

The Berkeley Copwatch Handbook:

An Introduction to Citizen
Monitoring of the Police



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Introduction

This handbook is intended to introduce people to the main concepts of police observation and documentation. It is far from complete and we certainly learn more every day. It is true that in different parts of the country and in different situations, the people will devise Copwatching methods to better suit their situation. When groups call themselves “copwatch” most people expect that the group a) directly observes police and that b) the group practices non-violence while they observe police. The ways that each group chooses to explain, follow up, protest or give support to survivors is a matter that is best left to the expertise of those who have to live under the jurisdiction of the particular police departments under observation.

Please use the information in this handbook as a way to stimulate discussion in your organization and provide a basis to form your own police-monitoring project. The right to even observe the police is currently under attack and those who choose to take up this work are on the frontline in the struggle to control state power. Good luck. The contents of this book and other materials are on our website at www.berkeleycopwatch.org and you are welcome to download and modify our materials to help your group get started.

History of Copwatch

COPWATCH started in March of 1990 in response to escalating abuse of people in the Telegraph Avenue area of Berkeley. At that time, a radical U.C. student living-cooperative called Barrington was physically attacked by police and many of its residents were injured. Harassment of homeless people and others was increasing in frequency and severity as police attempted to make the area less desirable to poor people.

Some folks came together out of a mutual understanding that this violence, which targeted the poor, street people, people of color, activists and counter culture types was a direct result of pressure from the University and a city sponsored effort to “cleanse” the area to make it more appealing to retail shoppers.

Although people organized various responses to this crackdown, the original group decided that it was most important to carefully document what was happening so that we could convince others that this was actually happening, and also to use our presence as a deterrent to misconduct. We have been working steadily ever since.

In 1991 COPWATCH worked extensively to document police brutality during the People’s Park riots. We also organized a response to the verdict in the Rodney King case back in 1992 that drew thousands of people. Over the years, we have documented and opposed the introduction of rubber and wooden bullets into the Berkeley police arsenal along with police use of pepper spray. Our opposition to tasers and attack dogs has prevented them from falling into the hands of Berkeley Police.

History of Copwatch

We have worked with other groups to stop laws which discriminate against homeless people such as anti-panhandling laws, anti-sleeping and most recently campaigns to make it a crime to SIT on a public sidewalk

We continue to directly monitor police, teach Know Your Rights trainings, and serve as a resource for police-accountability news, information, and support.

Who is Copwatch?

We are a group of community residents and students who are 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 taking on the task of directly monitoring police conduct. That's right. We walk the streets and watch the police. Although it is important to resist police brutality by taking cops to court, filing complaints and popular mobilization, we believe that it is crucial to be in the streets and let the police know directly that the people will hold them accountable for their behavior in the community. We have no single political or religious belief. Our volunteers are diverse. What we share is the belief that citizen participation in police accountability and monitoring of the police is a crucial first step towards building a movement capable of stopping police violence and of challenging the increasingly powerful role of police in our society.

Who is Copwatch?

If you have been a victim of police abuse, witness 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, we are part of a movement, so your help is ALWAYS needed!

Purpose and Goals

- I. To Reduce Police Violence and Harassment Through Accountability**
 1. Directly observe the police on the street
 - a. Walk in pairs; stop, watch and document incidents
 - b. Maintain principles of non-violence while asserting the rights of the detained person
 - c. Be a witness for the detained person
 - d. Demonstrate citizen monitoring of the police for others
 - e. Educate the public about police conduct

Purpose and Goals

2. Follow up with public pressure in legal proceedings
 - a. Support brutality victims in defense of false charges
 - b. Encourage and assist people in filing complaints or even suing police
 - c. Lobby to stop discriminatory legislation and policies that increase police powers over people's civil and human rights
 - d. Organize direct action protest and mobilization

II. To Empower and Unite the Community by Creating Alternatives that Don't Require Police Involvement

1. Educate the community about their rights
 - a. Distribute literature and publish findings.
 - b. Provide *Know Your Rights* training and any other classes, forums, literature that helps the public to understand the scope of the problem and possible solutions
2. Expand community support for victims of police crime and community based efforts to organize against police misconduct.
3. Encourage people to solve problems WITHOUT police intervention. Explore alternatives to calling the police.
4. Encourage people to exercise their right to observe the police. Defend the right to observe by demanding it, DOING IT; writing about it and never let it be taken from you.

The Law

It is helpful for COPWATCHers to have an understanding of a few key legal concepts before going out to watch cops. You don't have to be a lawyer to document police activity, but if you want to be more assertive about your rights and those of the community then it is worth taking some time to become familiar with the law.

There are several sources of law. The ones that are most relevant to COPWATCH are the state laws which are found in the California Penal Code and local laws which are part of the Berkeley Municipal Code (BMC). In addition, there are federal laws that you probably won't run into much on the streets. However, it is worth knowing that everyone's civil rights are, at least theoretically, protected under the U.S. Constitution and federal law. In fact, the right to watch is constitutionally protected under the First Amendment which protects free speech, the right to assemble, freedom of the press and the right to petition the government for a redress of grievances. Despite efforts by law enforcement to criminalize copwatching, federal courts have held that we have a constitutional right to do so. Remember that if other people are allowed to walk right past a police-citizen interaction, you are, too. In fact you can stop, and watch, and record what is happening.

Become familiar with the Bill of Rights in our Constitution. It is from the 4th Amendment that we have the right to refuse a search. The 5th Amendment allows us to remain silent and protects us from incriminating ourselves. The 6th Amendment gives us our right to trial and criminal rights while the 8th Amendment tells us that cruel and unusual punishment is not legal. Although these are our rights, they are often violated. It is up to us to defend them!

Types of Stops

It is important to understand why an officer is stopping someone and whether they have a legal basis. Depending on what kind of stop it is, you may expect different treatment by the police.

Consensual Stop

This is when a cop approaches and simply begins to speak with you, sometimes in a friendly manner. The cop may make small talk and then ask to see your identification. You don't have to show it. Ask the cop, "Am I free to go?" If the cop answers, "No, you are not free to go," then you are being detained and you must remain. However, if the cop says that you are free to go and you are not being detained, then just go.

You are not required to show a cop ID unless you are being officially detained and a cop has a "reasonable suspicion" to believe that you have been or are about to be involved in a crime. The cop is NOT required to tell you why you are being detained, but they DO have to tell you why you are being arrested (if that should happen).

Be careful when a cop begins chatting with you. Most likely they are gathering information and want to know who you are, who you know, what you do and where you have been. Don't just chat with cops. You never know if the info they are gathering will one day be used against you or someone you care about. Walk away if you can. If you can't, try to remain as silent as you can.

Types of Stops

Detention

The police are allowed to detain you if they have some “reasonable suspicion” to do so. They can’t just stop you because they want to take your picture and put it in their files. They must have an articulable fact that associates you with a particular crime. It can’t just be a hunch or some racist notion or stereotype. It must be a fact and this fact will be important in court in establishing if everything that came after the initial stop was legal.

A detention is a mini-investigation. An officer is allowed to hold you while s/he gathers any information readily available at the scene. A detention must be limited in duration and can’t go on and on. They can’t put you in the car and take you somewhere- if they do, you have been arrested. That is why witnesses to assaults or shoplifting are driven TO the suspect instead of driving the suspect to the witness.

If the cop says that you are being detained, they can do a pat search of the exterior of your clothing to check for weapons. They are not supposed to check your bags and inside your clothes without your consent. You can refuse to give your consent to any of these searches but we don’t recommend that you resist physically. Just be loud and clear that you don’t give your consent so witnesses can hear you. You do NOT have to answer questions. You may want to provide ID or at least give your name and current address to make the process go faster.

Types of Stops

Don't lie to the cop-that is a crime in itself. If you don't want to talk, just remain silent. Handcuffing someone should only happen in those cases where the crime being investigated is a violent or major crime and if the officer has reason to believe that the detainee could possibly be violent.

Arrest

This means that the police now have what they believe to be "probable cause" or actual evidence that links you to a particular crime. This might be in the form of physical evidence or witness statements. Try not to let it be because of things you said. When you are arrested, you should REALLY be quiet. The police do not have to read you your rights unless they intend to interrogate you. If you just start talking to them and trying to explain yourself, you will very likely hear about your statements in court.

You can expect a complete search of all your possessions. Be aware that US Supreme Court decisions have said that the contents of a cell phone can be searched and downloaded by police as part of the booking process. You have a right to know why you are being arrested. Demand to know. Even though the charges may change somewhat by the time you get to court, you should try to make them commit to what they are charging you with.

Types of Violations

Infraction: Offenses punishable by fine only

These are minor offenses such as jaywalking, illegal parking, open container of alcohol in public, being in certain parks after curfew, being a minor in possession of spray paint or large marking pens, etc. When an officer sees this kind of activity, s/he can ask to see I.D. If you have I.D. and you do not have any outstanding warrants, the cop should just write you a ticket and be done with it. If you don't have I.D. on you, the cop HAS THE OPTION OF TAKING YOU TO THE STATION TO VERIFY YOUR IDENTITY OR SIMPLY WRITING YOU A TICKET AND LETTING YOU GO. This is up to the officer. You are not supposed to have to go to jail for infractions in and of themselves. You would not expect to be searched during this kind of stop.

Misdemeanor: Offenses punishable up to a year in jail and/or fine

These are crimes such as shoplifting, trespassing, resisting, delaying or interfering with an officer in the course of his/her duty. Expect that you will be searched, arrested and taken to jail until you are arraigned, bailed out or released on your own recognizance. (O.R.ed) There are some misdemeanors where the officer can either write you a citation there or they can take you into custody. It is up to the officer. Remember; don't get into bargaining with the cop about this stuff. The cop wants you to talk about your case and make statements they can use against you later. Don't talk about your case once you are in jail either because there are lots of informants and people who want to get out early. Only speak with a lawyer.

Types of Violations

Felony: Offenses punishable by more than a year in prison

These are major crimes. Murder, rape, robbery and many drug related crimes are considered to be felonies. Expect that you will be searched thoroughly and will be in custody at least until you are arraigned or brought before a judge to enter a plea. You have a right to appear before a judge within 48 hours of your arrest (not counting weekends and holidays). You have a right to be represented by counsel. Demand it. You also have a right to post a reasonable bail. Sometimes, if your bail amount is too high, the lawyer can ask the judge to lower bail.

Legal Info

Police Search Powers

The police have the power to question someone only if they have “reasonable suspicion” that specific facts connect that person to a specific crime. In this case, the cops can also pat someone down to feel for a weapon, and if they feel something that feels like a weapon, they can go into that person’s clothing to look for it. Otherwise the cops can only search someone’s pockets, back pack, or belongings if that person:

1. Has been arrested for a specific crime,
2. Has a search clause as a condition of probation, or
3. Gives the police permission, which nobody is obliged to do.

Legal Info

Police Seizure Powers

Police may not confiscate someone's belongings unless they are illegal or that person has been arrested for a crime. If possessions are confiscated, the California Penal Code entitles the owner to a receipt (1535) and a return of the possessions after the resolution of the case (1537). Any evidence obtained through the seizure may be suppressed from being used in court if the seizure was unreasonable (1538.5).

Answering Questions

Legally, when a person is arrested or detained by a police officer, he or she does not have to answer any questions to the officer, on the grounds that it may be self-incriminating (Miranda codes). You have the right to remain silent but do not lie to a cop. That is a misdemeanor and will get you into trouble.

Resisting or Obstructing an Officer

Penal Code Section 148 states, "Every person who willfully resists, delays, or obstructs (any police officer) in the discharge or attempt to discharge his or her duty, is punishable by fine or imprisonment." The police will often threaten COPWATCHers with this charge, but remember you do have the right to observe as long as you are not attempting to interfere with the officer.

Legal Info

Use of Force to Effect Arrest

Section 835.a of the Penal Code describes the only “legal” use of force by an officer is in order to attain an arrest. “Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.”

Assault by an Officer

Police brutality is defined in the Penal Code as, “Police breaches of due process guarantees by the physical abuse of citizens without legitimate cause.” Section 149 of the Penal Code makes it illegal for a cop to assault or beat any person “without lawful necessity.”

Gang Profiling

Sometimes cops use petty laws to stop people in order to take their pictures. These photos are often used to create files on people and to portray people as “gang members.” Detaining people to take photos merely because they are suspected gang members is impermissible. (People vs. Rodriguez (1993) 21 Cal.App.4th 232.)

Panhandling

There is no city ordinance against asking strangers for things, although Penal Code Section 647(c) says that someone who “accosts” someone else “for the purpose of begging or soliciting alms” is guilty of a misdemeanor. Berkeley Municipal Code 13.37.020 makes it an infraction to beg in a way which “coerces, threatens, hounds, or intimidates the person solicited,” or to beg within 10 feet of an ATM.

Legal Info

Generally, Title 13 "Public Peace, Morals, and Welfare" of the Berkeley Municipal Code covers many day-to-day things used by police to harass people. Familiarize yourself with it, to be prepared for whatever misinformation they may throw your way.

Trespassing

Section 602 of the California Penal Code outlines trespassing violations. It is a violation to "refuse to leave after being asked to do so". However, Berkeley cops have been instructed to use BMC section 13.52.010 because this makes it a crime to ENTER property posted with a "No Trespassing" sign. The property owner may also file a No Trespassing letter with the police, which can be good for up to 1 year. ALSO there is BMC 13.52.020 which makes it a crime to refuse to leave or to return to a property after being asked to do so by the owner or by a cop acting on their behalf. In order to be cited, you either have to be in a posted area or someone has to complain about you being there.

Obstructing Sidewalk

The Berkeley Municipal Code makes it a misdemeanor or infraction to intentionally obstruct a sidewalk with your body (BMC 13.36.010), or to intentionally obstruct the sidewalk with objects (BMC 13.36.030). To be cited, the sidewalk must actually be blocked, not just have something on it. Whether to charge as an infraction or a citation is at the DA's discretion.

Minors in Possession of Tobacco (308b)

It is unlawful for any person under the age of 18 years to purchase, possess use tobacco products, cigarette papers or any other paraphernalia related to the use of tobacco products. (fine of \$75 or 30 hours of community service)

Legal Info

Smoking

It is an infraction to smoke within 25 feet of a bus stop, on commercial area sidewalks, and "within 25 feet of any entrance, exit, operational window, or air intake vent to any other building that is open to the public, except while passing on the way to another destination." Berkeley Municipal Code 12.070.030 lays out smoking laws, and there are several other restrictions. It is worth reading if you want to be ready for whatever misinformation police may throw at you.

Drinking in Public

Berkeley Municipal Code 13.36.070 makes it an infraction to drink on public property and on private property open to the public, or in public view. 13.36.075 makes it an infraction to have an open container on the premises of a liquor store, or an adjacent parking lot or sidewalk of a liquor store. It is NOT illegal to be drunk or high in public. However, Penal Code 647(f) makes it a misdemeanor to be in a public place under the influence of alcohol or drugs if one is "unable to exercise care for his or her own safety or the safety of others," or obstructs sidewalks. Business and Professions Code 25620(a) makes it an infraction to have an open container in public places where it is already illegal to do so.

Knives/Weapons

Berkeley Municipal Code 13.68 covers "carrying dangerous weapons." Included in it are knives. This section should be read carefully. There are various state Penal Code laws concerning knives and weapons. They should be read carefully. Carrying weapons can be a serious crime.

Legal Info

Bicycles

Riding a bike on the sidewalk is illegal (BMC 14.68.130). It is a misdemeanor. Juveniles in a residential area, and cops are exempt from this provision. Municipal Code Section 14.68 lays out bike regulations.

Dogs

Berkeley Municipal Code 10.04 covers the laws for dogs. Dogs are required to be registered, carry a tag, be leashed when in parks, and that people clean up after their dogs when on public property. Berkeley Municipal Code 13.36.015 makes it either a misdemeanor or infraction to have more than 2 stationary dogs in a ten-foot area in a commercial district. The police must issue a warning before they issue a citation for this.

Lying on a Sidewalk

It is illegal to lie down on a sidewalk in a commercial area from 7am-10pm Monday-Saturday, and 10am-6pm Sundays and holidays (BMC 13.36.015). Cops must give a warning before they write a citation. This can be either a misdemeanor or an infraction.

Sitting on a Sidewalk

There is currently no law against sitting per se. There are many in the city who would like to get such legislation passed and that story is ongoing. For now, you just can't intentionally block a sidewalk.

Lodging

California Penal Code Section 647(e) prohibits lodging "in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it." This statute is enforced when they want to move homeless people out of a particular area.

Tactics

Empowerment Through Accountability

Our main tactic in COPWATCH will be to discourage police brutality and harassment by letting the cops know that their actions are being recorded and that they will be held accountable for their acts of harassment and abuse. To this end we will:

- Record incidents of abuse and harassment
- Work with victims to create a strategy for justice
- Provide information to the person arrested/violated
- Follow through on complaints
- Publicize incidents of abuse and harassment
- Archive data to be used in future actions

Defuse Situations

People don't want to be arrested. As COPWATCHers, we don't want to escalate a situation to where police arrest someone as a way of getting back at us. We want cops to treat people with respect and to observe their rights. Often, cops forget that homeless people and others actually have rights. We may need to remind them from time to time. We must learn how to assert our rights and to encourage others to assert their rights without endangering someone who is already in some amount of trouble.

We do not attempt to interfere with officers as they make routine arrests. We document and try to inform the cops when we feel that they are violating policy or the law. Attempting to stop someone from being arrested often has serious consequences for the person being detained as well as for the reputation of COPWATCH as being a non-violence based organization.

Tactics

In a physical encounter with police, we must realize that the cops have weapons, prisons, courts and judges to back them up. In addition, we do not want people to be nervous when they see COPWATCH coming to help them. We want to keep people from going to jail in the first place and not send them to jail with more serious charges.

Empower The Community

As people on the streets serving the public, we are not only concerned with the cops. We are concerned about the PEOPLE. Our effectiveness as COPWATCHERS will be greatly enhanced if we are trusted by the community. During our shifts, we must try to get to know the people who hang out on the street. For this reason we will try to schedule people who know the area with those who are newer to the scene. Building relationships is crucial. We can listen to people and help when it is possible. This aspect of COPWATCH depends on the willingness of the members to get to know and appreciate the street community.

Shift Procedures

Explain to people that you are with COPWATCH and that you want to hear their stories. If people know that you are trying to help and that you care, that can be empowering.

When the streets are quiet and there is no police activity, a COPWATCHer can spend time distributing the “Know Your Rights” cards or just getting to know people. Introduce yourself.

Shift Procedures

Begin Shift

You can do a shift while walking, biking or driving. Walking shifts are best for collecting stories, doing outreach and getting a sense of what the police are up to in a given area. Driving shifts allow you to cover more area and to actually observe more scenes. When we drive, we encourage the driver to park the car around the corner or just out of sight of the officers as a precaution against harassment.

Some other things to consider:

- Be sure your warrant status, bike license or car is up to date and legal. Don't give the cops any opportunity to bust you for non-copwatch related offenses.
- Identification can be very helpful if the police detain you.
- Have a partner for safety as well as good COPWATCHING. It is VERY important not to confront the police alone. You must have a witness and someone who can verify YOUR story in case of a problem.
- Organize to meet your partner at a mutually agreeable time and location
- Make sure that you are not carrying anything illegal
- Wear identification COPWATCH identification of some kind (button, shirt, sticker)

Shift Procedures

- Be sure that you or your partner brings things you will need to COPWATCH:
 - Incident forms and/or clipboard for note taking
 - COPWATCH Handbook (lots of good info there!)
 - COPWATCH Know Your Rights cards and other literature to distribute
 - Video camera or some recording device , scanner
 - Penal Code (optional)

During Shift

Shifts last for approximately 3 hours. Generally you and your partner can decide where you will go. It is also possible that the Shift Coordinator will want to focus teams in a certain area. Please be on time for your shift as your partner is probably waiting for you. If you are unable to work your shift please call your partner and the shift coordinator so that you can get a substitute. Try to be on the street for as much of your shift as possible (don't spend an hour in a coffee shop). Be where people can see and talk to you. After each incident, take time to fully fill out the incident report. This is the information that we will enter into the database.

Copwatch shifts are also meant to be educational. Give out cards. Start conversations with people. Try to ensure that bystanders and those involved understand what you are doing and why you are recording the incident.

Shift Procedures

Remember that you have the right to watch the cops. You don't have the right to interfere. Interfering with a cop is a violation of penal code section 148 (delaying, obstructing or resisting arrest). If a cop wants to send you a message, they will arrest you for 148 and then, even if they don't press charges, you still had to go through the unpleasant experience of being arrested.

When Cops Stop Someone

- Write down officer name, badge number, car license number
- Write down the time, place and date of incident
- Determine if person is being arrested and if so on what charge
- Get names of witnesses to the arrest/harassment and how to contact them.
- Try to get the name of arrestee, but don't ask their name unless they have already given it to the police
- If necessary or possible, photograph and/or record incident on camera
- Fill out incident form completely

Shift Procedures

More Assertive Style

- Try to ask victim if they know why they are being arrested or detained
- Get the badge number of cop. Ask the cop if you can't see it. It will be on the citation number.
- If the stop is vague, ask the cop to name the Penal Code Section that they are enforcing.
- Don't piss the cop off if you can help it. Don't let it get personal. Its not about one cop- its about a system that allows police to violate our rights.
- If possible get a KYR card (know your rights) to the victim
- Identify yourself as COPWATCH. Try to let them know why you are there.
- Try to stay until the stop is concluded. Remember that Rodney King was just a traffic stop originally.
- If person wants to take action, give them complaint forms or refer them to CW office.

End Shift

Return completed incident reports to the office. Be sure that they are legible and that you put your name on it in case office people need to do follow-up. Check the weekly COPWATCH shift log and sign it. Return scanner and any other equipment to the office for the next COPWATCHers to use. Please check the equipment and leave a note if anything is wrong with it. Plug in the cameras so they can recharge the batteries.

Shift Procedures

Principles: Non-violence

1. Be polite to everyone you meet including the police. Don't insult or incite them. This is counterproductive.
2. Don't carry anything illegal or give cops an opportunity to bust you for non-COPWATCH activity.
3. Of course no weapons, knives, drugs, etc. Do not COPWATCH if you have had alcohol.
4. Don't yell. Speak in a calm, audible voice. Avoid quick or sudden movements when you are around cops. Don't run to a scene. Walk.
5. Remain visible to the officer at all times. Keep your hands visible at all times, too. Don't approach an officer from behind or stand behind them. Don't make any sudden movements or raise your voice to the cop. Try to keep the situation calm.
6. Do not use flash cameras or video lighting when officers are engaging in a routine stop of someone.
5. If a stop escalates into unnecessary use of force use whatever tools at your disposal to record and document the situation.

In Case of Arrest

If you are arrested, the police must tell you why you are being arrested. Also, be sure to get the badge number of the officer who is arresting you. You have the right to remain silent. If you are in custody, don't talk to anyone, but an attorney about your case. You have rights including the right to remain silent and the right to have an attorney present before you are questioned.

The court must provide you with a lawyer if you can't afford one. You have the right to speak to a lawyer before arraignment. If you are arrested, you will be searched without your permission. As soon as possible, and in no case later than three hours after booking, you have the right to three phone calls: to a friend or relative, to a lawyer and to a bail bondsman. If you have followed all of the principles of copwatch and you have been arrested for your copwatching activity, we will help you to get out and to get a lawyer.

In Case of Arrest

If Someone Else is Arrested

Find out where they are being held, what the charges are and how much bail is:

**District Attorney:
Alameda County**

Rene Davidson Courthouse
1225 Fallon Street
(510) 272-6222

Wiley Manuel Courthouse
661 Washington Street
(510) 268-7500

**Public Defender:
Alameda County**

312 Clay Street 2nd Floor
(510) 268-7400

1401 Lakeside Dr.
(510) 272-6600

Berkeley Jail
(510) 981-5900

UC Jail
(510) 642-6760

**Berkeley Police Review
Commission**

(510) 981-4950

Santa Rita Jail

(925) 551-65005
325 Broder Boulevard
Dublin, CA 94568

**Glen E. Dyer Detention
Facility (Oakland Jail)**

(510) 268-7777
550 6th St.
Oakland, CA 94607

Technical Support

Police Scanner

The scanner is a portable radio that is used to monitor police radio communications. There are 1000 channels in the scanner, each tuned to a frequency used by either UC or Berkeley police. The scanner controls that a COPWATCHer may want to use are described here:

VOLUME: This knob is on the top of the scanner that adjusts the volume coming out of the speaker or headphone. It also turns off the scanner so remember this when you are finishing your shift.

SQUELCH: This knob, right next to the volume knob, is adjusted to cut out the static between messages. Its like the mute button on an FM tuner.

MANUAL/SCAN: These are two buttons on the front of the scanner. When the scanner is first turned on, it is in scan mode, meaning that it flips through all 1000 channels repeatedly until it comes to a channel being used. It will monitor this channel until the transmission is ended and then resume scanning the 1000 channels. Sometimes, you might want to stay on just one channel to monitor an important exchange. To do this, press the **MANUAL** button. The scanner will stay on the current channel. Every time you press the **MANUAL** button, you go up one channel. Pressing the **SCAN** button resumes scanning.

Technical Support

When using the scanner, you are basically listening for locations. You want to find out WHERE to go to observe the police. Don't be distracted by all of the other conversation happening on the scanner. Also, in recent years, the police have reduced their use of radios and rely more on cell phones and computer terminals in their cars. Don't worry if you aren't hearing much. There might not be much going on.

Access Emergency Scanner Online

Visit www.radioreference.com to access any publicly-broadcast emergency radio dispatch online.

You can also download streaming applications to listen to scanners on a smart phone.

If the scanner starts to act funny, the batteries are probably going dead. It uses four AA batteries. If you have to buy batteries while on shift, save you receipt so that we can reimburse you later.

Also, try to be discreet when using the scanner. It can easily make people on the street think that you are a cop or are working in some official capacity for the state. Keep it in your backpack and use it like you would an iPod or such device.

Technical Support

POLICE RADIO CODES

10-0	Caution	10-29	Check person's background
10-1	Reception poor		
10-2	Reception good	10-30	Does not conform to regulations
10-4	Message received		
10-6	Change channel	10-33	Alarm sounding
10-7	Out of service	10-35	Time check
10-7B	Out of service personal	10-36	Confidential information
10-8	In service		
10-9	Repeat	10-42	Check on welfare of/ at:
10-10	Off duty		
10-13	Weather and road advisory	10-49	Proceed to:
		10-53	Man down
10-15	Prisoner in custody	10-56	Suicide
10-17	Request for gasoline	10-56A	Suicide attempt
10-18	Equipment exchange	10-57	Missing person
10-19	Return/returning to station	10-59	Security check
		10-60	Lock out
10-20	Location	10-62B	Civil standby
10-21	Telephone	10-63	Prepare to copy
10-22	Disregard last assignment	10-67	Person calling for help
		10-70	Prowler
10-23	Stand by	10-71	Shooting
10-26	Clear	10-79	Bomb threat
10-27	Driver's license information request	10-80	Explosion
		10-88	Assume a post
10-28	Car registration request		

Technical Support

POLICE RADIO CODES

10-91B	Noisy animal		
10-91E	Animal bite	Code 1	At your convenience
10-91V	Vicious animal	Code 2	Urgent
10-97	Arrived at scene	Code 3	EMERGENCY
		Code 4	No further assistance needed
11-24	Auto parked over 72 hours		
11-48	Furnish transportation	Code 5	Stakeout
		Code 7	Mealtime
11-80	Auto accident-major injuries	Code 33	MOBILE EMERGENCY - CLEAR
11-81	Auto accident-minor injuries		RADIO CHANNEL
11-82	Auto accident-no injuries	Code 34	Resume normal traffic-ends Code 33
11-83	Auto accident-no details		
11-94	Pedestrian stop		
11-95	Routine traffic stop		
11-96	Checking suspicious vehicle		
11-97	Time/security check on patrol vehicle		
11-98	Meet:		
11-99	OFFICER NEEDS HELP		

Video Camera

COPWATCH has several digital video cameras and you are welcome to use one of these during your shift. Not every copwatcher needs to have a camera. In fact, it is best when one person records and the partner keeps the notes, talks to witnesses and watches to make sure that the scene is safe. We don't usually need many angles of the exact same thing.

These days, people take video in many formats. You need to think about how you will use the footage. Is it a legal document that should go directly to the victim or the public defender in support of that person? If not, will you/where will you keep it? How will you archive it? People are increasingly worried about cops destroying their footage and with good reason. To often, cops grab cell phones because they "might have evidence" on them. You are not required to give them your footage. Don't refuse physically but don't consent to their theft of your phone or camera.

We have a few principles that guide how we use cameras:

- Don't film the people. film the police. Focus on that. We are not trying to capture everything. Don't film criminal conduct if you see any. Focus on the police.
- Remember that the footage you are collecting is a type of legal document/evidence. It will have value in court if it is not edited and if the videographer is willing to testify in court that they were the ones who recorded it.

Video Camera

- Be aware when you talk during filming. These comments are recorded and can influence the way that the footage is perceived. It is best to be as quiet as you can while you are filming.
- Be sure that the date and time is stored somewhere with your footage.
- Try to record location identifiers (street signs etc.)
- When you are done using the camera, please plug it in again so the battery will be fully charged for the next team.
- Upload the footage to the database or let someone know that you have footage. It would be best to complete an incident report or some notes about the footage: A) Should we keep it? B) what key words should we use when we label it? Take care of the camera!

Berkeley Police

CHIEF

C-1 MEEHAN, Michael

CAPTAINS

C-2 HARRIS, Cynthia

C-3 UPSON, Erik

C-5 AHEARN, Dennis

LIEUTENANTS

L-2 MORIZONO,
Matthew

L-3 GREENWOOD,
Andrew

L-4 DELANEY, Diane

L-6 ROLLERI, Rico

L-7 FRANKEL, David

L-8 FILES, Randolph

L-9 HART, Alyson

L-10 REECE, David

L-11 SCHOFIELD, Kevin

SERGEANTS

S-1 COUNTS, James

S-2 FRIEDMAN, Jack

S-3 WILSON, Jennifer

S-5 LINDENAU, David

S-6 KUSMISS, Mary

S-7 FOMBY, Spencer

S-9 RITTENHOUSE,
Robert

S-10 NONOGUCHI,
Howard

S-11 SPILLER, Edward

S-12 LOUIS, Jennifer

S-14 TATE, Jennifer

S-16 WHITE, David

S-18 SMITH, Katherine

S-19 SABINS, Todd

S-20 RATEAVER, Andrew

S-21 OKIES, Joseph

S-22 LINDENAU, Craig

S-23 WILSON, Brian

S-24 HAWK, Angela

S-25 ROSS, Sean

S-26 DOUGHERTY,
Michael

S-27 HONG, Peter

S-28 MURPHY, Emily

S-29 MONTGOMERY,
Daniel

S-30 STINES, Christian

S-31 CARDOZA, Benjamin

S-32 DELALUNA, Patricia

S-33 DURBIN, Michael

S-34 CURTIN, Thomas

S-35 CRAIG, Conrad

Berkeley Police

PATROL OFFICERS

1	KELLY, Joseph	29	GRANT, Jesse
2	FERNANDEZ, Ryan	31	POLIZZIANI, Stephanie
3	SMITH, Brandon	32	DE BLASI, Keith
4	ANDERSEN, Ryan	33	BELL-WATKINS, Andre
5	JONES, John	34	CUMMINGS, Rashawn
6	REECE, Kevin	35	ANDERSON, Patrick
7	COBERT, Jerome	36	MORILLAS, Dustin
8	DINKINS, Marcus	37	JACKSON, Rush
10	SINGH, Jitendra	38	TU, Kenneth
11	JUNG, Roselyn	39	CASTLE, Scott
12	KELLY, Melissa	40	MAH, Kevin
13	JAMISON, Marianne	44	DIAZ, Heriberto
14	MARBLE, David	45	RODRIGUES, Veronica
15	NUTTERFIELD, John	46	CHU, Jeffrey
16	BROWN, Gwendolyn	47	LEDWARD, Lyle
17	WHITE, Byron	49	FLORES, Christopher
18	BJELDANES, Peter	50	WHITE, Kyle
19	LENNY, John	51	MARIN, Richard
20	WAITE, Christopher	53	ROBERDS, Alan
22	HUYNH, Van Du	54	MCINTOSH, Elgin
23	O'DONNELL, Scott	55	LATHROP, Jeremy
24	LEE, Peter	56	MESONES, Luis
25	FRANKEL, Andrew	57	KISHIYAMA, Brian
26	JOHNSON, Shan	58	FIELDS, Marcus
27	HUERTA, Michael		
28	YU, Michael		

Berkeley Police

59	SYTO, Thomas	88	KACALEK, Darren
60	SMITH, Joshua	90	PHILLIPS, Amber
62	MARTINEZ-CARO, Norma	93	WILSON, Ethell
63	TINNEY, Sean	95	MELERO, Cesar
64	KAWANA, Ernie	96	PIERANTONI, Casimiro
66	WHITE, Steven	97	LUNA, Jeffrey
68	BOLD, Corey	99	DEL ROSARIO, Joel
69	FLEMING, Steven	100	MARTINEZ, Victor
70	TURNER, Melanie	101	ORDAZ, Hugo
72	LUTTRELL, Cynthia	102	MEREDITH, Matthew
73	FUENTES, Robyn	104	KASTMILER, Nikos
74	PARSONS, Mike	106	BLED SOE, Rochell
75	COLLIER, Jason	107	CREWS, Victoria
76	WARREN, Shira	108	EMELSON, Earl
77	MCDOUGALL, Alexander	109	KAPLAN, Timothy
78	GALVAN, Edward	110	LEE, Susan
79	SPEELMAN, Samantha	111	BASHAN, Elizabeth
80	MATHIS, Brian	112	KASSEBAUM, Ross
82	LUI, Tracie	115	KLEPPE, Kevin
84	HOGAN, Devin	116	BABER, Ana
85	MURRAY, Ryan	117	RAFFERTY, Darrin
86	BONAVENTURE, Chris	118	NABOZNY, Jessyca
87	GOLDEN, Douglas	119	DOZIER, Lionell
		120	SHANNON, Jeff
		122	WAGGONNER, Bryan
		123	LINK, Stephen

Berkeley Police

125	COLLINS, Mitchell	157	HAMMONDS, Paula
126	PATRICK, Nathan	158	LANDRUM, Francis
127	LEWIS, John	159	TALCOTT, Maximillian
128	RAMEY, Skyler	160	JONES, Jumaane
130	REGO, Steve		
131	GOMEZ, Pete		
134	PADUA, Sheralyn		
135	BUCKHEIT, Karen		
136	PON, Glenn		
137	LEDOUX, Joseph		
138	BURCHAM, Stephen		
140	GIBBS, Kelvin		
141	SALAS, Scott		
143	COCKE, William		
144	CERLETTI, Anthony		
145	KEENE, Erik		
146	COLE, Stephanie		
149	LIBED, Stanley		
150	DUNN, Alan		
151	COATS, Jennifer		
152	PERKINS, Jamie		
153	PHELPS, Benjamin		
154	BARTALINI, David		
155	NEFF, Kevin		
156	ETTARE, John		

UC Berkeley Police

OFFICERS

1 Celaya
2 Bennett
3 Roderick
4
5 Tejada, E.
6
7
8 Yao
9 DeCoulode
10
11 Olivet
12 Wing, T.
13 Tucker
14 Williams, J.
15
16
17
18 Suezaki
19 Hartnett
25 Harris
26 Jewell
27 Jacques
28
29 Sanchez

30 Ruffin
31
32 Miller
33
34
35 Kasiske
36 Green
37
38 Lachler
39 Labat
40
41
42 Quan, A.
43 Torres
44 Jones
45 Florendo
46 Hulburt
47 Brashear
48 Wyckoff
49 Hallett
50 Garlick
51 Vincent
52 Rush
53 Bennigson
54
55 Kelly

UC Berkeley Police

56	Martinez	82	
57	Roe	83	Reich
59	Doughty	84	Ruiz, M.
60		86	
61	Sprecher	87	Chapman
62	Mendoza	88	Wong
63	Tinney, B.	90	Jacobs, G.
64	Ellis	91	Ruiz, D.
65	Sato	92	Lu
66	Katz	95	Hernandez
67	Caires	96	Sakai
68		98	Manchester
70	Ibanez		
71	Choo		
72	Williams, H.		
74	McMilton		
75	Jacobs, A.		
76	Aranas		
77	Miceli, M.		
78			
79	Odyniec		
80			
81	MacAdam		

People's Investigation

People's Investigations are community based defense and justice projects to conduct independent inquiries into incidents of police violence and misconduct. These are collaborative, grassroots initiatives and are a way for you to become involved in sharing and producing information together. The information you produce through the investigations can supplement the work of lawyers and support court cases; provide narratives to counter mainstream media portrayals that criminalize and dehumanize people targeted by police; and inform direct action tactics and other political strategies. These investigations also provide an open space for you to come together and share in the process of research and to take control of our own safety as a community.

Copley Press vs. The City of San Diego (2006) and the Police Officers' Bill of Rights (1977 (a response to a California Supreme Court case and Pitchess versus Superior Court --1974) are recent court decisions and legislation that have clamped down on our ability to get information about officer involved shootings and other forms of police abuse and misconduct. In Berkeley, the Police Review Commission (PRC) has become increasingly unwilling to follow through on its mandate to investigate police shootings, in-custody deaths, and other forms of misconduct and brutality against civilians. City sponsored, civilian oversight does not function in this climate of intense militarization of police. That is why the true independence of neighborhood-based inquiries is becoming the most potent weapon against police abuse.

People's Investigation

Regular people can conduct credible investigations of police crimes.

People's Investigations respond to increasing police violence, lack of transparency around police conduct, ineffective and impotent review boards, and the desire to organize ourselves outside of the institutions of the state.

People's Investigations place the survivor's or the victim's family and friends at the center of the care and concerns of the investigation. These investigations are committed to supporting the family's version of justice; to assist families in securing responsible legal counsel; and in working collaboratively to review information and organize actions and responses.

The following is designed to investigate officer-involved shootings and other forms of misconduct.

People's Investigation

Conducting Investigations

People's Investigations should cover the following areas as soon as possible:

I. Gathering Evidence

Photographing and recording the scene.

As soon as possible, take as many photos of the scene as you can. Be sure to return to the scene when lighting and traffic are the same as they were at the time of the incident and take photos from additional angles. If possible, take video footage as well. Look for physical evidence the police may have overlooked.

Finding and interviewing witnesses.

Canvas the neighborhood for witnesses. This may involve standing at the site of the incident with a clipboard or notebook and asking people what they know about the incident, or if they saw it. We recommend going in pairs. One person can ask questions and the other can take down witness statements, and catch other people as they walk by. Remember to write down all names and contact, and ask if it is okay to follow up.

People's Investigation

Whenever you can, rephrase the witness's statements to check for understanding and to give them your contact information so can get back to you if they remember additional information later.

It is critical important to start investigating and interviewing witnesses immediately, when memory of the scene and of the incident is fresh. This will allow you to access information without risking witness tampering. Once a case is in progress and pending and you proceed to interview a witness, this can be considered witness tampering. If you track down witnesses immediately following the incident, you do not face this risk. When police officers are interviewing people, it is fine for you to also interview people. But you must interview people soon before names are included in an indictment or prosecutorial documents. You may be able to get statements from people that the police have not yet spoken with, and you may be able to compile statements that later contradict the police version.

While recording statements is a good practice, tape recordings can be intimidating for people. You may want to proceed with questions while your partner writes down the narrative. If the witness seems comfortable, you may decide to start recording. Always ask for permission.

People's Investigation

I. Gathering Evidence

Lots of important information is created and stored by police officers and investigators. We have a right to that information. Writing a Public Records Act Request is not difficult. Try to include:

- Name of the agency and person in the department who should respond. (Include lots of cc's to additional people of importance, such as Chief of Police, City Attorney, City Clerk, Custodian of Records or any other people who you think might have access to the documents you are trying to get.
- Specific names of reports, documents, etc and dates when they might have been created.
- That you know your rights under the CPRA and that you expect a response within 10 days. Also, indicate if you want digital or paper copies and where those should be sent.
- Check out: <http://www.thefirstamendment.org> for more info on how to write a good PRA!

People's Investigation

From the Police Department

Ask for:

- Dispatch tapes: Request the audio and the transcript.
- CAD: This is the read out of messages sent between police officers via computer. Ask for this information from the based on time and location of the incident.
- All lab reports from the Criminal Lab.
- 911 tapes and all county communication tapes that reference the incident.
- Ask specific officers or Records Division for policies about how long they keep records.
- Ask for department roster of officers according to badge number and name, rank and serial numbers. You can also ask for assignments and beats.
- Ask for roster of helmet numbers issued to officers. While badge numbers are consistent, sometimes officers' helmet numbers can be different from protest to protest.

Officer involved shootings will trigger three different investigations at the following levels: Homicide; District Attorney and; Internal affairs. Each of these offices keeps a log of police officers who were involved in shootings; you can request a log of Officer Involved Shootings for long span of time to reveal patterns.

People's Investigation

Some departments are required to complete investigations within a certain period; for example, the Oakland Police Department is required to complete all investigations within 180 days according to the consent decree. After the investigation is complete, you can request the police report.

From the District Attorney's Office

Ask for:

- The Officer Involved Shooting Report. This is required in all fatal officer involved shootings. (Note: In Alameda County, non-fatal shootings by police are not investigated nor are officer related deaths not involving a firearm.)
- In cases of arrests, ask for the docket number and the Personal File Number (PFN) of the victim
- Affidavit for a search warrant- this would give the reason that cops gave to the judge to convince him/her to sign the warrant.
- For Alameda County, the main phone number is (510) 272-6222; the email is info@acgov.org; and they are located at 1225 Fallon Street, Suite 900, Oakland, CA 94612.

People's Investigation

From the Coroner's Office and County Recorder

Ask for:

- Coroner's Investigator Report
- Autopsy Report
- Coroner's Notes
- Blood and tissue samples for independent testing
- All Lab reports
- You may want to consider an independent autopsy (but this costs a lot of money)
- Death certificate (this is usually available two months after the death)

In many counties, the coroner's office is run by the office of the sheriff (Alameda, San Joaquin), while in other counties, the Coroner's office is independent (San Francisco). This office can tell you if/when someone died. Give them the person's name and information. Autopsies tend to take 6-8 weeks and will only be released if the case is "closed". If they are unable to release information, ask if there is a police department hold. If yes, have them confirm this in writing. For Alameda County, call (510) 268-7300. They are located at 480 4TH St, Oakland, CA 94607.

People's Investigation

From the Hospital and Fire Department

Ask for:

- Ambulance Reports
- Hospital Records (these are generally confidential if you are not family)
- Blood and tissue samples for independent testing
- All Lab Reports
- Fire Department Report
- Consider requesting an independent pathologist (this can be expensive)

In all phases of gathering information, keep a record of all visits, phone calls, and emails. Take notes, and make sure you include who you spoke with, when you spoke with them, and what was discussed. Email is a good way to keep a record of your requests, and certified mail and/or registered mail will allow you to demonstrate that it was received.

For all Public Records Act Requests, it is important to note that there are many exemptions to these laws, but the main law is that agencies are required to respond to you within 10 business days. They can give themselves an extension of 14 days if they have a good reason. If the agency or office violates this, ask a lawyer to write a letter of warning. If needed, sue them.

People's Investigation

Records of misconduct of particular police officers can be difficult for People's Investigations to access. Defense Attorney's have access to individual officer's personnel files through filing a Pitchess Motion. These motions can reveal important trends and other information that can support the People's Investigations. It is important to work with attorney's on the case to see if they have filed this motion.

If you need to connect with the victim's lawyer, ask the Public Defender. He/she can give you the number of the lawyer. The Public Defender can be reached at (510) 272-6600.

Active Criminal Cases

To get information on active criminal cases, go to the Rene Davidson Superior Courthouse, First floor. The first step is to access the Active Criminal Case index- currently being heard. Get the docket number, and then give this number to the clerk who will bring you the file. There is charge per page for copying. You can also access the affidavit for a search warrant, police reports, past criminal cases, probation reports, police officers involved, witness statements, and a list of evidence. There is a website where you can look up whether a case has been filed; while it is a subscription site, you can access it through the courts in Oakland. It is www.pacer.gov

Federal cases are listed in the Federal Building in a computer terminal.

People's Investigation

Cases that are already finished will remain there for seven years and then will be sent to an archive. Clerks will still get information on these cases for you, but it will take longer.

Next Steps in the People's Investigations

After you have documented the scene and any evidence, interviewed witnesses, and gathered as much information as possible from various agencies and offices, your community can decide how to further develop the investigation. You may decide to hold a press conference or write a press release, to insure that the incident is not forgotten and to challenge the criminalization and dehumanization that occurs in most media reports around police violence. You may decide to call a rally or protest to demand the release of certain documents or to raise visibility and organize others. You may want to begin connecting with other groups to build support and strategy, discussing this where possible, with the family and friends of the survivor or victim. You may want to come up with a strategy together for reading through the documents that you will receive. There are many creative possibilities for caring for each other as part of this process. People's Investigations can be a tool and a process to defend your community, to seek new forms of justice, and to organize ourselves collectively to build safer communities.

