

# COPWATCH

REPORT

COPWATCH  
Berkeley, California

Summer 2004  
(510) 548-0425

## PRC Votes Down Attack Dog Proposal

By Andrea Prichett

The Berkeley Police Review Commission voted down a proposal to introduce the use of attack dogs into Berkeley neighborhoods. By a 6-3 vote on March 25th, the PRC joined the Humane Commission, the Commission on Homelessness, and the Youth Commission in saying "no thanks" to a proposal that would have allowed Berkeley police to use German shepherds (or other dogs trained to attack suspects) in a variety of situations where even non-violent suspects would be at risk.

Approximately 40 people attended the meeting to protest the plan. Everyone who spoke at the meeting asked the PRC to vote against the proposal, including a representative from the NAACP and Sean Dugan from the city's Youth Commission. Addressing the commission, Dugar explained his opposition by saying, "We know that the dogs aren't supposed to bite us. And we know that police aren't supposed to hurt us, but it still happens."

Early reports in the Daily Planet had predicted that the proposal would pass, but testimony from the public, as well as arguments from commissioners seemed to sway the swing votes on the commission. Meanwhile, Commissioner Bill White dismissed suggestions that a provision be added to the proposal that would require extra notification to the PRC when incidents involving dogs occurred. He explained that a similar provision had been implemented when pepper spray was introduced and that the BPD had not been able or willing to provide regular reports to the PRC regarding its use.

The Berkeley Police introduced the proposal to begin a "Canine Program" in the fall with a series of three public hearings at PRC meetings. A presentation was also made by Captain Fleming of the

Berkeley Police Department regarding Chief Meisner's proposal. In a memorandum dated September 25, 2003, Police Chief Roy Meisner outlined his proposal for spending \$42-46,000 in the first year to create two canine units. According to the proposal, the dogs would be trained in the "Find and Bark" method and the money used to pay for the program would come from a special "asset forfeiture" fund set aside for equipment purchases and non-personnel related expenses.

According to the Chief's proposal, the (2) dogs would have many purposes. They would be used to apprehend criminal suspects, locate missing persons, drugs, explosives, and even participate in exhibitions at local schools and businesses. These dogs are essentially trained to "Find and Bark" when they locate a suspect. However, these dogs are also trained to attack a suspect if they move. No matter what the police say: these dogs will bite!

James Steward, owner of the Oakland based business Protectors K-9 Service, has 35 years of experience working with dogs and is licensed by the state of California. Steward clarified that the training that "Find and Bark" dogs receive is incompatible with simply locating missing persons, due to the possibility that the dog will bite the missing person at the end of the search. Public confusion about the difference between "search and rescue" dogs versus dogs trained to attack seemed to increase after BPD efforts to lobby neighborhood groups to speak out in favor of the proposal. Several individuals from neighborhood watch groups expressed support for the proposal because they felt that it was important to have dogs able to locate missing persons. Apparently, residents were not shown the actual proposal.

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# 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!



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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## The Canine Plan:

*(Excerpts from "Proposal for Canine Program" by Roy L. Meisner, Chief of Police September 23, 2004)*

### Deployment Situations:

**8.b:** (When) the suspect in any crime is believed to be hiding in an area where entry by regular officers would pose a threat to their safety (crawl spaces, under porches, etc.).

**8.c:** (When) the suspect is physically resisting arrest and the use of a police canine reasonably appears to be necessary to overcome such resistance.

**8.d:** In searching warehouses or buildings where burglar alarms and other factors lead officers to believe a suspect may be hiding on the premises.

What Mr. Radisch may or may not realize is that African Americans are BY FAR more likely to encounter a BPD officer than white residents (at one point it was estimated that African Americans were 7 times more likely to be stopped than whites in Berkeley). According to PRC annual statistics for 2002, African Americans comprise 13.3% of the city's population yet account for 51% of allegations against officers. Many of those attending the meeting expressed concern that the dogs would be used in South and West Berkeley where there is a much higher proportion of people of color than elsewhere in the city.

It is unclear whether the city council will let sleeping dogs lie. Mayor Tom Bates was quoted as saying that he would drop the idea if the PRC didn't approve it.



**The Berkeley Police Review Commission**

According to provisions in the proposal, a suspect does not have to be armed or have committed a violent crime in order to be involved in a canine-citizen contact. Yet, each contact involves the possibility of serious bodily harm depending on how the suspect relates to the dog.

Many residents who attended the Police Review Commission meetings spoke of their associations of attack dogs being used by racist police against, primarily, African Americans during civil rights demonstrators in the 1960's. As the PRC debated the plan, it became clear that racism was very much a concern for some commissioners and not for others. Former DA and current PRC commissioner Jack Radisch tried to calm residents fears about potential abuse by stating, "There is no Bull Connor here in Berkeley" (referring to the notoriously racist southern sheriff who used water cannons, clubs and attack dogs against civil rights demonstrators in the 60's).

However, Council Member Betty Olds was quoted in the Berkeley Daily Planet as saying that she might revive the issue in May sometime. Copwatch opposes the proposal and has promised to challenge the plan should it reach the council for a vote.

Copwatch encourages residents to contact the city council to oppose this plan should it be revived. Currently, when BPD needs to use a dog to assist in locating a suspect, they contact Oakland Police. On average, this happens 30 times a year. The expense of starting a new canine program is simply a needless extravagance in these times of cutbacks and budget cuts. Berkeley police do not need to become more like the Oakland police or to spend money on new ways to torture suspects; BPD needs to become more accountable to the people of Berkeley for what they do and do not do about preventing and solving crime... and dogs surely cannot help with that.

# The Berkeley Police Stonewall Investigation

## Latest In-Custody Death Puts Pressure on PRC

By Andrea Prichett

A major showdown is brewing between the Berkeley Police Review Commission (PRC) and the Berkeley Police Department (BPD) over the release of documents related to the police shooting of robbery suspect, Glennel Givens, in July 2003. Although the police have provided some information to the PRC, the transcripts of interviews with the three officers who actually did the shooting have been withheld for reasons of officer "privacy." In addition, the PRC investigation of the incident is further hampered by the refusal of the police department to allow the officers to speak directly to the commission.

After several meetings with the city manager and city attorney to resolve the issue, PRC member and former District Attorney for Alameda County, Jack Radisch told the PRC, "I continue to be shocked that the police won't provide the tapes and reports that we asked for." He went on to explain that, if Mr. Givens had lived and been charged with robbery, all of the documents would have become public in the course of a trial. To claim that providing the PRC with information that directly relates to their review of the incident violates officer "privacy" is, according to Mr. Radisch, "a bogus issue."

The issue of stonewalling by the police department was revived on March 29, 2004 when a 45 year old man died while in custody at Berkeley jail. The family of Tyrone Hughes has indicated that they would like the matter to be investigated by the PRC and, at its April 14 meeting, the commission voted to do so. Meanwhile, the Hughes family opted to have an independent autopsy performed in order to determine the exact cause of death.

Copwatchers have expressed concern to the commission that an "investigation" by the PRC should be more than simply a re-reading of information prepared by the police or DA. If PRC investigations depend on police information and the police refuse to provide that information, then PRC investigations may again be doomed due to BPD foot dragging. The PRC must figure out how to conduct its own investigations in cases where police are involved in a civilian death if

it hopes to maintain its reputation as an "independent" review organization.

While casual observers maintain that the Givens shooting was "justified" and simply wish to take the police view of the incident, troubling questions remain that, if examined closely and resolved, might prevent such tragic outcomes in the future. Areas of concern about the Givens shooting include:

- **Why did so many Oakland officers respond (and shoot) and why were they in a position to confront the suspect rather than providing back-up to BPD officers?**
- **Why did OPD officer Knight "grab" the suspect by the back of the neck and did this action escalate the situation and needlessly endanger the officer, the suspect and members of the public?**
- **Why weren't the three officers who shot at Mr. Givens required to write a police report describing exactly what happened at the time of the shooting?**
- **Did the officers actually see a gun in the hands of Mr. Givens?**
- **What efforts were made to trace the origins of the gun that was recovered at the scene and what evidence links Mr. Givens to this gun?**

In order to understand why both of these men died at the hands of police, the PRC must have access to all relevant information. The PRC has the power to issue subpoenas but has never actually done so. Some commissioners are considering issuing a subpoena if the police continue to stonewall their investigation. The city manager and city attorney support the police department's position and will probably not support the PRC in any legal battle.

The stakes are very high for civilian review. If the PRC issues the subpoena, but it is not enforced, the commission may be seen as powerless to actually influence the way police function in our city. The PRC must be given independent legal counsel in order to press for its mission and to hold police accountable in these extremely serious cases. A fundamental purpose and perhaps the most important function of the PRC is to make sure that the use of lethal force is done so only as a last resort. If the PRC is prevented from examining these cases in detail, then what power does it really have? Does this veil of secrecy represent the "Oaklandization" of the Berkeley police?

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## There is Safety in Numbers

By Aeric

Anywhere you go, dark alley, busy street, day or night, everything appears cool once you spot just the right number of police there, right? Well, what is that right number? How many police officers, if any, are needed to efficiently "keep the peace" in different situations?

Recently there have been more visual and oral accounts of excess amounts of police officers responding to calls of routine nature. Does this make a situation safer, having an over-abundance of badges and guns to quell a concern? Or is it rather tones of comfort and person-to-person connection from passersby?

We are taught more and more through the years, growing up in the "homeland," that security must always sit on our shoulders—dictating our heads as to which way to turn. What about new understanding or perhaps an increased acknowledgement

of your surroundings? According to the California Attorney General's Office and it's Crime and Violence Prevention Center



Personal Security guidelines, a standard and safe "street precaution" is to "not respond to conversation from strangers on the street, continue walking."

Other valuable reminders from this source are included in Car Safety, "...if your car breaks down, open the hood

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# Conflict Ensues Between Protestors and Law Enforcement in Miami



By Mickey McLicker



I asserted my first amendment rights in Miami last November at the American Business Forum on the Free Trade Area of the Americas (F.T.A.A.). Police chief John Timoney was courted by Miami because of his reputation for quelling free speech, and was sworn in just months before the conference. Timoney is lauded by the mainstream media and by his superiors for crushing protests with such tactics as pre-emptive arrests, exorbitant bails, unlawful surveillance, targeting specific organizers, and other intimidation tactics. His officers used a wide array of paramilitary vehicles and weaponry, bought with \$8.5-million for security that Congress gave Miami during the F.T.A.A. meetings—funds slipped inside the \$87-billion allotted for Iraq. Timoney used buzzwords like ‘anarchists,’ ‘terrorists,’ and ‘violent’ to create a climate of public fear of activists in an attempt to justify excessive police force and mass arrests in what is sadly becoming the model to stop any outcry for social justice; the criminalization of dissent.

A large march was permitted to weave through Miami’s streets. An officer’s tear gas gun went off by accident, behind the police line, and someone yelled that the activists had tear gas. The police advanced on the crowd. The police attempted to push a group back in the opposite direction. I spotted an officer strike a seemingly teenage boy over the head with his baton for no observable reason. A steel worker defended the youth, pulling him away from the officer’s grasp and striking the officer in the face. What ensued was pure chaos. Arms were flying and everyone was swinging, but the cops had superior weaponry and shot rubber bullets, pepper spray, and tear gas into the crowd. I was slammed against a storefront with two

others, about to be arrested. The police line violently advanced on the crowd, pushing the line past the spot where I had been apprehended. I saw my opening, broke free of my capture and ran. Circling around, I went back to witness from a safer distance what else was happening. My eyes were watering, lungs burning from tear gas; a new chemical white pepper spray that I have still not been able to identify.

The line had reached the retired union workers, who were standing on the sidelines being watched over by the ACLU and union organizers. Police did not differentiate between the retirees and the other activists, in the process trampling a seventy-year-old womyn and breaking her leg. A nearby ambulance was summoned by protesters to assist the womyn, but the officers would not let the paramedics through. Luckily, The Bay Area Medics were on hand to assist the womyn. The Medics

are an alliance of activists and doctors that came into existence because of the injuries protesters commonly received at the hands of the police. I received medical attention myself to help me breathe, then sought out locals to get their take on what had just occurred.

Citizens of Miami were appalled that civil rights could be so blatantly violated in the United States of America. I made no secret of the fact that I have found this kind of police response to be commonplace; that is, any time people assemble to make their voices heard, no matter how peaceful the gathering. The brutality that I witnessed would cause me to randomly break down in tears several times a day for the duration of my stay in Miami. I coughed up blood for two days after I got home, and I still grind my teeth and have nightmares and muscle spasms that wake me in the middle of the night.

## An Influx of Volunteers Makes Copwatch’s Future Look Bright

By Karin Hilton

At the Copwatch Annual Strategy Meeting on Saturday February 21, about 15 volunteers gathered to discuss plans and strategies for the upcoming year. The meeting addressed a range of important topics, such as: reflecting on accomplishments made in the past year, analyzing the internal structure, revisiting political/philosophical goals, as well as updated goals for the coming year.

Discussions at the strategy meeting were vital in determining how to accommodate the growing number of new volunteers. Copwatch then opted to establish working groups, which focus on specific topics, which will meet regularly to discuss individual goals and strategies.

Those at the strategy meeting reaffirmed Copwatch’s political goals we strive to meet as a cohesive organization. We agreed to aim at finding new and innovative strategies to monitor the police, educate citizens about their rights, publicize police misconduct we are witness to in our own communities, and reach out to other police accountability groups around the country. Many new ideas about how

to accomplish these goals were discussed at the meeting as well.

One of the most important outcomes of the strategy meeting was to brainstorm about what it is that we at Copwatch would like to see happen in the upcoming year. A laundry list of short and long term goals was created. Some of these goals are:

- Expand the already growing numbers of volunteers
- Institute more Copwatching every week
- Win the campaign against dogs being used by BPD
- Increase outreach and education for youth, schools, and teachers
- Create a neighborhood justice forum
- Make a “Know Your Rights Packet” for distribution, including literature, and DVD/VHS with the new Copwatch documentary, “These Streets Are Watching”
- Keep the database and website current

Individual work groups have decided to tackle more specific goals, while Copwatch, as a whole will approach different aims. If you are interested in working on any of these projects please come to the general meeting at the Copwatch office located at: 2022 Blake Street in Berkeley, Mondays at 8pm; or contact Copwatch at **(510) 548-0425**. Make a difference in the community, hold the police accountable, and come volunteer.

# North Oakland Community Justice Project

By Andrea Prichett

For too long, residents of North Oakland have reported incidents of racial profiling and police misconduct by Oakland and Berkeley police officers. Some residents also explain that there are other problems in the neighborhood that city officials have failed to address. A new effort to organize is taking shape and all residents are invited to participate.

One of the reasons that police are in the neighborhood so often is that people call them to respond to minor incidents. Even though the police have encouraged people to call 911 "if they see suspicious activity," all too often they are called when a neighbor's music is too loud, kids are hanging out, someone is yelling or for some other nuisance. Often, these encounters escalate into even bigger problems. Some residents as well as members of Copwatch and PUEBLO feel that we might be able to reduce misconduct in our neighborhood by reducing the number of times that police are called.

We want to create a real neighborhood group that works to serve the interests of all residents of our neighborhood and gets neighbors to talk with each other in a free and open environment without the chilling effect that happens when a police officer is leading the meeting. We want to foster dialogue and problem-solving among residents instead of simply calling the police. We believe that all people, young and old, well off and struggling, deserve basic respect and the right to speak for themselves and to be understood.

This is an experiment. We are just getting started and we expect that this effort will require a lot of discussion, patience and willingness to teach and learn on the part of the participants. We are hoping to create a brand new approach to community health and justice and we want you to be a part of it. If you live between MLK and Shattuck and 65th and 55th then give Copwatch a call to find out how you can get involved in this exciting new approach to community building. **(510) 548-0425**



# CHP Helicopters Illegally Used to Look for Homeless, Ill-tempered

By Karla James

Just after dusk on January 16, 2003, a helicopter hovered low over my neighborhood in South Berkeley, spotlight shining on houses, backyards, and streets. Eight to ten police cars were stopped on Sacramento Street. Dozens of police officers milled around and a crowd of onlookers gathered. Something big must have happened; murder, hostage standoff, perhaps something worse? In actuality, it turned out to be a mere fist fight.



Berkeley Police are not allowed to use helicopters to search for a suspect. In 1982, the Berkeley City Council prohibited their use except in cases of disaster, search and rescue or to find missing persons. When we called the police department to complain, they said they asked California Highway Patrol for a helicopter assist, and that any complaints should be directed to the Highway Patrol. Police Chief Dash Butler (now retired) later denied that BPD called CHP; apparently CHP just happened upon the situation. Either way, the Police Review Commission agreed that this situation was a violation of the ordinance and asked the Council to pass a directive to BPD, reminding them of the law.

Copwatch has documented the increasing use of helicopters by law enforcement in Berkeley. On another occasion, BPD arrested a student for violation of a "stay-away" order, an order issued to homeless people when they are brought to court after being arrested for offenses such as trespassing (i.e. getting caught sleeping somewhere). In this case, the student was homeless and a judge

had ordered him to stay-away from a certain area, presumably because he had been caught sleeping there before. The location of the stay-away order actually prevented him from legally obtaining a "quarter meal"—meals provided to homeless people for 25 cents. Therefore, he violated his stay-away order to get a meal and was arrested by BPD. Subsequently, he made a run for it and shortly thereafter a helicopter arrived to aid BPD in an unsuccessful manhunt for this "dangerous criminal."

Is this the kinder, gentler police

department we want in Berkeley? One where helicopters are used to search for those accused of only minor crimes? Where the noise of the hovering helicopter disturbing the peace and making Berkeley seem like a dangerous place?

**What you can do if you suspect a law enforcement helicopter is being used illegally in Berkeley:**

- Document the time, date, location, duration of helicopter activity and description of the helicopter.
- Document any Berkeley police activity in the area.
- Call your city council person and the mayor to complain. Ask that they investigate the incident and get back to you with specific information. (Remember, they are allowed to use helicopters in very limited circumstances).
- File a complaint with the Berkeley Police Review Commission. You have 90 days to file a complaint. Complaint forms can be downloaded from their website at [www.ci.berkeley.ca.us/prc/](http://www.ci.berkeley.ca.us/prc/) or call the PRC for more info: (510) 981-4950.



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.

## Sept. 13th, 2003—Alcatraz & Telegraph

An African man was working, at which point officer Allen approached with gun drawn and ordered him to get on his knees. The man complied, and then the officer ordered him to cross his legs. The man was on the ground for about five minutes when more officers came and drew their guns. The man was then cuffed and put into a police car. Then a green car pulled up with an African woman and man, and an elderly man inside. The officers drew their guns on the three people and ordered them out of the car. They were held for about ten minutes before being released.

## Nov. 2003—6th St. & University

After pulling over two men, Officer Hong and Officer Huynn told Copwatchers upon their arrival that the men did not want to be filmed. However, a few minutes later one of the men said that he did want to be filmed. In response, the officers talked to the men out of earshot of the Copwatchers, after which point the men (perhaps conveniently for the police) opted not to be filmed. After the officers left, the Copwatchers talked to the men, who said that the officers had threatened them with arrest if they did not ask the Copwatchers to turn the camera off.

## January 2nd, 2004—Sacramento

Drug Task Force Officers were observed stopping two youths sitting in a car on a side street off of Sacramento. Despite lack of reasonable suspicion for initiating the detention, the officers conducted a full search of the parked vehicle, as well as a pat down search for the detainees. After being noticed, a Copwatcher was threatened with arrest if he came any closer. When the detention was finished the youth were released.

## January 15th, 2004—Oxford

A handful of officers from UC and Berkeley surrounded the gas station on Oxford. Some with guns drawn, many of the officers were in each other's line of fire

as they encircled the gas station. The officers dispersed after a couple of minutes.

## Feb. 11th 2004—MLK & Berkeley Way

Officers detained an elderly, homeless woman for alleged drinking in public. She was taken into custody by BPD officers #94 and #113 for an outstanding warrant of \$437 for failing to appear on previous infractions. The woman yelled, "I don't want to go to Santa Rita for drinking." She later explained that she had been abused in Santa Rita when she was there for other drinking related infractions.

## Feb. 12th, 2004—Shattuck and Russell

**Reported to Copwatch:** BPD officer #125 approached two homeless men and began asking them about their unopened containers of beer. Officers were called away from the scene but returned 30 minutes later explaining that they had "bad news." One of the men was taken into custody for an "outstanding warrant." After he was handcuffed, taken to jail and the booking process started, officers realized that the man in custody did not have the same name as the man they claimed to be seeking. The homeless man was released.

## April 15th 2004—Oakland Federal Building

Three Copwatchers were arrested as they attempted to observe an anti-war protest in the lobby. Although Copwatchers were not participating in the action, they were immediately identified by their video cameras and taken into custody for "disturbing the peace."

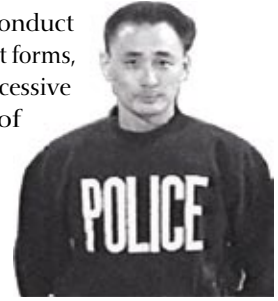
## April 16th 2004—University Ave

While observing a CHP sobriety checkpoint, a Copwatcher was intentionally blocked from videotaping by officers on the scene. While Copwatchers explained that they "had the right to observe," the officer replied "You don't have the right to do anything."



By Jacob Crawford

Police misconduct comes in different forms, it's not always excessive force or acts of violence. Often it's violation of policy or of constitutional law. Sometimes it is an officer



Officer Hong

not taking reports, or doing any investigative work. An important example of police misconduct is when a police department fails to recognize bad apples in the force. There are officers that operate in the Berkeley Police Department that have gone unchecked and the community has paid the consequence.

Two years ago Copwatch began documenting a variety of violations from the Drug Task Force. Officer Hong in particular became a valid concern to Copwatch as documentation began to display a disturbing pattern. According to Copwatch as well as the community in which Hong serves, he is a liability and a danger to anyone he comes into contact with. Most often community members accuse Hong of acts such as racial profiling and selective enforcement. But there are greater concerns. As Hong continues to terrorize neighborhoods, he is assigned to training rookies and other more fresh officers to these types of tactics.



On any given night you may find Hong on San Pablo or in West Berkeley neighborhood accompanied by Officer Huynn. If you stop and watch you will understand why neighborhoods view Hong as a ticking time bomb. This is what copwatch has observed in recent months.

# Law Enforcement Encroaches Upon School Campuses

By Lindsay Waggerman

Police have been a presence in many of California's public schools since March of 1983, when the California State Attorney General and the State Superintendent of Public Instruction created a "safe schools" program. This program was subsequently supported by the Governor of California and became part of the California education code (Education Code Section 32250 et seq.). The purpose of this program is to promote a partnership between students and police. According to this program, police are not permitted to be "disciplinarians," necessarily, but instead are instructed to be trusting adults who foster safe environments to help students connect with the community, prevent them from missing school, and to prevent vandalism.

On campus, students actually have fewer rights than they do on the streets. This inconsistency is justified as an issue of safety. For example, if a student on campus informs a teacher that somebody has a gun, the school administration reserves the right to search the student based solely on that rumor. The reasoning

for this is that schools are liable for every student on campus, that a student possessing a gun potentially threatens all students' safety, and therefore they must be immediately dealt with.

The particular method by which this police officer-student relationship is administered is left to the discretion of individual school districts. In many cases, this means that the individual law enforcement agent's job becomes patrolling the halls, completing citywide sweeps to control student truancy/delinquency, and assisting in breaking up physical altercations on campus. Having police play such a significant role in schools can lead to students getting police records for matters of truancy, delinquency and possibly violence, infractions that otherwise could be handled in more personal, caring environments by the school administration, students and parents of students. Although many rights we have on the streets no longer apply while in school, it is essential to know how the law is different and to familiarize yourself with a few things you can do at school to protect yourself:

- If being questioned, ALWAYS ask for your parent, a teacher, or another adult you trust to be present.
- Remember, you always have the right to remain silent and refuse to answer any questions or make any comments.
- All that school administrators (from teachers to police) require to search your backpack or locker is a "reasonable suspicion." This means that a person "snitching" on another student or on suspicious behavior without proof (which does NOT constitute "probable cause" or factual evidence) can facilitate the "suspicious" student getting searched and/or questioned. Conversely, on the streets police need "probable cause" or factual evidence for this type of search.
- Searches on campus have to be "reasonable" based upon your age and what is being searched for. (As so, no strip searches are allowed).
- You always have the right to verbally refuse a search if asked. Remember that items found in an illegal search cannot be used against you in court.

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**Familiar Faces** *continued from page 6*

## Oct. 31, 2005 San Pablo

Copwatchers observed a car stop initiated by Officer Hong and Officer Huynn. Within seconds of arrival Officer Huynn asked one of the detainees whether they wanted to be video taped. When they said no, Officer Huynn demanded the camera be turned off. Copwatchers responded by putting the camera down, waiting for the stop to end and then correcting the officer. (There are no laws prohibiting the video taping of people in public space, and that next time the officers should be more adherent to the law). Officer Huynn agreed.

## Nov. 1, 2005

Officer Hong and Officer Huynn had initiated a car stop on University and 6th. Officer Huynn asked the detainee if they would like to be video taped. They said yes. Then after speaking with the officers he said no. After being let go the detainee informed Copwatch that the officers had told him that he would be arrested on a petty warrant if he didn't take back his initial statement, that he was fine being videotaped.

Officer Hong and Officer Huynn were observed letting a man get back onto the road after pouring his open container of alcohol out and stepping on his crack pipe.

When it is not one incident it is another, we demand greater discipline and oversight on Berkeley police. When the community, Copwatch and even the police department know there are renegade cops patrolling our streets and nothing is done, what message are we sending to officers like Hong and Huynn?

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**Safety in Numbers** *continued from page 3*

If someone stops to help, stay in the locked car, roll down the window a little and ask them to call a tow service," as well as "Don't stop to aid motorists stopped on the side of the road. Go to a phone and request help for them."

Where is the human interaction here, as I only see hierarchical intervention? We are told by people in authoritative roles, how to deal with problems; not on our own. Often we are told to have authorized "peace

officers" do that for us. What are the lessons that are being taught to those searching for resolutions to conflict and everyday incidents?

I think the problem is rooted in a displacement of power from "common citizens" to far-removed structures and institutions of authority. There should be a mediation step before a "citizen arrest", one that includes neighbors, friends and perhaps people you have never met before or are unfamiliar with. This step should encourage sworn commitment to personal relationships and enhancement of safer neighborhoods on our own accord, without someone telling us what or how to do it.

This is why I have proposed a new title/role to communities everywhere; "PEACE MAKER." Although police are allegedly occupying the position of keeping the peace and as officers are "officially" doing so, crime and unrest remain a constant matter of concern. Lets opt to give police officers a break of sorts and make the peace before all conflict is turned over to their clutches.

# Interview With Robert MacCoun, Chair of the UCPRB

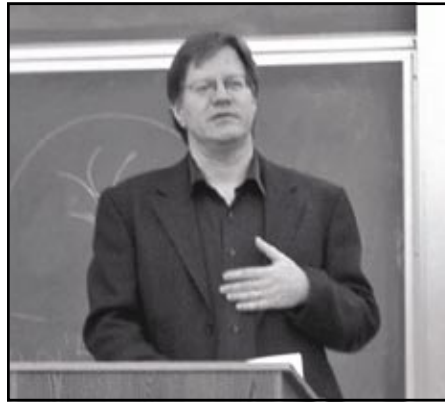
By Owen Sizemore

In the 1985–86 in response to the UCPD's reaction to an on-campus protest in which there were rumors of officers using police cars as weapons as well as drawing loaded firearms on students, UC Berkeley created the University of California Police Review Board.

The board would function as an oversight board of the UC Police Department and, in that capacity, would hear complaints of police misconduct and be able to make suggestions to the chief of police and the vice chancellor. However, the UCPRB has many shortcomings. It has no power to compel officers to testify, as well as take complaints directly. Rather it only hears cases that are appealed when the plaintiff is not satisfied with the UCPD's internal investigation. However, the current board does seem to encourage citizens with complaints to circumvent this process by making complaints directly to the board.

**Q: What is your position on the board, and how were you appointed?**

A: I am the Chair. I was appointed by Vice-Chancellor Horace Mitchell.



**Robert MacCoun, Chair of the UCPRB**

**Q: How long will you remain on the Police Review Board?**

A: So far as I know, at least through the next academic year.

**Q: Who is currently on the board?**

A: One graduate student representative, one undergraduate representative, one community representative, one campus staff representative, two faculty members, a former police officer, and a member of the campus police department.

**Q: What do you think should be the role of the UCPRB and do you think the board currently fulfills that role?**

A: The role of the board is, and should be, to provide civilian oversight of police conduct and to advise the campus when we see problems either at the level of department policy or individual officer conduct. Yes, I think the board has that role now.

**Q: Do you think that the presence of an ex-police officer on the board in any way undermines the credibility or role of the UCPRB?**

A: I recognize that some may have that perception, but I believe it is essential for us to have an ex-police officer. The rest of us have little experience or training in professional policing, and an ex-officer (who, on our present board, is a former city police chief) provides that perspective. Also, we are an advisory board without formal sanctioning authority, so our ability to influence the department requires us to have legitimacy in their eyes. I believe we have a responsibility to provide a fair and impartial process for officers as well as citizens. The board is sufficiently large and independent enough (we are volunteers) that I see little risk of undue influence.

*continued on page 10*

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## Denver Copwatchers Labeled as 'Criminal Extremists'

By Jacob Crawford

In 1997, a small group of Human rights activists from the Denver chapter of Amnesty International formed the group EPOC, End the Politics of Cruelty, as a means to addressing global human rights issues at the local level. Though not part of its initial goal, incidents of police corruption and violence became part of the focus as well. EPOC would examine human rights violations, and raise the level of accountability in the Denver police force. Through the use of large puppets and street theater, EPOC began redefining personal rights one skit at a time. With street plays designed around inevitable interruption from the police, EPOC produced pieces that were humorous, articulate, and short enough that by the time they were rousted, onlookers had received the message, and the

interruption by police only strengthened EPOC's point

In 1999 a man by the name of Ishmael Mena was assassinated during a no knock raid on the wrong house. EPOC worked with other social justice groups to expose cover-ups in every aspect of the investigation and eventually force the police chief to resign. In the fall of 2000 EPOC again took its Copwatch campaign to the streets. Dressed in bright vests and carrying video cameras, EPOC began documenting incidents of police misconduct with great success. The public, media and the justice system began to notice this small organization as it came forward with incident upon incident of wrong doing by the Denver Police. Copwatch was so effective in its first year that Denver Police were faced with a decision—change or rely on illegal smear campaigns (counterplot) as a means to dissemble the movement.

In March of 2002, Copwatch leaked documents from a police database that proved they had been under surveillance for their police accountability activity, and which labeled Steve and Vicki Nash (founders of Denver Copwatch) as criminal extremists. As more documents came forward, EPOC and a small number of others (including the American Friends Service Committee, a nun, and small business owners) filed a lawsuit with the ACLU against the Denver Police for keeping unlawful files on Denver residents without legal basis. Steve Nash—"I didn't think they would take their surveillance activities to such an extreme. I think if we're going to give more power to the police and to intelligence, we need to make sure there's civilian controls on them that are effective. Right now police departments operate pretty independently, so does the FBI and the CIA. If we're going to increase

*continued on page 9*



**Denver Copwatch** *continued from page 8*

security here in the United States, we have to have democratic control over our security institutions. Otherwise what we're going to end up here with is a police state."

Through motions of discovery, spy files on thousands of Denver residents surfaced. The Denver Police Department's guidelines for maintaining files state that police "shall not collect or maintain criminal intelligence information about the political, religious, or social views, associations, or activities of any individual...unless such information directly relates to criminal conduct or activity." "I've heard that policy



Denver Police—Undercover

read aloud," comments Maxine Lankford of Denver Copwatch. "What happened wasn't a 'misinterpretation'—it was deliberate disobedience." As the lawsuit went underway, police officials scrambled to place blame on the computers, or lack of training. It was also discovered that the files were being distributed to other police departments with the possible intention of linking activists to crimes outside of Denver. Vicki Nash—"I can only imagine how an officer might respond to me during a traffic stop if my

plates came back to a vehicle owned and driven by a 'criminal extremist.'"

Steve Nash—"We settled our lawsuit recently under some guidelines that will create real police reform hopefully in the near future. As a result of the settlement, we have been able to influence the redefinition of reasonable suspicion needed to conduct criminal investigations on people, as well as safeguards to insure that information is not accessible to intelligence officers without written permission by supervisors. Anyone with an unlawful spy file is to receive a piece of paper stating that the investigation has been halted, information purged and destroyed and that there was no justified reason for the surveillance in the first place. Will these restraints force change upon the police, somewhat, but not really. In fact I received a phone call from the police before our Oct. 22 march this year. They said they had looked over a flier and wanted to confirm the routes of our march. The weird thing was that the routes they were asking about were different from the routes we had scheduled and then it became apparent that they were referencing a flier we had made for the Oct. 22 march the year before. There's only one place I can imagine they got that flier from. (Hinting the spy file they were supposed to have destroyed) but the ongoing escalation of attention and concern of the conduct of the Denver police has created a momentum that will create change. Copwatch has gained a lot of respect from residents of Denver and with effort I think we're going to turn the corner and by the same time next year we'll have some real reforms that we can brag to the other Copwatches about."

## Copwatch Around the Bay

By Jacob Crawford

2004 has been a busy year as Copwatches begin to surface across the Bay Area. Over the past few months concerned citizens have begun to take action in Oakland reviving efforts to monitor police misconduct. In alliance with groups like PUEBLO, Project X, Bay Area Police Watch and Lets Get Free, Oakland Copwatch has begun strategizing for an inevitably busy summer spreading the message of accountability in a city known for its rich tradition of police oppression.

This April 7th as Copwatch marched with members of Direct Action, PUEBLO, and Longshore workers to the Oakland Docks



demanding justice for the outrageous use of force used against anti-war demonstrators the year before, Santa Cruz Copwatch was busy kicking off its first organizational meeting discussing its intentions to monitor police and address issues such as nuisance

*continued on page 10*

## Copwatch Calendar

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

### Organizational meetings:

**\* Mondays 8 pm** Get involved! Copwatch is an all-volunteer organization and we need your help. If you want to go on Copwatch shifts, help with data entry, case work and advocacy, Copwatch Report or other projects, come on by.

### Copwatch Class:

**Mondays 6 -7:30 pm** This class is free and open to Cal students as well as members of the public. Each week we will examine current issues related to police accountability.

### Know Your Rights Training:

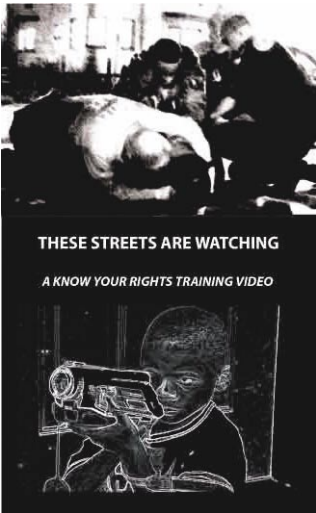
**Saturday, May 29th and July 31st 11am to 2pm.** Know Your Rights Training is a FREE hands on workshop where you will learn about your rights when you are stopped by the police. What to look for when you see someone else getting stopped and how to stay safe while observing police. You will also learn what can be done if the police have violated your rights, plus an introduction to video taping and using a police scanner.

### Copwatch Film Screening:

On **Wednesday July 21st at 2:15pm, 7:15pm, & 9:15pm** at the **Red Vic**, there will be a rare public screening of "These Streets are Watching." The Red Vic Movie House is located at 1727 Haight St. in San Francisco. [www.redvicmoviehouse.org](http://www.redvicmoviehouse.org)

**\* Starting May 21st** Copwatch organizational meetings will begin on Mondays at 6:30pm. In mid Aug. the Copwatch organizational meetings will return to its regular schedule of Mondays at 8:00pm.





# COPWATCH

## Film Screening



**Red Vic**  
**Movie House**  
 1727 Haight Street,  
 San Francisco

**Wed. July 21st**  
**2:15pm, 7:15pm &**  
**9:15pm**

**Ticket Information**  
**Admission Prices**  
**\$4 Seniors & Children**  
**\$5 Bargain**  
*(2:00pm shows)*  
**\$7 Adults**

Join Copwatch at the Red Vic for a rare public showing of "These Streets are Watching" a new release that takes a fresh look at police accountability through the eyes of three cities; Denver, Cincinnati and Berkeley. Independent filmmaker, Jacob Crawford, weaves three cities' responses to police brutality into a single tale of community empowerment and direct action.

### DIRECTIONS

The Red Vic Movie House is located on 1727 Haight Street, between Cole and Shrader, just a block and a half east from Golden Gate Park.

The Red Vic is also served directly by MUNI routes: 7,33,37,43, & 71. MUNI route 6 & N-Judah come within a few blocks.

For further info please call (415) 668-3994.

[www.redvicmoviehouse.org](http://www.redvicmoviehouse.org)

### Around The Bay continued from page 9

ordinances designed to criminalize the homeless. The meeting was attended by members of Berkeley Copwatch as well as East Palo Alto Copwatch which has also began its police accountability campaign this year demanding an end to police violence and harassment of its community residents. Copwatchers from EPA have already hit the streets with video cameras and clipboards witnessing police stops and conducting know your rights trainings.

Recently in Union City, parents concerned about their officers use of force and implementation of prop 21, (legislation used to identify, label, and criminalize youth suspected of gang activity) organized to monitor any police action during a local barbecue attended by Union City youth. Union City Police eventually came and

broke up the gathering flaunting their video cameras and ordering everyone to disperse, but their tune changed as parents and members of Berkeley Copwatch began to emerge with video cameras and clipboards. The situation was so well diffused it shouldn't be too long before Union City forms its own Copwatch.

#### Santa Cruz Copwatch

(831) 621-1726  
[santacruzcopwatch.org](http://santacruzcopwatch.org)

#### Oakland Copwatch

(510) 594-9918  
[oaklandcopwatch@riseup.net](mailto:oaklandcopwatch@riseup.net)

#### East Palo Alto Copwatch

(650) 476-0006  
[eastpaloaltocopwatch@hotmail.com](mailto:eastpaloaltocopwatch@hotmail.com)

**Union City:** Families 4 Hope Contact Sheri Costa at (510) 378-5216



UCPRB continued from page 8

**Q: Do you find it problematic or unjust that although the UCPD can and do police the community outside the university campus, they are not directly accountable to the community (the UCPRB is not appointed by elected officials)?**

**A:** It is a fair question, but I believe it is inaccurate to say there is no accountability. There are many lines of accountability—community representation on our board, the Berkeley police review process, the political process, and organizations like Copwatch. But certainly, if community members perceive problems, they should bring them to our attention, as well as the attention of the Berkeley city government and the campus administration.

**Q: What do you think is the function of the UC police? And what do you think the function ought to be?**

**A:** To protect the safety of students, faculty, staff, and visitors on our campus.

**Q: Do the UCPRB have any plans to have regular meetings, or set up any kind of public forum in which people with complaints can express their concerns, and be heard by the board?**

**A:** We will have a public meeting at the end of the year, which I believe will be the first in the board's history.

—Robert MacCoun said anyone with a complaint could contact him at 642-7518 or [maccoun@socrates.berkeley.edu](mailto:maccoun@socrates.berkeley.edu)

—For the latest information about the UC Police Review Board including the Police Review Board's Procedures, you can visit the web site at <http://bas.berkeley.edu/Resources/PoliceReview.htm#1>

—For further information on Robert MacCoun including Biographical Information and publications you can visit his web site at <http://socrates.berkeley.edu/~maccoun/>



# In Union City, Parents Stand With Youth

By Sheri Costa

Families 4 Hope is a community oriented group that is focused on meeting the needs of our youth and creating a better environment for them. In the past, Latino youth have been repeatedly harassed by Union City Police Authorities during events in Union City parks. Families 4 Hope approached Berkeley Copwatch to assist us in being observers for a BBQ on April 17th at Kennedy Park in Union City.

F4H's goal was to allow the youth to enjoy their day as well as provide a safe environment. Our concern was that the youth attending the BBQ could have their rights violated if they gathered in the park because the police often accuse them of being "gang members." Incidents in the past include youth being detained, asked if they are gang affiliated and harassed until they say yes. Photographs have been taken without consent and youth have been arrested for not cooperating with the picture taking. Some have been physically abused. Police also videotape the youth at public events and turn the videos over to the gang task force, assuming that everyone is gang related.

Our youth are told to leave public parks and public areas (Union Landing) because they are "alleged gang members." They have also been asked to leave areas because the police maintain that, according to proposition 21, three or more in a group can be considered "a gang."

The BBQ was a great success. A group of parents and legal observers maintained a very visible presence in the park throughout the day. A group of about 100-150 youth gathered, cooked food and socialized and enjoyed a beautiful day without incident. The police did appear towards the end of the day and were greeted by 4-5 video cameras and even more trained legal observers ready to document any abuse or harassment. Although the police did videotape all those gathered, they left without disrupting the peaceful



gathering. Many believe that it was the presence of concerned parents and allies that kept the police from mistreating the youth.

We want to help protect our young people as some have been physically assaulted by officers, as well as threatened. All youth should have the right to gather in any public park or area regardless of assumed or alleged gang affiliation. The youth need to know that there are people in the community who care and will step up to assist them whenever

needed. Our youth should not have to be dealing with harassment. This should be the time in life for growth, responsibility, and positive reinforcement.

F4H has a parental support group that meets twice a month at 261 Rome Place in

Hayward. The first Monday of each month we meet at Tiburcio Vasquez Health Center located at 33255, 9th Street in Union City from 6-8pm to discuss community actions. We meet to bring services, workshops, and education to our community. The focus is to create a positive and productive environment for our youth and their families. For help or further information please call **Sheri Costa at (510) 378-5216** or call **Maricela Gutierrez at (510) 471-5907**.

## Copwatch Decal Class for UC Students

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

**Course Description:** This course focuses on civilian observation of the police as a means of increasing police accountability and preventing misconduct, and emphasizes the safe and effective assertion of citizen rights when interacting with the police. We provide training in the specific rights of civilians and how those rights are changing in the current justice system, as well as coursework in the historical development of police forces in America at large and in the local community, and the role of the community in holding the police accountable in their positions of power. Each student will participate in "Copwatching" shifts and engage in various projects throughout the semester. Classes are held every Monday from 6-7:30 at the Grassroots House at 2022 Blake Street (off Shattuck) in Berkeley. The class starts Sept. 13th. [www.decal.org](http://www.decal.org)

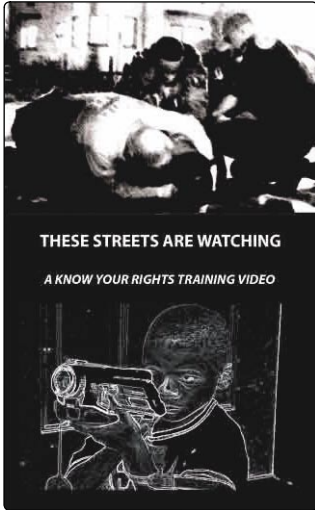


**Class Starts Sept. 13th**

# Film Review

## These Streets are Watching

This fast-paced video provides an introduction to citizen monitoring of police and practical information for people wanting to launch their own grassroots organization or for those who just want to be better informed about what to do when stopped by police. The video includes up-close footage taken from actual Copwatch shifts as well as clips of what is happening with Cincinnati Copwatch, Denver Copwatch and more!



Know your Rights! The Revolution will not be televised, so be sure and peep this video, share it with family, and pass it on to your neighbors. "These Streets are Watching" is vivid proof that the power of media—with all its influence, savvy, and spotlighting—can still be in the hands of the people and used as a non-violent weapon against state oppression.

~Weyland Southon  
Co-Founder & Host of KPFA's  
Hard Knock Radio & 7 Generations

Police officers used to be known as Peace officers. It is now up to us, as every day people, to hold them accountable to this mandate. "The Streets are Watching" is

a poignant and powerful tool for learning about what goes on in the streets of America, what our rights are, and how we as people have the power to reclaim justice and peace for our communities. Thank you Copwatch for bringing knowledge and justice to our streets, our communities, and our world.

~Julia Butterfly Hill

This film presents some of the missing evidence on issues of police brutality and accountability. It also prepares the viewer to consider their response, in advance, should they find themselves on the barrel end of a police gun.

~Neil Myhand (TODOS Institute)

This video can be purchased for \$20. Contact Copwatch at (510) 548-0425, or rent the video at Reel Video (Berkeley).

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

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Name \_\_\_\_\_ Phone \_\_\_\_\_

\$20/year-supporter  \$50/year-member  Add my name to your mailing list  
 \$5/year-low income  \$55/year-sponsor  \$55 new Copwatch video

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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