

## National Copwatch Conference July 2007!

It's time to get together! Skill-share! Strategize! Raise the level of resistance!

If you are interested in suggesting workshop topics or would like to help organize to spread the word, please email us at [berkeleycopwatch@yahoo.com](mailto:berkeleycopwatch@yahoo.com). All suggestions and help are welcome. Registration information will be available in March. Check our website at [www.berkeleycopwatch.org](http://www.berkeleycopwatch.org).

We also need donations! Please consider making a donation to help bring Copwatchers from across the country together, right here in Berkeley! Make checks payable to Community Defense Inc.. Mail to: 2022 Blake Street, Berkeley, CA. 94704.

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Organization \_\_\_\_\_

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E-mail address \_\_\_\_\_

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**COPWATCH**  
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 Berkeley, CA 94704

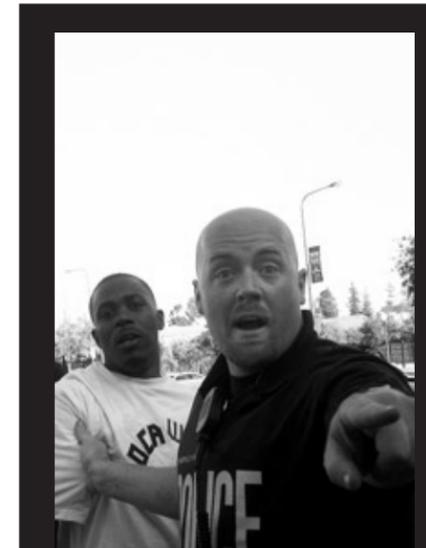
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# COPWATCH

REPORT

COPWATCH Berkeley, California

Winter 2007 510 548-0425



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Please make a donation to support the publication of this report.

## PROTECTING THEIR OWN

### The "Investigation" of BPD Drug-Thief Cary Kent

By Bram Draper and Jake Gelender

Is the Berkeley Police Department apathetic, incompetent, or just plain corrupt? That's the question prompted by the ongoing saga of Cary Kent. This is a story about one cop who allegedly opened up 286 evidence envelopes from the drug evidence vault, a cop who was convicted of three felonies and served no jail time. But the implications of this story are much broader; the failure of oversight at all levels should be cause for great concern among the citizens of Berkeley.

#### The Investigation

The investigation was lacking in several fundamental ways, but perhaps that isn't surprising considering it was an investigation of a BPD liaison to the Alameda County District Attorney conducted by the BPD and District Attorney's Office. The investigation focused exclusively on Kent. When some of the tampered evidence envelopes had prints other than Kent's on them, the investigators did not attempt to find out whose prints they were. There were four other officers with access to the drug vault. Why weren't they investigated? We don't know how many officers really had access to the vault because, according to the report, they were sharing personal passcodes to gain entry. To make matters worse, the keypad which records who enters the vault was mysteriously broken, missing all records for the months before Kent was busted. Surely this is cause enough for an investigation of other officers.

Alameda County DA Inspector Mark Scarlett explained to an informant who had been working closely with Kent how he felt about the investigation: "You gotta make it appear like, you know, you're doing the right thing and an investigation is being done. You know, blah, blah, blah." That attitude bore predictable results. Kent was never drug tested, his home and car were never



photo by Michael Macor

— Former Berkeley Police Sgt. Cary Kent

searched, and he was allowed to plead out without testifying on the record as to what had happened, why, and who else was involved or complicit. To not even follow the normal procedures for a drug investigation while the public interest was so much at

**"You gotta make it appear like, you know, you're doing the right thing and an investigation is being done. You know, blah, blah, blah."**

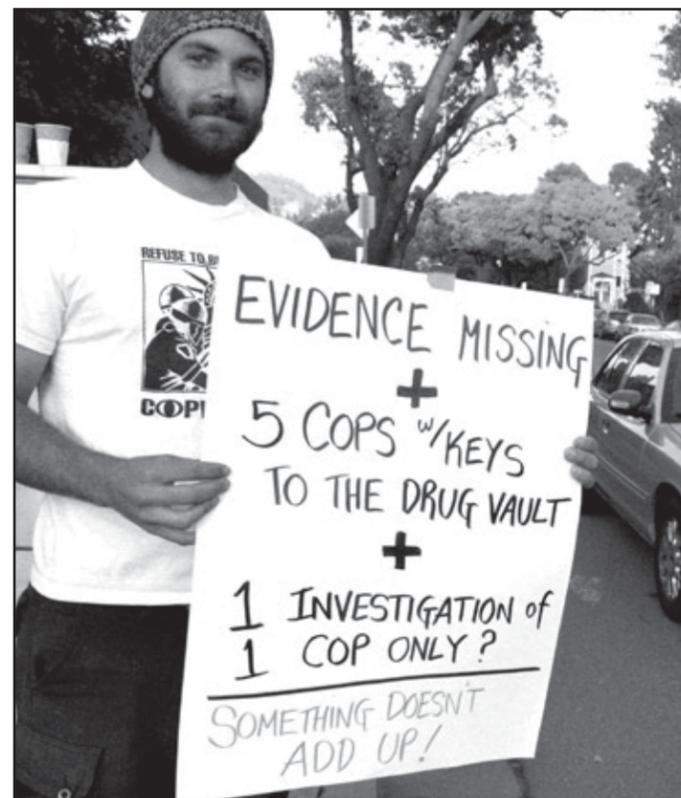
~Alameda County DA Inspector Mark Scarlett

stake is disgraceful. What's more, Kent was in charge of asset forfeiture as well as drug evidence, yet there was no investigation whatsoever into the property room.

>>continued on page 2

Considering this seriously flawed investigation, it is not surprising that the report, later made available to the public, is rife with contradictions and unasked questions. Why were the officers closest to Sgt. Kent on BPD's Drug Task Force (DTF)—cops who must routinely testify that their "expert knowledge" led them to believe a suspect was on drugs—completely unable to detect a junkie in their midst? Is the public supposed to buy into the story that Kent's friends and colleagues honestly believed a "medical condition" was causing him to fall asleep in meetings, mumble to himself, sweat profusely, fail to deliver drug evidence for trial (one of his primary duties), and refuse mandatory blood and EKG tests at his physical? Cops who must routinely testify that their "expert knowledge" leads them to believe a suspect is on drugs missed all these signs.

And what about the tampered evidence envelopes that contained neither heroin nor methamphetamines, the drugs which Kent was supposedly using? What was he doing with those? Why won't BPD release the actual quantities of drugs stolen? And why would an officer who was buying enough drugs from informants to support his personal habit (as shown in informant testimony)



need to steal drugs from the vault? And where was Kent getting the money to buy all these drugs off informants for his fake investigations? One officer's testimony refers to an "expense account," money which DTF cops can use to buy drugs from informants, or make undercover deals. If so, why aren't the receipts included in the report? Where is the oversight?

With all these questions lined up against the "lone junkie cop" story, one is led to wonder whether there were drug sales going on, whether evidence could have been planted or distorted.

Due to the numerous questions left unanswered by both the public portions of the DA and BPD investigation and the police department's official statements in the press, Berkeley Copwatch requested further documents through the Police Review Commission (PRC) and directly from BPD. These requests were denied by Chief Doug Hambleton. The PRC is doing their own investigation, spurred on by Copwatch and public outcry. However, because of the recent California Supreme Court decision, it is unclear what will happen with the PRC investigation—an October 7th workshop has been cancelled.

**The Outcome**

The Kent case was a perfect example of the kind of treatment a disgraced and convicted officer could expect: a full retirement package, no prison time, and no questions asked. The final plea deal would have been a dream come true for a non-uniformed heroin addict facing three felony charges. Six months house arrest and five years probation is a slap on the wrist in a justice system that routinely locks people away on first-time offenses.

On April 5th, DA Tom Orloff said that no cases were compromised by the tampered and missing evidence. This was despite the

fact that in January an officer had already reported that Kent gave him an envelope for court that he now believed had been tampered with. Over a month later, the official word was that at least one criminal drug case was compromised. However, a preliminary investigation by Copwatch has revealed that many of the envelopes found to have been tampered with are dated as late as 2005, and most are from the last five years. Luckily these envelopes were saved from Kent's attempt to burn five garbage bags of evidence. How is it that drug evidence from last year is not pertinent to ongoing criminal trials and appeals? Are innocent people in jail because of this evidence-tampering? The BPD and DA don't seem to take the possibility very seriously.

We have long suspected that BPD, and especially the Special Enforcement Unit (which oversees DTF), is rife with corruption. Copwatch has criticized the slow and inadequate response of both the department and the PRC to this case. Clearly something had to be done to clean up the department, but apparently neither Berkeley's only institutional forum for police accountability nor Chief Hambleton himself were up to the task. That is why on August 11th, after months of public protest, letters to public officials, and PRC reluctance to take action, a California Department of Justice sting operation uncovered yet more evidence of BPD corruption. An unnamed officer was found to have stolen money from a planted wallet under surveillance in an evidence room. Clearly, the combination of a corrupt "above the law" police culture, lack of legal consequences for criminal officers, and outright greed proved too powerful to resist for the evidence thief.

The double standard of justice, the corruption within the department, and the apathy apparent in our public officials are all reasons why civilian oversight is absolutely necessary in Berkeley and everywhere. With our Police Review Commission being threatened by both the state and the Berkeley Police Association, at the exact moment when the depth of corruption in the BPD is coming to light, it is hard to imagine a better time to pick up the fight for police accountability. These are the public servants we entrust with our tax dollars and our safety, from the patrol officer all the way up to the mayor and beyond. If we don't hold them accountable, nobody will.



is legal; rather, the PRC has an obligation to do what is right. It is imperative to know that the law is never always right—considering that American law has supported segregation and torture, etc. We, as rational human beings, have an obligation to what is truly moral: a form transcending irreducibly unjust laws. Current law regarding civilian oversight affords the irrational and undemocratic, and the PRC ought to be able to do what is right: to have open hearings, greater powers of

**Copwatch performs a principled function of monitoring the police and ensuring that police brutality and abuse are documented**

investigation, independent legal counsel, and the ability to publicize itself.

Lastly and most disgracefully, Stern fundamentally charged Copwatch and other anti-authoritarianism groups of criminal activity. He said that "when I hear bold action, what I hear is that they want to break the law." He does violence to reason in two respects. First, he assumes that Copwatch and other groups are criminal. This is blatantly false. Instead, Copwatch performs a principled function of monitoring the police and ensuring that police brutality and abuse are documented. In addition, the group champions effective community control over the government. Second, he assumes that laws are inherently right. In contrast, civil disobedience is warranted when a law makes one "so sick at heart" and is "so odious" (to quote Mario Savio) that one must force the combine of oppression to a halt.

Hence, I find Harry Stern's remarks about civilian review and Copwatch to be affronts to the principles of open government. Ultimately, the comments are insulting to the progressive ethos of Berkeley citizens who have a proud tradition of civilian oversight and police accountability.



# COP BLOTTER



**Disclaimer:** In identifying those persons stopped by police officers according to race and gender, all labels used are based on observations made by Copwatchers and are not reflective of self-identification. We understand that this is problematic, however, Copwatch's intent is to illuminate racial and gender profiling by local police authorities.

**June 20, 2006. 4:50 pm— Adeline @ Ashby, Berkeley**

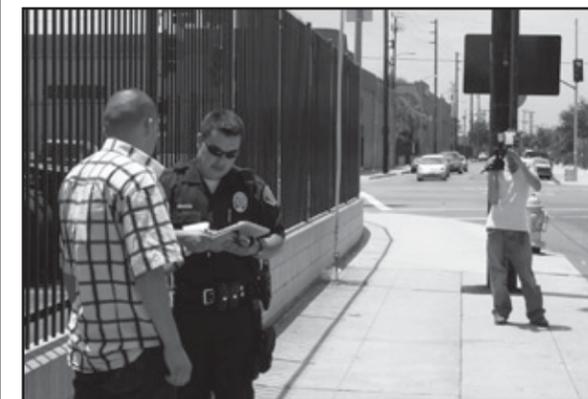
A black man in a wheelchair was detained. Officers tried to restrain copwatchers despite the close proximity of other pedestrians. After the stop was over and the man was "free to go" Officer Clem told Officer Murphy to "just follow him." Officer Murphy did follow the man for under a block; copwatchers continued to observe and Officer Murphy left.

**June 30, 2006. 2:00 pm Harmon @ Adeline, Berkeley**

As copwatchers approached a stop, officer Anderson of BPD said they could "stick around if you want a ticket." Two black men had been pulled over. They were placed in handcuffs "to calm everybody down" although they were being extremely cooperative and calm. Photographs were taken of both men, and one was arrested. After the stop, Anderson issued a ticket to a copwatcher for riding his bike on the sidewalk, a false allegation.

**August 29, 2006. 7:00 pm Shattuck @ 58th, Oakland**

Three young black men and one young black woman were stopped in a car. When a copwatcher stopped to observe, the three men were already out of the car leaning against the wall of a nearby building. C. Lindenau of BPD threatened to arrest the copwatcher if he didn't cross the street,



although the officer subsequently let other bystanders walk through the stop between the police and the suspects. The young woman was brought out of the car and the car was searched. One of the men was arrested. After the stop, the three remaining detainees said that Officer Lindenau had said the young man was arrested because of the presence of copwatchers. Lindenau denied saying this, claiming the arrest was for a stay-away order.

**September 14, 2006. 9:00 pm Kittredge @ Shattuck, Berkeley**

Copwatchers arrived near the end of a traffic stop. The BPD officer didn't respond to requests for his badge number. A copwatcher approached the police car driver-side window to get the badge number and the officer sped off, potentially endangering the copwatcher. About fifteen minutes later, copwatchers saw the same officer standing on the street (Shattuck between Allston and Center) without any detainee. When confronted about his illegal actions earlier, Officer Bjeldanes confessed on tape: "I covered it [my badge] up. I didn't want you to see it."

**September 25, 2006. 12:10 am Alcatraz @ Adeline, Berkeley**

A black man was pulled over and placed in the back seat of the car. While being transferred from car to car, a copwatcher asked if the man wanted the copwatchers to call anybody. The man responded yes, but was placed in the cop car before he could say anymore. Officer Bacon of OPD called for backup to deal with the two copwatchers. Sgt Steinberger arrived pulling his car up very close to the copwatchers at high speed. Sgt Steinberger photographed the copwatchers. The man was released, his car was towed, and the copwatchers gave him a ride home.

# Berkeley Police Association Takes Aim at Civilian Oversight

By Andrea Prichett

Reeling from a two-pronged attack, the Police Review Commission recently suspended all hearings of complaints against cops and it is unknown when or if open hearings will ever resume. Independent, civilian oversight may have just become the latest casualty in the drift towards the police state.

The recent California Supreme Court decision, Copley Press vs. the City of San Diego, greatly expands the ways that police can keep information confidential. Depending on how the courts interpret the decision, agencies that hear allegations of misconduct may be forced to abandon public hearings altogether. Copley will prohibit even the names of officers involved in allegations of misconduct from being disclosed.

There are some in the city who believe that, since the PRC does not recommend discipline or have any say in the hiring and firing of officers, it is not required by Copley to shut down. However, the PRC is also being sued by the Berkeley Police Officers' Association

(BPA) in order to have open hearings stopped. The BPA seems to feel that a police officer's right to privacy outweighs the need for the public to be safe from criminal or abusive cops. This is especially troubling when we consider recent scandals in the department involving evidence tampering, drug use and, after a California Department of Justice sting operation, even more incidents of theft.

Mayor Bates has made loud proclamations about how he intends to challenge the BPA and defend the PRC. Sadly, in a closed session of the PRC and City Council (supposedly closed to allow them to discuss sensitive legal strategy) the Chief of Police was allowed to listen in. We are concerned that neither the City Attorney nor the Mayor have any intention of waging a real fight for the rights of our citizens and our 30-year legacy of civilian review.

## Fight for Community Control! Let's get organized!

Even though the BPA is saying that police should be immune from accountability, we

say no! We will create laws, sponsor protests and support those who call for mechanisms that increase community input on and control of the police.

We have power! We can document police activity! We can assert our rights! We can have Police Review Commission hearings even if the police don't show up! If they are going to sue every time they are told to go to a hearing, then let their attendance be voluntary.

The most important thing is to keep the PRC open to hear and record concerns of the people about their police. Maybe the PRC will become more like Amnesty International or any other human rights group that takes testimony from victims. Copwatch demands that the public be a part of creating a new PRC if that is what we must do to take control of the cops.

## NO SECRET POLICE! COMMUNITY CONTROL NOW!

For more info contact:

**Copwatch**  
(510) 548-0425  
www.berkeleycopwatch.org



# Joshua Wolf Fights for The Right to Videotape

By Jose Luis Fuentes

In January of 2006, freelance video journalist Joshua Wolf was served with subpoenas from a federal grand jury seeking, among other things, his video recording of certain protest activities in San Francisco on July 8, 2005, between the hours of 6:30 p.m. and 11:59 p.m. (For more information log on to [www.joshwolf.net](http://www.joshwolf.net).) The sole subject of the grand jury's investigation is the "attempted arson of a police car." The grand jury seeks the video tape so that it can be analyzed by an investigator to identify the individuals present.

Wolf had indeed been present at the protest, and recorded video for the purposes of newsreporting. Edited portions of that video were broadcast by several local television stations, and published on Wolf's own website as well as elsewhere on the Internet. Wolf testified, and offered the unedited video for in camera review (the district court declined to view the video in camera), as proof that the alleged arson was not depicted in the unpublished portions of the video.

Wolf refused to comply with a grand jury subpoena based on his First and Fifth Amendment rights, explaining that compliance would damage his relationship with the anarchist and anti-war groups that he covers as a freelance journalist, and significantly interfere with his ability to gather and disseminate news regarding them.

On August 1, 2006, the district court found Wolf in contempt for refusing to turn over the video tape. A three judge panel of the Ninth Circuit Court of Appeals affirmed the contempt order on September 5, 2006 and ordered Wolf back into custody. Wolf can remain in custody until the end of June 2007 if he does not turn over the video tape to the FBI. Wolf is requesting a rehearing to the full Ninth Circuit Court of Appeals.

Some of the lessons to be learned from the Wolf case by legal observers and activists are:

1. *Do not be afraid to refuse to talk to the FBI if they come to your house asking for information regarding protest activities, or any activities. Talking to them will only be used against you, or your comrades in later proceedings. It does not matter whether you are innocent because it is what you know about your comrades that they are after.*
2. *Remember that whatever pictures, sign up list, membership list, electronic mail,*



*recordings, or writing that you obtain or take during a meeting or protest can be obtained from a federal grand jury. Therefore, develop a document retention policy to recycle materials that you do not need. You have to consistently adhere to the document retention policy.*

*3. Lastly, remember to obey the law at public events/protest. You never know who has a cell phone camera or recording device that will later be used against you.*

In these dark times when the government has broken the social contract between the American people and their elected officials and the courts refuse to remedy the breach, we must be ever vigilant. Most importantly, we must not succumb to fear and terror tactics. The streets are the only forum where our voice shall be heard.

## Support Josh Wolf's Courageous Stance

Josh is trying to keep up his spirits. He is feeling pretty discouraged as it looks most likely that he will be in jail until the Grand Jury ends, which is supposed to be July, 2007. With the holidays coming he is especially feeling the isolation and he would really appreciate people writing to him so he can correspond with others. His address is:

**Joshua Selassie Wolf 98005-111  
Federal Detention Center, Unit J2  
5675 8th Street  
Dublin CA 94568**

Don't know what to say? He's interested in anything, the world, the situation, your reactions to his blogs ([joshwolf.net](http://joshwolf.net)).

# 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!

## COPWATCH REPORT

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.

COPWATCH  
2022 Blake Street  
Berkeley, CA 94704  
(510)548.0425

## 5150 Facts

What is 5150? Under the Welfare and Institutions Code 5150 in the State of California, any considered a danger to self, danger to others, or gravely disabled by a peace officer can be held against their will for 72 hours in a jail cell or mental institution while receiving treatment and evaluation. Defining Criteria: Danger to Self and Danger to Others refers to immediate, life threatening situations such as suicidal thoughts, severe depression or hearing voices regarding murdering others. Gravely Disabled refers to those persons that cannot provide food, clothing and shelter for themselves, for mental health reasons as opposed to socio-economic or personal choice, and do not have assistance in the processes. Time Period: While the initial detainment period is 72 hours, only a psychiatrist can release the victim-often resulting in indeterminate lengths of imprisonment.

# 5150: The Thought Police

By Geoffrey Houston

There are basically four target groups that fall victim to 5150, the repressive social-cultural, political-philosophical, mental-intellectual, psychiatric-psychological CONFINEMENT WITHOUT CHARGES. These are (1) the homeless (almost all of the homeless have at one time fallen victim), (2) countercultural dissidents, (3) non-nordic ethnic minorities, and, of course, (4) political radicals.

5150 is resorted to for several reasons. Sometimes if it involves victimless drug/alcohol recreation, they will use "psyche" instead of regulation detention. "Psyche" often is used to confine persons for lengthy,

indeterminate periods for minor acts of defiance. They'll use "psyche" when prisoners act out in regulation detention, and/or if the act of defiance is expressly political in order to attempt to discredit political radicalism as insane. Most perniciously, "psyche" is used to confine without charges.

Although usually co-educational, political (psyche) imprisonment is far worse than conventional confinement for four reasons: (1) sleep deprivation, (2) indeterminate periods of confinement, (3) the stigma of being labeled as "insane" and, worst of all, (4) the torture of FORCED DRUGGING AND ELECTROSHOCK!

Now, if someone is deemed to be a threat, a clear and present threat (people have been psychiatrically held for not only what they say politically and for simply being homeless\*, but also how they are counter-culturally attired!), charges, formal charges should be brought. If charges (formal charges) are brought, then evidence (sufficient evidence) should be presented. Then if found both guilty and insane, the prisoner should be held in the confines of the mental ward of a regulation detention.

*\*As has happened to the author of this article, even those with housing are held for simply "moon walking" to use an actual Oakland Police department phrase for a late night stroll.*

# PROPOSED SUNSHINE ORDINANCE FALLS SHORT

By Jonathan Huang

As someone from Maryland, I have yet to see anything astoundingly progressive about the city of Berkeley. Rather, the city government uses the rubber stamp label of being “liberal” as a shield against any progressive reform. To my shock and dismay, when it comes to a sunshine ordinance, a law or policy promoting public discourse and open government, Berkeley lags behind thirty other Bay Area cities, including Oakland and San Francisco. It is imperative that the purportedly liberal city of Berkeley follow suit.

The life-blood of any democracy is the participation of its citizens. Facilitating discussion between the people and their government will ensure that the government exists for the people and by the people. Thus, the government must do everything possible to increase public discourse and to preserve the principles of good government.

Unfortunately, the city government would only pretend to act upon its responsibilities. Councilmember Kriss Worthington has been

fighting against the staunch opposition of his colleagues for a stronger sunshine ordinance in Berkeley for almost five years. Only recently has the city attorney drafted one, but Worthington lambastes the proposal, saying, “it’s worse than having no sunshine ordinance at all.”

The City Attorney’s proposed sunshine ordinance (derisively called a “twilight ordinance” by Worthington) fails to act as a real sunshine ordinance in three ways. First, the ordinance would direct all complaints about agencies violating the sunshine ordinance to the city manager, giving one person too much discretion. This would effectively prevent individual citizens from taking punitive action against agencies that fail to obey their laws of the city because citizens would not be able to sue them. Second, there is a clause that would allow the police department to alter public information policies if prior notice is given and if reviewed by the Police Review Commission. Finally, the “twilight” ordinance is weak overall and cannot even be considered effective.

Berkeley citizens and council members ought to advocate for a stronger sunshine ordinance that demolishes secret government in the city. A stronger ordinance would protect Berkeley’s citizens in several ways.

Police records and reports must be

## The City Attorney’s proposed sunshine ordinance (derisively called a “twilight ordinance” by Worthington) fails to act as a real sunshine ordinance

made readily accessible to the public in order to maintain effective civilian oversight over incidents of police brutality or abuse. If we don’t know what our police officers are doing, the groundwork for a secret police has already been created.

Another issue is the accessibility and procedure of city council meetings. Currently, the council limits public comment to fifteen speakers chosen by a supposed lottery. This process goes against democratic ideals. Everyone who wants to speak ought to have a chance to voice their opinion. It is as if the city council set the fifteen-speaker limit for their benefit at the expense of us citizens. Are they public servants or are we servants to them?

The third issue is the secrecy of lawsuit settlements between the city and other organizations. A sunshine ordinance needs to mandate the city government to disclose the agreements to the public before they are finalized. Citizens have the right to know what their government is doing and must be given a chance to debate the issue at hand before the government takes any action.

Berkeley needs to live up to its progressive identity and reject the “twilight” ordinance and pass a stronger one. Citizens need to pressure the city council until reality befalls them—until they realize that they are public servants who serve our interests, not their own.



# LIGHTS OUT FOR CITIZEN REVIEW

By Carol Denney

The last police review hearing I attended was at night, in a fluorescent-lit room where the commissioners were trading jokes with the cops like old friends at a barbeque. The commissioner presiding over the hearing was a former prosecutor who was on a first-name basis with the police. The subject officer had a lawyer representing him, and the room was full of uniformed officers and one captain, all looking at me. I was alone.

While I was retelling the moment when the subject officers had ripped the sweater I was wearing completely off my body in front of my neighbors, one of the commissioners, a woman, leaned in to ask the police if it was routine to undress people who were being arrested. The lawyer answered in a level tone that, no, it was not routine, but gave her a small smile, appreciating the slow, underhand lob over the plate. There were no hard questions for the police. There was no sympathy for me.

The subject officers’ interviews were not scheduled at all by the staff of the Police Review Commission until long past a technical deadline; in effect even the remote possibility of disciplinary action was gone. There is no question that the staff is busy; they’re obligated to make time for a closed-

door, secret system of appeal for those few officers who receive a sustained complaint against them. No one bothers to tell the complainant if a case is overturned.



They had not even bothered to interview one of the officers, since the city had “declined to hire” him after the incident. They argued that he was no longer under their jurisdiction even though he was, of course, an employee on the day in question. That officer, the one who had tried to smash in my windshield while I was sitting in my car in my driveway, was the main reason I was there putting myself through a painful—probably pointless—police-biased process. I just wanted to find out what the guy could possibly have been thinking.

What’s right with this sorry-sounding picture is that I got a chance to be there and tell others what had happened, a chance which the City of Berkeley recently took away. The hearings are now closed to the

public. It was a decision made without any public hearing, without any council vote, a decision completely eliminating the public’s right to citizen review.

The Police Review Commission for years has been under-funded and eroded, a shadow of the group once formed out of the necessity of keeping the public safe from corrupt police. The elimination of public hearings is the final nail in the coffin of local police accountability. If the public is blindfolded, citizen review no longer exists.

Police review in a private setting is just a biased show for the three commissioners who happen to be present, commissioners sometimes appointed to confound the very concept of police accountability. Without public hearings, the snide remarks, the rolled eyes, the obvious exasperation with the idea of respect for the public’s rights will go underground, fitting right in with the national climate regarding human rights. Take a good look at the city council who allowed this to happen without comment. You may need to remember their names.



## Using The Californian Public Records Act

By Jonathan Huang

An open government is a cornerstone of any democracy. It is equally important that citizens be aware of the process of attaining government documents. This article is meant to be a general guideline about the basics of requesting public records covered by the California Public Records Act.

The act was passed to ensure that an open government existed in California on the state and local levels. All state and local agencies are covered by the act while the courts, legislature, private entities, and federal agencies are not. Citizens are able to request any records “regardless of physical form or characteristics, including any writing, picture, sound, or symbol, whether paper, ... magnetic or other media.”

There are, however, records that are exempt from the act. Under the act, personnel files, attorney-client discussions, home addresses, medical files, and police incident reports are not covered. Still, local ordinances and individual agencies can make the exempt documents public.

When citizens make a request, access to the documents must be immediate and the agency has an obligation to provide assistance. It is important to know that agencies are forbidden to charge fees for access although they can charge for the “direct cost of duplication.” In addition, if the agency refuses to publish the document in question, it must justify such withholding.

When requesting a record, always be as specific as possible and know what documents are exempt. If your request is denied, first ask if the agency would use its discretion and waive the exemption (assuming that it applies). Then, insist that the agency explain in a written denial why the record was withheld. Next, if you still think the agency is wrong, appeal to a higher authority in the agency. Finally, when all else fails, file a law suit to enforce your rights. If you win, the agency must pay your costs and legal fees. Also, publicizing your denial can be beneficial.

**To find out more about the Public Records Act & see model letters, visit the website [www.cfac.org](http://www.cfac.org)**

## Copwatch Decal Class Through UC Berkeley

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

**On November 16, 2006, UC police officers restrained and tortured a UC student in a library on UCLA campus. The officer who fired the taser at the student five times had a past record of violence and abuse, but had been allowed to remain on the force. There is no time like now for UC students to take an active role in police accountability. UC Berkeley students should oppose the militarization of our campus police, unjust treatment of the homeless by UC police, and police corruption and abuse in the city of Berkeley as a whole.**

**Through UC Berkeley’s De-Cal program, UC Berkeley students can take an active role in opposing police abuse in the community. Students receive credit learning how to document police behavior and fight for police accountability through both direct observation and other volunteer opportunities. We discuss your rights with the police, the history of the police, racial profiling, models of police accountability, and other police related issues. More information will be posted at [decal.org](http://decal.org).**

**Classes are open to the public  
6-7:30 PM. at the Grassroots House, 2022 Blake St. (at Shattuck).**

## Copwatch Calendar

Unless otherwise noted, all events will take place at the Copwatch Office at 2022 Blake Street in Berkeley. For info 510 548-0425 or email: [berkeleycopwatch@yahoo.com](mailto:berkeleycopwatch@yahoo.com)

### Organizational meetings:

**Mondays 8 pm;** 2022 Blake St, Berkeley. If you want to get involved, go on a Copwatch shift, volunteer or speak about a situation in your area, come to our weekly meeting!

### Copwatch Class:

**Mondays 6 -7:30 pm;** 2022 Blake St, Berkeley. Learn more about the origins of police, community control initiatives, the history of resistance and more! This UCB sponsored class is also open to the public for free!

### Public Copwatch Shift:

**Thursdays 7pm;** Western Entrance Ashby BART. Join members of the community and learn how to document police stops through direct police monitoring. For information on additional shifts, contact Copwatch. Bikes encouraged but not required.

### Know Your Rights Training:

**Wed Jan 31 7-9pm & Sat Feb 24 11am-2pm;** 2022 Blake St, Berkeley. Free hands-on workshop on what to do if you are stopped by police and how to observe police safely. Includes tips on video, scanners, and filing complaints. To organize a training for a group, neighborhood or yourself, contact Copwatch, 510 548-0425.

### Copwatch National Conference:

**July 13-15, Berkeley, CA Save the Date!** Berkeley Copwatch is hosting the first national Copwatch Conference. For more information or to get involved with the organizing process, contact Copwatch 510 548-0425.



# ONGOING BATTLE OVER PEOPLE'S PARK FREEBOX

By Arthur Fonseca

People's Park occupies a unique place in the history of Berkeley, and was also the birthplace of Copwatch during the volleyball court riots in '91 and '92. More recently, the park has experienced a fresh wave of repression from the university of California in its endless crusade to gentrify the south campus area of Berkeley.

Problems started when the University dissolved its puppet "People's Park Advisory Committee" about three years ago. Shortly thereafter, the free box—one of the final vestiges of dignity that this society might provide for a homeless person—mysteriously burned to the ground in the middle of the night. It was rebuilt within the week.

Less than a year later, the new free box, again, fell victim to midnight arson. As community activists were busy preparing the free speech stage for that year's Anniversary party, the free box was not immediately rebuilt. It being summer, we chose to wait until the fall, when there would be more people around, and there might be a chance to involve Cal students in the Park, as the divide has been growing between the students and the community.

Our first attempt to build a permanent, fireproof free box made out of cob, decorated with a tile mosaic, and covered with a metal roof, was destroyed by the University before



there was a possibility of completion.

The next free box, installed at the end of last fall, was all-metal, and the University destroyed that too, in their cowardly 5 am raid just before the onset of the winter rains.

We have been building temporary free boxes out of wood, trying mobile bike cart free boxes (one of which was impounded by UC police during a clothing distribution),

organizing a free clothing distribution during Food Not Bombs, etc, but all to no avail.

Immediately after this year's anniversary concert at the end of April, two UC cops were assigned to patrol People's Park daily from noon to 5 pm, almost certainly to avert any budding free boxes before they bloomed.

On one occasion, I witnessed three UC cops manhandle a disabled person out of his wheelchair and wrestle him to the ground,

## The University dissolved its puppet "People's Park Advisory Committee" about three years ago

using pain compliance holds and vicious knee jabs to the kidneys, just because this person had moved a traffic barricade from the driveway of the Park so that he and his two young sons could get a meal from the Catholic Worker, which was serving in the Park at the time. Sadly, the sons, aged 5 and 7, also witnessed their father's arrest.

Copwatch has been participating in our vigils over the free boxes we have been building, providing video documentation of the University's destructions of free boxes, as well as invaluable evidence of the discrimination that the UC cops practice against homeless people. We have been

trying to mend fences with the neighbors, as the rising property values on the south campus area have created a huge chasm between the haves and the have-nots, such that many property owners in the Willard neighborhood have little or no connection with People's Park, its history, or its place in the context of our society as a whole.

**Don't Sell Out the Free Box!**



# OCCUPATION ON CINCO DE MAYO

By Jake Gelender

This Cinco de Mayo, San Jose Police Officers attacked a peaceful crowd and arrested several copwatchers. Despite police repression copwatchers continued to document the occupation of San Jose's streets throughout the night.

Local groups No More and Peninsula Anarchist Collective worked with members of Berkeley Copwatch to monitor the actions of San Jose police during Cinco de Mayo, which has traditionally been a night of police oppression in both downtown San Jose and the mostly-Latino east side. The day's activities began with music and political speeches on a plaza in east San Jose, attracting local youths and families who were out enjoying the usual Cinco de Mayo festivities. As evening fell, a large number of police cars were noted congregating in a nearby parking lot; police documents later revealed that an unmarked white van from the San Jose Gang

Investigation Unit was also observing from across the street.

Shortly after the nights' copwatching patrol groups had been coordinated and the event organizers were preparing to take down the sound equipment, the police made their move; SJPD declared the congregation an illegal assembly and formed a "skirmish line" (to use the militant terminology of the police reports) of at least 20 officers in front of the crowd. Many people left, but some remained including numerous police observers. Organizers spoke on their bullhorn to calm down both the crowd and the police, while simultaneously commenting on the troubling antagonism between SJPD and the community.

The standoff ended abruptly when police assaulted the crowd. One of the speakers, Victor, was tackled to the ground by several officers while the rest of the police quickly pushed and beat the crowd (and their cameras) as far away from Victor's assault as possible.

In the minutes that followed, officers arrested other copwatchers, organizers and speakers, using each unjustified arrest as an excuse to push those with cameras further back, often batoning copwatchers in the process.

In all, six copwatchers were arrested. All of them were charged with refusing to disperse or leave the scene of a riot, and most received other charges including resisting arrest, battery, inciting a riot, lynching, and assaulting an officer. They are still awaiting trial.

After regrouping, the remaining copwatchers patrolled the downtown area. There was a massive police presence throughout the city. Numerous arbitrary barricades had been put up throughout the city, herding both pedestrian and automobile traffic. The mutual suspicion between the community and the police department was apparent, illustrating that the police riot against the copwatchers was only one aspect of the militant and racist occupation of San Jose.



# California CopWatch Mini-Tour— a call to conference

By Alex Fischer

I had been acting as the Berkeley Copwatch “office manager” for about two weeks when I was invited aboard the Copwatch Roadtrip. All I knew was that we were going to visit Modesto, Fresno, Los Angeles and San Diego Copwatch organizations to see what they were up to. We were going to listen, to observe, to spark conversation. Most importantly, we were going to create community and support others fighting for their safety through police accountability.

During the course of the trip, it became evident why Copwatch has not only survived for over 16 years in Berkeley, but has spawned many similar, autonomous groups across the country: Copwatch is, in every sense of the word, a community organization. From Brooklyn to Denver, Portland to New Brunswick, Phoenix to New Orleans, communities are coming together to demand police accountability and to take power back into their own hands. As autonomous bodies, community-oriented organizations not only speak to the specific struggles of a community but are also built upon the strengths of those involved.

In our visits around Southern California, I directly saw how Copwatching is needed in every community and yet no two Copwatch organizations are the same. While Copwatching means non-violent monitoring of the police, each Copwatch was organized around specific

began in solidarity with the South Central Farm. Other factors like the geographic layout of a city, proximity to the US-Mexico border, local histories of police accountability organizing and size of the local police force are factored into each community’s specific organizing methods and tactics.

In addition to organizing around community issues, Copwatch chapters’ internal organization is also based upon the community it serves. Members range from former police officers to victims of police oppression, sometimes both at once. There also exists a diversity of members within each chapter and from chapter to chapter: white/black/latino/a, working/middle-class, male/female/transgendered, straight/queer, early 20s/mid 60s, anarchist/liberal/democrat. This diversity creates differences based upon the needs and histories of collective communities, and in the end, allows each Copwatch chapter to better organize around its own strengths.

Copwatch, with all its community-oriented organizing, is about as decentralized an operation as they come. There is no man behind the curtain, no national headquarters. Copwatch chapters have surfaced across the country as independent organizations, not as the local branches of a national organization. And yet, there exists a certain unity amongst Copwatches. To say each Copwatch is independent of each other as an organization does not mean that each



issues concerning the community, allowing flexibility in applying the blue-print for direct police monitoring that the Berkeley chapter created back in 1990. In San Diego, for example, the Saigon-Penn chapter focuses on women’s experiences and supports mothers due to the high amount of youth killed by police. The Los Angeles chapter

Copwatch is independent of each other as brothers and sisters in common struggle. Much is shared between Copwatch chapters: goals and visions, resources and experiences, a direct monitoring of the police and a commitment to non-violence.

Both the independent founding of Copwatch chapters across the country and



the diversity of communities empowered through Copwatch illustrate the systematic nature of police corruption. While the exact demands of Brooklyn or Phoenix may differ from those of Berkeley or Cleveland, they are all focused around police accountability. The escalating inability to non-violently express dissent, lack of access to public information (see article on Copley vs San Diego) and restrictions on personal privacy are signs of an increasingly militarized government on local, state and federal levels.

If Copwatch chapters are organizing themselves across the country and if Copwatch is indeed a response to systemic violations of the law by law enforcement, then an organized national Copwatch network needs to be created. A network, however, not an organization. Without losing autonomous decision-making or creating a hierarchical system, without losing a community focus or imposing other organizations’ models and tactics, Copwatch chapters need better communication, support and skill sharing.

Currently, there is no shared database of all national Copwatch chapters. Copwatch members lack the opportunity to come together and share skills and experiences. Similarly, we lack communication between chapters. Two actions could begin to address the creation of a national network of Copwatch chapters:

- 1) *A unified website linking all Copwatch chapters to each other.*
- 2) *A conference, a giant skill-share, in which all self-identified Copwatch chapters gathered, face-to-face and discussed the future of Copwatch and the future of this police state.*

**If we are truly committed to watching the cops, then we must also be committed to watching each others’ backs.**



# TAKE A STAND AGAINST POLICE REPRESSION!

**Join Berkeley Copwatch! Free Know Your Rights Training**

**We are a group of citizens concerned about police misconduct, at home & worldwide. We walk the streets & monitor the police. We also give free Know Your Rights trainings to the public. We can train your school, organization, or co-op how to safely copwatch and what to do when stopped by the police.**



**Wed. Jan. 31<sup>st</sup> 7-9pm & Sat. Feb. 24<sup>th</sup> 11am-2pm**  
**2022 Blake St. near Shattuck Ave. Downtown Berkeley**

**510 548-0425**  
**www.berkeleycopwatch.org**

Weekly organizational meetings, Mondays at 8pm, same location

All welcome!  
 Public Copwatch shifts, Thursdays @ 7pm  
 Meet at Ashby BART  
 Near the hot dog stand.

## Copwatch Responds to Police Lawyer Harry Stern

By Jonathan Huang

Recently, an attorney for the Berkeley Police Association, Harry Stern, disparaged Berkeley Copwatch for its service to the community. Those remarks were absolutely unwarranted, shameful, and insulting to the citizens of Berkeley.

Though I honor the dedication and self-sacrifice of many police officers, I recognize that such authority and power can be perverted by a few. In effect, it is essential to keep them in check.

In August, however, a California Supreme Court decision, Copley vs. San Diego, has weakened the function of civilian oversight, and the BPA is using this decision as legal fodder for sterilizing the Berkeley Police Review Commission. Furthermore, this year was marked by an appalling Berkeley police scandal involving the tampering of over 200 drug evidence envelopes.

It is in this context—our zeitgeist of repression—that I support the efforts of Copwatch and disagree with Stern’s outrageous comments:

First, Stern deprecated Copwatch by stating that it “carries no weight in the matter” of the future of the PRC. Obviously, Copwatch is not a body of lawmakers. Its efforts, on the other hand, are aimed to pressure the city council, to promote

**Civilian oversight is a thirty year tradition in Berkeley and has been a model for the nation. But now, PRC hearings are closed to the public**

public discourse, and to engage citizens in political action. Nonetheless, any organization that lacks legislative power is still part of the political equation, and hence relevant and important.

Second, he implicitly assumes that because the Copley decision is the “law of land,” it must be right. His stance is, in

essence, blind obedience to the government. There were many instances where “the law of the land” was inherently wrong. A prime example is the case of Plessy vs. Ferguson, which approved the practice of racial segregation. Is one to say that until the Brown decision was reached in 1954 that segregation had been justified?

Third, he belittles Copwatch by saying that they “whine and moan.” Even so, I’m surprised not every citizen in Berkeley is whining and moaning about the condition of police review. Civilian oversight is a thirty year tradition in Berkeley and has been a model for the nation. But now, PRC hearings are closed to the public, and the BPA are relentless in their efforts to neuter the commission. Most importantly, civilian oversight is a matter of ensuring that the government is by the people and for the people.

Fourth, Stern is wrong to want the PRC to “follow current law and its own rules,” a quote from BPA President Henry Wellington. He puts an obligation on the PRC to do what

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