

COPWATCH

Report

BERKELEY, CALIFORNIA

DECEMBER 1995



Ban Police Use of Pepper Spray!

COPWATCH Begins Berkeley Campaign

In Berkeley, Officer Bertauche held a gun to a man's head and pepper sprayed him in the eyes. When a witness questioned his actions, he sprayed her in the face over seven times. In San Francisco, twelve cops, led by Officer Andaya, hogtied Aaron Williams, pepper sprayed him repeatedly, and beat him again. Williams died in the back of the police van. In Oakland, Dozell Thomas died after police pepper sprayed and beat him.

The number of people who have died after police used pepper spray on them continues to mount — at least 28 in California alone in the three years since the Department of Justice approved law enforcement use. Does pepper spray kill? COPWATCH believes it can, and we demand that Berkeley Police stop using it now, before any deaths happen here. In February, we will call for a Police Review Commission public hearing so that we can present the case against pepper spray. Then we will seek action from the City Council to take this chemical weapon out of the hands of Berkeley cops.

Originally designed as a bear repellent, pepper spray is rapidly becoming a popular chemical weapon for use against people. In police arsenals, it has become almost as common as the baton and handgun, and it is more concentrated than the brands usually sold to civilians. In recent years, police and military personnel have used pepper spray instead of, or in combination with, tear gas to crush demonstrations in Guatemala and Columbia, and more recently to attack strikers in Michigan and Illinois. Pepper spray is also a common tool in the prisons, for "cell extractions" or to quell riots.

And police on the street in California use pepper spray 24 times every day. Instantly inflaming throat and nose membranes, pepper spray induces choking, gagging, gasping and the sensation of suffocation. Eyes burn, swell and involuntarily shut. Skin burns and stings. The victim becomes confused, disoriented, and unable to stand. Oleoresin Capsicum, more commonly known as pepper spray, is misused, toxic — and probably deadly.

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(PEPPER SPRAY, from page 1)

RULES IGNORED

In August 1992, the California Department of Justice approved police pepper spray use on a closely monitored three-year trial basis, and required research on pepper spray safety. The California Environmental Protection Agency (EPA) and Department of Justice set up clear rules for pepper spray use. But reports by the ACLU and the SFPD, and the facts of individual cases show that these rules are routinely broken with impunity:

Officers may only use pepper spray in emergency situations. None of the 28 victims that died after police used pepper spray were committing a violent crime when police arrived.

Cops may only spray once, at a distance of at least three feet.

The National Institute of Justice reported an incident in which police sprayed a youth with so much pepper spray that his clothes were soaked. Later, when the youth was shot with an electric stun gun, he caught on fire.

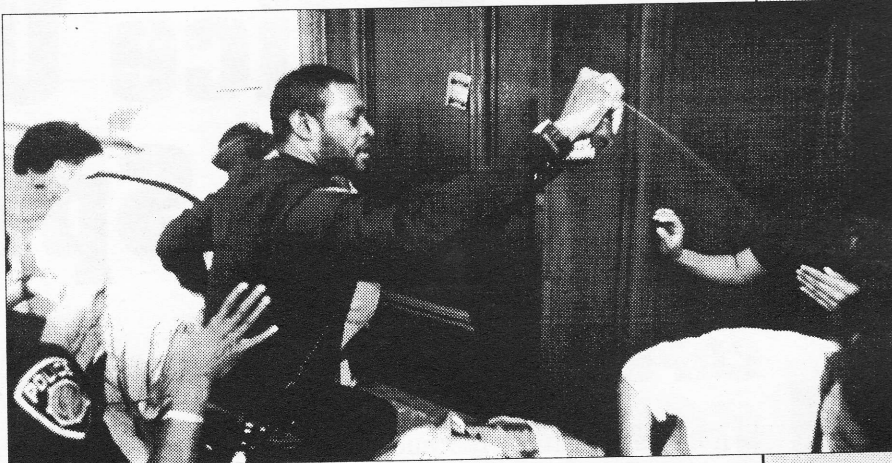
Cops must provide medical care immediately after use. In a SFPD report on pepper spray prepared in the

wake of the Aaron Williams incident, the department admitted that follow-up medical care occurred in only about half of the pepper spray use instances.

Cops must report every spray to the Department of Justice. The same SFPD report admitted that at least half of these incidents were never reported. Oakland police use of pepper spray on Dozell Thomas in November 1994 was also not reported.

Cops may not use pepper spray for crowd control. Earth First! demonstrators in Fortuna, California were sprayed indiscriminately by sheriff's deputies

OAKLAND TRIBUNE



UCPD Lt. Beckford sprays non-violent student demonstrators.

earlier this year. In 1993, UCPD lieutenant Guillermo Beckford allegedly sprayed non-violent student demonstrators. Strikers in Detroit and in Decatur, Illinois have been routinely pepper sprayed.

According to the Berkeley Police Department Training Bulletin, "OC should be used only in situations where a weapon is absolutely required to control violent behavior, and only as an alternative to more extreme applications of force. It should never be used in an indiscriminate or punitive manner...[and] OC will only be used after all other reasonable efforts to control a violent person have failed." This bulletin also mandates that pepper spray should not be used closer than six feet from the target.

After BPD Officer Bertauche seriously misused pepper spray, the Police Review Commission sustained a complaint against him. But in a context of rampant disregard for pepper spray regulations in the Bay Area and

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myths & facts

MYTH: Pepper spray is safe.

FACT: Pepper spray can kill. At least 28 Californians have died in custody in the last three years after police pepper sprayed them.

MYTH: Police follow strict rules about when and how to use pepper spray.

FACT: Police ignore these rules. S.F. cops have given only half of their

pepper spray victims the required medical care, and broke Department of Justice rules by reporting only half of the pepperspray incidents. Fortuna Sheriffs pepper sprayed demonstrators who were passively sitting on the sidewalk, at less than one foot away from the victims' faces. This is explicitly forbidden by the Sheriff's

Department. At distances of less than three feet, police pepper spray can permanently blind.

MYTH: Police use pepper spray instead of more lethal weapons.

FACT: Police don't just use pepper spray instead of other weapons. They often use pepperspray in combination with other weapons. In each of the 28 deaths, police also variously beat, hog-tied, stunned with electric shock, or shot the victim.

MYTH: Police use pepper spray in self-defense.

FACT: Police frequently use pepper spray to punish and inflict pain. BPD officer Bertauche put a gun to a man's head and sprayed him with pepper spray. When a witness objected, Bertauche sprayed her seven times. UCPD Lieutenant Beckford allegedly pepper sprayed peaceful protesters outside California Hall. And two weeks after San Francisco gave the family of Brian Sullivan \$295,000, the cop who killed him, Officer Wohler, allegedly tortured his best friend with pepper spray.

COPWATCH Report

The COPWATCH Report is published by COPWATCH, a grassroots all-volunteer organization which works to defend the right of everyone in our community to fair treatment under the law.

To do this we need your support, energy, and ideas! Please call us or write us, or come to our weekly Monday meeting at 8 pm in our office:

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Berkeley, CA 94704
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Cops Bust Wall-Berlin Customers

18 Witnesses Tell Story of Berkeley Cop Beating

BY CHRIS THOMPSON

On October 22, as a crowd of shocked witnesses looked on, eight Berkeley police officers allegedly beat and jailed a frightened couple for talking back to them.

18 patrons and employees at the Wall Berlin café told COPWATCH that Officer Sieb (#73) slammed Eron Burton against the wall, ground, and squad car, cinched the cuffs on Burton's wrists till he cried out, and took him to jail for nothing. As Burton's girlfriend, Vanessa Hopkins, objected, backup officer Jeremiason (#94) allegedly beat and arrested her as well.

Disgusted with police behavior, the witnesses exchanged phone numbers and carefully wrote accounts of what happened. They have started a campaign with COPWATCH to demand justice for Burton and Hopkins — and the jobs of the cops who arrested them.

"Once the cops got us in the station, it was all a big joke. They were laughing."

— Vanessa Hopkins

When COPWATCH learned about this incident, we looked into Jeremiason's past. We found out that as a Kensington cop, Jeremiason racked up a nasty record of beatings and misconduct.

And even as mayor Shirley Dean promised COPWATCH that no more violent cops would get on the force, Police Chief Dash Butler was giving Jeremiason a job patrolling our streets.

Shortly after midnight on October 22, Burton sat outside the Wall Berlin café on Durant Street, smoking an herbal cigarette and talking with his

friends. Officer Sieb walked past him and joked, "I'll hold my breath," so he wouldn't get high from the pot Burton was supposedly smoking.

When Burton explained that he wasn't smoking pot, Sieb lost his sense of humor. According to bystander Carmen Barraza, Sieb warned, "You've got three seconds to show some I.D.!" But even as Burton reached for his wallet, Barraza said, Sieb and Officer Roe (#81) grabbed him and slammed him against the wall.

"When he asked why he was being arrested, they said, 'You know why. 'Cause you pissed me off!'" said Michael Sander, who watched from inside the café. "Then they threw him up against the phone booth."

Officer Sieb did not return COP-

WATCH their batons on the growing crowd. Erica Perez told COPWATCH that the police were nervous, and that the bystanders' concern over Burton's safety "seemed to make them tense and even more defensive than before."

As the cops dragged Burton away, Vanessa Hopkins tried to find out why. "I was just asking questions, getting names and badge numbers," said Hopkins. "I wanted to know where they were taking my boyfriend."

Jeremiason claimed in his police report that Hopkins threw a punch at him as he tried to calm her down. "Hopkins lunged at me and swung her right fist and arm, striking me in the arm."

But Steven Vachani, who was using a nearby ATM, said Jeremiason

slammed her on the hood of his car just for talking to him: "Two large male cops threw [Hopkins] up against a cop car, with unnecessary force, after she asked them a few questions."

COPWATCH has learned that Jeremiason has a long history of brutality. Berkeley attorney Joe Ragazzo told COPWATCH that in June, Jeremiason beat his client, a minor, in the head with a police flashlight. Ragazzo also has written accounts from people who claim Jeremiason beat them when

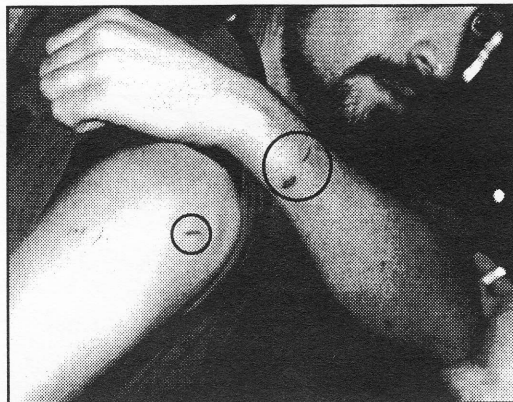
he worked for the Kensington Police Department.

Jeremiason's record raises serious questions about the Berkeley Police Department screening process, as well as the willingness of mayor Shirley Dean to rubber-stamp the hiring of dangerous cops.

In September 1994, COPWATCH told Dean the story of Oakland ex-cop Michael Cefalu. Cefalu lost his job because he hit a black man with a car and beat him nearly to death — a black man who turned out to be an undercover police officer. Despite his record, Cefalu later joined the Berkeley Police Department.

When COPWATCH asked Dean what steps she would take to prevent
(continued on page 6)

DAVID MENACHE



Burton shows the scars left by BPD.

WATCH phone calls. But according to Sieb's police report, Burton struggled and fought the officers, who feared for their safety: "[Burton] resisted both me and my partner and started yelling to a crowd of people, who all ran over to us and endangered our safety."

Barraza and other witnesses insist that Burton did nothing to bring the heat on himself and calmly talked to café customers throughout his arrest. "He made sure everyone heard [his objections] in a calm yet loud voice," said Barraza. "He used no profanity and showed no resistance of any kind."

As customers spilled out of the Wall Berlin to stare and complain, Sieb called for backup. Six more cops pulled up, jumped out of their cars, and pulled

UCPD: Stop Hiding From The Public

An Open Letter to Chief Harrison

Dear Chief:

As a representative of COPWATCH, I was deeply disturbed by UC police action at a recent student affirmative action protest.

On November 16, UC students had occupied the entrance to Sproul Hall. As you know, COPWATCH observes and videotapes events at which police officers are present. We had our cameras ready to record when UC representative Jesus Arciniega informed me that when police started arresting protesters, no independent observers would be permitted. Only official UC observers were allowed.

Mr. Arciniega told me that I could voice my objections in a meeting with Captain Carroll, a student leader, and himself. I agreed and arrived at the police station ten minutes later, in accordance with his instructions. Imagine my surprise when a UCPD trainee named Keith Garrison barred me from the meeting!

Trainee Garrison told me that I couldn't see Captain Carroll because he was already in a meeting. Informing him I that was supposed to be in that meeting had no effect. "No, he's in a different meeting," Garrison insisted.

I decided to wait. Arciniega, Carroll, and the student emerged from a back room ten minutes later. Fresh from his "different" meeting, Captain Carroll told me he would arrest any COPWATCHers who remained to observe police action at the demonstration.

I decided to file a policy complaint with your department. When I asked trainee Garrison for a complaint form, he showed me a Police Review Board pamphlet. I informed Mr. Garrison that the informational pamphlets are not complaint forms and asked for a complaint form. Garrison said, "That's all we got." He was rude and deliberately hostile to my request.

I explained that federal law requires that the UCPD provide a complaint process. I knew there was more to the process than this tiny pamphlet, and would Trainee Garrison please find the complaint form? He smiled and said no.

I asked for Garrison's superior. Scowling, he waved Sergeant Quen over. After yet another hassle, Quen left and returned with a complaint form.

Garrison has only been on the job a couple of months, and he's already learned how to withhold information, obstruct civilian oversight, and intimidate members of the public.

COPWATCH hopes to receive assurances that the UCPD will permit civilian observation of police activities during demonstrations. COPWATCH further seeks that civilian oversight requirements be part of every UCPD employees' training. Employees like Garrison who discourage civilians from obtaining public information should be disciplined.

COPWATCH awaits your response.

— Andrea Prichett

OPD Thanksgiving Shootings

BY ILANA BERGER

Over Thanksgiving, while the rest of Oakland sat down to dinner, the OPD shot two people under questionable circumstances. Homicide Sergeant Wallace said one of the victims will be in the hospital "for a long, long time."

On November 22, a clerk at Eng Liquors thought customer Daniel Brill had a gun and called the cops. OPD Officer Yoell chased Brill as he left the store and fired when Brill allegedly whirled around with a gun. No gun was ever found, and Brill was taken to Highland hospital and later released (*Oakland Tribune* Nov. 23).

On November 26, OPD Officers Hackett, Barbour, Thurston and Lazares arrived at Ronald Parker's Fruitvale home to question him about a kidnapping/rape case. The four cops approached Parker's car and ordered him to put his hands up. After he complied, according to Sgt. Wallace, Parker put his hands back on the

wheel and moved the car forward, endangering policemen's lives.

"These officers were in fear for their lives and they had no alternative," says Wallace.

The four cops opened fire on Parker, his girlfriend, and baby from both sides of the car. Parker remains at Highland hospital with bullet wounds to his left arm, right leg, and both sides of his face.

John Burris, Parker's attorney, seriously doubts the OPD's story. He has interviewed at least four witnesses, who detail a consistent story at odds with the official version. They say that Parker obeyed all police orders. The car moved only after he was shot.

Burris and eyewitnesses maintain the cops overreacted and gave Parker conflicting orders that left him no safe way out of the situation. On Monday, Parker was charged at Highland Hospital with kidnapping, plus assault on an officer for November 26. Burris

told the *Tribune* that the assault charge is a "typical effort to cover up the use of excessive force by the officers."

These two shootings highlight the increasing violence of the OPD. Oakland groups are increasingly concerned. Dan HoSang of People United for a Better Oakland, a group that has been monitoring police misconduct, says "It is clear from our perspective that the problem [of misconduct] is growing."

All of the officers involved in Parker's case are still on the job. HoSang says this is due to the power of the Oakland Police Officer's Association (OPOA), the strongest lobbying force in the city. According to HoSang, the union is "extremely hostile towards looking at the state of police-community relations."

HoSang says as long as the OPOA hold such power in the city, civilians have no protection from violent cops. If you are interested in this issue or have witnessed or experienced police misconduct in Oakland, get in touch with PUEBLO at (510) 533-0919. ●

You may think you have it together and know what you would do when stopped by the police. But when it actually happens to you, nine times out of ten your mind goes blank. What if you're drunk? Or your friend's drunk? What if a cop tells you you're breaking the law? Are you? The cop should know; after all, he's a cop.

Well, you should know, too. COPWATCH came up with a couple of situations that you might not be so sure about, and here present for your benefit the COPWATCH

KNOW YOUR RIGHTS QUIZ

NOTE: It's impossible to explain all of the law right here. For a Know Your Rights workshop, call COPWATCH at (510) 548-0425. We thank Katya Komisaruk for assistance in preparing this.

SCENARIO # 1

It's just past midnight, you're sixteen years old, and you're riding your bike down Milvia Street in Berkeley. Suddenly a BPD cruiser pulls in front of you, and out jump Officers Bachman and Onciano. Onciano says you're violating curfew, there's no license on your bike, and he wants to see some ID.

- A. Is there a curfew?
- B. Do you need a bike license?
- C. What about a bike light?
- D. Do you have to show ID?
- E. Can Onciano take your bike?
- F. Can you get arrested?
- G. Can you be searched?
- H. What should you do in this situation?

A. NO. There is no curfew in either Berkeley or Oakland. (San Francisco still has a curfew after midnight for youth 16 and under; a stricter curfew was rejected by the voters last November.)

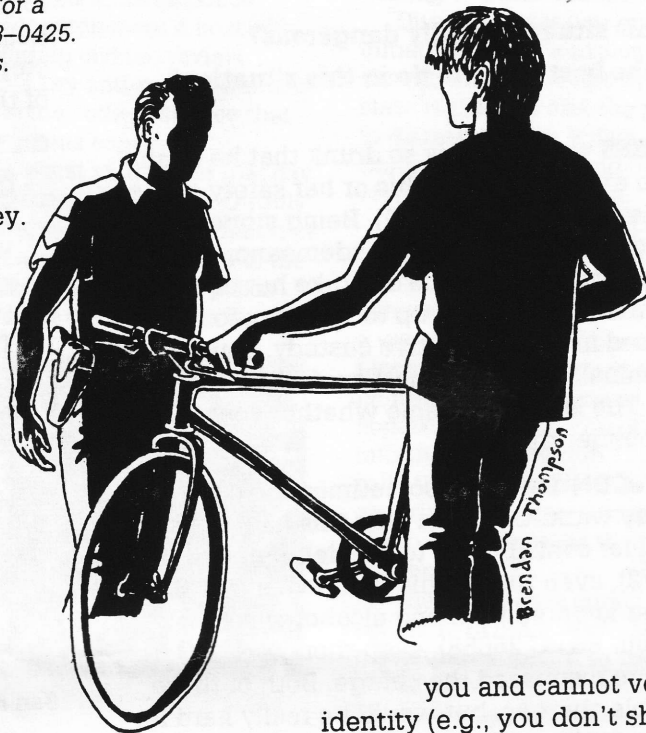
B. YES. You're supposed to register your bike with the police in both Berkeley and Oakland. This is local law, not state law.

C. YES. State law says every bike used at night must have both a light and reflectors (Calif. VC sec. 21201). Riders without lights or licenses almost always just get fix-it tickets.

D. NO. There is no law requiring you to carry ID at all times. However, if the police are ticketing you (such as for no bike license), they are legally entitled to take you to jail instead of issuing you a citation if you don't produce "satisfactory evidence of personal identification" (Calif. PC 853.6). Undocumented immigrants should not even give their names to the police, let alone any other information.

E. PROBABLY NOT. Onciano can only take your bike if you have repeatedly promised to fix the problem and have not done so, or if he believes your behavior "presents an immediate safety hazard."

F. PROBABLY NOT. Most times, Onciano and Bachman would cite you and split. If they're ticketing



you and cannot verify your identity (e.g., you don't show ID), they may (or may not) decide to take you in until they can. If you have an outstanding warrant, they will arrest you for that once they get your ID. And again, if you repeatedly fail to register your bike or get a light, or if you are the dreaded "immediate safety hazard," you could be arrested, but this is rare.

G. SORT OF. Onciano can pat you down to make sure you have no weapons if he detains you on suspicion of a crime. But he can only go into your pockets or clothing if he feels a "weapon-like" object. Any contraband found during such a search, even if it is not a weapon, may be admissible in court against you. He can also search your pockets or possessions if you give him permission (so don't!), if he's arresting you, or if you have a search clause as a condition of probation. Other than that, Onciano has no legal right to search you.

H. BE CAREFUL. Be polite to Onciano and Bachman, even if they're hostile and disrespectful. Make eye contact. Keep your hands in plain sight and don't make any sudden moves. Give your name when asked, but other than that, say you don't want to answer any questions without your lawyer present. Don't think that you can tell what information is relevant or potentially incriminating. Many people have gotten themselves stuck in a bad situation relying on gut feelings, especially when they are under stress.

SCENARIO # 2

You and a friend are walking home after a party. You didn't have anything to drink, but your friend is a little drunk. BPD Officer Jeremiason drives up and tells you to stop as the two of you are approaching your car.

A. Can your friend be arrested for being drunk in public? What if he or she is under 21?

B. Can you be arrested?

C. Why is this situation really dangerous?

D. What is the best thing to do in this situation?

A. NO, UNLESS your friend is so drunk that he or she is "unable to exercise care for his or her safety or the safety of others" (Calif. PC 647(f)). Being stoned or excessively drunk in public is a misdemeanor. If the person is just drunk, the police can take her or him into "civil protective custody" for up to 72 hours to dry out. If you're placed in civil protective custody, you usually won't be criminally prosecuted (though there are exceptions). The law is the same whether your friend is older or younger than 21.

B. YOU SHOULDN'T BE, but sometimes the cops do whatever they want. One man who this happened to was arrested for contributing to the delinquency of a minor (PC 272), even though his friend was over 18. This was later lowered to giving alcohol to someone under 21 (Calif. B&PC 25658), even though he hadn't. Finally, a judge dismissed the charge. Both of these are conceivable charges, but would be really hard for the cops to prove in court.

C. When your friend is drunk, all bets are off. He may do something really stupid like mouth off to Jeremiason, run away, or just make Jeremiason feel like he does not have control of the situation. If Jeremiason is spooked, he will aggressively assert control, and you may be on the receiving end of whatever he does. Watch out!

D. BE CAREFUL. Keep your hands in plain sight and don't make any sudden moves. Make eye contact with Jeremiason. Politely ask him what the problem is. If he says your friend is drunk in public, explain that you are sober and about to drive your friend home. Don't admit that your friend is drunk, but don't insist he's sober. Give Jeremiason your identification, but not until asked to do so. If Jeremiason tells you to take a field sobriety test, do it and offer to take a breathalyzer test.

If your friend is arrested, take the usual notes. Remind your friend not to answer any questions until his lawyer is present. The main defense here is that your friend was not unable to care for himself. Another defense would be that you weren't going to be in public any longer, since you would be in your car and then home. If your friend is only a little drunk, it might be to his advantage to demand a breathalyzer test, as a low score would substantiate his story that he was

conducting himself adequately. (This may not help, as alcohol affects people differently.) If you get arrested, demand a breathalyzer test immediately, because it will prove that you weren't drunk at all.

WHO YOU GONNA CALL?

Of course, no matter how careful you are, the police might violate your rights anyway. That's why the following groups offer their services — and need your help. If you have been beaten by the police or want to stop police violence, you should get in touch with one of these Bay Area police accountability organizations.

Oakland

- Collective Legal Services (510) 452-4560
Lawyer referral and education program about the rights of young people in jail.
- Commemorator, 4432 Telegraph Avenue,
P.O. Box 62, Oakland, CA 94609
This local newspaper covers police brutality and provides the Black Panther analysis of police issues.
- Justice, Education, and Action Project (JEAP)
(510) 536-2901
Education program for young people about their rights when dealing with the police.
- People United for a Better Oakland (PUEBLO)
(510) 533-0919
Documents abuse by police and conducts grassroots educational and political campaigns for police accountability.

San Francisco

- Action for Police Accountability (415) 487-5437
Coalition of groups and individuals dedicated to ending police brutality.
- Policewatch (415) 543-9444
Lawyer referral service for victims of police misconduct.
- Streetwatch (415) 346-9693
Volunteer citizen monitoring project which walks the streets, witnesses, and documents police aggression against the homeless.

Willits

- Human Rights Monitoring Project (707) 459-9444
Recently formed in response to police abuse of Native Americans and other county residents (see article, p. 6).

National

- National Coalition for Police Accountability
(312) 663-5392
National clearinghouse for information and referral; publishes a newsletter, *Policing By Consent*.

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COPWATCH

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National Conference Vows to End Police Violence

BY GERALD SMITH

An all-day Tribunal on Police Misconduct began the Fifth Annual National Coalition for Police Accountability (N-COPA) conference. After four days of hard work and networking, N-COPA wrapped up the conference with a resolution calling for a ban on police use of pepper spray.

The conference was hosted by Chicago's Citizens Alert, a police accountability organization active in that city, on October 27 - 29. The National Black Police Association (NBPA) also played a prominent role in sponsoring the October 26 Tribunal.

The NBPA, headed by Ron Hampton, has 35,000 members in 130 police departments across the country. The NBPA is calling for basic changes in the way police do business in this country. Hampton says that value systems within police departments must be overhauled — that is, change must come from the police themselves. In order for police accountability to be a reality, Hampton continues, the code of silence must be broken.

Twenty-six survivors and witnesses of police misconduct from across the nation testified to the Tribunal. Witnesses spoke of excessive force against citizens, cop vendettas and frameups, public executions, and harassment of black police officers who challenge police misconduct. The Tribunal's report will be presented to the United Nations Commission of Human Rights, the U.S. Commission of Civil Rights, and the Department of Justice.

Tribunal judges recommended that

the United Nations Human Rights Commission make a formal inquiry into patterns of police abuse in the U.S. They further called upon all police departments to implement a host of reforms, including civilian review boards, mandatory anti-racism training, and an end to the code of silence that protects dangerous cops.

One of the worst stories told that day was that of Cristino Hernandez. On July 16, 1993, Hernandez died at the hands of two Massachusetts cops. A video of the incident graphically shows the police squeezing the life out of Hernandez, but



Pennsylvania protesters call for justice

neither the local District Attorney nor the Justice Department have filed indictments against these officers. The Justice Department claims it is still investigating but has not seen fit to interview Hernandez's family in the last two years.

The conference attracted about 150 activists, twelve of them from the Bay Area. Over 100 groups now compose N-COPA. And the organization hasn't just grown numerically. Its analysis has deepened as well, as shown by the general rejection of "community


policing," which had more support at previous conferences.

The conference included a key-note address on history of law enforcement, including its roots in slave-catching posses. Conferees continued with plenary sessions on policing the homeless, state-level issues, the dilemma of police associations, and dealing with the media.

During the session on state level initiatives, Will Gonzalez of Philadelphia described the attempt by reactionary state legislators and the police "union" to dismantle their Police Advisory Commission (PAC) and outlaw civilian review in Pennsylvania.

Fortunately, Philadelphia police shot themselves in the foot on this issue. The city was rocked by a massive police corruption scandal. Philly cops crashed a wedding in one of the city's biggest black churches to arrest a suspect for failure to appear in court. And on September 26, a horde of cops barged into the inaugural PAC hearing, physically threatening commissioners and chanting, "Kangaroo court!" Thanks go out to Philly cops for their input on civilian review.

The conference ended with calls for action. N-COPA's leadership passed resolutions supporting the ban on police use of pepper spray and attack dogs. The steering committee also passed a resolution calling for federal legislation to establish criteria for independent oversight of police. Such legislation would deny federal funding to any agency which fails to meet these criteria or which doesn't cooperate with independent oversight.

The N-COPA conference was an uplifting and educational experience for its participants. From the witnesses who grieved to the activists who renewed their commitment to end police violence, everyone came away stronger, smarter, and organized. 

Bay Area Victories

This November, San Francisco voters passed Proposition G, an important advance in police accountability legislation. Under the new law, there must be one civilian police investigator for every 150 cops. The director of the Office of Citizen Complaints, the city's civilian review board, must submit quarterly reports to the Board of Supervisors, who now have the power to fire him. Finally, cash settlements for police misconduct must come out of the Police Department budget. COPWATCH salutes San Francisco voters.

Berkeley businessmen Dave Menache and Scott Keith won a judgment of "sustained" against Lieutenant Randle for excessive force and discourtesy. The two owners of Menache's Restaurant were showing Randle how Officer Jeremiason (#91) intimidated them, when Randle punched Keith in the chest. "He yelled, 'I can't be held accountable for my actions. I was in Vietnam!'" says Menache. "He needs psychiatric evaluation and should be disarmed before he hurts someone." Chief Butler has not yet disclosed Randle's punishment.

Police Swarm Mendocino Reservation

BY LENORE ANDERSON

More than 50 residents of Northern California's Round Valley Indian Reservation claim to be the victims of a campaign of police terror. The residents are filing a class action suit against state and local authorities.

Tensions first erupted on the night of April 14, when sheriff's deputies searching for a murder suspect shot at Leonard Acorn Peters as he walked down an unlit Reservation road. When the firing ceased, Peters and a sheriff's deputy were dead.

The deputy's death enraged local police, who swear a second man, Bear Lincoln, fired the fatal shot. According to the Round Valley civil rights claim, police terrorized the residents of Round Valley in a hunt for Lincoln. Here are just a few of their stories.

On April 16, cops stopped Perry Lincoln's truck, and illegally searched and arrested him. Twice in the next three weeks, police again drew their guns on Lincoln. The second time, three officers held guns to his head while other officers pointed guns at his wife and young children. Local cops confronted him again in late May and June.

Starting April 16, local cops stopped and intimidated Doreen Hoaglen six times in four weeks. She was falsely arrested, illegally searched, and threatened, and her car was illegally towed. On one occasion, she claims, male officers sexually assaulted her during an illegal search.

On April 17, under the direction of Sheriff Tusso and CHP supervisors, swarms of police "rounded up" as many friends and family of Bear Lincoln as they could. Cops invaded homes and trained pistols, shot guns, and assault rifles at the terrified men, women, and children inside. Deputies swept up more than sixteen people and searched countless homes without warrants. Many victims sat in jail for days.

For the next three months, residents of Round Valley were continuously harassed in dozens of similar incidents. The FBI, the California Highway Patrol, and local sheriff's

deputies invaded homes and detained neighbors, illegally searching and interrogating them for hours. In one incident, men in camouflage suits tracked an innocent local with a laser sight.

In all, 55 residents claim police terrorized and harassed them through April, May, and June.

Cyndi Pickett, widow of Leonard Acorn Peters, emphasizes, "This is not the beginning." According to Pickett, law enforcement officials have been

"It's worse than Sheriff Tusso not doing his job. He's destroying this community."

— Cyndi Pickett

harassing and mistreating the Native Americans of Round Valley for many years. "Sheriff Tusso is directly responsible for continuing violence [on the reservation] by selectively enforcing laws," says Pickett. "It's worse than him not doing his job, he's destroying this community."

Bear Lincoln eventually turned himself in. On November 30, Mendocino Judge James Luther threw out Lincoln's murder indictment. Deputy Sheriff Dennis Miller contradicted his own account of the shooting so many times that Judge Luther dismissed all charges. The District Attorney has vowed to refile murder charges against Lincoln.

If you would like more information, please contact Cyndi Pickett at P.O. Box 83, Covelo, CA 95428, or call her at (707) 983-8033. ●

(WALL BERLIN, from page 3)

cops like Cefalu from joining the force in the future, Dean said that she had "full confidence" in Police Chief Dash Butler's judgment in hiring personnel. (See *CW Report*, Election 1994)

In October 1994, just as Dean was defending him, Chief Butler hired Jeremiason as a Berkeley cop.

Vanessa Hopkins told COPWATCH that Jeremiason thought what he did to her was funny. "He was nervous at first, when it was all happening, and the crowd was there. But once they got us in the station, it was all a big joke. He was laughing."

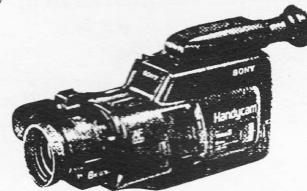
"I was really in a lot of pain when I got out of jail," said Hopkins. "My ribs still hurt a lot. I get sharp pains down my back and I have a lot of trouble breathing."

Burton has been charged with disorderly conduct, resisting arrest, and possession of marijuana. Hopkins pled to disturbing the peace and received 18 months probation.

Burton and Hopkins are filing complaints with the Police Review Commission (PRC) against Sieb, Jeremiason, and several other officers. COPWATCH is working with the victims and witnesses to prepare the PRC cases, pursue a civil suit, and hold demonstrations to demand justice. If you witnessed the Wall Berlin incident, or if you want to volunteer for this campaign, call COPWATCH at 548-0425. ●

COPWATCH TRAINING VIDEO

If you're tired of police harassment and brutality in your area, get organized — start your own COPWATCH.



This 25 minute video produced by Berkeley COPWATCH shows how ordinary people organized themselves to demand police accountability. The video focuses on ideas and techniques for street observation of police activity, and it is available for a suggested donation of \$20. Order it with the subscription form on the back page, or call us at (510) 548-0425.



Police pepper spray nonviolent Staley strikers in Decatur, Illinois.

throughout California, can we trust the police to hold themselves back? The special danger of chemical weapons is that they may leave no marks. Holding police accountable, always a difficult task, is even harder when chemical weaponry leaves no bruises to prove your story, and when the effects of the chemical are uncertain at best.

DOES IT KILL?

Three years after the introduction of police pepper spray, **none** of the safety studies mandated by the California Department of Justice are finished. Most have not even been started. Although the tests were supposed to be finished by August 1995, the California Department of Justice granted a six-month extension. No one knows just how deadly pepper spray is — yet cops use it every day.

In its 1995 pepper spray report, the American Civil Liberties Union said, "adequate post-mortem tests simply do not exist to determine if pepper spray is the cause of or contributed to the death of people who died after they were sprayed."

A US Army study cited by the ACLU report states that "Pepper spray is capable of producing mutagenic and carcinogenic effects, sensitization, cardiovascular and pulmonary toxicity, neurotoxicity, as well as possible human fatalities." The Defense Technology Corporation of America - the largest pepper spray manufacturer in California - and the California EPA also agree that pepper spray is at least toxic and may be lethal.

The California EPA warns, "So little is known about the residual effects of pepper spray that medical examiners may not know what to look for during an autopsy."

The studies may not be over, but the numbers of deaths — and lawsuits — after police use of pepper spray are always increasing. Police departments and pepper spray manufacturers are on the defense.

Coroner's reports have listed asthma, schizophrenia, obesity, and other clearly non-fatal conditions as the cause of death, rather than admit that pepper spray was the deciding factor. Others just say "unknown causes." The most common, however, are the misleading terms 'excited delirium' and 'positional asphyxia.'

Excited delirium is a vague, pseudo-medical term that describes an overheating of the body; as admitted, by the SFPD report, the cause of death in such cases is "not entirely clear... For whatever reason, agitation ceases, the patient becomes quiet, and then dies."

Positional asphyxia occurs when "the position of the body interferes with respiration," that is, suffocation. Why have so many suffocated after police inflame their lungs with pepper, and then restrict their movement so they cannot breathe? The cops claim they see no connection.

JUST ANOTHER TOY

What do supporters of pepper spray say? The California Department of Justice claims that without pepper

spray, cops would have been forced to use their guns in many cases. State Senator Nicholas Petris claims that pepper spray successfully replaces the baton.

But too often, pepper spray is not used **instead** of other weapons, it is used **in combination with** other weapons.

All of the 28 reported deaths involved some combination of pepper spray with batons, tasers, leg cuffs, hand cuffs and/or hogtying. Half were hogtied, nine were beaten with batons, two were stung with tasers, and one was placed in a choke hold. One was pepper sprayed, stung with a taser, and shot with a gun. Police have simply added pepper spray to the multitude of weapons they **simultaneously** use against arrestees.

And police do not just use pepper spray in self-defense. Surrounded by other cops and with many weapons at their disposal, police often use pepper spray to punish and even torture people in their custody. S.F. police sprayed Aaron Williams last June after he was handcuffed, hog-tied, and made to lie on the street. Self-defense?


The variety and production of chemical weapons marketed to law enforcement continues to expand. The "Riotmaster," for example, can spew pepper spray farther than 25 feet, in a fog or stream, to "disperse crowds" and "facilitate cell extraction."

AUSTRALIA BANNED IT

Police use of pepper spray was recently banned in Australia, and organizers in Great Britain are campaigning to ban it as well.

The National Coalition on Police Accountability (N-COPA) endorses a ban on police use of pepper spray. At the October 1995 national conference, N-COPA adopted a resolution requesting that the UN Committee on Torture declare police pepper spray use a violation of the Human Rights Treaty.

Banning pepper spray in Berkeley would set an important precedent in the state. If the Berkeley Police Department is serious about policing for the community, than it should not oppose a community interested in banning chemical torture weapons.

Pepper spray is a weapon of chemical warfare that has no place in the hands of Berkeley police officers. Join our campaign to ban it in Berkeley. To get involved, call COPWATCH at (510) 548-0425. 

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Send me a year's subscription to the COPWATCH Report.

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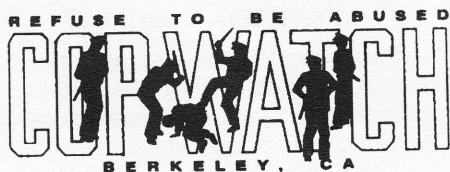
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Calendar & Announcements

Have you been a victim of BART Police Misconduct?

A group of survivors of BART Police violence is planning an effort to get the department under civilian review. They want your help on their campaign! They can be contacted through COPWATCH at (510) 548-0425.

COPWATCH is seeking a roommate

If your organization is interested in splitting an office and rent with us at Grassroots House, 2022 Blake Street, give us a call: (510) 548-0425.

Jan. 9: People's Park Decision

On January 9 the City Council will consider a new plan for People's Park. Will this include expelling Food Not Bombs, the Free Box, and other social services from the Park? We urge everyone to come speak their mind to the Council on January 9 at 7 pm in Old City Hall, 2134 Martin Luther King Jr. Way.

March 3: Day of Action

The fifth anniversary of the beating of Rodney King will be a national day of action for police accountability. If you or your organization wants to be involved, call COPWATCH, S.F. Food Not Bombs (415-330-5030), or the National Coalition for Police Accountability (312-663-5392).

COPWATCH

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