

COPWATCH

Report

COPWATCH
Berkeley, California

Fall 2001
(510) 548-0425

BPD Sting Finds Terrified Residents but No Dealers

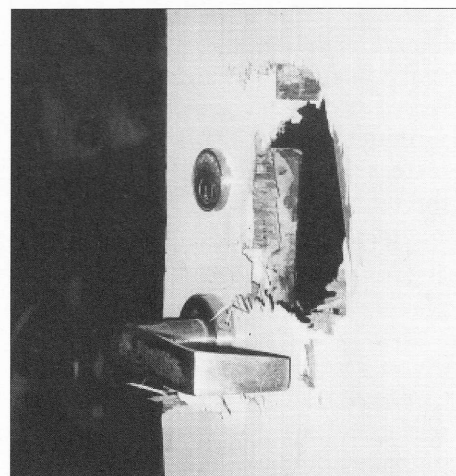
Raids Include Guns, Battering Ram, Strip Searches, Property Destruction

On May 21, 2001, Copwatch received a call from a resident of UA Homes asking for help in dealing with police raids of the building. The soft-spoken man explained that three rooms had already been devastated; doors had been battered open, shelves were pulled from the walls, computers smashed, and clothes and personal items piled high in the center of the rooms. Residents were held at gunpoint while Special Task Force officers conducted these searches. He was afraid, he said, because he thought that he would be next. Almost one month later, his room was raided. No drugs were found. However, residents still fear retaliation by the police.

UA Homes is one of the last remaining Single Room Occupancy (SRO) hotels in the city. Licensed to accommodate people with disabilities, many of the occupants are involved in drug recovery programs, receive SSI or are involved in a harm reduction oriented program. Dual diagnosis (mental illness and drug dependency) is not uncommon for the residents here. Many residents know that search warrants are being given to police based on information provided by other residents. In fact, Berkeley Police Officers are empowered to pay cash to anonymous informants, and the identity of the informant need not be disclosed in order for a warrant to be issued. The knowledge that some residents are making accusations to the police has created a climate of fear and suspicion that makes recovery even more difficult.

Some fear that attendance at an NA (Narcotics Anonymous) meeting can target a resident for a raid.

Lisa O'Connor, a drug counselor who has worked with many of the residents for years, expressed frustration with the police tactics. "How can we run effective recovery programs in this climate? If residents are afraid to disclose information about their habits and don't



Door busted in by BPD during raid at the UA Homes

Photo by Lisa Hsu

feel safe to talk, how can they deal with their recovery issues?"

Copwatch volunteers documented the devastation. On May 30th, another raid happened. Another long-time resident of the building was handcuffed and strip-searched as his room was essentially destroyed. Again, no drugs were found. Other residents reported that officers trained their guns on them in the hallway as they attempted to get by. A meeting of tenants and lawyers later that afternoon raised the possibility that the police were not really worried that they had not recovered significant results from the raids. Residents expressed their

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Please make a donation to support the publication of this report. (see back page)

City Council Examines BPD Use of Pepper Spray

By Karla James

Berkeley police responded to a call from a woman, reporting that her adult son was in distress, in August of 1998. The man was in an agitated state but had not struck out at anyone. Officer Gardner pepper sprayed the man four times, gave the man a "body check... ran after him and rammed him with one of his shoulders," took him down and handcuffed him, according to another officer.

While the man was lying in a prone position with his hands cuffed behind him, Officer Gardner was observed spraying two bursts of pepper spray within one foot of the handcuffed man's face, although not directly into his face, as if testing the canister of pepper spray.

Two people who were driving by, saw suspicious behavior by the police, and stopped to watch the incident. They filed a complaint with the Police Review Commission (PRC).

The Police Review Commission found that Officer Gardner improperly used pepper spray and used excessive force when he knocked the man to the ground.


As a result of this incident, Berkeley City Council required the Berkeley Police Department (BPD) to retrain officers in the use of pepper spray. They also instructed the BPD to call the Berkeley Mobile Crisis Team to assist when possible, to avoid using pepper spray in cases involving mentally disturbed persons. In addition, they prohibited officers who are accused of misconduct from contacting those citizens who are filing complaints against them. (Disturbingly, Officer Gardner had questioned one of the two complainants in the case.)

The Council also instructed the Chief of Police to report on police procedures regarding pepper spray use. The resulting report issued on March 27, 2001 disclosed how often police used pepper spray in Berkeley—64 times since 1993. Luckily, none of these uses resulted in death or lasting injury.

Key points of pepper spray

protocols for the Berkeley Police Department include the following:

- Pepper spray should be used only in situations where a weapon is absolutely required to control a violent person, and only as an alternative to more extreme force.
- It should never be used in an indiscriminate or punitive manner.
- Pepper spray should not be sprayed on a group of individuals in order to get them to disperse.
- Pepper spray shall not be used in crowd control situations related to violent civil disobedience [sic] or to overcome passive resistance.
- A person should be 6 to 10 feet away when being pepper sprayed.
- It should be sprayed in the area of the forehead to the mouth.
- No more than two 1/2-second bursts should be used on any one suspect.
- The areas of the body exposed to the spray must be flushed with water as quickly as possible. (Pain and burning symptoms may last for up to 45 minutes if left untreated, according to a BPD training bulletin.)
- Because pepper spray causes mucus membranes to swell, it can cause breathing difficulties. So a sprayed person must be continuously monitored for any breathing problems.
- The person who is pepper sprayed must always be transported to the hospital.
- As of 1997, every time pepper spray is used a "use of pepper spray report" must be filled out. This report is public information and can be obtained from the City Clerk or PRC. It must be submitted to the PRC and City Council within 7 days of the incident.

If you witness an incident where pepper spray is being used, please get officers' badge numbers or names, try to get the person's name who was sprayed, collect names and phone numbers of other witnesses, write down your observations, and call Copwatch at 548-0425. If you observe an officer violating any of the above stated policies, please contact the Police Review Commission at 644-6716 and file a complaint. 

Copwatch Radio Show

*Berkeley Liberation Radio, 104.1FM
Wednesday Evenings at 8:30 to 9:30*


Copwatcher Russell Bates hosts Copwatch Radio each Wednesday, starting at 8:30 p.m., on Berkeley Liberation Radio, 104.1 FM. Topics include local, state, national, and international police issues from homelessness to new weapons technology to "know your rights" information. Russell Bates also hosts a thirty-minute program on Wednesdays at 8 p.m. which is dedicated to the just struggle of the people of Palestine.



New CW Training Video

By Lisa K. Hsu

One of the essential tools of today's social activist is a camera. Equipped with a camera, the activist is able to provide images with words; the phrase "a picture is worth a thousand words" rings very true. At Copwatch, the camera is used not only to obtain concrete visual evidence during copwatching, but also as an educational tool through the Copwatch training video, realizing the power of media to touch, move, and ultimately educate people.

The Copwatch training video currently being used at Know Your Rights training sessions was made in the early 1990s. Students taking the UC Berkeley Copwatch class undertook the project of updating the old training video with some fresh new footage. Matt Iverson and Lisa Hsu are producing a new Copwatch training video, with the goal of creating an informative and stirring visual narrative of the history of Copwatch that will include the roots and nature of the police, the problem of police misconduct, and the ways in which Copwatch can empower communities to embrace and exercise their rights. Since Copwatch started, its message has spread. The most effective and powerful method of communication and education is through media, and so we are working to create a video that will include everything one would want to know about Copwatch and how to exercise one's civil rights. 



Berkeley Cop Puts 11-Year-Old on Prison Track

Chief Butler Won't Let Officer Testify at PRC Hearing

By Andrea Prichett

When Rudolph Johnson found out that his son Cahlif had been placed on probation, he was shocked. There had been no trial, no evidence presented, and no defense. In fact, from March to October of 2000, BPD Officer Blackwell wrote four different police reports detailing allegations against eleven-year-old Cahlif Johnson, none of which were prosecuted by the District Attorney. Mr. Johnson believes that Officer Blackwell is targeting his son. Instead of being a role model for Cahlif, Blackwell is putting Cahlif on a track that leads not to college, but to prison.

In his Police Review Commission (PRC) testimony, Blackwell maintained that he never arrested Cahlif, and admitted that the report he wrote regarding "battery on a police officer" never led to charges. (Cahlif maintains that he bumped into him in the hallway.) In fact, the first police report Blackwell wrote was for an incident involving a young girl. It was characterized by Blackwell as a penal code violation "242 Sex Grab," but an eyewitness maintained that the girl actually fell on her own. Blackwell wrote and submitted a report without including any recognition of the eyewitness who was willing to make a statement supporting Cahlif's denial of the charges. Once Cahlif was in Officer Blackwell's office, he says that the officer asked him to "write a statement" that was intended to be a confession. This statement was asked for despite Mr. Johnson's long-standing request that no statements be taken from Cahlif without his father's presence. Blackwell asserts that he never actually "arrested" Cahlif and so was not required to tell Cahlif what his rights were. Instead of an "arrest," Blackwell says that he wrote a report and made a "referral" to the Probation Department. In PRC testimony Blackwell explains, "I send the police reports to the Probation Department. They decide what they want to do."

Mr. Johnson made four allegations of misconduct against Officer


Blackwell: Failure to Read Miranda Rights, Failure to Investigate, False Police Report, and Abuse of Discretion. At the initial PRC hearing, none of the allegations were sustained. A re-hearing was granted by the commission when commissioners realized that, at the hearing, the Police Department Representative acted as a representative for Officer Blackwell. PRC guidelines prohibit the Department Representative from representing individual officers in order to prevent the appearance of a conflict of interest. The re-hearing was scheduled for May 30, 2001. In a surprise move, Police Chief Butler refused to allow Officer Blackwell to appear at the hearing, declaring that it amounted to "double jeopardy" (trying someone twice for the same crime). The Chief could not be convinced that PRC guidelines are very clear in allowing a re-hearing when major procedural errors occur.

Even though the hearing went ahead and the Board of Inquiry sustained the allegation of Failure to Read Miranda Rights presented by Mr. Johnson, troubling issues remain from this case.

*** Can police officers "jacket" an 11 year old as being a violent sex offender without allowing any form of due process?** What happens to those police reports? Do they remain in the student's school record even after the police record has been expunged?

Where is the line between bad behavior and criminal conduct? Are we leaving it to police to make that determination?

*** Is it acceptable that the Chief of Police exempts officers from cooperating with PRC hearings when one of his own employees misrepresents the department?** This represents yet another attack on the authority of the PRC and further ex-


poses the hostility that the police department has for the concept of civilian oversight. 

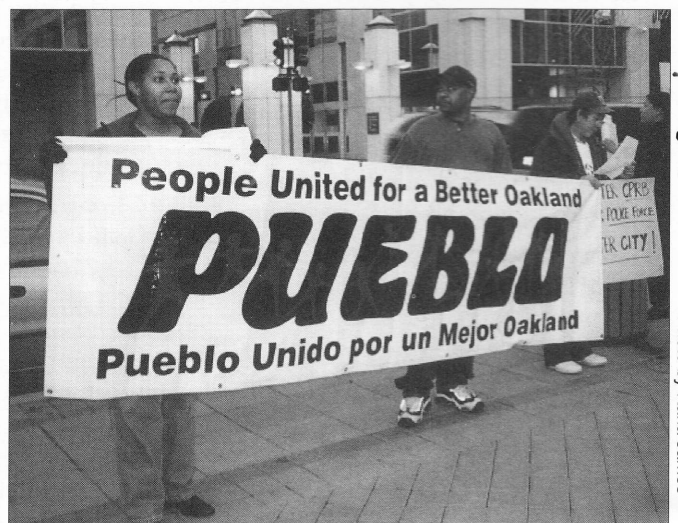
PUEBLO Starts Copwatching

People United for a Better Oakland (PUEBLO) is starting a campaign to copwatch in Oakland neighborhoods. Copwatch has been working with PUEBLO in establishing the new project. PUEBLO plans to send groups of trained observers out into the neighborhoods with video cameras, scanners, and documentation forms. An emphasis will be placed on the collection of information about police misconduct and abuse that can then be entered into PUEBLO's computerized database, which PUEBLO started over ten years ago.

PUEBLO is a community organization that fights for social, economic, and racial justice in Oakland. It began in 1989, to address numerous healthcare and environmental justice issues that overwhelmingly impact low-income residents and communities of color.

In 1993, PUEBLO initiated the Campaign for Community Safety and Police Accountability (CCSPA) to offer a progressive alternative to overly punitive and ineffective public safety policies that have a disproportionate impact on communities of color.

For more information, please call PUEBLO at (510) 452-2010. 



Pueblo organized several marches in Oakland to protest the police murder of Jamil Wheatfall, an unarmed man who was beaten to death by the OPD.

Photo by Karla James

Cop Blotter

The following is a brief sampling of incidents that were witnessed by or conveyed to Copwatchers in recent times. If you have witnessed or been a victim of misconduct, write down the details and give a copy to Copwatch for the record.

3/7/2001, Telegraph Ave: It was man's second day in Berkeley and he was crossing the street. An officer stopped him and said, "What's your name? I haven't seen you here before." Officer consulted with Sgt. Boga who told him to take the man in. This man had been panhandling, and he put his cup away when he saw the officer approaching. The cop told the man the "10 Telegraph rules," including "no leaning against building" or "panhandling within 6 ft. of building." The man was taken to Santa Rita and later released without charges.

3/8/2001, Telegraph near Dwight (in front of Fred's Market): Man was walking across the street when police put on lights, stopping traffic. They shouted, 'Up against the wall!' and put him in handcuffs. They transported the man to Santa Rita, holding him until Sat. 3/10, 2a.m. They didn't book him, but called San Francisco. A trial date was given: April 9th for S.F.; sleeping in the park citations and an open container violation.

3/22/2001, Channing and Dana: Homeless man walking on Channing with a bike and VCR was stopped by police, pushed against car and frisked. No arrest. Cop started joking with man after warrant check found nothing outstanding and let him go.

4/2/2001, La Val's Pizza, Telegraph and Durant: A male and female were smoking a cigarette. Berkeley cop stopped her for underage smoking and checked her I.D. Cop checked the man for warrants because he handed her the cigarette.

4/2/2001, Haste and Telegraph: According to a witness, three homeless guys were inside Cody's books acting obnoxiously. CW asked the UC police why the one man was being arrested. They said it was because he was drunk. When one officer was asked why the young man had been stopped, he explained that "It looked to me from back there that he had been drinking." The officer indicated that he looked out at a distance of approximately 100 feet and thought the young man was drunk because, he claimed, the young man stumbled. CW can verify that he was NOT drunk.

6/6/2001, Telegraph and Dwight: A homeless man was taken from his place of work by BPD officers who were serving a warrant for violation of a "stay away" order that had been issued because of a previous conviction for having an "open container" of alcohol.

6/27/2001, Shattuck and Haste: BPD Crime Scene Unit Officer #429 was supposed to be photographing the wounds of a crime victim when CW appeared with videocameras. The officer turned away from the victim and began photographing the CWers saying "This is a crime. You might be terrorists." The victim interrupted the officer to remind him that he needed to be taken to the hospital.

Hmmmm...the struggle continues.



More Stolen Lives

The Stolen Lives Project documents the lives of people who are killed each year by police. October 22 is a national day of protest held in cities across the country. This year, Oakland will be a focus for protest. If you would like to learn more contact Stolen Lives at (415) 864-5153.

Rest in Peace

Jamil Wheatfall: Beaten to death by six Oakland police officers on April 14, 2001.

Bruce Seward: 42 year African American man killed by BART police at the Hayward BART station on May 28, 2001.

Name Unknown: Man shot to death by police at Glide Memorial Church in San Francisco on June 10, 2001.

Idris Stelley: 23 year old African American student shot 20 times and killed at the Sony Metreon in San Francisco by eight cops on June 12, 2001.

Julian "Boo Boo" Celaya: Unarmed 25 year old shot and killed by Fresno police as he drove away from them on July 21, 2001.

Copwatch Calendar

Aug. 25th: Know Your Rights Training: (11am-2pm at 2022 Blake Street). Learn your rights and pick up tips about what to do if you or someone you know is stopped by police.

Sept. 10th: Copwatch for Credit: (6-7:30pm Mondays at 2022 Blake Street) This evening class will focus on the history and role of police, civilian review, the police accountability movement and much more. Open to the public as well as Cal students. Call 548-0425 or just show up to save your place. Class size is limited.

Sept. 29th: Fundraising whitewater raft trip on the South Fork of the American River - \$65 to \$115 s/s donation. Call the Copwatch office to sign-up - 548-0425.

Oct. 1st: Judi Bari suit Against FBI Trial-Oakland Courthouse. Check www.judibari.org for details.

POLICE REVIEW COMMISSION MEETINGS: These happen on the 2nd and 4th of the month at 7:30pm. Call PRC for location - 644-6716.

COPWATCH MEETINGS: Mondays at 8pm at 2022 Blake Street on the 2nd and 4th Mondays of the month.

COPWATCH OFFICE HOURS: Wednesdays at 7pm volunteers will be in the office to answer questions and assist members of the public. Feel free to drop in until 9pm.

Watch for a Copwatch fundraiser with Julia Butterfly Hill coming soon!

Copwatch Wish List

1. Volunteers
2. Power Macintosh Computer
3. Small TV with built-in VCR for tabling
4. Video cameras (hi-8 preferred)
5. Still cameras
6. Tape recorders
7. Walkie-talkies with 3 mile range

Donations are tax-deductible



Homeless Civil Rights Project Challenges "Anti-Sleeping" Laws

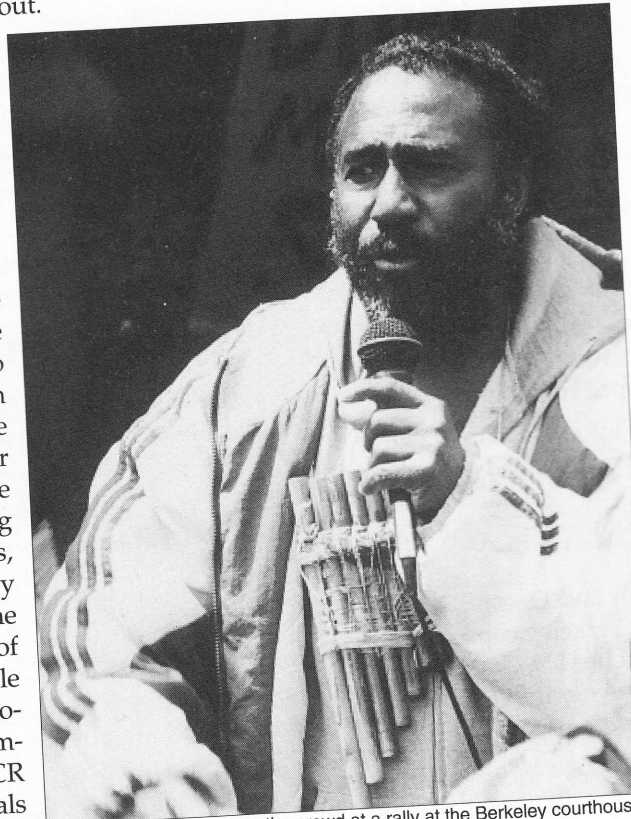
By Andrea Prichett

A renewed effort to defend the civil rights of homeless people is taking shape in Berkeley. Documentation, education and action are what the Homeless Civil Rights (HCR) Project is all about. Within this coalition of homeless people, activists, service providers and people who just plain hunger for justice, a strategy is emerging that will bring these concerns into the public arena and hopefully bring about a change.

In Berkeley, according to activists, homeless people's rights are violated in a variety of ways. One of the goals of the HCR Project is to document their stories of abuse in order to get a clearer picture of the extent of the problem. Whether these civil rights violations take the form of confiscating and destroying property, using force or threats, planting evidence, or illegally searching or detaining people, the HCR Project believes that denial of the civil rights of homeless people is systematic and widespread. Violations of police policy are also important to document. The HCR Project is encouraging individuals to write down when officers swear at them, give them false or misleading information or harass them in any way. Of course, the HCR Project is also concerned with individuals who are cited for so-called "quality of life" violations or, in other words, laws that target homeless people. These include sleeping, drinking a beer, having a shopping cart with you in the park, washing windows in a parking lot, etc. The HCR Project wants to collect these stories and enter them into a database so that the information can be used to support people in their court cases, in police review complaints and in working to change discriminatory policies enacted on the local and state levels.

One example of the HCR Project's work is its support for homeless activist, film maker, and musician Ken Moshesh. Mr. Moshesh is contesting his October 27, 2000 arrest for P.C. 647(j)

"Lodging." His contention is that as long as there is not enough room in Berkeley to house all of its residents, sleeping outside should not be a crime. According to the Homeless Action Center, there are currently 823 available shelter beds in Alameda County on any given night.



Ken Moshesh addresses the crowd at a rally at the Berkeley courthouse demanding end to enforcement of "anti-sleeping" laws

There are approximately 2300 homeless people in Alameda County. This means that every night, 1500 people are criminalized because there is no legal place, either public or private, where they can simply rest their bodies.

The HCR Project is mobilizing to support Mr. Moshesh's case and to establish a precedent that could have far-reaching implications for homeless people throughout the state. This "necessity defense" is a powerful argument that jurists and legislators will be forced to consider if Mr. Moshesh is given his day in court. At a protest outside of the Berkeley Municipal Court Building on April 12, about 100 people assembled to support Mr. Moshesh and the HCR Project's demand that a moratorium be placed on the enforcement of "anti-sleeping" laws until all residents of Berkeley are pro-

vided with the option of a legal place to sleep.

On April 24th, homeless activists and supporters flooded the city council chambers demanding that the moratorium be placed on the enforcement of the anti-lodging law. The council discussed the matter and decided to make enforcement a low priority requiring that officers issue a warning to possible offenders before making an arrest. In addition, the HCR Project put forward proposals to secure more funding from the city council in order to better provide for some of the basic needs of our city's homeless population. These additional projects include funding for daytime respite care for HIV-positive individuals, storage lockers, transportation vouchers and more. Some activists maintain that since the police got a new \$20 million building, the library is being redone, the City Hall is completely remodeled and even the sidewalks are getting a facelift, it is clear that there is money in the city coffers. The question is, when will our leaders muster the political will to deal with the problem of homelessness by employing its solution: the creation of affordable housing?

In the meantime, if you have experienced or witnessed violations of civil rights, you are encouraged to write down the details of what happened. Try to include the badge number of the officers, their department, the date, time and location of the incident. Write down what happened and give this information to any of the following agencies:

Homeless Action Center 540-0872
2500 Martin Luther King Jr. Way

Suitcase Clinic 845-5077
First Presbyterian Church (Durant and Channing)

Free Clinic 548-2571
2339 Durant Ave. (Mike Diehl's box #E1)

711 Harrison House 308-4071
711 Harrison Street

Copwatch 548-0411
2022 Blake Street



UC Berkeley to Homeless: *Stay Away!*

By Ken Moshesh

Underneath a perfect April sun, and raining brilliance and historical spirituality everywhere, adeptly decorative booths adorned the street adjacent to the recent People's Park celebration. At the Copwatch booth, being careful not to let parts of my seated body recline over into the University of California Berkeley-owned park, I explanatorily declined an invitation to enter the park with a Copwatch delegation to address the crowd.

As the rumbling sounds of the ramp-riding skateboarders crescendoed through the multitude of meandering conversations, little did I know that one of the thunderous roars from the neighboring crowd was in response to a Copwatch call for vocal personal support, since I was banned from UC property. You see, I am one of the many homeless persons who have been jailed under penal code 647(j) for sleeping outside, even though there's no available inside space.

As part of the lesser-of-two-evil deal to get out of jail, we homeless usually have to accept probation, fines, and ban from a certain location. In my case, I got two years probation, one hundred dollars fine (due in one year), and was banned from the University of California Berkeley and its vast properties, one of which is People's Park.

There is a line on the probation form that could amend your ban to allow you visit your off-limits location on "official business," but that line was crossed out. Thus, this ban effectively crossed out my activities while enrolled as a non-student at the University of California art studio, where I create books and videos on homelessness (one of which, *Endangering The Species*, won an award for excellence at the 2000 Berkeley Film Festival). It therefore also violated my constitutional rights to freedom of expression on many levels.

The gentrifying aspect of banning low income homeless types from certain areas is in full effect via 647(j) violation bans for sleeping outside (which ap-

proximately 2300 people in Alameda County have to do each night). Persons of means do not get routinely banned from specific areas due to 647(j) violations; homeless people do. The intent of the often-spurious 647(j) charges is actually to have the homeless removed from certain areas "legally," where the economic exorbitant-housing-rate ploy doesn't work.

This 647(j) "cleansing" is further exasperated by the misapplied probation requirement that they be "of good conduct and obey all laws of the community."

Accordingly, when I (like many of the people who have to sleep outside for lack of inside shelter space and/or affordable housing) was given another citation for sleeping somewhere else in Berkeley, the District Attorney "prayed" that my probation be revoked for not being "of good character, etc." (I guess I should have found another place to make my homeless videos in the area while sleeping.) By having my probation revoked, I could then be legally removed from the area and housed for 45 days in jail and for increasingly longer periods of time for each successive "infraction," thereby "encouraging me" to move elsewhere.

Rather than participate in this gentrification scenario to the usual end, I decide to play another part and challenge the constitutionality of the 647(j) law in the Berkeley courts with the help of concerned groups like Copwatch, BOSS, HAC, SHARE, and POOR Magazine.

In a huge victory in the battle to decriminalize homelessness, a Berkeley judge ruled in July that the law that makes sleeping outside a misdemeanor [647(j)] is unconstitutional, and charges against Mr. Moshesh were dropped.



Artwork by Jeff Johnson

New Hate-Crime Class?

By Ken Moshesh

While waiting for my new court date for contesting the constitutionality of the 647(j) Lodging under which I was arrested (for sleeping outside in Berkeley), I stumbled across an article in the **Berkeley Daily Planet** (May 30) submerged in an inside page in a column titled "Cop Briefs."

The second "Brief," untitled, presented how a homeless person in a sleeping bag was doused with motor oil and gasoline by an assailant. The attacker then couldn't get his cigarette lighter to work, so he beat the homeless person with an aluminum bat as the man attempted to get out of his sleeping bag.

The irony on the streets, and now in the courts, of fighting the criminalization of sleeping outside, coupled with the obvious need for more police protection for society's outdoor-sleeping residents, became painfully apparent again. I have expressed my concerns before to all that would listen, specifically via a call for homelessness to be included as a protected class under hate crime laws, in my cop-confiscated book on homelessness, Cobblestoning Quicksand Mazes.

This latest **Berkeley Daily Planet** report knocked me further into the world of hate crimes. "The Ralph Civil Rights Act provides protection from hate crimes by prohibiting violence or threats of violence based on race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute" [AB2719 by Assemblyman Herb Wesson (D-Los Angeles)].

With all due respect to AB2719, homelessness, poverty, and lower economic class considerations are again omitted from protection in a nation whose principles champion the virtues of the "poor... and huddled masses" for all the world to see and emulate. Furthermore, inquiries with legal acquaintances reveal that the US Supreme Court in its rulings clearly

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High Speed Chase Ends in Death

By Karin Hilton

Around 1 a.m. in Berkeley on March 15, Theodore Resnick, 33, was killed instantly by a drunk driver who was being chased by a California Highway Patrol (CHP) officer. This incident and a recent string of similar cases has sparked a controversy over the CHP and police policies of pursuing drunk drivers.

CHP officers spotted a man driving erratically, and he was suspected to be driving under the influence. The man was identified as Lyle Norbert, who had a number of previous convictions related to drunk driving. The CHP began the chase on San Pablo and Santa Cruz Avenues near the Richmond-El Cerrito border. The CHP activated their lights and siren. Norbert then sped up heading south down San Pablo Avenue. The officers made the decision to continue to chase him because the street traffic was relatively light and, according to officers, they felt there was little risk involved in the chase. At one point the CHP officers lost sight of Norbert and turned off their lights and siren, but soon caught up with him in Berkeley near Ashby Avenue, and continued the chase. Moments later, Resnick, who was making a left turn on the green arrow, was struck by Norbert and killed instantly.

Although there are hundreds of fatalities related to drunk driving every year, this case in particular poses an interesting question: should the highway patrol or police provoke drunk drivers who are already a hazard to the road by pursuing them at high speeds with lights and sirens? Could this death have been prevented if the policies were more restricting? CHP policy states: "An officer ... should voluntarily abort a pursuit when the risk of continuing outweighs the danger of permitting the subject to escape."


The Berkeley Police Department policy recommends that an officer should stop pursuit if the suspect only has minor traffic infractions. However, their policy does require officers to pursue known violent offenders that are suspected of driving under the influence,

so long as it does not endanger the general public.

The CHP has jurisdiction within the entire state of California and is not required to comply with individual cities' policies, although most cities' police departments have mutual aid pacts with local CHP agencies. In this case, Oakland based CHP spokesperson, Annie Greenfield, believed that the CHP officers involved did comply with the policies of the Berkeley Police Department. Greenfield explained, "He appeared to be drunk and the officers felt that, for other people's safety, he needed to be off the road." And she continued to justify the officers' pursuit saying, "But here, the conditions were fair in trying to catch him. Unfortunately, it turned into a tragic event."

Copwatch has filed a complaint with the Berkeley Police Review Commission, asking the PRC to examine this case and determine:

- a) what is the City of Berkeley's current policy on this issue;
- b) what the city can do to discourage other departments from conducting high speed chases within our city limits, thereby endangering innocent bystanders;
- c) what other possible strategies exist for apprehending drunk drivers, besides the use of high speed pursuit.

If an officer pursues someone because they feel that their intoxication makes them a danger to themselves or society, how does chasing that drunk man in a car at high speeds REDUCE the danger to the public? 

Common Sense Proposal

By Candace Etter

There are three avenues of 21st century technology that I, Candace Etter, a lifetime resident of Berkeley, challenge the Berkeley Police Department to be the first to pursue:

- 1) A study should be conducted to determine the amount of caffeine and sugar ingested by officers during an eight-hour shift.

It has been well documented that caffeine and sugar can cause hyperactivity in some humans; consequently, although the goal of sleeplessness is achieved, there are side effects to the nervous system, including increased nervousness, paranoia, and hallucinations.

It is my belief that such a study on police officers would substantiate my claim that under such influences, citizens become "at risk" at the hands of affected officers, particularly those with negative belief systems (i.e. control issues, bigotry, sexism, ablism, etc.)

In thinking about notable incidents of police abuse, such as the Dan White (assassination of George Moscone and Harvey Milk) and Rodney King (first live tape of police brutality) cases, what comes to mind is a need for updated approaches to ensure that the police are truly "community friendly." Readers may recall that former San Francisco Supervisor Dan White was only given seven years in jail for murdering fellow supervisor Harvey Milk and Mayor George Moscone, because his lawyer argued that his consumption of Twinkies and other junk food contributed to his depression and uncontrollable emotional state. Does this kind of diet affect active duty police officers the same way?

2) No more live bullets! There is no reason for the numerous killings in the field for petty crimes when tranquilizer/stun guns with long-distance capability can be employed. That way, by the time the suspects awaken, they are in the station, which serves two purposes: a) we hear their side of the story; and b) the officers with questionable ethics will be kept honest.


I realize that there has been much opposition to these methods; however, I believe that the research needed to perfect their use can be implemented if the police are sincere about not wanting to kill anyone, especially when children are victimized or other mistakes are made.

3) In lieu of modern "stoppers," or along with them, a gun could be fitted with a miniature video camera that would activate the moment the gun leaves the holster, recording wherever

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the gun barrel is pointed. The recordings would be transmitted to three areas: Police Review Commission, a community monitoring station such as Copwatch, and an undesignated site to guarantee that no tampering or theft can occur.

If any of these alternatives meet with your approval and/or you have other ideas, please feel free to call Copwatch at (510) 548-0425. 


BPD Stings continued from page 1

concern that the raids were a way of getting drug arrests associated with the building and ultimately forcing the decertification of the building. Of the five most recent raids, charges were dropped in four of the cases, making it difficult for the Special Enforcement Unit to justify these heavy handed tactics.

Meanwhile, the actual owner of the building, Resources for Community Development (RCD), has taken some flack from city officials for the conditions there. There have been over 200 emergency calls originating from UA Homes in the last two years. City officials have documented poor maintenance and lax security procedures. Kerry Williams works for RCD and is adamant that RCD wants to keep the building.

In a desperate attempt to placate city officials, Williams has hired security guards to patrol inside the building. He claims that he just wants everyone "to pause" for 3-4 months while things settle down. Meanwhile, residents feel like they have no privacy and are constantly being watched by "security" guards. The UA Homes tenants association was not formally contacted about the hiring of the guards nor were they given an opportunity to communicate directly with RCD about the problems in the building. The John Stewart management company is hired by RCD to collect rent and run the facility is also collaborating with the police in these operations according to documents obtained through court discovery motions.

On July 25th, Copwatch organized residents to voice their concerns directly to the Police Review Commission. Many residents and concerned citizens spoke out about violations of police policy and

raised issues related to city support for treatment and recovery. The PRC voted unanimously to begin an investigation into the actions of the BPD as well as an examination of policies which may be needed to clarify BPD's approach to "harm reduction." The report will be given at the next PRC meeting, scheduled for September 12th. Call the PRC at (510) 644-6716 for details. 

Protest continued from page 2

dent was required to show picture I.D. in order to get a ticket for admission and they were required to fill out a form that asked for their I.D. number, address, name, and phone number. The College Republicans who were working the table explained that the campus police had told them to gather this information. Activists complained that heavy video surveillance and information gathering undermined the climate of academic freedom in which free inquiry and the pursuit of truth can take place without fear of reprisal or retaliation. Eventually, the College Republicans were persuaded to abandon their effort to gather information on attendees and the police denied having any knowledge of the information gathering. Meanwhile, Jose Palafox, a graduate student and known campus organizer, was pointed out to UCPD by a member of the College Republicans who recognized Palafox from previous pro-affirmative action debates. Accused of having made a "terrorist threat," Palafox was immediately arrested and held overnight on \$20,000 bail. Even though the charges were dropped the next day by the district attorney, the felony arrest will remain on Palafox's record.

Large Event Ordinance


Perhaps most ominous on the local scene is an ordinance that was crafted by the City Manager in response to City Councilmembers' concerns about two incidents that happened in Berkeley. One was in October on the UC campus and the other was the disruption by protesters of a speech by former Israeli Prime Minister Netanyahu at the Berkeley Community Theater (BCT) in November of 2000. In the first situation, an African American fraternity was having a party in the Pauley Ballroom of the ASUC building. The event was greatly over-at-

tended and hundreds of young people (mostly young men) were left standing outside the event. Looting occurred and the Berkeley Police Department was called by UC officers only after the violence started. Berkeley officers were irritated that they had no advance warning that such an event was going to occur, and merchants were also upset.

Since the city cannot compel the University or the School District (which operates the BCT) to notify the city when large events occur, they instead chose to penalize the small operators and threaten them with punishment. The Council asked the City Attorney to craft an ordinance that would require that any person(s) who hold an event that attracts 500 or more people to notify the police in advance. Failure to do so would be charged as a misdemeanor (or an infraction, depending on the officer's discretion). The City Manager would be required to keep a list of all people who organize or promote large events in the city. This "list" would essentially identify organizers with particular issues.

Unfortunately, several "progressive" members of the city council supported the measure and failed to see how this measure, once enacted, could be selectively used to silence people or intimidate them away from organizing events. It also requires that security for an event be provided in a ratio of up to 1 security guard for every 25 people. The cost of providing "security" could become prohibitive to organizing events.

We, at Copwatch, are concerned that the police have been allowed to define the boundaries of 'proper' protest. Copwatch tried to convince the city attorney's office and key councilmembers to change the wording to exclude event organizers, so the ordinance would only apply to operators (i.e. the University and School District).

Sadly, the ordinance was voted into law on July 24, 2001 by the so-called "progressive" majority with only Councilmember Kriss Worthington opposing the measure. It is hard not to feel a bit betrayed by councilmembers who claim to be progressive, yet support legislation which will further limit the ability of the people to organize. Too bad council elections only happen every other year. 

Law enforcement abuses at the highest level: COINTELPRO

By Alicia Littletree

In Seattle in 1999, amidst clouds of tear gas and pepper spray, beatings, and false arrests, law enforcement demonstrated just how far it was willing to go to silence the unified voice of the movement for social and environmental justice. In 1990, it was Earth First! organizers who became the lightning rods for the violence, lies, and rights abuses of the FBI.

On May 24, 1990, a pipe-bomb ripped through Judi Bari's body and tore a hole through her car as she and Darryl Cherney were traveling in Oakland, California while organizing for Redwood Summer, a nonviolent, direct action campaign aimed at shutting down corporate timber. The motion-triggered bomb exploded in the midst of a barrage of death threats targeting Redwood Summer organizers, and a climate of hate whipped up by big timber to vilify environmentalists. Within minutes, the FBI was on the scene of the blast and Judi and Darryl were placed under arrest for transporting the bomb that was meant to kill them. The FBI took advantage of the blast to catapult Earth First! into the national spotlight, portraying them as a group of violent terrorist bombers, even though the campaign was emphatically nonviolent.


The FBI agent in charge of the case was none other than Richard W. Held, a man known for his involvement in framing and jailing activists like Leonard Peltier, Geronimo Jijaga, and many others. Held was the master operative of the FBI's Counter Intelligence Program or COINTELPRO. Environmental activists in Northern California became the targets of FBI investigations, and the real bombers were allowed to walk away. To this day, no real investigation has been conducted to find those who attempted to murder Judi and Darryl.

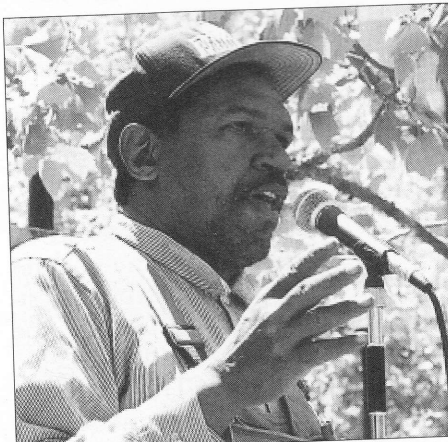
The Alameda District Attorney declined to file charges in the case, and in 1991, while recovering from the injuries

she suffered from the bomb, Judi Bari, together with Darryl Cherney, filed a civil rights lawsuit against the FBI and the Oakland Police. Until 1997, when breast cancer struck down Judi in her prime, she worked tirelessly on the federal lawsuit, sorting, deciphering and analyzing the thousands of pages of FBI files and testimony, piecing together bit by bit the truth about the FBI's assault against her and Earth First!.

Today, the claims made in the lawsuit are becoming even more relevant. Witness the widespread assault on the growing anti-globalization movement. Witness the shameful failure of Bill Clinton to grant clemency to long-time Native American political prisoner Leonard Peltier (another target of Richard Held's COINTELPRO operations). Witness the coup that just put George W. Bush in the White House. We are looking at troubled times for civil rights in this country. We are looking at troubled times for social justice in this country.

And now, after over ten years, Judi and Darryl's trial is set to begin October 1, 2001, at the Federal Courthouse in Oakland. We need the movement to come together to call attention to law enforcement's abuses against activists in this country.

To learn more about this case, or to find out how you can support this effort to bring the FBI to justice, call Earth First! at (707) 462-2370. 



Copwatcher, Gerald Smith speaks at a demonstration on the 11th anniversary of the bombing of Judi Bari

UC police accountability movement takes hold on campus

By Lisa Kawamoto Hsu

This year, there seems to be a growing trend on the UC campus to really look at the issues of police misconduct and accountability. Aside from the campus presence Copwatch has maintained by offering a class every semester, other student groups and organizations are coming together and organizing to combat the problems of racial profiling on both local and national levels.

Two events were held almost back to back this semester in light of these pressing issues. On March 20th, a Racial Profiling Forum was sponsored by the Student Advocates Office and hosted by the Berkeley ACLU, featuring a diverse body of speakers from Alex Gibnoes, a representative for the UC Police Review Board, to Andrea Prichett from Copwatch. Also highlighted were speakers Kevin Hammond, an ASUC advocate, and Michelle Alexander, director of the ACLU Racial Justice Project.

The event began on a dull note, with Alex Gibnoes' dry and inadequate speech on the supposed efforts of the UCPRB to control police function. But it turned into a truly public forum as the stage was opened up for members of the audience to come up and give their testimonies and share their harrowing experiences of being racially profiled. The tone was set when Cornelius Hall, an active member of the community, stepped up and described the death of his 19-year-old son at the hands of the BART police. Subsequently, an outpouring of very personal and undeniably alarming stories ensued from the public in attendance, alongside the people's recommendation for an emphasis on more data collection, community organizing, and awareness about our rights as citizens.

Another panel of speakers discussed racial profiling in a less public and less

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BODY HEAT

“Non-lethal” weapons to watch for

UC continued from page 10

personal forum, sponsored by the Berkeley ACLU on April 12th. Featured speakers were Professor Teresa Leon, Oakland Police Chief Ron Davis, and John Burris, a local civil rights attorney and author of the racial profiling study *Black and Blue*. While the talk of racial profiling was handled on this day in an institutional and strategic manner, audience members seemed displeased by not only what the speakers had to say but also how their questions were addressed. While citing community organizing, activism, and public participation, the speakers offered no real solutions or recommendations for combating the endemic problem of racial profiling, leaving us wondering which side of the issue they were really on.

If community organizing and data collection are some of the answers to stopping racial profiling on our streets and in our neighborhoods, then Copwatch, the Student Advocate's Office, and the Berkeley ACLU can accomplish a great deal by joining forces to build a bigger, stronger coalition for racial justice. Together we can demand that the University create a legitimate Police Review Board and police review process, put an end to pretext stops, and end racial profiling by the UCPD. 

By Candace Etter

New weapons that the government designs and the police departments love are aimed at you! All agencies claim that the devices are strictly for “crowd control,” but monitoring agencies, like Human Rights Watch, and scientific organizations, like the Loma Linda University Medical Center, are rebutting their so-called “non-lethal” nature. As a matter of fact, many of these devices cause serious, long-term, irreversible damage to human beings. Imagine yourself at the receiving end of the following wonders of technology.

Most people have heard of pepper spray — well, there has been an *improvement*. A Pepperball Launcher hurtles a plastic ball filled with pepper dust from thirty feet away that shatters on impact (no danger to police officers), causing choking and coughing in targets. This is the police officers answer to taking “mentally challenged” individuals into custody. My thought is that they wouldn't dare use this on “regular” folks because there might be repercussions which they could not dismiss by claiming that the person is “out of their mind.”

There is a new gun, the anti-

personnel beam, which projects heat by sending an electrical current through a high-speed channel of ionized air from one hundred feet away, causing the skin of the victim to heat to 130 degrees Fahrenheit. Persons standing or sitting near the “target” are similarly effected, so it's perfect for protest gatherings! At least, that's what police claim it's for.


Next is the vehicle-mounted device (VMADS) which disperses a concentrated beam of electromagnetic energy that can cause long term damage such as cancer and cataracts. The police call it a “people dissuader,” because they shoot it at human beings; if the contact is three seconds, it causes discomfort like a microwave burn. Anything longer than that *kills*, but the government won't disclose details.

The *taser* is included here because it shoots electrical probes up to twenty-one feet away and generates fifty thousand volts of electricity to the target and is a police favorite! As a matter of fact, over 600 police agencies are already using it.

Human Rights Watch is fighting with the U.S. to permanently ban the *dazzler* — a laser designed to cause permanent eye damage because it is aimed at the eyes, resulting in blindness, folks. Another people-grabber is the sonic beam discharger, which causes sudden diarrhea in its victims.

The one that scares me is the low-frequency radio waves that some agencies suspect have “mind-control” capabilities... something to think about the next time you or your loved one might want to protest some scam, such as the PG&E “crisis.”

Isn't it interesting how much money is poured into arms of destruction rather than research which would honor life and integrity?

It is very frightening to feel that the novel 1984 by George Orwell is coming to fruition, where the privileged have deceived themselves into believing that the underprivileged do not merit dignity, rights, or life! What type of mentality would approve the use of such weapons on human beings? 

Hate-crimes continued from page 7

prohibit the inclusion of economic considerations for protected groups in hate crime legislation.


In a time when the numbers of those who have to sleep outside and in shelters are substantial and growing, these Supreme Court decisions should be reconsidered.

As we proceed — on June 21, 2001 at two o'clock at the Berkeley courthouse — to contest the constitutionality of the 647(j) lodging law (and by precedent, other laws that criminalize poverty), we remove one more blinder from the view of poverty as the institutional problem that it is in this country.

Rather than playing the game of reacting piecemeal to individual

“squeaky wheel” examples of poverty abuses, its time we develop a strategy more in keeping with the American tradition:

Give me your tired, your, poor, your huddled masses yearning to breathe free; the wretched refuse of your teeming shores, send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door. — inscription on the Statue of Liberty

In this new millennium, the premier democratic, capitalistic country should model “another giant step for mankind” by embarking upon a plan and mandating a program by which the successes of our democratic capitalism eliminate poverty from the face of the land. 

Copwatch offers UC Class for Credit

By Todd Lyster


Before coming to Berkeley, I knew I wanted to take some different kinds of classes, courses that would open my eyes to issues and ideas to which I had not been previously exposed. Now that the semester has come to a close, I realize that Copwatch is exactly such a class, and I am extremely thankful that I was able to participate.

Once I understood the premise of the class and the Copwatch organization, I was immediately fascinated. Everywhere in this country there are men and women paid to walk around with guns, supposedly to "serve and protect." Few people question the presence of the police, or wonder if they

are accountable for their actions. Copwatch teaches students to question the role of the police and to become proactive in monitoring their activities so that they can be held accountable for what they do.

In order to receive credit for class, students must complete three hours of fieldwork each week. While there are several options for students (including tabling, legal research, the Copwatch radio show, and producing a Copwatch video), the most common activity is Copwatching. Copwatching is simple: two or more people walk the streets of Berkeley monitoring police activity, armed with a video camera and a police scanner. While their weapons may not have the force of a gun or the sting of pepper spray, they are powerful indeed. The police scanner lets Copwatchers

know where the police are and gives them an idea of what the police doing, and the video camera is used to record police activity. It is also a preventive tool: a police officer will be likely to use more discretion if he or she knows a camera is pointed at them. Even if there aren't any Copwatchers at the scene, Berkeley police know they're around and they could show up at any time.

While my actual time spent Copwatching will probably decrease once I'm not in the class, I will be more aware of the police among us and I will have a better understanding of my rights and how to protect them. Even if I had not received credit for this class, it would have been a valuable investment, and I recommend it to anyone who is interested in protecting our rights and our lives. 

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

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