This is the first official COPWATCH report since we began monitoring police activity in early March. We are, therefore, unable to say whether there has been an increase in police misconduct in Berkeley. However, in the course of our work we have made some observations based on our incident reports that we feel are of interest and concern to the public.

HARASSMENT

When people refer to harassment it generally means unjustified, selective or excessive behavior by the police. In the case of the Southside area, it means that homeless people have been targeted (for apparently political reasons) as undesirable in the area. The City of Berkeley's policy toward the homeless is to make life uncomfortable in order to discourage other homeless people from coming to live here. It seems that police harassment is part of that policy.

The most obvious form of harassment is the amount of police surveillance and enforcement specifically directed at homeless people. Activities, which most housed people engage in on a regular basis, become illegal when done in the street and, therefore, illegal when done by homeless people. For example, many housed people pack food, drink beer, sit with friends, have sex or sleep at night. These same activities are illegal when done by homeless people. The police have been rigorous in their enforcement of laws related to these kinds of activity. These infractions also allow police to question, identify and disturb homeless people.

Overenforcement is also a problem. Even for infractions, it is common to see two or three police cars involved in the issuance of a single citation. In one case, four officers worked together to issue a single jaywalking ticket to a homeless man. In another case, six police cars, one firetruck and an ambulance responded to an alleged macing. Departmental policy is to provide back-up to officers responding to a call. However, COPWATCH questions the necessity of utilizing 4-6 officers when issuing routine citations. This trend has several negative effects:

1) It reduces the number of units available to deal with more serious incidents in the area.
2) It intimidates the accused and other people.
3) It makes people passing by think that a more serious crime has been committed and contributes to anti-homeless bigotry and prejudice.

CHILLING EFFECT:

Another aspect of harassment is the climate of fear which is actively encouraged by the police. Suspects who question police authority are often arrested. One example involves a homeless man who refused to identify himself without the officer first charging him with an offense. The officer said, "Okay, you're under arrest." The man asked him what the charge was.
Possession of marijuana was cited. After the man was identified by his name and his particular medical condition, the police officer left the scene and the suspect. According to friends and witnesses, this individual does not smoke marijuana.

However, no apology and no retribution is given in these situations. Knowing that homeless people have little or no access to legal representation, the police have no hesitation about making "bad" arrests. They do not fear lawsuits for false arrest and often they will detain someone with the full knowledge that the charges will be dropped or that they lack sufficient evidence to gain a conviction. It seems that they are not accountable for the number of "bad" arrests that they make. Unfortunately, when a person is arrested for questioning an officer or articulating their rights, their job, appointments and prospects are placed in jeopardy.

SELECTIVE ENFORCEMENT:

Many of COPWATCH'S reports indicate not only the targetting of homeless people, but of black people as well. Several reports describe black men being handcuffed and taken into custody, only to be released several blocks away. One black male was stopped and identified because, "You look like somebody else." As far as the student population goes, it seems that activists receive special attention from the UCPD. One black male student was reading a book near some graffiti on the fountain in Sproul Plaza. He was known to the police as an activist and perhaps this explains why he was violently taken down and arrested. Another incident involves the UCPD seizing personal property from inside two activists' parked car. Eight T.V.s and seven computer monitors were taken because the U.C. officers feared that they were going to be used in a noontime rally.

Another incident relates to a female student in a swimsuit who was handcuffed just outside the RSF. When COPWATCH asked if the woman was going to be given her clothes, the police responded, "Don't worry about it". One officer explained that she was a student, but she had refused to identify herself to the people at the front desk and she had refused a police request for her to leave. Again, none of the three units that responded were willing to give the woman her clothes. Instead, they drove her off, still in her wet swimsuit, to the police station. She was charged with trespassing.

MISINFORMATION AND NON-COOPERATION:

In general, the police don't like to answer questions or to be helpful to certain people. Opinions vary and some people say that there are good cops and bad cops. In addition to a general uncooperativeness by the police, there have been cases of misinformation being distributed by the police. This is especially true of the UCPD. At times, officers have driven people from People's Park claiming that it closes at sundown. When asked, other officers have said that the Park closes at 10:00 pm. In addition, officers at the front desk of the UC station have given wrong information. A recent case involves the arrest of a homeless activist. The arrest was
witnessed at noon on Bancroft and Telegraph on April 25. At 1:00pm COPWATCH asked the UC desk if this person had been arrested. We were told "No". Even after the officer telephoned BPD to ask if this person had been arrested we were told that this person might still be in transit to the station. In fact, the arrestee was being held in the station even as we were making our inquiries. The UCPD either is unable to keep track of who they arrest or they are unwilling to divulge the presence of certain arrestees. Either way, COPWATCH strongly protests this kind of behaviour.

This kind of unaccountability is also a problem with the City's special DRUG TASK FORCE. These officers patrol in an unmarked blue car and are identifiable as police from their blue sweatshirts that say, "BERKELEY POLICE" on them. They wear no identification badges and no numbers. Although they cruise in an unmarked car, they are not trying to hide the fact that they are police officers. They are, however, attempting to remain anonymous and therefore unaccountable. This is very dangerous and all citizens should be worried about Berkeley's "Secret Police".

INTIMIDATION:

There is crime on Telegraph Avenue against the homeless as well as the housed. Unfortunately, the police have allowed their relations with the homeless to deteriorate to the point where homeless people are unwilling to report crime to the police. One homeless man was assaulted by three apparent students while he was trying to sleep. When asked by COPWATCH if he wanted to file a complaint, the man said, "Everytime I talk to the police, I end up getting arrested." This attitude seems prevalent amongst people on the street. Incidents of police violence also contribute to the intimidation of homeless people. On May 2 at 12:10 in People's Park, two officers approached a sleeping, homeless man to tell him that he had to leave the park. According to witnesses, the police did not identify themselves and instead, woke the man in a rough manner. The police claim that he offered resistance to the officers and was, therefore restrained. When COPWATCH arrived, the suspected lodger was bleeding from above his right eye and was in need of medical attention. He was charged with two counts of battery on a police officer. He is currently being held on $10,000 bail.

There seems to be no incentive to working with the police in identifying who the real criminals on the streets are because it is the police who are viewed (and who represent themselves) as "the enemy".

COPWATCH will continue to observe and document police activity, as well as educating the community about their rights and encouraging people to report cases of police abuse, harassment and brutality.

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