

COPWATCH**MAY-JUNE 1990**

One of the most significant things we have to report is about the demonstration commemorating the anniversary of People's Park and the battles which have been fought to keep it a park that took place Saturday May 19. This event began with a film in People's Park. Last year this same event turned into confusion. Several store windows were broken on Telegraph and looting took place. In anticipation of a repeat of last year's property destruction, and under pressure from the Telegraph Avenue Merchants' Association, the city invoked mutual aid. Police totaling almost 100 from at least eight other areas, including Hayward, San Leandro, Oakland, Berkeley, and Alameda County were called to the scene. Many of the officers from other areas were not identifiable by badge number or name.

The film was followed by a torchlight march around southside. While the group listened to speeches at the intersection of Telegraph and Durant, several bottles were thrown from apartment windows above. The police ordered the crowd to disperse declaring the gathering of about 100 people to be an "unlawful assembly." Penal code section 407 states that an unlawful assembly occurs, "whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner." In this case the police may require the crowd to disperse. If they do not immediately disperse, according to section

727 the officers "MUST ARREST THEM."

At 9:57 pm., after the order to disperse, the police charged the crowd, chasing individuals into alleys, beating the protestors with their sticks; only four arrests were made that night. Penal section 835a states that reasonable force may be used to effect the **arrest, prevent escape, or overcome resistance.** The police were using unreasonable force on demonstrators, and yet they were not even attempting to make arrests.

In the confusion, Copwatch observed, among other things, the police instructing people to run rather than walk from the scene; people being beaten on the ground who had already fallen, assault of people attending to the injured, police charging at a crowd of people who were holding hands across the street, and police charging and beating onlookers. Copwatch questions why this gathering was declared an "unlawful assembly" rather than an exercise of free speech. Regardless, we feel that if the police think someone is breaking the law they should attempt to arrest that individual. Otherwise the use of excessive force to discourage gatherings such as this one is inappropriate and unlawful.

Selective enforcement

LOITERING ORDINANCE: The selective enforcement of the homeless continues by the police, and the city is stepping up the possibilities for harrassment by the cops. A new ordinance is being proposed that would make it illegal to be within 100 feet

of an abandoned building, liquor store, bar, coin operated laundries, or city parks. The law specifies the prohibition of loitering in those areas with intent to buy , sell, or transfer illegal drugs. The reality is that the law would be used as another tool to harrass people who could be "loitering" for any number of reasons. It is unclear how this intent to buy, sell,... illegal drugs will be distinguished, and it will probably be unclear to the officers who intend to enforce this law. Copwatch considers this ordinance to be another opportunity for harrassment of the homeless. Members of Copwatch are presently working with lawyers from the ACLU against this ordinance.

CITIZENS' ARREST: The Berkeley Police Department provided members of the Telegraph Avenue Merchants' Association, and other groups in the community with directions for making a citizen's arrest. "A police officer cannot make an arrest for panhandling if it is not done in the officer's presence, but a citizen who is subjected to, or sees 'aggressive' panhandling can make a citizen's arrest." Copwatch is not aware of any citizen's arrests as a result of BPD's information, but the distribution of "Panhandling and Citizen's Arrests" is again targetting the homeless.

TEMPORARY RESTRAINING ORDER: A TRO was obtained by Osha Newman and Carolyn Del Gaudio on behalf of the people in People's Park. It requires the University to follow the agreement that was made with the city in January. This means that they can confiscate things left in the park after closing, but must store them for 90

days, after which these items must be sold at public auction. Copwatch applauds this victory and encourages the University to rethink its definition of a "valuable possession" beyond that which is valuable to the University.

POLICE ACCREDITATION: On June 8 an outside police accreditation team came to review the Berkeley Police Department intending to award them for their duty. Members of Copwatch and other citizens attended the public hearing to oppose granting this award because of BPD's continual use of selective enforcement. The decision is still pending.

POLICE STATIONED PERMANANTLY IN THE PARK: As of the end of June, there is a police van permanently stationed in People's Park. This is in response to police vehicles being spray painted and the "increase in drug activity." The police presence has cleared a large number of frequenters from the park. While Copwatch would be glad to see an end to violence and drug dealing, we question whether the police presence has ridded the community of the extremely violent and the dealers, or whether it has just sent them around the corner. Additionally, what will happen when the van is gone?

People of color, homeless, and activists in Berkeley are also victims of crime; the same crime which they are accused of being solely responsible for. Often violence against homeless people goes unnoticed, while police are preoccupied with giving the same people tickets for jaywalking and open containers, ticketing

someone who is dropping off clothing in the free box for double parking, or harrassing anyone on the street and accusing them of having vandalized the police van.

Domestic violence and rape

As part of Copwatch's function, we feel it is important to point out positive things we learn about the police in our area.

One thing we have found is that Berkeley Police handle cases of domestic violence and rape more responsibly than in other cities. According to Bay Area Women Against Rape the police in Berkeley are known for actively responding to and investigating cases of rape, and working for prosecutions. Whereas in other cities the police generally do not believe rape survivors until there is proof, Berkeley police generally do believe rape survivors, and investigate cases where drugs are involved, or of acquaintance rape that are typically ignored.

Copwatch Fundraiser

Copwatch will have its first fundraiser at Ashkenaz on July 19 from 9-12:00am. We need financial backing from the community to keep up the work we are doing. We are in the process of getting an office so that we can be more accessible to the community. Please join us to hear Joe Racano and the Berkeley Street Burners, and the Homeless Trio. This event will be co-sponsored by the organizing committee of the Berkely Union of the Homeless. Admission is \$5.00 (sliding scale).

COPWATCH Report: released July 5, 1990

Are you tired of COP Harassment? Get Involved!!!

Copwatch



Unitas House
Bancroft & College
Mondays
7:30pm

REMEMBER:

July 8, 7:30pm

Left Opposition to Berkeley Citizen's
Action at Ashkenaz

July 19, 9-12:00am

Copwatch and Berkeley Union of
the Homeless Benefit at Ashkenaz

July 21, 12-5:00pm

People's Park

WHO IS COPWATCH?

We are a group of people from the Berkeley community outraged with the rise of police harassment and the use of excessive force, especially in the Southside area. We know that this violence, which is targeted at street people, hippies, activists, and people of color, is a direct result of pressure from the University, many Telegraph Avenue merchants and local landlords to gentrify the area. If they push the homeless and counter-culture out into periphery, rents will double, People's Park will become a tennis court, Berkeley Inn and Barrington will be U.C. dorms, and you won't be able to buy a house coffee anywhere. The community must unite to fight police harassment, university expansion and the gentrification of Berkeley. Copwatch is a diverse group of Berkeley residents who have come together to provide information about peoples' rights, to monitor the Berkeley Police Department (BPD) and the UC Police Department (UCPD), and to take legal action against unlawful and unjust police maneuvers. We will uphold Berkeley's tradition of tolerance and diversity.

PURPOSE AND GOALS

Our main purpose is to reduce police harassment and brutality. To this end, we have the following goals:

- (1) To make the police accountable
- (2) To educate the community about their rights

Copwatch Objectives

After a few months in action, we feel it is important to more completely describe the practices and objectives of Copwatch. Members of Copwatch have three hour shifts on different days of the week, in which teams of two walk around the southside area. When we see police activity, we approach the scene, record badge numbers, license plate numbers, and descriptions of the incident and people involved. Depending upon the situation, we try to make contact with the person being arrested, detained, harassed. We also try to ask questions of the officers. Copwatch uses the reports to help people file complaints against the police, to compile for Copwatch Reports, and to help lawyers with the cases that come up. Our objective in all of this, is to make the police accountable for their actions. We want to act as a deterrent to the violence and harassment we have witnessed, and to serve to educate the community. You can help with this process of education and empowerment when you see police activity by: recording as much information as you can about the incident (time, place, badge numbers and officers names, license plate numbers, suspected charges... If you are asked by an officer to move, you should remember that it is your right to observe so try to stay within viewing distance. When you've compiled this information you can get drop it off at our weekly meeting, until we get our office. (Mondays at 7:30pm at Unitas - Bancroft and College)