



POLICE REVIEW COMMISSION SPECIAL MEETING MINUTES

PUBLIC HEARING

“Berkeley Police Department’s response to demonstrations related to the Marine Recruitment Station and Crowd Control Policies”

Thursday, March 13, 2008, 6:00 P.M.
North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER BY CHAIRPERSON WILLIAM WHITE AT 6:10 P.M. ROLL CALL AND ATTENDANCE

Present: Chairperson William White
Vice Chair Sharon Kidd
Commissioner Jonathan Huang
Commissioner George Perezvelez
Commissioner Michael Sherman

Absent: Commissioner Kamau Edwards
Commissioner Sherry Smith

PRC Staff: Victoria Urbi, PRC Officer
Barbara Mann, PRC Investigator
Gilberto Vera, PRC Intern

2. PRC OFFICER’S REPORT.

3. PRESENTATION BY REPRESENTATIVES FROM WORLD CAN’T WAIT, BERKELEY COPWATCH AND MEMBERS OF CODE PINK.

A video was shown of incidents that occurred between demonstrators and Berkeley Police on February 12, February 15 and February 22, 2008.

Maryann Thomas witnessed a marked escalation of police violence and hostility on February 12, 2008, February 15, 2008, and February 22, 2008. She feels that the police should be required to issue verbal

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warnings before resorting to force. Ms. Thomas' impression is that BPD crowd control policy appears to be made up on the spot as opposed to representing a deliberate and well-considered departmental policy. Ms. Thomas has seen police treat the right wing protesters far more gently than the anti-war protesters.

Code Pink activist Zanne Joi has maintained a consistent presence at the Marine Recruitment Station since September 2007, including sleeping outside the station. She feels that since the City Council gave its stamp of approval to the demonstrations on January 29, 2008, the demonstrations have been markedly limited by BPD. BPD has put up a series of restrictions on the demonstrators including: no ironing board on the sidewalk, no leaning against the building, no standing in a parking space, banner can be attached to a pole only on one end, no boom box, no chairs or stools on the sidewalk, no easel on the sidewalk, no baby stroller against the building, no bicycles on the sidewalk, no sleeping bags--only blankets at night, no sleeping on the sidewalk, no distribution of food to protesters.

Ms Joi has witnessed selective enforcement of a no-smoking policy against African-American men and selective enforcement of parking meters against anti-war groups where the media is allowed to park without limit. Ms. Joi witnessed Gregory Daniels from Code Enforcement confront Asher about sitting in a chair on the sidewalk. Ms. Joi feels as if the anti-war protesters are treated like criminals. Ms Joi was arrested when she was chained to the door at the Recruitment Station, but this arrest did not require forty police in riot gear; she had not threatened any civil disobedience. Ms. Joi believes that police favor pro-war people.

Stephanie Tang of World Can't Wait said that Sgt. Okies told her that stickers and signs had to be removed at the jeopardy of future permit applications.

Andrea Prichett of Copwatch stated that PRC needs to identify where these crowd control orders are coming from--the City Manager or Chief of Police. Ms. Prichett recommends PRC to submit a California Public Records Act request to BPD concerning its planned response to demonstrations. Ms. Prichett noted that Oakland's Crowd Control policies are far more progressive than Berkeley's policies. Ms. Prichett remarked that citizens have a right to resist, a right to civil disobedience and police have a right to arrest them, but citizens should be able to exercise their First Amendment rights in Berkeley without being physically beaten, threatened, and intimidated.

4. PUBLIC COMMENT

Marca Lamore was born and lives in Berkeley. She is a veteran of the Army. Ms. Lamore witnessed groups inciting riots. In response to the excessive dispatch of police, she stated that you do not send one officer out to contain a crowd. Ms. Lamore objected to the lack of notice concerning tonight's meeting and felt that the crowd represents a narrow viewpoint and a narrow fraction of Berkeley citizenry. Ms. Lamore believes that PRC should take no action until a second meeting with a more representative attendance can be held. She also feels that all parties should afford BPD an opportunity to explain their policies.

Sharon Adams, Attorney for World Can't Wait, believes that police coming in large numbers and in riot gear is inappropriate and works to effectively escalate the violence. Ms. Adams recounted several incidents in which police came in large numbers and in riot gear to respond to protest that had been non-violent and without incident. Ms. Adams impression is that the citizens of Berkeley are being targeted by police instead of protected by police, and that the police force has lost all sense of connection or obligation to its citizenry.

R. Y. Granor-Wellwood was a victim of the demonstration on February 12, 2008. He was interested in the demonstration as a sociology student. Police shoved him towards protestors and grabbed his sign and stomped on it. Police then circled him and stomped him hard in the chest and dragged him into the middle of the park. He was treated at Alta Bates Hospital for a chest wall contusion and suffered pain for three weeks following the incident. He was afraid to attend future demonstrations.

Selwyn Jones was standing facing the police, who yelled to get off the sidewalk. Before he had a chance to move, he was pushed to the ground. Mr. Jones is a veteran, and he is opposed to the war in Iraq.

Asher Wolf was sitting in a chair on the sidewalk when Gregory Daniels of Code Enforcement confronted her. She is disabled and needed the chair in order to protest, but Mr. Daniels told her to get out of the chair.

Bill Woods works in a building overlooking the protest site. On February 22, 2008, he happened to look out the window and saw police "plow into a woman." Although many officers stood by, none appeared concerned by what had happened to her. Mr. Woods witnessed officers going through the crowd with clubs. His impression was that police responded with a violent response to a non-violent protest. Police were responding with far more violence than necessary.

Pamela Bennett witnessed personal property thrown to the street. Her ankle was hurt and was treated at Alta Bates. Ms. Bennett required crutches for five days. Police did not respond to her request to file a police report concerning the incident.

Horis Schmidt is a U.S. Army veteran and was pushed with a baton and hit with a baton by police at the demonstration on February 12th. Many veterans protested the war with him that day. Mr. Schmidt felt that police violated his right to assemble, and they "did everything to facilitate a right wing hate fest."

Ellis Gold, a Berkeley resident, drove by the protest on February 15th with his girlfriend and participated for a time. Mr. Gold is a veteran opposed to the war. He is "post quadruple bypass" and was so frightened by the menacing presence of police that he feared for his health. He stated, "the experience scared the hell outa me" and he is too afraid to attend future protests.

Charles Brown is a veteran of the U.S. army. He witnessed police pick up and throw Stephanie Tang into a brick wall. Police arrested Mr. Brown when he tried to check on Ms. Tang's condition.

Osha Neumann feels that incompetent policing is escalating violence. Mr. Neumann believes that BPD lacks reasonable crowd control policies and that there is selective enforcement of petty ordinances that lack legal authority. Mr. Neumann was concerned that the City Attorney was not present at the meeting.

Nancy Keiler has slept out at 64 Shattuck Square and feels that some of the police are nice and she wants police to join with her in stopping the war. Her concern is that there are only two police at night when she feels she faces increased danger and ten police during the day when she feels safe.

Gianna Ranuzzi sees a decline in police civility and sees a need for sensitivity training. She feels that citizens faced by 135 policemen in riot gear when they go for lawful protest are effectively losing their First Amendment rights.

Jake Gelandor of Berkeley Copwatch feels that a lack of communication skills and attempts to

communicate is glaring in BPD's crowd interactions. Mr. Gelande states that BPD "communicates baton first." On February 12th Mr. Gelande, was pushed by police with batons and because of the size of the crowd behind him, there was nowhere for him to go when he was pushed. Mr. Gelande believes that police have become insensitive to citizenry due to Copley Press and PCEI. He stated that PRC has an opportunity to make a statement and open an investigation.

Elliot Cohen, a Berkeley resident, has noticed a real shift in BPD over the last 4 years and he has the impression that Copley makes police feel invincible. Mr. Cohen sees uneven application of the law--he witnessed a pro-war activist brandish a knife, who got a citation while Stephanie Tang was forcibly bashed into a wall due to the use of a bullhorn without a noise permit. Mr. Cohen feels that it is an outrage that bike police are not clearly identifiable by names or numbers. Anonymity allows abuse to continue. Mr. Cohen feels that PRC should review the surveillance tapes BPD has made.

Michael Diehl a South Berkeley resident, also experienced BPD pushing people with batons.

Russell Bates, a Berkeley resident of 35 years and veteran of the Navy from 1967 -1970, has seen police become "thugs" in response to people doing not much at all. He is concerned that "if peaceful resistance is prohibited, then violent resistance becomes inevitable." He wonders who is giving the orders to behave in such a violent fashion.

Cynthia Papermaster, a Berkeley resident of 40 years, recalls that police used to be sensitive to community concerns and used to be friendly and helpful. Police pushed her and "no one asked me to move." She noted that she is a 61-year-old woman and is no threat to police. She is not going to bomb or break windows, but simply wants to peacefully protest.

Cynthia Morse of Veteran's for Peace is 100% disabled. Her son is in the military. On February 12, 2008, BPD lined up with their backs to pro-war forces and batons to BHS children. Ms. Morse, a 62-year-old grandma, stated that BPD handled her with force at a protest on February 17, 2008.

George Cammarota stated that BPD struck him twice with a baton on February 15, 2008. He is unsure who to ask for help when it is the police that are perpetrating violence.

Guy Liser, a student at UCB, reflected on the video shown at the hearing. What he saw was BPD going to breakdown a demonstration of 20 people, which effectively escalated the crowd to 50 people. Mr. Liser's impression is that when BPD "doesn't communicate, people get hurt" and believes that one should be required to talk to people before you push them.

Don Sparks, founding member of World Can't Wait, is disappointed with the quality of video broadcast at the PRC meeting. He sees BPD efforts to block off the press.

Norma Harrison, a long-term Berkeley resident, feels that BPD has lost touch with its constituency and protects the pro-war people, who in large part are not Berkeley residents and attacks its own citizenry.

Kevin Casey has been in front of the recruiting station several mornings per week. Initially, amplified sound and literature tables were found not to require a permit. On February 29, 2008, everything changed. Zach Cowan and Gregory Daniels decided that nothing could be on the sidewalk. Mr. Casey went to Code Enforcement to request a permit per their instructions. The literature that Code Enforcement handed to him state that no permit was required for small attended objects in the immediate

custody or control of the owner that are of a size and weight to be immediately moved by the owner. Mr. Casey wonders whether the City Of Berkeley officials have read their own ordinance.

Elizabeth Gill recalls the community policy that BPD was proud of year's ago and finds it gone. She witnessed the Gregory Daniels incident.

Tobey Plans witnessed the megaphone incident and saw an officer ask not to use the megaphone and then saw the officer arrest the person after they had stopped using the megaphone. Mr. Plans feels that this officer should have exercised his discretion to let the megaphone incident go, because by not letting it go, he escalated the situation causing injuries to multiple parties.

Noel Juan stated that his sound equipment was knocked over and destroyed by BPD.

5. COMMISSION DISCUSSION

Commissioner Huang stated that he stands in solidarity with the people protesting and is disheartened that the community-friendly culture of BPD has been eroded.

Commissioner Kidd stated that the testimony tonight reminded her of SWAT teams coming into Willard Middle School when she was a student there. Commissioner Kidd will vote for training focused on communication to alleviate the events described tonight.

Commissioner Sherman commented that there has been a change of guard in BPD with many older officers retiring and many new officers coming on that are unfamiliar with Berkeley's culture. He too stands in solidarity with the protestors.

PRC Officer Urbi informed the Commission that they had the options: 1) open a policy complaint concerning crowd control issues; 2) open a misconduct complaint, or 3) to take no action.

Motion To Open A Policy Complaint And To Form A Subcommittee To Investigate Crowd Control Policies. M/S/C (Huang/Kidd). Motion carried.

Ayes: Huang, Kidd, Sherman, and White. Noes: None.

Abstain: Perezvelez. Absent: Edwards, Smith.

Discussion ensued regarding the urgency of PRC action due to protests scheduled for March 19, 2008, which is the fifth anniversary of the war in Iraq.

Motion to Meet with City Manager and Chief of Police in a Special Public Meeting March 18, 2008. Substitute motion to send a delegation of two Commissioners to meet with the City Manager and Police Chief privately before March 19, 2008 if a Special Public Meeting cannot be coordinated. M/S/C (Sherman/Kidd). Motion carried.

Ayes: Huang, Kidd, Sherman, Perezvelez and White.

Noes: None. Absent: Edwards, Smith.

6. ADJOURNMENT

Meeting was adjourned at 9:42 p.m.