



ABOUT

Since 1995, BAPW has been working to protect the community from abusive cops and advocating for the creation of restorative policing practices. We do this with a combination of social and legal services, grassroots mobilizing and media activism. This newsletter is designed to make the community aware of their rights when it comes to interacting with law enforcement, present stories of abuses suffered by people at the hands of local law enforcement, clarify services provided by BAPW, and lastly provide a space for an open and honest dialogue about what constitutes police misconduct and ideas on how to combat the problem.

SERVICES

BAPW provides the following services:

- Information on filing complaints
- Information on filing civil suits
- A lawyer referral service for viable civil suits
- Assistance with drafting fact statements
- Assistance with drafting tort claims
- Information on local legal and social resources
- Free monthly intake clinics

RIGHTS

{The following are key points to always remember}

If the Police Stop You...

- Stay in control of your emotions and words. Don't physically resist.
- Keep your hands visible.
- Remain silent. They have guns, pepper spray and billy clubs. Your strongest weapon is your mind.
- The less you say, the better. Silence is not a crime.
- Ask, "Am I free to go?" If they keep you, you are being detained.
- Ask, "Why are you detaining me?" To detain you, the police must have concrete reasons to suspect your involvement in a specific crime.
- If you're detained, show ID. If you don't, they can hold you for three days to ID you.

If The Police Try to Search You...

- Never consent to a search.
- Say loud and clear (especially if there are any witnesses present): "I do not consent to a search."
- Don't resist physically.
- Don't open your bag for them. It will count as consent to the search.
- Police may 'pat down' your clothing if they suspect weapons or drugs.

If The Police Try to Enter Your Home...

- Never consent to a search.
- Step outside. Lock the door behind you.
- Ask to see a warrant. Make sure it has the right information (e.g., address) and a judge's signature.
- They can do only what the warrant allows them to. Warrants often limit the search to one room, one day, etc. Make sure they are complying with the warrant.

If The Police Stop You in Your Car...

- Stay calm. Again, you do not have to answer any questions.
- When they ask you, show them your driver's license, registration, and proof of insurance.
- Tell the officer, "I do not consent to a search."
- Don't open your trunk or car door. It will count as consent to a search of you and your property.
- If they give you a ticket, sign it. Otherwise you can be arrested. Fight the ticket in court later.
- If the police suspect you of drunk driving and you refuse to take a blood, urine or breath test, your license can be suspended.

ALWAYS REMEMBER:

Don't talk to the police. If arrested, say, "I choose to remain silent and I want to talk to my attorney."

Never consent to a search of your person, vehicle, home or property. If the police search you, state loudly, "I do not consent to a search."

Document and report police misconduct.

RECENT TRAGEDIES

- ❖ On July 3, on 106th Avenue and E street in East Oakland, unarmed 15-year-old Lorante Studesville was shot by the Oakland police at approximately 9 p.m. What reason did the OPD have for stopping this young man? What justifiable reason did they have for shooting him in the back? I won't dwell on the

questions, because there really is no answer that will justify the actions that the officers took that night. What is important is that we don't forget what happened to Lorante and that we attempt to understand the ramifications that resulted from the shooting and where it has left Lorante. He has had five surgeries. His sternum bone is gone, because it was infected from the doctors opening up his chest in order to get behind his neck to take the bullet out. His nerves are severed in his eyes, so consequently his pupil is permanently dilated. His left side has nerve damage. One side of his chest is caved in and he has a deep gash in the middle of his chest, which will be there permanently. Everyone please keep Lorante and his family in your thoughts and prayers.

- ❖ On September 20, 2007 at 4:45pm, a police officer shot and killed Gary King, Jr., age 20, unarmed, who had just exited a store on the corner of 54th street and MLK. Apparently an Oakland police sergeant approached him for "questioning". Gary was tased and during his attempt to flee, the officer shot him twice in the back, and proceeded to handcuff the young man while he lay there bleeding. What justification does the department give for this death? Will the officer responsible be held accountable? There are unfortunately no answers for either question, though I'm sure we can all make a few educated guesses as to what the end result will be. Although Gary is no longer with us, please keep his family in your thoughts and prayers.

THE FIGHT FOR POLICE ACCOUNTABILITY

The question of how to hold police accountable for their actions is one with no easy answer. The laws in our country have provided a cushion for law enforcement. Laws and policies have given police officers wide berth in determining how they pursue, stop, and apprehend individuals, particularly people of color and those of lower income. The current "justice" system has a foundation that is built on what you can prove, not necessarily on doling out justice to those who have been wronged. With that in mind, it is no wonder that most people who have had incidents with the police never end up having their day in court. When it comes down to your word against the officers, it should not be surprising that usually the cops are believed over the community member lodging the complaint against the officer.

What we must work on is finding a way to reach the legislators that make it possible for certain policies to exist. We as a community can rally and protest, which although very useful and most necessary, still will only get us so far when talking about ways to stop future abuses and hold officers accountable long term. We must acknowledge the fact that although crime may be on the rise around the Bay Area in particular, increasing the number of cops on the street will not stop the violence perpetrated by the cops. Whether it will stop the crime that is perpetrated by members of our community, has yet to be seen. There has been an increase of officers in Oakland, yet it doesn't seem to have a major effect on the crime rate in Oakland.

If more officers will guarantee more safety on the streets of Oakland, then that is a direction that the city should take. Can the City of Oakland and the Oakland Police Department guarantee that there will be no more shootings of unarmed black men? Can the Oakland Police Department guarantee that each officer is properly trained on how to make split-second decisions, and make sure each officer understands the community that they patrol and its needs? Is the City of Oakland and the Oakland Police Department prepared to guarantee that officers will be held accountable as any other U.S. citizen would be held? These are questions that must be taken seriously and addressed by those who have the authority to make some needed changes. The community needs to be ensured that no longer will young men of color be beaten and shot for no justification and that holding officers accountable will be a priority.

Interested in volunteering with BAPW? Or do you feel as if you have some ideas for solutions to the subject of police accountability? All are welcome to call or email BAPW or also to find ways in your own community to get involved!

IMPORTANT PHONE NUMBERS

Bay Area PoliceWatch
510.428.3939 x299

San Francisco

Public Defender: 415.553.1671
San Francisco Jail: 415.217.0014
OCC (to file a complaint): 415.597.7711

Oakland

Public Defender: 510.268.7400
Santa Rita Jail: 925.551.6500
PUEBLO: 510.452.2010
CPRB: 510.238.3159

Berkeley

Public Defender: 510.272.6600
Berkeley Jail: 510.981.5766
Berkeley CopWatch: 510.548.0425