

# COPWATCH REPORT

September-October

*"Police officers were not justified in detaining and questioning defendant where the only suspicious circumstances relied on were that the area was one where narcotic transactions had taken place in the past and the defendant; on seeing the officer's car; turned his back on them and appeared nervous. "*

People vs.. Moore (1968.)

—Justifiable Grounds for  
Detention in Effecting Arrest



In mid September the shooting at the Durant Hotel once again focused attention on the crime in the Southside area. In order to "reassure" the public, UC Police Dept. doubled patrols in the area, especially foot patrols. It remains unclear, however, how street patrols are going to prevent wanton acts of violence. What is clear is that both UC and Berkeley Police Departments are willing to exploit the tragedy to justify their over-patroling of the Berkeley Community on Southside.

When the police talk about Southside as a "high crime area" do they mean violent crimes or jaywalking? If we count obstructing a sidewalk, littering, jaywalking or panhandling, Southside undoubtedly has the highest crime rate in the city. However, if we talk about violent crime (for example two murders elsewhere in the city in the last two weeks) or even read the Crime Blotter weekly, we know that other areas of Berkeley have a much higher level of crime.

## **Culture: The Crime of Self Expression**

In the past two months, numerous artists have been harassed by the police. One man, who displays his drawings on the sidewalk, was approached by officers who felt it necessary to walk on the pictures in order to speak to the man. Another artist who is known for his ink sketches of birds, was arrested for selling without a license. He was only asking for donations and would gladly give a picture away for free. Suffice it to say that arresting a homeless man for selling paper oragami figures is a bit extreme and calls for a deeper explanation than simply "enforcing the law." Musicians are similarly being driven from our streets. Police threatened and arrested Joe Racano of the Berkeley Street Burners several times. Joe has repeatedly obtained permits to play on the street, which should be honored by the police ( but the music was shut down anyway). Other musicians who sing acapella are told to "move along" or to stop "blocking the sidewalk." Even getting a permit is a bureaucratic affair which has the effect of suppressing the culture of Berkeley's people.

COPWATCH calls on Chancellor Tien and Mayor Hancock to instruct their police to make exceptions to "vending without a license" laws. They should also mandate that police cannot threaten to arrest residents who choose to express their art in the streets of Berkeley.

If Berkeley culture is to survive, the city of Berkeley must act to protect it.

### **Sleeping: Chief Butler Takes a Stand**

Mayor Hancock may seem to waver, but Chief Butler has made his philosophy quite clear (along with that of the City Manager who helped the Chief draft Communication 1080). According to the Chief, police are to "politely but firmly" deny people the right to sleep in Berkeley by threatening to arrest them for: 1) obstructing free passage of persons or vehicles 2) obstructing exits or entrances from a building 3) placing of obstructing objects. If Mayor Hancock can't "deal" with homelessness, our new chief seems willing. Just keep them "moving along;" all night?

After the Police Review Commission (PRC) rejected Communication 1080, the Chief modified a few phrases and resubmitted it at the October 24 meeting of the PRC. Again it was rejected and is to be discussed at the City Council meeting on November 13.

COPWATCH calls on the Mayor and the City Council members to reject Chief Butler's policy and to clearly offer guidelines which protect homeless people from the ill effects of sleep deprivation.

## **COP BLOTTER**

The following are selected incidents encountered by COPWATCHERS from September to early November 1990:

Sept. 30 - BPD Officer Brown (#93) told a female employee of Blondies', who was smoking a cigarette on her break, to move along or- get ticketed for obstructing a sidewalk. She moved to avoid arrest.

Oct. 4 - Fat Slice's acting manager executed a citizen's arrest on a man for trespassing. Previous antagonism between the two men was noted by the manager. After being detained by the manager for 40 min., BPD took him to jail.

Oct. 5- 9:28pm- UCPD officer Takaoka (#54) warned a well-known homeless man, Jimbow, that if he got "out of line" the police would "get" him. When asked by COPWATCH to justify the approach, #54 declined. At 11:04, the same night three officers from UCPD stopped the man for allegedly panhandling. When COPWATCH approached, the officers left the scene. Officer #92 said to the COPWATCHERS, "Haven't you done this enough?"

Oct 10 - UCPD Officer Sifuentes (#37) approached a counter culture male. and asked what was in the bag he was carrying. The man displayed an unopened container of beer. With many homeless /hippie types around, #37 opened the container himself, then claimed that the man had an "open container" and would be cited. The officer instructed onlookers to move or face arrest. COPWATCH approached and encouraged onlookers to exercise their right to observe. Finally #37 put away his ticket book and left.

Oct. 25 - A Berkeley woman was being sexually assaulted in her own home by a man she had known for years. Only after beating the man with a baseball bat was she able to make him leave. BPD officer Gabriel (#17) responded to the call. After speaking to both the victim and the assailant, #17 asked the woman if she "liked violent sex," and "are you a virgin?" At that point the woman became so frightened that she returned to her home without even noticing that the blood on her clothes was her own.

Oct. 26 - UC police arrested an elderly man for selling communist newspapers at a Black Panthers forum. Vending without a license was cited.

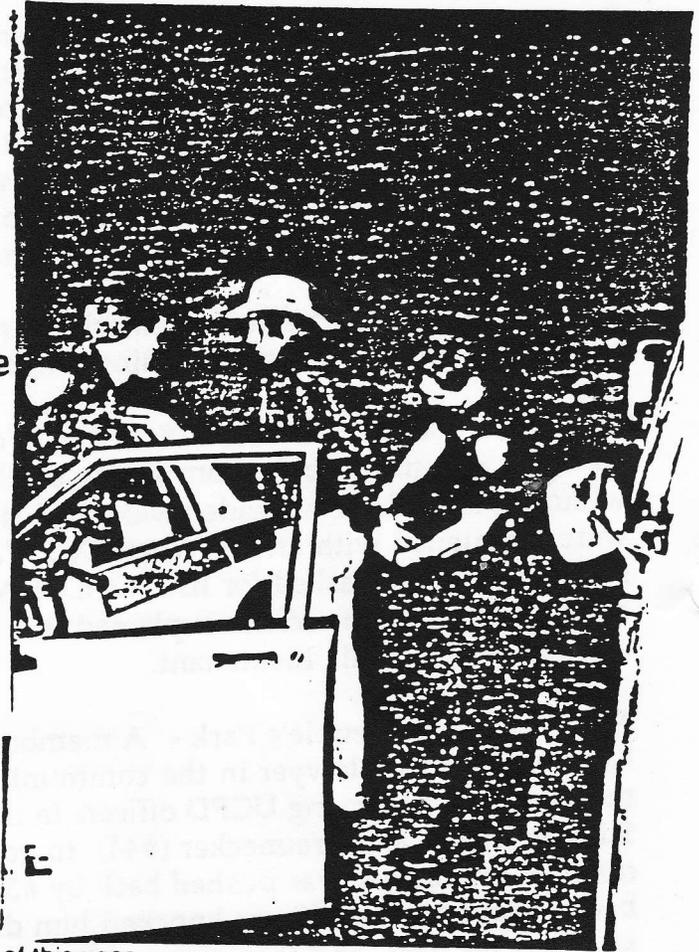
Oct. 29- BPD officers Onciano (#60) and Wong (#15) cruising up Telegraph at 10:15pm, rousting people from sitting on the sidewalk. People with and without possessions, all wide awake and sitting on the side of the walkway, were threatened with arrest. When COPWATCH questioned the legality of such a move, #60 asked for ID. The COPWATCHER was cited for not having a bicycle license. The officer explained that he was acting on orders and had to enforce orders of his Lieutenant.

Nov 2 - 2:30pm, People's Park - A member of Berkeley's Police Review Commission and a lawyer in the community known for representing people pro bono was observing UCPD officers in the park. He was told by officers Sifuentes(#37) and Braunecker (#44) to go away. Still exercising his right to observe, the lawyer was pushed back by #37. When the lawyer asked for his badge number, the officers knocked him down, pushed his head into the dirt, stood on his back, and then arrested him. He was charged with interfering with a police officer.

COPWATCH REPORT issued November 2, 1990

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

Weekly Meetings at the COPWATCH Office  
Mondays at 8:00pm  
2511 Channing Way, suite #1  
548-0425



## COPWATCH Objectives

COPWATCH began monitoring police activity in early March of this year.

The main purpose of Copwatch is to reduce police harassment and brutality. Our goals are to make police accountable, and to educate the community about their rights.

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 time, place, police name, badge numbers, license plate numbers, suspected charges, and descriptions of the incident and people involved. Depending upon the situation, 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 officers 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. If you are asked by an officer to move, you should remember that it is your right to observe. Try to stay within viewing distance. When you've compiled this information you