

Why Don't Cops Carry Water?

Towards a New Understanding of Community Safety

Presented by: Andrea Prichett

Cofounder of Berkeley Copwatch

Mental Health Commissioner

Former Police Review Commissioner

Specialized Care Unit Task Force

Berkeley Copwatch: From 30 years of watching

My purpose here today is to

- Examine reasons why some people in the community are distrustful of Berkeley police and how that impacts the creation of an SCU and other violence and crime reduction efforts
- Propose an alternative vision of public safety
- Identify specific proposals for action

Who is Copwatch?

- Began in Berkeley in 1990 as a reaction to police brutality
- Maintained almost 32 years of consistent, non-violent, direct monitoring of police
- Run a Democratic Education class at UCB for over 20 years



The Institution of “Policing” Threatens Public Safety for People of Color and the Poor

“Just as we hear calls today for more humane policing, people then called for a more humane slavery.”

- *Angela Davis*

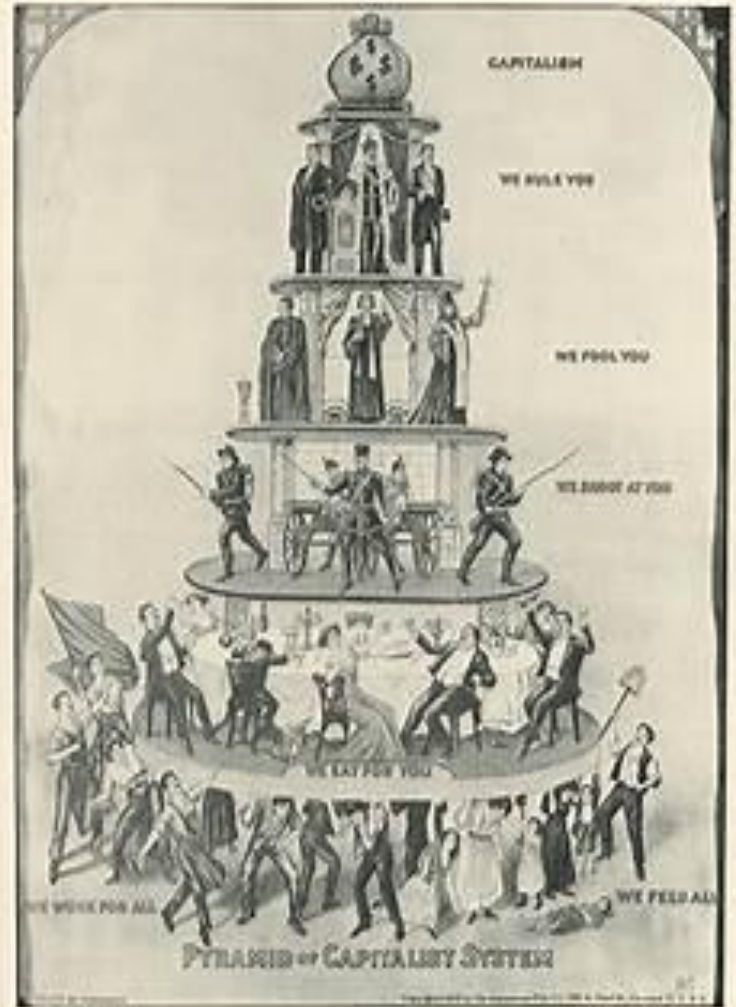


Why “defund”?

Why “abolition”?

Because the role of police in a dramatically unequal society is to ensure the preservation of that unjust “order” by any means necessary.

It is only incidentally to stop crime.



Historic and Modern Role of Police

- **SLAVE CONTROL:** Policing began as a way to capture and control runaway slaves and areas where free black people lived.
- **STRIKEBREAKERS:** Police as strikebreakers and enforcers of white settler colonization of the land of indigenous people.
- **MAINTAIN UNDERCLASS:** Currently in Berkeley, politicians use police to control the lives of unhoused, mentally ill and poor people.
- **GENTRIFICATION:** Berkeley Police carried out the War on Drugs through the 1990's and participated in the violent gentrification of West Berkeley via the Special Task Force.
- **MAINTAIN ORDER:** They suppress protest as a way to prevent change in the current social system. (Occupy Berkeley protests 2011, BLM December 2014, Urban Shield June 20, 2017, etc.)
- **ENFORCE LAWS:** They increasingly participate in the legislative functioning of government and achieved near veto power on Police Review Commission and, at times, with City Council and its subcommittees.

Why Some People Don't Trust Berkeley Police

- a. There is a history of police corruption
- b. There is a historic inability of the PRC or any municipal power to stop police misconduct and abuse.
- c. BPD refuse to acknowledge wrongdoing
- d. BPD failure to admit to and address racial profiling



BPD #63 Tinney: Badge is covered

What can a police department hope to accomplish without the trust of the community?

- They **COULD** solve crime, but secrecy and lack of transparency undermine public trust & cooperation
- They **COULD** quickly revise policies and practices with honest evaluation, transparency and accountability for police **INSTEAD** of secrecy and shielding department from liability
- They **COULD** examine the underlying causes of crime, but instead, they prefer to suppress rather than address root causes.

Cary Kent: Evidence Theft and a slap on the wrist

In 2006, Sgt. Kent pled guilty to grand theft, possession of heroin and methamphetamine. The former investigator was alleged to have “tampered” with or stolen the contents of almost 300 evidence envelopes.

Rather than face an internal affairs investigation, he was quickly retired and NEVER required to testify. BPD investigators argued that he was a drug addict.

But how could one man ingest so many drugs and live? Was he a drug ADDICT or a drug DEALER?

The officers who worked beside him are now the leadership of BPD.



Chronicle / Michael Macor

BPD Officer Steve Fleming Investigated for Robbing Dozens of Detainees in 2007

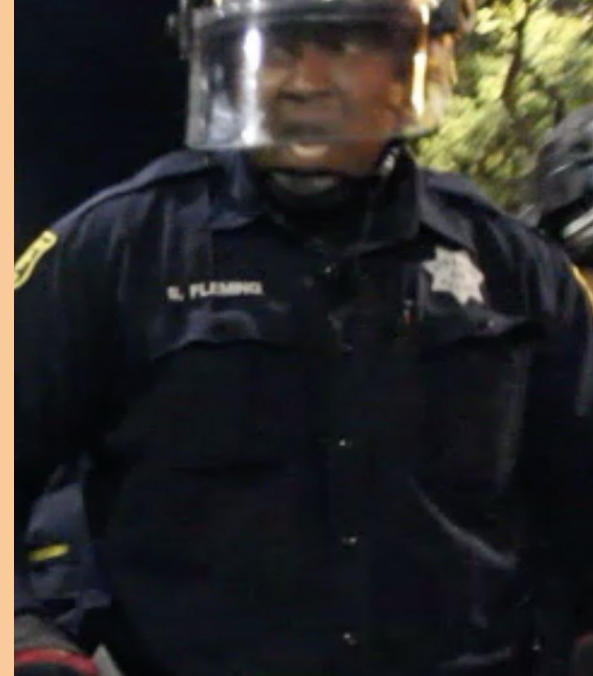
There is a binder full of stories of how Fleming (BPD #2) robbed people he detained. How could he be eligible for rehire (now as BPD #69) by 2009 when the investigation was in 2007?

Alleged Problem Cops Leave BPD

*By Judith Scherr
Friday March 02, 2007*

Two problem cops, apparently friends, have left the Berkeley Police Department.

Officers Steven Fleming and Sean Derry, both 30 years old, were put on paid administrative leave in August, the department, having allegedly committed very different offenses, according to Chief Doug Hambleton, into the Planet on Tuesday.



Do they **LEARN** from their mistakes?

2013: Kayla Moore (a transgender woman with schizophrenia) was killed when BPD officers responded to a call for a “wellness check” and escalated the situation. There was no public apology or acknowledgement of wrongdoing ever offered. Because of their concerns regarding litigation, BPD leadership never made significant changes to police practices related to mental health response.

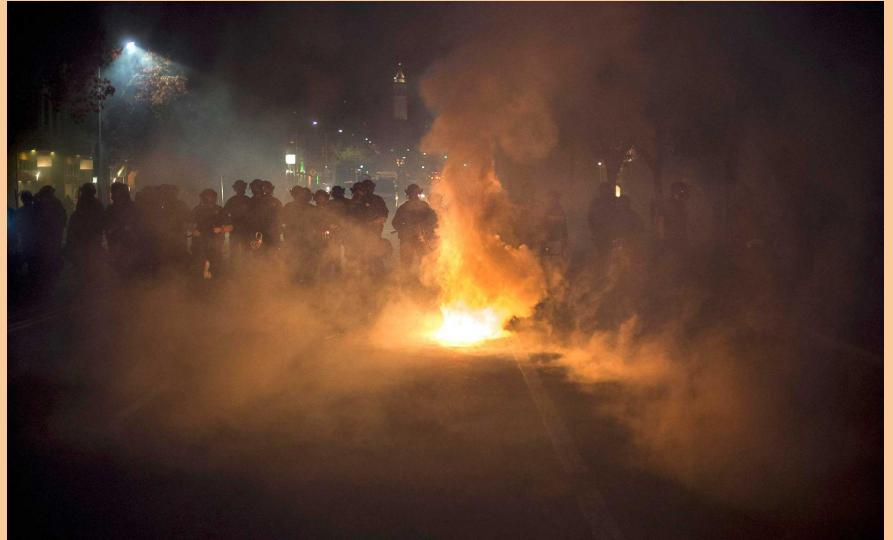


Police Misconduct at Dec. 2014 [BLM Protests](#)

“The Berkeley City Council approved a settlement in February 2017. In addition to a monetary award of \$125,000 for seven plaintiffs, the Berkeley Police Department agreed to make reforms to its use of force policy, **including requiring individual officers to file reports describing the use of force during protests.**

But 14 months later, attorneys who litigated the Black Lives Matter case have raised concerns that officers are still not recording all force used during protests.”

-Berkeleyside 4/18/18



The “New” Use of Force Policy

300.3.1 FACTORS USED TO DETERMINE THE REASONABLENESS, NECESSITY AND PROPORTIONALITY OF FORCE

- (a) The **apparent** immediacy and severity of the threat to officers or others.

This basically justifies ALL violent responses by police.

What the Police Accountability Board Will Never See



Video Analysis: Is this Appropriate?

- How COULD Mr. Frazier exit the car when he was being attacked by several men?
- Overhead strikes are potentially **lethal** force and are banned by some departments.
- Was there a responsibility to provide medical care?
- The passenger was targeted with guns even though no weapon was reported and he was not a suspect
- Subject was being assaulted on two sides (by gun and baton/punches)
- What was the level of danger the officers were **actually** facing?
- How will this incident be evaluated?

March 2020 on Sacramento St.

1. His hands were empty
2. Officers were not being threatened
3. This was NOT suicide by cop
4. This is punishment for non-compliance (not putting his face on the sidewalk)
5. Casual and routine use of violence



Mental Health Call: August 6, 2021



August 26, 2021

Andrea Prichett
prichett@locrian.com

RE: Public Records Act Request

Dear Andrea Prichett:

This is in response to your Public Records Act Request, received on August 16, 2021, requesting:

Pursuant to the California Public Records Act I am requesting any and all documents (CAD transcript, police report, incident reports, etc) related to the incident on August 6th 2021 at approximately 7:40pm near Regent and Parker street in which a white male was taken into custody and driven in a BPD vehicle.

Please provide the information to me via this email address.

The Berkeley Police department has searched our records and have identified case number 21-35223 in relation to your request. This case is pending criminal litigation, and records will not be released at this time, pursuant to Government Code 6254(f). The release of any records may impede the successful completion of the investigation.

Sincerely,

A handwritten signature in black ink that reads "L. Norman for C-5". The signature is written in a cursive, somewhat stylized font.

Captain K. Schofield
Custodian of Records

Various Incidents of violence and racism

- **Failure to protect:** On 3/26/18 a black middle school student was assaulted by a white man- BPD pressed no charges.
- **Failure to protect:** On 1/22/19, a blind, black man was run over by a white man who was angry at People's Park protesters- no charges
- Teenagers accused of shoplifting get shot at for driving away from cop pointing gun at them 7/30/20
- Black man had guns pulled on him by BPD for nothing on College Ave.
- Widespread use of spit hoods in mental health calls
- Black man gets shot in the mouth while having a mental health issue 1/2/21



The “Footprint” of Policing

- Poor people and people of color are TARGETED and PROFILED
- Families impacted by searches, arrests and needless trauma
- Impact on children
- Jobs and opportunities are lost
- Police monopolize information and release it selectively and politically
- People don't call the police when they need help because police are unpredictable and potentially violent

WHAT ARE OTHER WAYS THAT POLICING IMPACTS OUR PEOPLE?

<u>Name</u>	<u>Job title</u>	<u>Regular pay</u>	<u>Overtime pay</u>	<u>Other pay</u>	<u>Total pay</u>	<u>Benefits</u>	<u>Total pay & benefits</u>
<u>Peter J Hong</u>	<u>Police Lieutenant</u> <i>Berkeley, 2019</i>	\$172,551.45	\$101,087.45	\$78,532.95	\$352,171.85	\$162,167.83	\$514,339.68
<u>Kevin A Reece</u>	<u>Police Lieutenant</u> <i>Berkeley, 2019</i>	\$172,551.45	\$119,189.74	\$49,219.24	\$340,960.43	\$152,168.47	\$493,128.90
<u>David A Lindenau</u>	<u>Police Lieutenant</u> <i>Berkeley, 2019</i>	\$172,551.45	\$98,092.17	\$57,449.54	\$328,093.16	\$155,766.73	\$483,859.89
<u>Randolph Files</u>	<u>Police Lieutenant</u> <i>Berkeley, 2019</i>	\$172,551.45	\$104,573.07	\$49,243.41	\$326,367.93	\$154,247.12	\$480,615.05
<u>Jennifer A Louis</u>	<u>Police Captain</u> <i>Berkeley, 2019</i>	\$197,808.78	\$0.00	\$59,893.08	\$257,701.86	\$180,186.78	\$437,888.64
<u>Andrew R Greenwood</u>	<u>Police Chief</u> <i>Berkeley, 2019</i>	\$242,991.62	\$0.00	\$8,289.78	\$251,281.40	\$181,324.33	\$432,605.73
<u>Lionell F Dozier II</u>	<u>Police Officer</u> <i>Berkeley, 2019</i>	\$124,650.86	\$127,813.73	\$54,197.48	\$306,662.07	\$121,777.80	\$428,439.87
<u>Edward A Spiller</u>	<u>Police Captain</u> <i>Berkeley, 2019</i>	\$197,808.78	\$0.00	\$45,777.16	\$243,585.94	\$177,104.63	\$420,690.57

Re-imagining WHOSE “Public Safety”?

- What are the main threats to public safety?
- Who is most in danger?
- Is poverty a factor in what makes people in Berkeley feel unsafe?
- What are the ACTUAL challenges to public safety rather than PERCEIVED threats?



Alternative Vision Of Public Safety

1. From punishment towards incentives to reduce “crimes of economy”
2. **Stop “othering”** and treat people as if they have a right to live here and be respected. (RV policy, 3x3 law, etc.)
3. **Civilianize police functions** such as administration, investigation, evidence management, etc.
4. **Efficiency and accountability:** Why pay for ineffective departments AND competent CBO’s to do the job?



Community Organizations Have Important Role in Lowering Crime Rates

Research in 2018 from the Brennan Center for Justice shows that in a city of 100,000, each new nonprofit community organization lead to a 1.2 percent drop in the homicide rate, a 1 percent reduction in the violent crime rate, and a 0.7 percent reduction in the property crime rate.

...This study provides empirical evidence for something community organizers have **said for decades**: crime reduction is difficult without addressing problems stemming from chronic poverty. These organizations play a significant role in reducing crime rates not by changing justice system policy but by providing more support for individuals without a wealth of economic resources.

Proposals for Public Safety

1. **Truth and reconciliation:** BPD take responsibility for the things that they got wrong. Apologize for the death of Kayla Moore.
2. **Implement the Specialized Care Unit** Not only for mental health calls but ALL non-criminal calls without BPD involvement.
3. **Review “harm reduction” approaches and reduce presence of police.** (Warrant checks, securing the scene, arrests, etc.)
4. **Redirect resources** from BPD: (Calculate ACTUAL inefficiencies of “self-dispatch”)

Proposals for Public Safety (cont'd)

5. **Human Rights/DOJ investigation:** Don't send people w/5150 evaluation to John George or Santa Rita.
6. **Expand existing respite centers** to become a destination of the SCU
7. **Stop trying to adopt new devices which torture people.**
(tasers, spit hoods, canines,etc) Do new BPD policies allow these?
8. **Shift from “performance of safety” to actual crime solving.**
Become data AND analysis driven!

Questions?

