

COPWATCH

PWATCH

Report

COPWATCH
Berkeley, California

Fall 2000
(510) 548-0425



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Copwatch Calendar

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Evidence points to pattern & practice of racial profiling by Berkeley Police Dept.

By Danielle Storer

Six people in three separate incidents in the same neighborhood of West Berkeley were brutalized and arrested by Berkeley police officers this spring. In another incident, a couple driving to work was pulled over by the cops, guns were aimed at their heads, and finally they were released in a case of mistaken identity.

Notably, none of these individuals were charged with crimes related to the initial stop. The incidents described here all involved Berkeley police officers, and were all perpetrated against African American people. The Berkeley Police Department (BPD) has been quick to dismiss charges of racial profiling. However, even the BPD's own report (released in the Berkeley Daily Planet on May 19, 2000) stated that 29 percent of Berkeley police traffic stops involved African American people, and 49 percent were European American. In contrast, the 1990 census counted 19,000 African American residents in Berkeley – only 18 percent of the population, compared to 64,400 or 60 percent European American residents. The following description of four separate incidents is just a sampling of the many complaints reported to Copwatch each month.

The most publicized of these incidents occurred on Friday, June 2, 2000, and ended with three people beaten by police and arrested. Eighteen-year-old Keith Stephens had just pulled up to his home in West Berkeley with his 4-year-old nephew, 16-year-old cousin and a friend. Officers Tim Gardner and John Libed of the BPD Drug Task Force

pulled up behind him.

According to the family, Keith got out of the car, still unaware that officers were following him. When he saw the police, he stopped and stood next to his car. Keith's sister (Latisha Stephens), grandmother (Alice Frazier), and a number of neighbors were outside and witnessed what ensued. Gardner and Libed approached Keith and one of them pushed him. The other officer put Keith into a choke hold, and pulled his arms behind his back, while the first officer beat him with a billy club on his arms, legs and head. Latisha asked the officers to stop, and one of the officers used his billy club to strike her legs. She was then arrested and charged with physically interfering with police and spitting on an officer. Mrs. Frazier also asked the police to stop, and she was forcefully arrested, had her arm injured, and was charged with inciting a riot. Keith was arrested and charged with misdemeanor charges of interfering with a police officer, and battery on a police officer. Mrs. Frazier, Latisha and Keith were all jailed. Mrs. Frazier was held overnight, and Keith was not released until Monday.

The police version of the story, as reported in the June 6, 2000 Berkeley Daily Planet, is that the officers were investigating a possible expired registration tag on the car Keith was driving. They said that Keith was not cooperating and that Gardner needed to "use his baton to bring the suspect under control." They also claimed that Latisha and Mrs. Frazier were encouraging Keith not to cooperate.

Keith's family is concerned that this is a case of "driving while black." Keith

Continued on page 9

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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BPD "stop card" policy under review

By Karla James

Field Interview cards, commonly called stop cards, are used to record information about a person who is stopped by the police and interviewed in the field. The person interviewed could be a possible suspect in a crime, fit the description of a suspect, or could be observed engaging in suspicious activity. Examples of suspicious activity that are given in Berkeley Police Department General Order R-29 include "loitering around a closed business or known drug spot without apparent business, erratic driving, (or) attempting to hide from an officer, etc."

The stop card information is entered into the Record Management System, where it is kept on record for 90 days. Records can be forwarded to a particular detective bureau such as the department of sex crimes or robbery. After 90 days, they are supposed to be purged from the system.

Historically, it has been the Berkeley Police Department policy to detain individuals until their identity can be established in order to complete a stop card. In many cases the subject of the stop card has done nothing illegal, and the police would legally not have enough cause to detain the person. The police department recently stated that this policy is under review by the city attorney, and that the police **should not** detain or arrest people for not giving their names (see related article about Leo Stegman, page 4).

Members of the Berkeley Police Review Commission recently took is-

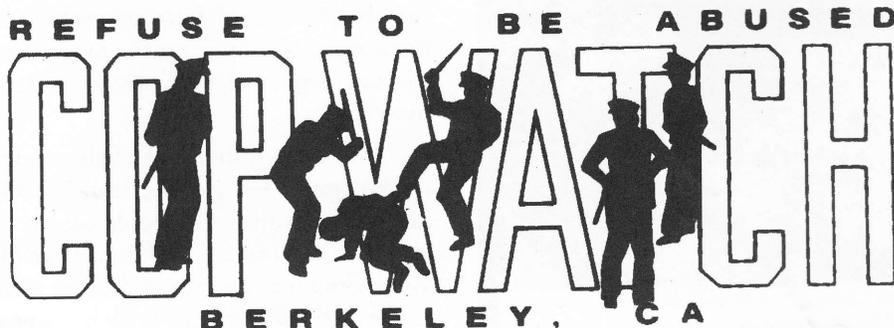
sue with the use of stop cards in the instances of "engaged in suspicious activity" and "physical description matches a suspect." Their concern was that the Berkeley Police Department is keeping a written and computerized record of someone without evidence that the person has done anything illegal. Hanging out in front of a closed business is not illegal, and all too often a "known drug spot" means a poor, African American or Latino neighborhood. The Police Review Commission voted on amending the use of stop cards to prohibit their use in those two situations, but didn't muster enough votes to amend the order.

So what should you do when the cops are trying to fill out a stop card on you?

Know your rights!

- Ask the cop, "Am I free to go?" If they say no, ask them, "Am I being detained?" They must have a specific legal reason to detain you.
- If you are being detained, they may pat search the outside of your clothes. Do not consent to a search of your pockets or bags. You don't have to answer any questions.
- Ask the cop if he/she is filling out a Field Interview (FI) card on you. If so, you should be able to obtain a copy of the FI card from the police department.
- If you are being arrested, they have the right to thoroughly search your person. You have the right to remain silent, and the right to an attorney. Don't give up these rights!

REFUSE TO BE ABUSED
COPWATCH
BERKELEY, CA



UC Police Review Board struggles for legitimacy

Reforms fall short of true independence

By Andrea Prichett

In recent months, the University of California at Berkeley Police Review Board (PRB) has been more active than any time in its 15 year history. With efforts at outreach, a first-ever annual report and recommendations for improving the effectiveness of the board, Chairperson Stephen Bundy is giving the PRB a much higher public profile. The annual report of the board was presented at what was billed as a public forum on May 9 in the Tilden Room of the ASUC building. Unfortunately, there were only 13 people in attendance. The goal of the meeting was obviously to project an image of legitimacy and authority for the PRB. Unfortunately, the image of authority is undermined by the reality of the board's very limited powers in relation to the task of controlling police functioning.

PRB Doesn't Even Have a Phone

The reality is that the board has no annual budget, no literature announcing its function or describing its procedures, and no office. There isn't even a way to contact the board directly by phone. There is no support staff, no investigators (unless hired for a specific task) and those who serve on the board are volunteers. At times, the board has gone for years without meeting. The only way that the board can review cases is **after** the complaint has already been investigated by the police department. If, after the police announce their findings, a complainant is unhappy with the result, they have the option of appealing their case to the PRB. It is often the case that the UC police neglect to inform complainants that the PRB even exists. This is not independent civilian review by any definition.

Members of the PRB were excited by several of the recommendations that were accepted by Vice Chancellor

Horace Mitchell (who has the ultimate say over the PRB). It was significant for board members that, at last, UC officers would be required to submit to interviews by investigators and to attend and testify at board hearings. It was also a step forward that police department representatives would no longer have the right to attend the board's deliberations regarding a subject officer and that the PRB recommendation to expand the board to include a community representative had been accepted.

Cops Review Cops

While these reforms do represent a small step forward, other recommendations were a setback for advocates of police accountability. The fact that a former UC police officer who has been off the force for five years can now serve on the board is likely to further corrupt the board process. This former officer will be deliberating on allegations against individuals with whom he or she had, at least, a working relationship. In addition, the requirement that complainants be admonished against filing false complaints is unnecessary and merely serves as another way to intimidate people. Other recommendations restrict public access to information and fall far short of allowing interested community members an opportunity to monitor the activities of this police department.

The issue of UC police accountability is crucial. University police are not a pretend police force. This department has roughly 80 officers, a bomb squad, a S.W.A.T. team and various other special details. UC cops have been involved in two suspect deaths since 1990 and numerous lawsuits involving allegations of misconduct including excessive force, sexual harassment and other types of wrong doing. They patrol the streets of Berkeley right alongside City of Berkeley police officers yet, they are not subject to oversight by any independent, civilian process. This situation is very dangerous.

True Civilian Oversight

We at Copwatch support the con-

cept of civilian oversight. In the City of Berkeley, the Police Review Commission holds hearings that are open to the public and complainants are free to question police directly. Although they are not allowed to actually recommend which specific disciplinary measures should be taken, the commission can be helpful in making issues public and in educating the community about problem officers and policies. Sometimes useful reforms (such as ending the use of chokeholds or attack dogs) have even been enacted.

The UC board is a different matter. At this time, the UC Police Review Board does not have enough independence, resources or administrative support to be able to serve the community well. Since it is not allowed to hold open hearings, make documents available to the public, or to convene meetings on a regular basis, then it can not serve as a public forum. We ask, *what is the usefulness of this board?*

Don't Legitimize "Faux" Process

If you have a grievance against UC police, we recommend that you **not** file your complaint with the UC police. Write down what happened to you and give a copy directly to the Office of Vice Chancellor Horace Mitchell (ph. 510-642-3100). We do not recommend that you go through their process of hearing the complaint because it is not a balanced, independent or public process. However, by notifying the Board that abuses are occurring, they can not claim that there is not a problem with police misconduct.

We at Copwatch do not believe that the current UC PRB meets even basic criteria for independent, civilian oversight. Until the board is truly independent, we refuse to legitimize a process that is incapable of providing the community with the oversight function that we so desperately need. In the meantime, you can give a copy of your story to Copwatch and work with us to educate the community to work for real, meaningful change. 

Berkeley police abuse "stop card" policy, violate 5th Amendment

Case Study: Racial profiling and the right to remain silent

By Kahlil Ansar

The case of Leo Stegman demonstrates how it can be a crime to be poor or a person of color in the City of Berkeley. Law enforcement officials in Berkeley treat innocent poor folks and people of color like criminals, by constantly subjecting them to unlawful stops, detentions, and arrests. While following Berkeley's stop card policy, police are violating people's 5th amendment rights (see "BPD 'stop card' policy under review," page 2).

California Courts have ruled that in order for law enforcement officials to justify a stop or detention of an individual against their will there must be a "reasonable suspicion" that the individual is involved in criminal activity. The California Supreme Court has defined "reasonable suspicion" in a ruling by stating, "[I]n order to justify an investigative stop or detention, the circumstances known or apparent to the officer must include specific and articulable facts causing him to suspect that (1) some activity relating to a crime has taken place or is occurring or about to occur, and the person he or she intends to detain is involved in that activity." (In re: Tony C. (1978) 21 Cal. 3rd 888, 893, [148 Cal. Rptr. 366, 582 P. 2d 957]). In order to arrest an individual, a law enforcement officer must have "probable cause." The California Courts have ruled that "probable cause for an arrest is shown if a man of ordinary caution or prudence would be led to believe and entertain a strong suspicion of the guilt of the accused." (People v. Fischer (1957) 49 Cal 2d. 442, 446, 317 P.2d 967).

Many times, de-facto "probable cause" and "reasonable suspicion" amounts to simply one's skin color or perceived economic status. Along with most every police agency, BPD uses the practices of economic and racial profil-

ing to stop and harass innocent poor people and people of color everyday.

A perfect example of these policies is the case of Leo Stegman. Mr. Stegman is a 34 year old, African-American, who is employed by a local non-profit that provides employment services to families. On May 22, 2000 at 7:45am, Mr. Stegman was waiting for the Multi-Agency Service Center to open, and decided to rest on a park bench in Martin Luther King Park.

After lying on the park bench for about 5 minutes, Officer Frederick (Badge # 11) of the BPD came up to Mr. Stegman and told him that there was no sleeping in the park. Officer Frederick began to ask Mr. Stegman a battery of questions. Mr. Stegman informed Officer Frederick that he was not asleep, and then asked the officer if he was under arrest. Officer Frederick replied, "No." Mr. Stegman informed the officer that he would stand upon his Fifth Amendment rights and would not answer any of the officer's questions. Officer Frederick insisted that Mr. Stegman had to answer his questions and produce valid California Identification, or he would be in violation of California Penal Code 148(a)(1) "willfully resisting, delaying, or obstructing a peace officer in the discharge of their official duty." When Mr. Stegman refused to subject himself to Officer Frederick's interrogation by merely ignoring the officer's questions, he was arrested, searched and taken to Berkeley city jail. Upon the officer's search of Mr. Stegman, he found that Mr. Stegman had valid California identification on his person.

In his police report, Officer Frederick expressed his opinion that the quality of Martin Luther King Park has gone down because of the presence of homeless people and high school students who frequently use the park. He went on to say that he was under order by his superiors to patrol the park.

The case of Leo Stegman is a classic example of the rousting of people of color and poor people in Berkeley by

the police department. Throughout his report Officer Frederick states that Mr. Stegman is "homeless." Yet, his only "evidence" of Mr. Stegman's alleged homelessness are the items of clothing that were in Mr. Stegman's messenger bag, and the fact that he was resting in a public park that some individuals who are assumed to be homeless use. Mr. Stegman was not homeless, so even the perception of one's housing status subjects them to economic profiling by the Berkeley Police Department.

Officer Frederick's stop, detention, and arrest of Mr. Stegman does not come close to the legal standard of "reasonable suspicion" or "probable cause" as set by both the federal and state courts and constitutions. There is no state law or local ordinance that bans sleeping in public parks during daytime hours in the City of Berkeley. Therefore, even if we assume that Officer Frederick's accusation was true and that Mr. Stegman had slept in the park, Officer Frederick's actions fall woefully short of the standard of "reasonable suspicion" required to legally stop or detain Mr. Stegman.

Also, in Mr. Stegman's case the arresting officer lacked "probable cause." The arrest of Mr. Stegman was illegal and unlawful. In order for an officer to make a lawful arrest without a warrant, s/he must have probable cause. The California Court has stated, a "policeman may arrest without a warrant whenever he has probable cause to believe that the person to be arrested has committed a public offense." (Agar v. Superior Court (1971) 21 Cal. App. 2d. 24,28, 98 Cal. Rptr 148). Mr. Stegman was arrested for violation of Penal Code 148. An arrest for a violation of California Penal Code section 148 for merely refusing to answer the questions put forth by law enforcement officers is lacking any legal basis. The United States Supreme Court has ruled "law enforcement officers do not violate the Fourth Amendment (no unreasonable search/seizure) by merely approaching an individual on the street or in another public place, by asking him to answer some

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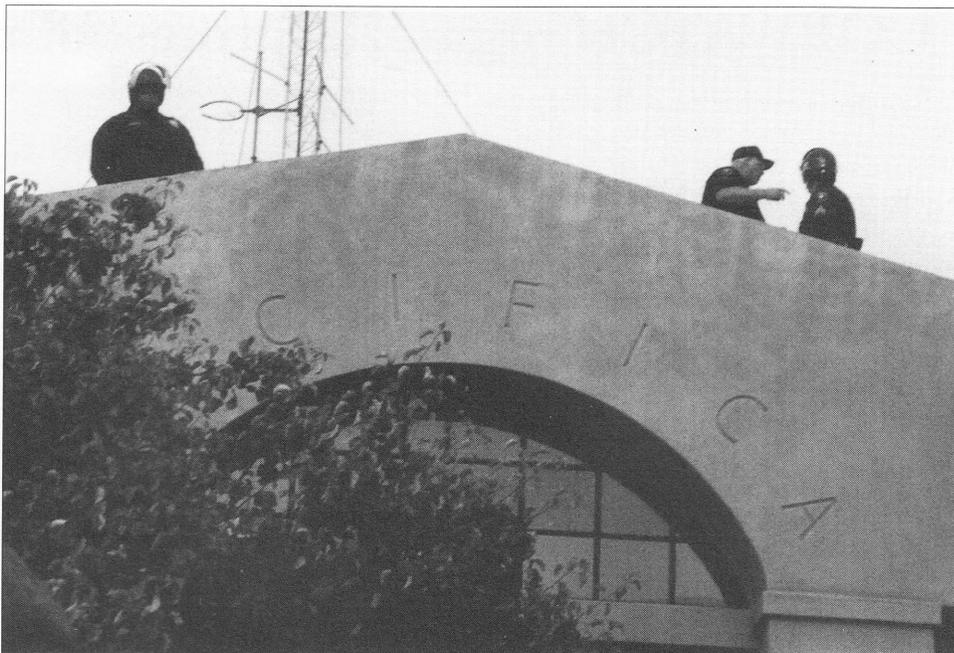


question....The person approached, however need not answer any question put to him; indeed, he may decline to listen to any questions at all and may go his way." (Florida v. Royer (1983) 460 U.S. 497-498 [75 L.Ed2, 235-237, 103 S.Ct.1319).

Throughout the City of Berkeley, people of color and poor folks find themselves under constant harassment and intimidation whether they are young punk rockers on Telegraph Avenue, low-income individuals selling the **Street Spirit** newspaper on Shattuck Avenue, or African-Americans in South and West Berkeley. In Leo Stegman's case, BPD is attempting to illegally control and restrict the uses of public areas.

One day after his arrest, Mr. Stegman was released from Berkeley city jail. The District Attorney refused to press charges. On May 22, 2000, Mr. Stegman filed a compliant with the Berkeley Police Review Commission (PRC). In his compliant, Officer Frederick was charged with the wrongful arrest and wrongful search of Mr. Stegman. During his testimony Officer Frederick stated that he was following orders and the policy of BPD that instructs officers to fill out stop cards in certain circumstances. He went on to claim that Mr. Stegman was delaying him in the official performance of his duties, a violation of **California Penal Code Section 148**, by refusing to answer questions and provide identification. Mr. Stegman informed the panel that a person has no legal duty to provide identification during a consensual stop or detention according to both California and United States case law.

The PRC substantiated Mr. Stegman's claims against Officer Frederick by a three to zero margin. The PRC stated that Officer Frederick's reasoning for arresting Mr. Stegman illustrates concerns that the commissioners had raised about the BPD policy on stop cards at a previous PRC meeting, and they referred the matter back to the full PRC for further discussion. Mr. Stegman has also initiated a lawsuit against the City of Berkeley and Officer Frederick. 



Police stationed on the roof of KPFA during protest in July 1999.

Copwatch videotape helps clear Kahlil Jacobs-Fantauzzi

By Leo Stegman

A video made by Matt Dodt of Berkeley Copwatch was crucial in the jury verdict of "not guilty" in the trial of Kahlil Jacobs-Fantauzzi. The 24 year-old school teacher and community activist was charged with a violation of California Penal Code 148(a)(1) "The willful delaying, obstructing, resisting of a peace officer in the official performance of their duties," stemming from the summer of 1999 KPFA demonstration. At the demonstration over 100 people were arrested and their charges dropped - all except for Jacobs-Fantauzzi's. Sergeant Randolph Files and a fellow officer testified that Jacobs-Fantauzzi blocked their paths while they were en route to order a protester to dismantle his tent. The officers said they repeatedly ordered Jacobs-Fantauzzi to move out of their paths, or they would arrest him. According to Sgt. Files, their verbal confrontation lasted a little more than a minute. The testimony of Jacobs-Fantauzzi and other defense witnesses

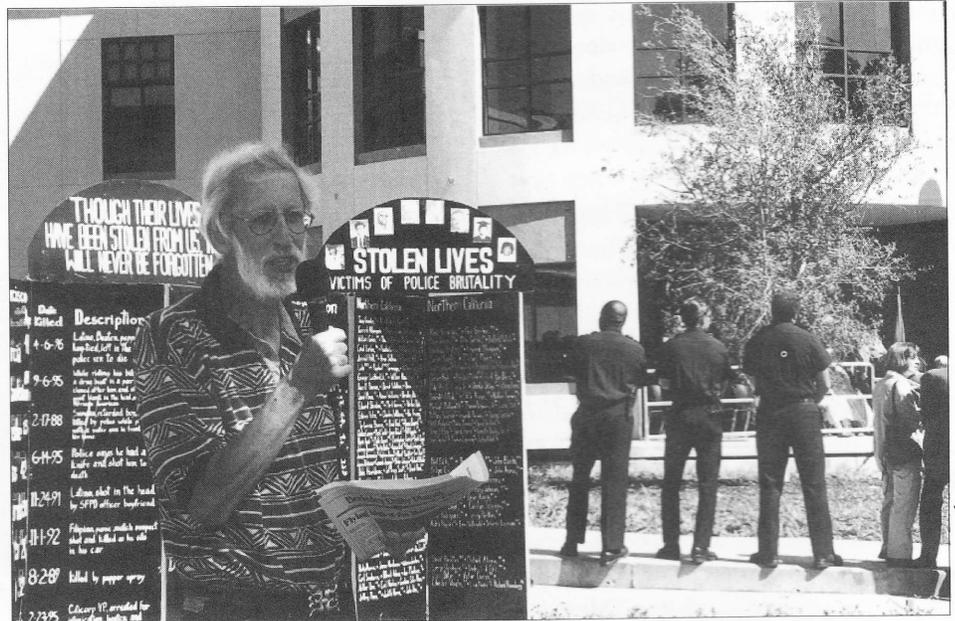


was that he was accosted, wrestled to the ground, and handcuffed within three to five seconds after he approached the officers to inquire about what was going on. The testimony on the surface became a classic swearing contest between police officers and defense witnesses. Law enforcement officials usually win in those types of situations. The crucial piece of evidence was a videotape by Matt Dodt, which corroborated the testimonies of the protesters that Mr. Jacobs-Fantauzzi was never given any type of warning. Ultimately, after one day of deliberation, the jury found Mr. Jacobs-Fantauzzi **not guilty**. The copwatching of Matt Dodt provided crucial evidence and stopped an innocent man from becoming another unjust entrant in the criminal injustice complex. As Kahlil said, "Think how many times this happens in the Mission, in East Oakland, even on Sacramento Street in Berkeley, when there is no camera, when there is no community support in the courtroom, and when there might not even be any family support." 

COPWATCH organizes protest of new Berkeley jail

Rumor has it that the dedication of the newly constructed Berkeley jail (euphemistically called the "Public Safety" building) was held before the building was ready for use because outgoing City Manager James Keene wanted to be publicly appreciated for his involvement in the project before he left.

On July 31, a hastily called ceremony was held on the steps of the new jail next to a hastily called (but spirited) demonstration by citizens who oppose the opening of the facility. The protest was organized by Copwatch, who presented a list of demands to acting City Manager Weldon Rucker, Police Chief Dash Butler, City Attorney Manuela Albuquerque and others. The following letter has been forwarded to the City Council and the Police Review Commission. Copwatch awaits a response. 



Former Police Review Commissioner, Osha Newman addresses the demonstrators at the Copwatch protest at the dedication of the new Berkeley jail. Mr. Newman spoke on the need for independent legal counsel for the Police Review Commission.

Photo by Karla James

Dear Members of the Berkeley City Council,

I am writing on behalf of the members of Copwatch and residents of our community who are concerned about the operation of the new "Public Safety" building. While some of you received copies of a flyer expressing our concerns at the dedication ceremony / protest on July 31st, we wanted to notify you officially and request your response to the points raised in this letter.

First of all, we believe that the citizens of Berkeley approved funds to be used for the purpose of seismically retrofitting the fire stations and police department, and NOT to build new and expanded facilities for the police. We fear that the larger facility will require greater maintenance costs and increase the overall, annual cost of the police department. While the police department has grown in recent years, we believe that the amount of funds dedicated to police accountability has been inadequate and has not increased proportionally. Additionally, we have the following concerns:

Independent Civilian Monitoring of The Jail— Copwatch has received reports that prisoners are being denied access to medical care, visiting hours are suspended arbitrarily, members of the public are given misleading information from jail staff, and that staff are inconsistent and/or punitive in their enforcement of jail procedures. The Berkeley PRC or some independent body must have regular access to the jail for the purpose of investigating complaints and reviewing the policies and practices within.

Proportional Funding for Civilian Oversight— The City of Berkeley must provide additional financial support to the Police Review Commission (PRC). We believe that this funding should be proportional to the increases in funding for the Police Department. In addition, the lack of independent legal counsel for the PRC means they must depend upon the legal advice of the Berkeley City Attorney, who is ALSO the Attorney of Record for the Berkeley Police Department, clearly a conflict of interest. The City of Berkeley must provide funds for independent counsel for the Police Review Commission.

Public Access to Records in the "Public" Safety Building— We are alarmed at the lack of cooperation that is given to the public and the media when it comes to access to police reports and other information related to police activity. We call on the City Council to pass legislation REQUIRING access to public documents.

We demand an end to racially motivated stops, searches, and violence by Berkeley Police Officers. Copwatch continues to receive reports of police misconduct that targets young people, people of color and the economically disadvantaged.

Sincerely,
 Andrea Prichett
 On behalf of Copwatch

COPWATCH presents workshops in Denver and LA

On August 12, Leo Stegman and Danielle Storer from Berkeley Copwatch spoke to a gathering of about 80 people at an all-day *Know Your Rights and Copwatching Training* in Denver, Colorado. The two Copwatch speakers were flown out by the Denver chapter of Amnesty International. Amnesty also sponsored the event, along with End the Politics of Cruelty, and the Justice for Mena Coalition. Also in attendance were representatives of United Families for Safe Cruising, Barrio Warriors, American Indian Movement, Direct Action Network, and National Lawyers Guild, among others. Many of the participating organizations are intending to start a Copwatch-style police monitoring group in a united effort.

The people of Denver recounted numerous stories of police corruption, brutality and harassment. The most recent being the case of Ismael Mena, a man of Mexican heritage, who was killed by police in a no-knock raid conducted at the wrong address. The American Civil Liberties Union (ACLU) receives about 2,500 written requests for a help a year and 10,000 phone calls regarding problems with the Denver police. Simon Mole of the Denver ACLU says it is one of the worst police departments in the area. Another injustice that has galvanized the community to start copwatching is the issue of police harassment and confiscation of young Chicanos' cars, during Cinco de Mayo (May 5) and Mexican Independence Day (September 16) street celebrations. For the past two years community members have been monitoring police actions during these events. Through their observations and pressure on the mayor, the number of stops on Cinco de Mayo has decreased from 2600 in 1997 to nineteen this year.

On July 22, Copwatch organizer Andrea Prichett spoke on a panel and presented a workshop to community members in the Ramparts area of Los Angeles. The event was put on by the ACLU Southern California chapter with the goal of supporting the Ramparts community to get organized in the wake of the LAPD Ramparts Division corruption scandal. 



Berkeley Copwatcher, Leo Stegman conducting a training in Denver, CO.

Photo by Danielle Storer

Copwatch Calendar September – October

Reminders:

Copwatch Meetings: General Meeting – Each Monday at 8pm at 2022 Blake Street. This is open to the public and volunteers are welcome.

Drop-In Hours: If you would like to meet with a Copwatch volunteer in person, you can stop by on Wednesday evenings from 6-9pm at 2022 Blake Street for information or referral.

Community Support Meeting: 1st and 3rd Wednesdays of each month, 7pm at 2022 Blake Street. If you've been abused by police, this meeting can offer you a chance to tell your story, get support and seek advice from others who have been struggling for justice.

Berkeley Police Review Commission meets on the 2nd and 4th Wednesdays of each month at one of the Senior Centers in Berkeley. Meetings start at 7:30pm with public comment period. Call 644-6716 for location.

Copwatch DeCal Class: This class is currently FULL. Copwatch offers credit for internships through UC Berkeley. Please consider taking "Copwatch for Credit" in the Spring of 2001 (public also welcome).

Copwatch Training: Free and open to the public. Know your rights when dealing with the police. Learn techniques to help you observe police activity and become more involved in the struggle for justice. Saturday, October 14, 11am-2pm at 2022 Blake Street. Call (510) 548-0425 for more information.

OCTOBER 22nd: National Day of Protest to Stop Police Brutality, Repression and the Criminalization of a Generation. This event starts at 11am at 24th and Mission Street in San Francisco. The march will leave at 12 noon and continue to Dolores Park where there will be music, speakers and the Stolen Lives wall will be on display. Call (415) 864-5153 or (510) 464-4563 for more information and to get involved.

Court Dates: Please note that trial dates for abuse victims are on-going and that you can be very helpful just by showing up in court to support those who are wrongly accused and abused at the hands of police. Please call (510) 548-0425 for more information or if you would like to show your support. The next dates are:

Oct. 27 9am Keith Stephens' Trial (Oakland court-call for exact location). Former Berkeley High student beaten by BPD. (see article front page)

Nov. 3 9am Tremaine Ball's Trial (Oakland court-call for exact location). Another Berkeley resident beaten by BPD. (see article front page)

Copwatch Wish List

1. New volunteers!!!!
2. Four new (or nearly new) walkie talkies (with a 3 mile range)
3. A VCR capable of recording and duplicating
4. Video cameras (Hi-8 is fine)
5. Free or subsidized printing and copying services



East Palo Alto: "The wild wild west"

By Karla James

When East Palo Alto police sergeant Robert Cole complained about police misconduct by fellow officers and supervisors, he was told that any more complaints would be considered insubordination. When he witnessed additional acts of brutality, illegal detentions and arrests along with falsification of records to cover up police misconduct, he just couldn't keep his mouth shut. So, he once again complained, and was fired.

He appealed his termination to the Human Rights Commission, who unanimously ruled that he should be reinstated. Instead of accepting the commission's ruling, the city manager and city council disbanded the commission. Cole's attorneys appealed his case to the state Supreme Court in an effort to have him reinstated, but the court decided not to hear the case. It is now headed back to the State Superior Court on a new motion for reinstatement, and his attorneys have launched a separate civil suit against the city and police department for firing him because he spoke out against police brutality.

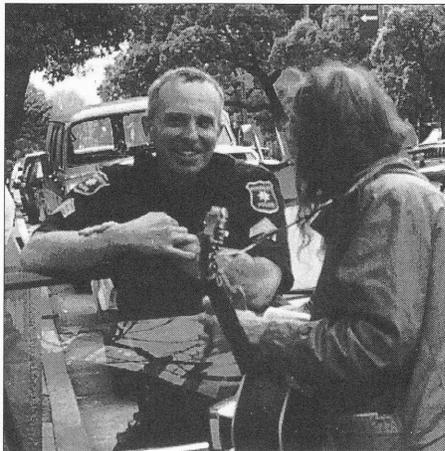
The allegations against the Palo Alto police department include an incident on March 28 in which several police officers beat a handcuffed man with billy clubs, and continued to beat him after placing him in a restraining jacket. The department has faced many lawsuits including sexual harassment and discrimination. People who have tried to file complaints against the police have been intimidated and threatened with arrest.

The good news is that a new police monitoring group in East Palo Alto has formed—the Citizens of East Palo Alto (CEPA). CEPA is asking for the termination of Police Chief Wesley Bowling, citing alleged acts of police brutality. They are also asking for an independent investigation into police misconduct and brutality, increased availability of police complaint forms, and for the reinstatement of Cole. In late June,

Copwatch conducted a *Know Your Rights/Police Monitoring Training* for the group in East Palo Alto and is continuing to monitor the situation in East Palo Alto. According to one East Palo Alto defense attorney (whose client alleges the police used excessive force, threatened and intimidated him, and falsely charged him with assaulting an officer), "it's the wild, wild west down here in East Palo Alto."

Hope may be on the horizon in East Palo Alto, since a former member of the disbanded Human Rights Commission and a founding member of CEPA are running for two of the five city council seats. Pat Cirkl of Citizen's Tribunal in San Jose says, "it's a major step in the right direction." 

Officer Friendly?



Berkeley Sgt. Boga (Badge # S-26) most often works on Telegraph Avenue in plainclothes and has earned a reputation for using tactics that reportedly include threats, intimidation and harassment.

Reports from young, homeless people on Shattuck Avenue describe incidents in which Boga stands next to and then follows his target for hours at a time, preventing them from finding a place to sleep. In another one of his efforts to discourage homeless people from remaining in the area, Boga reportedly stood right next to a man who was attempting to get leftovers from patrons exiting Mario's Mexican food. Accord-

ing to the man, Boga informed him, "You won't get any leftovers as long as I'm here." *Whatever.*

If you have witnessed misconduct by Boga, please write down the details and contact Copwatch (510) 548-0425.



Stolen Lives Project - Report: Unjust verdict for Mark Garcia

By D'Andre Bitter

No matter where one looks across the country, it is not hard to find communities ravaged by the epidemic of police brutality and killings – broken bones, devastated families whose loved ones' lives have been stolen from them by law enforcement, innocent youth lined up spread-eagle and incarcerated. Time after time, this system refuses to punish these brutal enforcers. At the end of the maze, the only ones punished are the victims and their families.

In the case of Mark Garcia, he was killed twice – once in the street and again in the court. The San Francisco Police Commission made their decision in June that none of the officers involved in Garcia's death would be disciplined.

Mark Garcia was killed by the San Francisco Police Department on April 6, 1996. Robbed and stripped half-naked, Mark was calling out for help when the police arrived. Instead of aiding him, the cops beat and pepper-sprayed Mark, then threw him in the back of a police van where he died.

Mark's family has tenaciously pursued the "justice" that the system claims to offer. First, the courts refused to allow the Garcias to sue the city for Mark's death. The Office of Citizen's Complaints (OCC) said seven officers had violated police procedures (which sev-

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eral of the cops even admitted). However, the OCC and the S.F. Police Commission agreed that the Chief of Police should have the final say. As expected, the Chief exonerated all the cops. In fact, the OCC (which is supposed to represent the interests of the people against police misconduct) and the S.F. Police Commission have failed to reprimand even one of the many officers involved in over 25 police killings in recent years.

The "justice" they've handed the Garcia family is the same kind of "justice" that is handed down by the system time and again to one victim's family after another, all around the country: Amadou Diallo, Sheila Deto, Taisha Miller, Aaron Williams, Brennan King. Over 2000 cases have already been documented in the **Stolen Lives** book. The families of these victims that are memorialized in the book are stepping up and inspire a movement to fight for justice.

If you'd like to get involved in supporting Mark Garcia's family and other families who have lost loved ones to the police, call the Stolen Lives Project and the October 22nd Coalition at (415) 864-5153. 

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maintained two jobs during high school, is currently attending college, and had no previous criminal record. The charges have been dropped against Latisha and Mrs. Frazier, who have subsequently filed Police Review Commission complaints.

On Tuesday, March 14, Tremaine Ball, 22 years old, ended up traumatized and with injuries after being brutalized by Berkeley cops in the area of San Pablo Avenue and Dwight Way. According to Tremaine, he was walking across the street with an acquaintance that evening, when officers Gardner and Libed (same as in Stephens case) and J. Hall (Badge #24) pulled up in their Drug Task Force car and shouted at the acquaintance to stop. Instead, he ran off, and officer Hall got out of the car and chased him. Meanwhile, Tremaine had continued walking across the street un-

til officer Gardner approached and told him to stop and put his hands in the air. According to Tremaine, Gardner then punched him in the face and knocked the soda he was holding out of his hand, and beat him to the ground. Tremaine then said that both officers Gardner and Hall struck him numerous times with their batons on his legs, arms and back.

A small crowd of people gathered to witness the incident. One witness, another young African American man, got out of his car and approached the scene. A fourth officer, Hong, intervened and according to at least two of the witnesses, interviewed by Copwatch, Hong pushed the young man into the street in front of an oncoming car which had to screech to a stop. He was then arrested and charged with resisting or deterring an officer.

Tremaine was also arrested and charged with misdemeanor resisting, delaying or obstructing an officer, and assaulting an officer. A Copwatch supporter arrived on the scene just as Tremaine was being taken away, and spoke to a number of witnesses, who were outraged by what they had just seen take place, but at that point no one knew the victim's name. Copwatch put a sign up stating that there were witnesses to the beating, and if anyone knew the victim's name, they should call. As a result Copwatch was able to unite Tremaine's family with the witnesses, who have said they will testify in court when the case goes to trial. Tremaine also filed a PRC complaint.

A third, very similar incident occurred in the same neighborhood as Keith and Tremaine's, on Saturday, April 1, although the officers have not been identified. Jerrell, a young African American man, was entering his West Berkeley apartment building, when two Berkeley Police officers approached. As described by Jerrell, one of the officers pushed him and said, "You can't go up!" Jerrell did not go up, and instead was going to make a phone call. The officer elbowed Jerrell in the neck. The second officer pushed him into a wall. Two more cops arrived, slammed him on the ground, and twisted his neck. Jerrell said they hurt

his arms, twisted his wrists and slammed his head on the car. According to Jerrell, the officers took his money (\$370 in cash) and his keys. Another cop squeezed his face, making him open his mouth. He was arrested, charged with resisting arrest (Penal Code 148), and taken to the Hall of Justice in Berkeley. Jerrell was released five hours later with no money. At first the officers said they didn't take any money from him. After he was released he asked one of the arresting officers about his money, who said it was only "chump change." Jerrell made a complaint with the Internal Affairs Department of the BPD, who said that only \$12 was taken.

The fourth incident involving BPD happened on March 28th, 2000 when LaTanya McDonald and her fiance were driving to work. They had just dropped her daughter off in Berkeley; and were headed south on Sacramento Street. At 54th Street in Oakland, they were pulled over at gun point by Berkeley Police. They were ordered to keep their hands in the air, and to get out of the car. Upon getting out of the car, guns were pointed directly at LaTanya. "I was terrified and treated in a harsh manner and experienced unnecessary physical force while being handcuffed," stated LaTanya in her Police Review Commission (PRC) complaint, which she filed after the incident. After about half an hour, they were told that they fit the description of the suspects for whom the police were looking. They were then released without charges. Meanwhile, LaTanya stated that she has discovered that she and her partner did not fit the suspect's description. At their September PRC hearing, allegations of excessive force, unnecessary display of weapon, discourtesy, and failure to give proper explanation to a citizen were sustained.

Copwatch is now encouraging the general public to support the families by attending their upcoming court dates and PRC hearings. Please see the Copwatch Calendar on page 7 for those dates, and call Copwatch if you would like to get involved in organizing to stop racial profiling, police misconduct and brutality in Berkeley. 

Thanks to all the Copwatch donors, contributors and volunteers!

Special thanks to those who helped with or contributed to various Copwatch fundraising events.



Photo by Michael Passoff

Copwatch produced the 1st annual **In Song and Struggle**, which included music, spoken word and speakers to celebrate 10 years of Berkeley Copwatch and International Women's Day. Look forward to the next one in March.



Copwatch organized a **fundraising raft trip** on the South Fork of the American River. (Call the office if you are interested in participating in the next raft trip.)



A very special thanks to **Inkworks** in Berkeley for donating the complete printing services of this publication. Show them your thanks by patronizing their business.

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