignacio De La Fuente said that now the Harris family, in order to stave off hundreds of thousands of dollars in public nuisance fines from the city, "will have to move out and the residents will be able to take back control of their street." While politicians may consider this to be a victory, there are many others who see the tragedy of the situation.

Make no mistake; the tactic of organizing neighbors to file "mass small claims actions" is not simply a way for the "little guys" to "take back" their neighborhoods. It is a highly political strategy for gentrifying a

neighborhood. If stopping drug dealing was the real issue, then police would focus on gathering evidence to gain convictions, city services would be available to deal with drug addiction and job programs for youth would be the city's number one priority. Instead, the blame for the symptoms of poverty, lack of opportunity and education are laid at the feet of a 75 year old woman who, the police and neighbors maintain, is somehow responsible for failing to stop drug dealing in an area that has suffered from drug activity for over 30 years.

Despite claims of impartiality, the police and city officials have been instrumental in organizing the neighborhood campaign against Ms. Moore. The neighbors have received assistance from city staff in preparing their case. In fact, at the second court date on November 4th, Ms. Moore walked in to discover that the plaintiffs have been provided with police reports and a declaration from Taj Johns, an employee in the city manager's office. Ms. Moore was not provided with any of this material. It is important to keep in mind that, in this type of action, defendants are not provided with legal assistance and can not be represented by a lawyer. Fortunately, Leo Stegman, a local paralegal and activist, volunteered to help Ms. Moore to prepare her defense. With all of the bizarre courtroom maneuvers by the prosecution and the commissioner, Ms. Moore was especially fortunate to be assisted in court.

For example, in a highly unusual and very controversial move, the judge (actually Commissioner Rantzman) required the DEFENSE to present its case BEFORE

the PLAINTIFFS brought their witnesses. If there is any lingering doubt about the political nature of the case, the fact that ex-mayor Shirley Dean was present in court and working with the plaintiffs shows that this is no humble band of neighbors. They were in court to send a message.



Leo Stegman and Lenora Moore

In many ways, this case represents the future of Berkeley. How will Berkeley deal with the drug economy? Shall we continue with violent police raids of residences and the racial profiling that has come to characterize South Berkeley? Shall we sue grandmothers and family members who are associated with people accused of participating in the underground drug economy? Or will we finally recognize that crime has roots and poverty has causes? If we have any hope of preserving the existence of the working class in Berkeley, then we must provide for young people who are at risk. Jobs, opportunities, and programs are vital to helping our community to recover from the devastating effects of the crack epidemic and the new economy. Let Berkeley truly live up to its reputation as a progressive city and give up the quasi-judicial practice of mass small claims suits.



Copwatch Decal Class for UC Students

Education 98/198, 2 units
Mon, 6-7:30, 2022 Blake St.

Contact Owen Sizemore
owen_s@berkeley.edu

In this course students will learn their rights when confronted by a police officer, and how to safely Copwatch. Also we will discuss further topics such as the Patriot Act, Racial Profiling, history of the police, and much more! The course focuses on civilian observation of the police as a means of increasing police accountability and preventing misconduct with an emphasis on safe and effective assertion of civil rights while interacting with the police. We will apply what we learn by directly observing the police on the streets. In past semesters, students have played an integral role in getting the UCPRB fully staffed and have hosted forums and concerts in People's Park.

Classes are held every Monday from 6:00 - 7:30 at 2022 Blake St. The class starts January 30th and continues until May 8th. UC students can get 2 units of credit. Free and open to the public. Come out! Make a difference!

PRC FINDS FAULT IN DETAINEE'S DEATH



By Siobhan Wilson

On March 29, 2004, a man died in the custody of the Berkeley Police. It is stated in the autopsy report that he died of acute cocaine intoxication. The question that remains is whether or not the BPD was negligent in their job to "protect and serve." Did Tyrone Hughes die because the BPD disregarded the signs of a man in the midst of physical trauma simply because he was being arrested? Was doing a strip search more important than phoning the medical team? Is it considered proper procedure to ignore drops of blood falling from a handcuffed man's closed mouth? There are so many questions surrounding the death of Tyrone Hughes that the PRC was asked to do an investigation.

What happened that night appeared to be an arrest for an old warrant, and the subsequent booking should not have ended up with Mr. Hughes "lying and twitching on the floor as if he was having a seizure" (as quoted by Officer Hamilton). Unfortunately, it did. As Tyrone Hughes was being booked the officer doing the paperwork, Hamilton, noticed blood dripping from his lips. He

asked Mr. Hughes if he was alright, and did not get a verbal response, only a nod yes. At this point, things begin to get questionable. Since when is blood dripping from a man's lips normal, particularly when moments earlier, while being arrested he was talking and showing no signs of injury?

After Officer Hamilton completed filling out the arrest sheet and standard paperwork, Officer Erby, indicated that it was time to move him to the booking area. At that time, Officer Hamilton noticed that he was moving slowly and didn't look well. As the booking officer asked him the standard questions that are part of the protocol, Mr. Hughes still wouldn't reply verbally. This time when the question was posed "Do you have any medical concerns?" he nodded yes. Nonetheless, instead of immediately seeking the assistance of a medical team, they moved him into a "safety cell" and preceded to strip search him. Was this more important than saving a man's life? Apparently so, because the police didn't call for medical assistance until after the strip search when Mr. Hughes fell to his hands and knees while attempting to put his clothes back on.

According to records, the fire department was called about an hour after Mr. Hughes first showed signs of being sick. The police department did nothing until his seizure had already begun, and at that point there was nothing that could be done to save this mans life.

The PRC ruled against Officer Hamilton and Officer Erby for failure to provide medical assistance and for a failure to search the arrested man's mouth. There was also an Internal Affairs investigation, but those results are not available to the public or to the family of the deceased. The family of Mr. Hughes is understandably grief stricken and appalled. When I spoke to Tyrone Hughes' mother, she told me, with tears in her eyes, that although she knew her son was "in the life," she never thought he would die like this. She doesn't understand why the police didn't do something earlier. She believes that this could have been different, that her son could have had a chance, if the police had done their jobs correctly, and treated him like a human being, and not just another drug bust.



MODESTO COPWATCH

Mobilizing in the Rural Areas



By Maria Jaime

On October 29, 2005, California Rural Legal Assistance and the Stanislaus County ACLU chapter organized a community event where Berkley Copwatch presenter Andrea Pritchett, talked to a community group about cop watching and how to form a local Copwatch organization.

The community event was triggered by a tragic event earlier this year where a twenty-year-old marine on leave from a tour of duty in Iraq, killed a local police officer in a gun battle outside a Ceres liquor store. The Ceres police, along with other law enforcement agencies formed a multi-taskforce agency and declared a war against local gangs after

labeling the marines' actions as "gang-related." The community complained to local activists that these poor Latino neighborhoods and farm labor centers were raided daily and young Latino boys were being stopped at gunpoint without basis.

The community responded to what they perceived as "intolerable harassment" at the hands of law enforcement by uniting with other non-Latino members of the community who were similarly outraged by what they saw playing out in the local media as an assault on basic civil rights. With cameras in hand, volunteer members of the local chapter of the American Civil Liberties Union spent their weekends patrolling the farm labor center, a low income housing

development which houses agricultural workers and their families.

On the first day that the newly trained cop watchers set out, the local media picked up the story and aired it on the six o'clock news. For the first time in months, the Ceres Police patrols circled only the outside perimeters of the center, but did not go in. A very optimistic group is braced for a bright future in cop watching and deterring police harassment in this small farm worker community.

To get in touch with the Ceres/Modesto copwatching effort contact: mjaime@crla.org.




TASER CONTROVERSY HEATS UP

By Karin Hilton

In the recent months a wave of research findings concerning the use of "Tasers" have been brought to our attention. The Taser originally advertised as a "non-lethal" weapon has now been linked to at least 165 deaths. This use of force is cruel and torturous. The use of Tasers should not be viewed as anything less than a violation of human rights. Many cities and police forces across the country have already adopted a ban, or are considering a ban on the use of Tasers because of the potential safety and health concerns, liability and economic impact on the city and departments. We, the members of Copwatch, urge you to examine the information and links provided and place an immediate ban on Tasers by the Berkeley Police Department and in the City of Berkeley.

The "Taser" is a brand name manufactured by Taser International. Tasers release a five second, 50,000 volt shock of electricity from two barbed darts penetrating directly into the target. The Taser can be used up to 21 ft away from the target, but can also be altered and used as a "stun-gun" if held close to the target. Each five-second burst of electro-shock is felt throughout the body, incapacitating the victim. Tasers were originally released as a "non-lethal" weapon that could be used as an alternative to a gun. However, the Taser has not been sufficiently, independently or impartially tested. Some recent findings by independent organizations have found that Tasers are not as safe as they initially seemed and may lead to death. Amnesty International's report, "United States of America: Excessive force and lethal force?" suggests that, in many cases where police have used Tasers, human targets have been, "subjected to extreme levels of force, including repeated Taser discharge and in some cases dangerous restraint techniques such as hogtying." The repeated high voltage shocks violate guidelines such as, the UN Code of Conduct for Law Enforcement.

In addition to the deaths, independent studies are beginning to show numerous health risks, including long-term risks. Amnesty International's report, suggests that Tasers may "exacerbate a risk of heart failure in cases where people are agitated or under the influence of drugs, or have underlying health problems [such as previous heart conditions, mental health histories]," which leaves large, indecipherable, populations at a



Tested

&

Proven Lethal

To date more than 100 citizens have died after being tasered.

Ban Tasers

The Coalition for Justice and Accountability 408-287-9710 (5/9/05)

This poster is an art/law collaboration between poster maker Doug Minkler and attorney, Aram James. For information contact: Aram James, ABJPD1@juno.com

dangerously high risk of death. In the case of pregnant women (another population that is not necessarily visible but is a high-risk group), the manufacturer even cautions that Tasers should not be used. In one case, cited by Amnesty International, a woman, who was 12 weeks pregnant, refused a strip search in a Florida jail and was Tased. She miscarried 7 days later, which was presumably caused by the shocks. Avoiding the use of Tasers on people with medical conditions, pregnant women, and people under the influence, is impossible for law enforcement to do with certainty. This risk makes it imperative that Tasers not be used as an "alternative" in non-life threatening situations.

Evidence suggests that Tasers are often not being used as an alternative to lethal force, but rather, are being used to "subdue non-compliant or disturbed individuals who do not pose a serious danger to themselves or others. Our concern is, If tasers were introduced to the Berkeley Police Department,

they would not minimize the use of force, and would discourage the use of de-escalation techniques. In many police forces in the US, Tasers have become a tool used excessively in cases of unruly schoolchildren, mentally disturbed or intoxicated individuals; suspects fleeing minor crime scenes and people who argue with police or fail to comply immediately with a command. Our concern is that Tasers would provide police with another weapon that can easily become excessive force, with few, if any, regulations.

For these reasons, and many others, several cities, police forces, and community groups across the country have taken a stand to ban Tasers from use in their communities. We, at Berkeley Copwatch, request that the Berkeley Police Review Commission, and Berkeley City Council review the material provided and follow the lead of many other cities including Chicago and Boston, and ban the use of Tasers in Berkeley.



BOYD CASE MOVES FORWARD

The Clock Won't Stop for SFPD

By Leroy F. Moore Jr. & Gerald Smith

On October 19th 2005, the San Francisco Police Commission was the arena to discuss the on-going battle for justice for Cammerin Boyd, an African American young man with a physical disability who was shot and killed by Officers Timothy Paine and James O'Malley on May 5th 2004. On May 5th 2005, Malaika Parker of Bay Area Police Watch filed a complaint on the Boyd's case to the Office of Citizen Complaints (OCC), which helped start an action against police Officers Paine, and O'Malley, as well as Officers Ferdinand Dimapasoc and Owen Sweeney through the Police Commission. Now the San Francisco Police Department

is trying to delay and even throw out this case over petty technical details. However, Marlyon Boyd, mother of Cammerin, is a lawyer and is well aware of the strategies the SFPD is using to delay her son's case. Ms. Boyd spoke with us for this article.

Right away, Ms. Boyd made clear what the charges are. The charges consist of police officers lying under oath, shooting at an intersection, improper use of their firearms, and shooting at an unarmed individual risking harm to them (Mr. Boyd) and the public. Mrs. Boyd broke it down by saying that the lawyer representing the SFPD really wanted to delay the case so Mrs. Boyd and her lawyer would be unable to use the evidence from this hearing for the



civil case of her son. Mrs. Boyd is suing the city\county\SFPD and the state of California for a total of one hundred million dollars.

Cammerin Boyd became disabled in 1993 when Oakland CHP Officers wrongly

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New Orleans *continued from page 2*

and nursing homes has caused an uproar. A New York Times (19 September) investigation showed that in facility after facility, the feds turned around or commandeered trucks, buses, boats and helicopters that had been sent to aid the patients.

Troops Begin Combat Operations in New Orleans

What would lead local, state and federal authorities to adopt such a murderous response toward the surviving victims of a disaster? Gut racism, certainly, from sheriffs on the bridges over the Mississippi to the squads of heavily armed white cops who cruised through the streets of New Orleans in pick-up trucks hunting down black residents, is one explanation. In the Ninth Ward, "n____rs are Texas' problem now," remarked one officer caught on a reporter's tape recorder (Democracy Now! September 6). The mood was captured by one of the states grinning gun thugs, who jokingly told a reporter, "If you wanted to kill someone here, this was a good time" (New York Times, 8 September 2005).

The day before President Bush entered the city, the semi-official Army Times (2 September) announced, "Troops Begin Combat Operations in New Orleans": This was not just a headline writer's exaggeration. The article said a massive citywide security mission had been mounted to fight the insurgency in the city. The article quoted Brig. Gen. Gary Jones, commander of the

Louisiana National Guards Joint Task Force Katrina, saying, "This place is going to look like Little Somalia... We're going to go out and take this city back. This will be a combat operation to get this city under control."

Take the city back... from whom, from the hapless and helpless people who were stranded there?

Planning for The "New" New Orleans

What is looming is a permanent diaspora of New Orleans blacks. A clue to the ruling class intentions for post-Katrina New Orleans was revealed by unofficial Bush administration mouthpiece David Brooks, in a New York Times (8 September) column outrageously titled, "Katrina's Silver Lining." The silver lining for the capitalists, it seems, is the opportunity presented by the fact that Katrina separated tens of thousands of poor people from the run-down isolated neighborhoods in which they were trapped. Like the Bushes, Brooks is exultant at the idea that this government-enhanced disaster is turning hundreds of thousands of black residents into homeless evacuees, to be hunted down as looters or rounded up and deported to heavily policed "shelters." Brooks says government must prevent them from ever coming back. According to Brooks, "If we just put up new buildings and allow the same people to move back into their old neighborhoods, then urban New Orleans will become just as run down and dysfunctional as before."

Similarly chilling comments were made by James Reiss, head of the New Orleans Business Council. While tens of thousands of people were still stranded on rooftops and in the Superdome, Reiss was organizing a secret conclave of business leaders in Dallas to work out the plans for a new New Orleans, cleansed of poor black people. Through the house organ of American capital, Reiss issued a threat on behalf of his class:

The new city must be something very different, Mr. Reiss says, with better services and fewer poor people." Those who want to see this city rebuilt want to see it done in a completely different way: demographically, geographically and politically," he says. "I'm not just speaking for myself here. The way we've been living is not going to happen again, or we're out." (Old-Line Families Plot the Future in New Orleans, Wall Street Journal, 8 September).

To honor the lives of the brothers and sisters, the mothers and fathers that the ruling class simply left to die, to achieve genuine social equality and a decent life for blacks and all working people, we will have to change this whole system. Capitalism is racist to its core, and the struggle against racism must therefore be a struggle against capitalism.



“SUNDAY CAFÉ”-OPEN MIC DRAWS ALL AGES

Community Justice Project Continues in South Berkeley

By Andrea Prichett

Efforts to create a community based justice forum continued in South Berkeley with the third neighborhood event that has come to be known as the “Sunday Café.” On Oct 23, Copwatch along with the South Berkeley Community Church, L’il Bobby Hutton Literacy Campaign, and Resurrection Church co-sponsored the afternoon of music and poetry. The next Sunday Cafe will take place February 26th, 2 to 4pm at the church.

This series of open mic/talent show type activities have attracted a strong showing from the young people in the neighborhood. In fact, most of the 50-60 people there were under 15 years of age. However, adult residents also came by to share the poems, songs, insights and food that are offered at the free event. Organizers stress that this activity is meant to be homegrown and very neighborhood oriented. The theme of the most recent event focused on survivors of hurricane Katrina and many of the poems that the children recited extended concern to the people of New Orleans.

Pastor Gayle Dixon of the South Berkeley Community Church was one of the organizers who went door to door to invite neighbors to get to know one another at this intergenerational event. According to Rev.Dixon, “This is just another effort to be in a harmonious relationship with our community and to grow positive relations between neighbors. We will continue to have these events and bring in those who can help facilitate justice and create a learning environment in our neighborhood.”

Andrea Prichett from Copwatch who also helped to organize the activity explained why Copwatch is so interested in the Sunday Café.

“We believe that real problem solving in the neighborhood can only happen in a climate of trust and caring. Relationship building is very important. Once we have

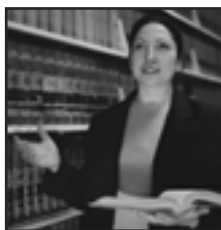


David Turner, a participant in Sunday Cafe, October 2005

a high level of trust, we will be able to discuss issues and maybe even deal with controversial topics in a climate of caring. We are interested in problem solving strategies and violence prevention efforts that don't involve the police or city agencies. This may seem idealistic, but

the old method of calling in the police doesn't seem to be working. We want to try a new approach.”

If you are interested in helping to create the Neighborhood Forum For Justice and Healing, contact Copwatch: 510.548-0425



KNOW YOUR RIGHTS:

Advice by Attorney Katya Komisaruk

QUESTION: If the police notice that my car registration tag is expired while my

car is parked on the street, can they tow it without telling me? Can they tow it from my own driveway?

ANSWER: If your car is parked on the street and its registration expired at least six months ago, the police can tow it without giving you warning. If the car is parked in your private driveway, then it should be safe even if registration is long expired. Either way, make sure that no one has left anything in the car

that might possibly be illegal because such an item could serve as probable cause to seize the car and could be used as evidence to prosecute the owner.

QUESTION: Recently, the police arrested my boyfriend and discovered that he had a key to our house. The officer used the key to enter our house and search it and totally devastated the place. The cop didn't have a warrant. Was this legal?

ANSWER: The police can search without a warrant under quite a wide variety of circumstances. To answer this question,

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ANATOMY OF A COVER-UP

By Karin Hilton

The fact that another African-American man, Patrick Gaston, was killed by police in front of many witnesses is not in itself shocking. Sadly, this scenario has been played out too many times before on Oakland's streets. However, we have learned from the past that when the Oakland Police commit murder, we can expect the propaganda machine to rev up into full gear.

Let's look at lie number 1: "A preliminary autopsy found that Patrick Gaston, 34, may have died of asphyxiation after swallowing a plastic bag of drugs, Oakland police Sgt. Tony Jones said Friday."

This is absurd on its face. Since when do the police perform "preliminary autopsies?" On the very same day as the death, police can claim to know what killed the man? The fact is that their minds are made up; they are determined to have it be

true that Patrick Gaston was responsible for his own death.

Are we really supposed to believe that the officers on top of him and the officers delivering blows to his body are a mere coincidence to his sudden death?

Lie #2 "Jones said one of the officers hit Gaston on both sides of his body and kned him, but he said no one kicked or choked him. The autopsy found no swelling or bruising on his head, he said."

Yet again...what autopsy? In most cases, autopsies take weeks if not months to perform. Toxicology tests take weeks to come back from the labs...or so we are told. How is it that these officers can simply spread blatant falsehoods with complete impunity?

Fortunately, the family has opted to have an independent autopsy performed. This is wise because the coroner (who performs the autopsies) is part of the Alameda County

Sheriff's office. It would be a rare occurrence indeed for the police to admit that police were responsible for the death.

Unfortunately, anyone who has a loved one die at the hands of police must organize to have an independent forensic specialist examine the body. Valuable evidence about what really happened can only be recovered by an independent agency.

Finally, it is important to notice that police, as if reading from a script, released information about the victim that, while completely irrelevant to the fact of his murder, is intended to make the public somehow believe that he deserved what he got." Gaston had a previous drug-related conviction and was on probation when he tried to sell heroin to an undercover officer, police said." And this is supposed to justify his murder?

Fortunately, we are wise to the anatomy of a cover-up.



Boyd Case *continued from page 6*

thought Cammerin was in a stolen car. The CHP chased him and made him crash, causing him to lose his leg. Come to find out, the car was his mother's. The Oakland police continued their harassment of Cammerin every time he was driving through Oakland. Finally, on May 5th 2004, Cammerin was once again chased by police, but this time it was in the Western Addition of San Francisco. He was shot by Timothy Paine after screaming that he was disabled and needed his leg from the car and reached for it.

The hearing on October 19th, 2005 was supposed to begin the inquiry against Timothy Paine and the other officers who shot Cammerin Boyd. However, police changed the main goal of the hearing into an old question on the statute of limitations and time line in Boyd's case. The lawyer representing the police argued technical details of Cammerin's case by saying "Captain Fong didn't have enough time to respond to the Boyd's case" and that the procedures were not followed in a timely matter. On the basis of these technical details, the San Francisco Police wanted the case to be thrown out or delayed.

Many activists, Cammerin's family, organizations and law students took the mic at the police commission to echo demands that the Police Commission has the power and duty not to be swayed from their jobs. A representative from the newly formed African American Police Relationship Board of the Western Addition compared the quick reaction after the shooting of Police Officer, Isaac Espinoza to the lack of action and now the request to delay the case of Cammerin Boyd. He said "it shows that one life is more important than another. But a life is a life!" The common message from the public was "do the right thing!" Well, after the Police Commission came out from closed session, they did the right thing by dismissing the police's argument for delay.

Nevertheless, it is now December, weeks after the Police Commission rejected the request for delay and still the community and Cammerin's family are still waiting. On October 19th, the Police Commission told the public that the Boyd's case would be on the November 2nd agenda. Commissioner, Gayle Orh-Smith, promised us that it would be on the agenda for November 9th. Well, November 9th came and went still no hearing. Martin Luther King's book, "Why We Can't Wait" came to our minds as the weeks continued to go by.

Mrs. Boyd ended our interview by saying, "the police, will come up with lame excuses on why they had to shoot a disabled unarmed man," and "it is up to the Police Commission and public to come to a conclusion in this case." She also told us that after the shooting of her son the police quickly came out and said that the shooting was justified. Umm...sounds familiar?



Cammerin Boyd's family

Mrs. Boyd is asking people to support her and the campaign for Justice for Cammerin Boyd by coming out to Police Commission weekly hearings at San Francisco City Hall room 408. You can call Mrs. Marlyon Boyd to get involved in then campaign for justice for Cammerin Boyd at (510) 663-8772 or email her at cammerinboyd050505@yahoo.com.



THE NETWORK OF VICTIMS FAMILIES GROWS

Idriss Stelley Foundation (ISF) has created the following websites supporting families of loved ones killed by law enforcement:

<http://groups.yahoo.com/group/Justice4Samuel/>

Samuel Martinez, 34 years, father of two children, was shot and killed by a San Jose police officer, Friday, May 27, 2005 at 3:00 a.m. in the 2000 block of Countrywalk Circle in North San Jose. The San Jose Mercury News gives the version that Samuel was banging on the wife's door attempting to break in the house. They said that the wife had called the police. When the San Jose Police arrived Samuel Martinez came out of his van and approached the one police officer. The police officer used the Taser gun and tasered him twice then the officer shot Samuel several times. Samuel died at the Santa Clara Valley Medical Center that morning. Contact: Barrio Defense Committee (BDC) PO Box 1523, San Jose, CA 95109 — (408) 885-9785

<http://groups.yahoo.com/group/Justice4Everardo/>

24 yr. Salvadoran Everardo Torres was fatally shot by Officer Maricela AKA Marcie Noriega on 10-27-02 who "mistakenly" shot Everardo in the chest but meant to grab her taser instead... This is virtually impossible since there is a safety device on tasers preventing its release by possible assailants, therefore at least 2 maneuvers to release tasers. Everardo's case will be heard in Federal Court in Fresno on August 9, 2005. This website is gathering community support for the Torres family, and to protest in front of Fresno Federal Building on the court day!

<http://groups.yahoo.com/group/Justice4Gus/>

On June 29 2004, Gus Rugley, 21 yr African American Youth was shot more than a hundred times on Alemany Boulevard, San Francisco, after what SFPD described as a high speed chase. According to the corporate press, Rugley would have opened fire at a police car. However, the autopsy report released nearly 9 months after Rugley's homicide, revealed that he had no gun powder traces on his skin or clothing, therefore Gus could not have used a weapon. The toxicological screen also revealed that Gus Rugley was not under the influence of alcohol or any drugs at the time of his death.

<http://groups.yahoo.com/group/Justice4Julio/>

Julio Ayala, 26 yr. Salvadoran citizen, was beaten to death for 15 minutes by 13 SF "Peace Officers" on 4-3-05, shortly after midnight after SF Airport Inn Manager and the occupant of Rm 202, adjacent to Julio's room complained to PD about excessive noise. The official version stands:

Julio "stopped breathing" while constrained in a body wrap. The Ayala's family was not allowed to view Julio's body, due to "lack of suitable facility," was barred from talking to hotel staff, has not been able to access autopsy, PD, paramedics or Fire Department reports. (Created by Idriss Stelley Foundation, Justice4Julio is compiling support for the family of Julio. Sign the Justice4JulioAyala Petition on the website!)

ISF is a nonprofit organization created through the settlement of Idriss Stelley's vs. City & County and SFPD case and its allocation to his mother mesha Monge-Irizarry. Her only child, a 23 African-American, was killed by SFPD at the Sony Metreon Theater on June 13, 2001, 48 shots, 9 officers, as he stood alone in an empty theater.

Idriss Stelley Foundatio 4921 3rd St, SF CA 94124 — (415) 595-8251
24-HRBilingual Spanish Crisis Line.
iolmisha@cs.com



Copwatch Calendar

Unless otherwise noted, all events will take place at the Copwatch Office at 2022 Blake Street in Berkeley. For info 510 548-0425

Organizational meetings:

Mondays 8 pm If you want to get involved, go on a Copwatch shift, volunteer or speak with copwatchers about a situation in your area, come to our weekly meeting at 2022 Blake Street.

Copwatch Class:

Mondays 6 -7:30 pm Learn more about the origins of police, community control initiatives, the history of resistance, civilian review and lots more! This UCB sponsored class is also open to the public for free! 2022 Blake Street

Know Your Rights Training:

Saturday, March 4th 11am to 2pm.

Free hands on workshop on what to do if you are stopped by police and how to observe police safely. Includes tips on video, scanners and filing complaints and lawsuits. Call for information on additional trainings, 510 548-0425 2022 Blake Street, Berkeley.

CIVIL RIGHTS REVIVAL FEST

Bang4Change 2006

Sat. February 25th, Noon to 6 P.M.

February 2006 event will unite thousands of People demanding Justice and Peace! SF ANSWER, SF Peacemakers, National Radical Women, SF Black National Newspaper and Community First Coalition have joined our team! **Event Location: SF City Hall** iolmisha@cs.com (415) 595-8251

Sunday Cafe

Sunday Febuary 26th 2pm to 4pm

All ages are welcome at this open mic event sponsored by the Neighborhood Forum for Justice and Healing. Get to know your neighbors. Bring a poem, song or just yourself! Located at South Berkeley Community Church (at the corner of Fairview and Ellis St.) Call 548-0425 for more info.

ON THE STREETS: A Basic Copwatch Shift

What's it like to go on a Copwatch shift? It means listening to people, handing out Know Your Rights information and watching lots of routine police activity. Here is a partial log from a night shift last Summer. We drive, walk or ride our bikes to a location and then simply...observe. Sometimes it is routine and sometimes it is too exciting. Either way, monitoring your neighborhood for police misconduct is a vital community function.

9:15pm 142# and 90# had two people stopped on Derby off of Sac. (142 always tries to get victims to tell us to turn our cameras off.) Victims were searched (on a four way search clause according to the woman) and released. Victims were one black male, one white female

9:43pm 142# and 90# had stopped an older black male on Sacramento and Julia for not having a bike light. Four officers showed up 77#, 95#.

10:10pm A young Latino was pulled over by officer 141#. The victim's license was not valid

so they towed the car. 142# and 90# were present. Copwatch drove victim home.

10:50pm Officer 34# initiated a car stop on Ashby west of San Pablo. He gave a sobriety check to a white male. When he noticed Copwatch, he finished and left.

11:10pm (Derby/ San Pablo) Officer 88# had stopped a white man in a Jaguar for speeding through a yellow light. (88 had refused to give his badge on the last two stops where he was present and gave it only after Copwatch verified his name).

11:30pm San Pablo and Murray. 34# 158# 27# had initiated a car stop. There were two victims. One male, one female, both were black. The male was in cuffs. Upon our arrival, the police uncuffed the young man and released both men after showing them how to put their license plate on the back. 27# was un-cooperative about giving his badge number.



Know Your Rights continued from page 7

I'd need to know what your boyfriend was arrested for, what the police claimed they expected to find in the house, and why they claimed there wasn't time to get a warrant. It would also be useful to know whether your boyfriend was on probation or parole because the conditions often include searches without probable cause. Someone who's been given a key to a building is presumed to have a right to use that space, so as you've guessed, your boyfriend's key strengthens the officers' argument that they expected to find evidence of his criminal activity inside.

QUESTION: I recently saw a cop pull over a young man in a shiny car. The cop said that the reason he pulled him over was because he had seen the youth driving with his music on too loud about three hours earlier. Can the cop give you a ticket for something that supposedly happened hours before?

ANSWER: Yes. The fact that the offense occurred several hours before the arrest wouldn't signify, especially if the officer claimed that she wasn't able to apprehend the suspect at the time of the offense. If there was a great lapse of time between a trivial offense and the arrest, or if the officer had other opportunities to make the arrest, yet refrained from doing so, the suspect might be in a better position to argue that the officer was being unfair. When copwatching in such situations, make careful notes of racist remarks or other inappropriate statements made by the officer.



Berkeley doesn't need more cops...



**we need more
COPWATCHERS!**

**FREE KNOW YOUR RIGHTS
TRAINING and WORKSHOP!**

Saturday, March 4th
11am - 2pm
2022 Blake St.
(near Shattuck Ave. in Berkeley)

- * Learn your rights for when you are stopped
- * Keep safe while observing and documenting police
- * What we can do if police have violated our rights

If you would like to volunteer at Copwatch or just want more information,
call us at (510) 548-0425.

Meetings are Mondays at 8pm at 20222 Blake St. Come on by!

Dont Talk to the F.B.I. Get Legal Advice!

If you are contacted by the FBI or other law enforcement officers, or subpoenaed to a grand jury, or if you are not a citizen and have a question about the impact of your political activity on your immigration status: Call the National Lawyers Guild Post-9/11 Hotline, 415 285-1041.

Free Monthly Legal Clinic

"Are You a Survivor of Police Brutality?" Free Monthly Legal Clinic sponsored by Bay Area Policewatch 344 40th Street Oakland. Call for dates and times of upcoming clinics. (510) 428-3939.

DEFEND THE RIGHT TO OBSERVE

Copwatchers on the Frontline

According to Berkeley Police Department Training Bulletin #91, it is the policy of BPD to put "the least amount of restriction" possible on citizens who are attempting to observe police. We should not be threatened with arrest, lied to, interfered with, intimidated and certainly not physically assaulted while we are working to monitor police. Yet, this is exactly what is happening in our city. Copwatch leads approximately 2 three-hour training shifts per week. As Copwatch activity has increased, so have police attempts to stop us from observing them. Consider the following.

April 7th 2005 (West Berkeley) Officers Hong and Huynh had arrested someone and were preparing to transport the person. While everything was quiet, the Copwatchers engaged in conversation with the man about his right to sue police officers. At that point, Officer Hong grabbed the video camera and threatened the Copwatchers.

April 8 2005 (University and San Pablo) Police pulled over 5 Latino youth. Officer Hong told those detained to tell Copwatch that they did not want their incident to be videotaped. This pattern of telling detainees to object to our monitoring is a tactic that some police officers are using on an on-going basis.

April 13th 2005 (Dwight and Mathews) Senior Copwatchers were with two new Copwatcher who were observing police assist in the eviction of a Berkeley man. Everything was quiet on this evening and Copwatchers observed for approximately 10 minutes without any problem. Without provocation, Officer Melero approached the Copwatchers and suddenly demanded that they "cross the street" to observe. When one Copwatcher asserted his right to observe, he was struck in the chest by the officer. A Police Review Commission complaint is pending.

May 4th 2005 (Alcatraz and Baker) A BPD officer asked a Copwatcher to step back "25 yards" from the scene of a detention. The person being detained had already asked the Copwatcher to videotape the incident. Officer Morales arrived and told Copwatch to "step back." When Copwatch informed the officer of the right to observe as outlined in training bulletin #91, the officer explained that his request was reasonable because there might be drugs somewhere on the ground.



Officer Melero assaults Copwatcher

These are examples of incidents that are happening to Copwatchers on a regular basis. It is COMMON for BPD officers to threaten to arrest observers DESPITE the fact that they are engaging in legal monitoring. It is COMMON for officers to rush up on a Copwatcher and throw their chest in the Copwatchers face in order to physically move the Copwatcher back and away from the main activity. This is not legal and it represents an attempt by the Berkeley Police to suppress legitimate monitoring of the police.

Here is what we need to push back against police repression in Berkeley:

1. We need more people to take up Copwatching. It is clear that our police are being drawn into behaviors that do not promote openness and community awareness of police activities.
2. We need more volunteers to help us to organize protests against the way that Berkeley Police are intimidating and harassing our volunteers and others who take the bold step to observe police in action
3. We need more people to know their rights when dealing with police. Attend a "Know Your Rights Training" and become aware of what you can do and how to stay safe when observing police

July 11, 2005 (Sacramento and Oregon) was present at a police stop at a house where a "loud noise" was reported. Several people were detained in this aggressive police action. Officer was wearing a "Drug Task Force" shirt but was without a badge number or visible identification. This same officer was also seen in March carrying an assault rifle into a private business without benefit of any identification.



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

\$5/year—low income

\$35/year—sponsor

\$20 new Copwatch video

\$20/year—supporter

\$50/year—m(p)atron

I can't afford a donation but add my name to your mailing list

Name _____ Phone _____

Organization _____

Address _____ City _____ State _____ Zip _____

E-mail address _____

Make checks payable to COPWATCH. Mail to 2022 Blake St. Berkeley, CA 94704. Contributions are not tax deductible. For tax deductible contributions, make check payable to Community Defense, INC.

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