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# POLICE WATCH BEFORE & AFTER FERGUSON

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University of California, Irvine

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# Ricepaper, 4/1 Autumn 1993

Asian gangs, myth or reality? This reality, of course, is that there is gang violence, and the Asian community in particular, is very concerned about that. But at the very same time, there is what I would call a "moral panic" developing over the issue of youth gangs, and in the process, civil liberties are being sacrificed on the altarpiece altar of increased policing, especially as immigrant bashing becomes politically popular.

This panic has even resulted in death for example, one attorney, Bill Steiner, from Santa Ana, believes that such a panic is responsible for the wrongful death of a Latino youth who was shot by LAPD because they mistook him for a gang member because he wore baggy pants. He is representing the family of the victim.

Across urban areas in the United States, authorities have paid child and I would argue, even extended to the specter of gang crime and increased measures that are overly broad. Police in many cities conduct "gang sweeps" that prevent much publicity but do suppress. And they stop people of color for no reason and take their photographs.

To such criticism, law enforcement and other authorities, mostly in the suburbs, have cast a wide net in what are called "preventive law enforcement." For example, school districts in many areas now have clothing tagged so "gang color" that is nothing more than the latest fashions. These include, lambskin, white skirts, hooded caps, hoodlums, and Doc Martens. Instead of capturing real criminals, we are creating a society in which youth by its very nature is criminalized.

With the fall of the Soviet Union, and the end of the Cold War, new tensions have to be contained. Yesterday's Communist or Viet Cong is

today's gang member. Yesterday's fellow traveler is today's gang associate, but as it was hard to identify who was VC in Vietnam, today's police find it difficult to identify Asian gang members in the U.S.

I can envision the continuation between the Vietnam War and the war on gangs with this example: after the

American Civil War, the Union should be long by their bills in front of Asian Gangs.

Chip Berlin, a researcher with Political Research Associates in Cambridge, and a newspaper who is active in the National Lawyers Guild, has described in the Summer 1992 issue of "Common Action" the

development as a paradigm shift in which dramatic dissent is reframed as criminal intervention. In the context of what we are discussing, youth protest or dissent, or even youth hanging out together, is now seen as criminal conspiracy. Adolescence is the time for experimentation and peer culture rebellion. But today's youth rebels who are wearing the latest fashion or into punk clothing, are being called criminals, or gang members or associates.

According to the latest, 1992 "Yearbook of Criminal Justice Statistics" (p. 51), some 90% of all major police departments have gang units as part of their strategy.

Paradoxically, only 30% of these departments have units that deal specifically with one kind of crime, a collection of what the

profession is. These gang units, of course, are not well defined. According to a DCJ criminologist, Prof. John Donohue, because of limited resources, police agencies are apt to take the easy way out. I would think, given that most police agencies have very few Asian police officers, identification and prevention of Asian gangs is not always feasible. Instead, intelligence is collected by informants but not by gang unit police officers on patrol. The misreading of credible and non-credible informants is not a



Photograph by [unreadable]

Los Angeles Times printed an opinion piece of mine on this issue. I got a thousand e-mails and they have read. The same writer, calling himself "Nathan Hill," wrote: "I first began attending Asian school in San Jose. As a seventh grader, I've found Asian (particularly Vietnamese) parents to be very warm, friendly, and in no way oppressive the word. All I read that can be brought to bear in the war against these little gangsters should be represented -- that civil rights be respected. I was fed that old card-carrying nonsense of the

department, but what is increasingly being done is the collection of graphic information, by which I mean photographs, of persons observed by the police to be gang members or gang associates, even without being arrested.

How the photographs are taken and how it is used varies, some states, as in Pennsylvania, mandate the destruction of photographs of juveniles if they are

gang members or associates. The Mountain Valley group eventually negotiated an agreement from the police stating that photographs could only be taken after serious criminal was given by the youth. But since children cannot legally consent, the six hundred or so photographs taken by the police there in the last three years should be purged.

AWAKE is working with three Southeast Asian high school students (ages 14-15) who were photographed July 17 by Garden Grove police.

merely because they were Asian youth wearing baggy pants. Baggy pants are just one type of clothing considered by police to be "gang attire." Police departments are

clinging to last one criteria to identify gang members. Other criteria: The person needs to be a gang member; the information comes from a reliable informant; the informant comes from an admitted informant with the conviction, but gang-related activities in the person's life or frequent in a known gang area; the person has been arrested several times with gang members. In addition, a person is considered a "gang associate" if seen repeatedly with known gang members.

The Los Angeles Times, November 13, 1992, p. A12.

The size of such police gang profiles, of course, has been addressed in one case in the U.S., in Wisconsin, what ultimately reached the Supreme Court, the 1983 *Conrad* case that

"the police cannot act based upon sociological assumptions that people dressed in a certain way are prone to criminal crimes. Not only is a person's fashion sense of no relevance to the likelihood that he or she is

currently engaged in criminal activity, but having police action upon such matters of personal taste and style is offensive and implicates concerns about freedom of individual expression. Certainly, we see one doubt that the police cannot, even in part, justify an investigatory stop of a person suspected of insider trading because that person wears a pin-striped suit and a gold Cartier watch." (*Los Angeles Daily Journal*, September 29, 1981, p. 22).

These profiles are also based on some rather dubious assumptions about race, gender and culture. For example, Westminster Police Detective Mark Nye, in a 1993 report on identifying Asian gang members in the Little Saigon area of Westminster, reports that Asian girls may be

indistinguishable from Asian boys: "These gang members in some cases dress very similar to their gang members. They wear baggy, loose-fitting clothing, baggy pants, oversized shirts, usually unbuttoned, and, in some cases, baseball caps." Asian female gang members are also wearing a cross, according to Nye, "as be-

cause they were VC in Vietnam, today's police find it difficult to identify Asian gang members."

Large groups of females, whether or not they are dressed in gang attire.

To correctly identify these gang, my recommendations keeping records not only of individual gangs and gang members, but gang-related activities in schools, even when the girls are "disguising" their appearance by wearing non-gang attire, however, according to Nye, they "usually drive the same vehicles they drive when playing the part of the gang member."

Nye's superior, in testimony before the President's Commission on Organized Crime in 1984, was even more explicit in the offensiveness and racial undertone of such profiles:



profiling of Asian gang members or associates. Donald Berwick, then the police chief of Westminster, describing Little Saigon in the United States "as a 'hard-core colony', with its own characteristics Vietnamese in the U.S. as a cultural group of people that is at the same time very similar to us and also quite different. By the same token that we in America are 'partly Westernized'. We are the product of Western thought, Western civilization, and we create Western philosophy by our daily activities and preferences." He elaborates:

"The Vietnamese art of Eastern thought, religion, and philosophy... has been helpful to me in understanding Vietnamese crime to remember that a very few things about Eastern philosophy is to seek to predict Vietnamese behavior. These things are crucial to us in investigating work and in establishing contacts and managing profiles when investigating violent crimes. Now remember, that we -- all the sons of us in America today -- are Westerners. The Black Americans, Mexican

They wear baggy, loose-fitting clothing, baggy pants, oversized shirts, usually unbuttoned, and, in some cases, baseball caps." Asian female gang members are also wearing a cross, according to Nye, "as be-



are not arrested for a crime. The ACLU is also closely monitoring the situation. And a newly formed group, Alliance Working for Asian Rights and Empowerment, AWAKE, in which I am active, has written to state Oregon County police chiefs in an attempt to collect data on the practice. The group met with the police chief of Garden Grove where a large Korean community is located, to discuss the issue.

The group AWAKE evolved from the Mountain Valley South Alliance, which was formed when 15 Asian youths were photographed by police in Garden Grove County in the Mountain Valley, the police requested

"If police have trouble telling us apart, then they really have no business remaining in law enforcement."

values to identify suspects. In Philadelphia, a community group, Asian Americans United, has successfully petitioned the chief of police and Asian communities to look the practice there. And here in Southern California, various groups are mobilizing over this issue. The Asian American Legal Center of Southern California is working with state legislators to draft a bill to restrict the photographing of juveniles not arrested for a crime. The ACLU is also closely monitoring the situation. And a newly formed group, Alliance Working for Asian Rights and Empowerment, AWAKE, in which I am active, has written to state Oregon County police chiefs in an attempt to collect data on the practice. The group met with the police chief of Garden Grove where a large Korean community is located, to discuss the issue.

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"Now remember that we -- all the rest of us in America today -- are Westerners. The Black Americans, Mexican Americans, Chinese, Catholics, and Democrats. We all share compatible world views and thought. The Eastern philosophy is different, however." Donald Berwick, police chief of Westminster, 1984

## MORAL PANIC OVER ASIAN GANGS

BY DANIEL C. TSANG

# Cont'd...

Americans, Christians, Catholics, and Democrats. We all share compatible world views and thoughts. Racism philosophy is different, however. There are THREE main forms in Vietnamese culture, and these reflect directly on Vietnamese organized crime.

"The first of these is BUDDHISM, which is the Eastern counterpart to our hard-

**"Buddhism...is the Eastern counterpart to our hardwork ethic, only it seems more demanding. Basically, if you do not own a Mercedes-Benz yet; if you are impoverished, then you have no one to blame but yourself..."**

**Donald Souleis**  
police chief of Westminster, 1984

work ethic, only it seems much more demanding. Basically, if you do not own a Mercedes-Benz yet; if you are impoverished, then you have no one to blame but yourself... One particular Buddhist maxim explains it for this. If American grocery stores have competition with eating store down stores, everyone there gets rich and one such money. Vietnamese grocery store customers have quick sales, and then down every store. ...

"A second primary form in Vietnamese culture — a behavior predictor — is CONFUCIANISM. Every time a detective shows or says words of more individuals identified to Vietnamese gang activity, I am reminded of the various sayings by Confucian practitioners. One aspect of self-motivated, military discipline, lack of emotion, and dedication would have made the Geneva proud.

"A Vietnamese professor told me of my detection this was a curious disparity, where Confucian discipline for group behavior is being considered as an absolute group identification and loyalty that will have to be addressed at sometime in the future to gang activity.

"The third main form is TAOISM, as taught by the Master LAO TZE. Taoism is the YIN and YANG, the way of the willow tree swaying in the east because it is more flexible. This is the KUNG FU thing so popular among Asian gangsters... This dedication and persistence is a virtue that results many of our traditional police methods. Detective victims tell us they know the gangsters can outlast police protection and will persist to retaliate against them or continue to their future or even against their children to come."

(Cited in Stanley L. Katz, "A Research Project to Determine the Law Enforcement Needs of

Southeast Asian Refugees in the Year 1985..." p. 1, 1984)

Such stereotypical generalizations about Asian culture may impress presidential commissions, but will not improve police work. The stereotypical progressive law enforcement, based on such stereotypical notions, legitimize the customary, or the routine, with the police. One of the girls photographed in Garden Grove, West Trest Trest, then LA, was KUNG FU "Freedom of Voice" evidence: "You know the image that you get when you grow up and you have police officers from DARE teach you what's right and what's wrong? They're all nice, but in the real world, they don't treat you like that. They don't give you the respect you deserve. They don't give you all that..."

There is also some question as to whether police on the street actually follow the legal requirement of probable cause or when the law stipulates requirement of reasonable suspicion when they stop and detain youths on the street. If such a study were conducted, one would find few Confucian sayings and photographs of the bulk of the decision, I suspect, are of Asians and other people of color.

That may be why some of the public chiefs we have contacted will give us any ethnic breakdown, claiming lack of staff to conduct such statistics.

Before one can answer the question posed, about the myth or reality of Asian gangs, we have to be clear about the terms we use, and to remember that as our social construction of the Asian gang problem there is a tendency to keep all the various Asian groups together. In fact, in take as example, Chinese gangs are different from Vietnamese gangs.

Song and Donahue in fact, have argued that Vietnamese gang members are much more loosely knit than Chinese gang members, and they dispute speculation that Vietnamese organized crime is there. In fact, they argue that while some Vietnamese gangs resemble criminal street gangs, most are loosely structured and "often only come from adopting a common name or common identifying sign or symbol to avoid being pegged to subcultures." They do not fight turf battles. "They are not organized crime, and it is also debatable to consider them as 'criminal street gangs.'" They are, for lack of a better term, groups

engaged in criminal activities in an on-and-off fashion" (John Song and John Donahue, "Asian Emerging Crime Groups," submitted to Journal of Contemporary Criminal Justice, 1993/4, pp. 23-34).

The practice of rounding up Asian youth and photographing them for a police file will not end gang violence. This procedure is redundant because it violates our sense of what is fair and just. A basic principle in this society is everyone is innocent until proven guilty. By compiling dossiers on young people, especially Asians, in a gang file, the government has already made the presumption that these people are guilty of becoming or being gang members.

Such an arbitrary presumption of guilt is also unfair. Just because Asians hang out together do not mean automatically we are part of gangs or are criminals. One justification I have heard for photographing Asians is that Asian names are hard to distinguish, and photographs are needed to correctly identify Asians, especially those who give false names. Well, if the police have trouble distinguishing between Asian names, they should go back to school. Get better training. Learn Vietnamese, Korean, Chinese or the best of Japanese that make Southern California and many states across the interesting places in their

Could it be that police also think that "Asian look alike"? Well, if police have trouble telling us apart, then they really have no business remaining in law enforcement. Maybe they are the wrong ones to be working there. Maybe they need to diversify their workforce even more.

It is also said that Asians tend to be about their names when asked by the

**"Taoism is the Yin and yang"... This is the KUNG FU thing so popular among Asian gangsters...This dedication and persistence is a virtue and stylizes many of our traditional police methods."**

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police. Well, I am sure other ethnic groups also like about their names and there is no evidence that Asians as a whole are more likely to give false names than any other groups. I don't see police stopping white kids on the street and photographing them.

Photographing just Asian residents on the street is also arbitrary because it violates the equal protection clause in the U.S. Constitution. Asians as a class are not guilty of any crime. Why are these dossiers kept? Will these be used to round up Asian youth for preventive detentions like the Japanese-Americans were interned in World War II. Asians like any one else, also have a First Amendment right to

gather together without government harassment.

Such police tactics, of course, only deal with the symptoms of crime and not the cause. The reasons young people, including Asians, join gangs or groups are many: cracking down on groups of Asians does nothing to deal with the underlying social problems that are the real cause of crime. Song, Donahue and Gels (John Song, John Donahue and Gilbert Gels, "Law in the Making: FBI Asian Youth Groups in the United States," Gang Journal, 1/1 1991, p. 10) actually argue that to guard law enforcement, as well as identify crimes, cause Asian youth, especially Vietnamese, to engage in gang delinquent behavior.

Not all groups that young people join are criminal, and not all gang members engage in criminal behavior. Further, young people or a group are increasingly unlikely blamed for society's ills. Instead of criminalizing youth behavior, we need to empower young people to become responsible citizens in this society. A first step would be to get rid of statute laws that restrict the movement of the residents based on age. We should not look to the state to do what we need to do better in our homes.

We should not let the state take over our responsibilities as adults to educate and teach responsible behavior to our children. Asking the police to solve the "gang problem"

alone, without our input, is not going to work. Asking more police and building more jails, as the federal creates crime legislative mandates, does not really prevent crimes from gang violence.

One underlying issue here is local community control of law enforcement. What we need is citizen participation in police review boards to screen out any discriminatory practices and also prevent the use of such surveillance techniques.

Where are these photos now? Have the photographs been digitized into the national crime computerized database? This kind of police surveillance raises a broader issue, one of protecting our civil liberties against encroachment by the state.

Let us not let our fears of increased crime, or moral panic about gangs, lead to the creation of a police state.

Donald C. Young is faculty adviser to Steve Fager. This essay is adapted and updated from a presentation originally made before the National Asian Pacific American Bar Association Conference on November 12, 1993 at the Hilton in Los Angeles.

# Police Watching in 1993 in Orange County

## STOP THE "ASIAN MUG-BOOK"

The police practice of photographing Asian youth on the street without arrest or permission as "suspected" gang members is happening in many cities in California.

### PROTECT THE CIVIL RIGHTS OF ASIAN YOUTH!

For the past year, Asian American youth (Japanese, Vietnamese, Chinese and Korean) have been detained and searched with questionable "probable cause" by the police in Fountain Valley. The police have systematically taken mugshots of youth right on the street against a wall or squad car without permission or explanation and have collected the photos in a binder, designated "AGI" (Asian Gang Investigation). Cases of excessive force and physical abuse have been occurred such as chokings and stomping on feet while being detained.

The photo mug-file practice may be a discriminatory violation of civil and constitutional rights. White "Skinhead gangs" are not proportionately photographed. Innocent individuals may be stigmatized in the future. The effectiveness of the Asian mug-files as a crime deterrent is questioned by various law enforcement experts across the country. In San Jose, Ted



Actual photo for "Asian Gang Files" taken by police. Note white sheet spread against side of police squad car as backdrop.

Nguyen, was mistakenly identified as a robbery suspect through the Asian photo files and spent 3 months in jail plus \$20,000.00 worth of legal fees before being found innocent. Through a concerted effort by the Asian American community to pressure the Police Department in August 1991, the Asian gang photo policy was abolished in San Jose.

Law enforcement officials have placed more attention on Asian gangs statewide due to their increased activity. However, random harassment of Asian youth and the mugbook practice jeopardizes individual civil and constitutional rights.

With the economy in a severe recession, racism on the rise, high youth unemployment and increasingly un-available quality education, issues such as youth alienation and gangs cannot be addressed through repressive measures like the Asian mug-files.

**JOIN US IN DELIVERING PETITIONS TO THE CITY COUNCIL AND DEMANDING AN END TO THE "ASIAN MUG-BOOK" PRACTICE**

**DATE / TIME: TUESDAY, JUNE 22, 1993 6:00 PM -8:00 PM**

**PLACE: CITY HALL IN FOUNTAIN VALLEY, CA**

**10200 SLATER AVE.** (San Diego Fwy# 405 south, off on Brookhurst-North exit, turn right onto Slater, then proceed about 1,000 yards)

Initiated by: Fountain Valley Asian Youth Alliance (affiliated with NCR) Supporters: National Coalition for Redress/Reparations, American Civil Liberties Union of So. Calif., SELANOCO Japanese American Citizens League, United Cambodian Community-Long Beach/Orange County, Asian Pacific American Legal Center, Rice Paper, U.C. Irvine, A/P Student Assn. U.C. Irvine, Asian Pacific Student Union, A/P Awareness Coalition U.C. Riverside, Southern Christian Leadership Conference, M.A.L.D.E.F.-Orange Cty/L.A., Asian Pacific Student Assn. L.M.U., Mexican American Political Alliance-56, Nikkei Student Assn. C.S.U.N., Nikkei Student Union UCLA, Itang Bansa, L.M.U., Office of Black Student Svcs. L.M.U., Orange County JACL, Unity L.A., Mecha L.M.U., JACL PSWD, Asian Youth Center, Indochinese Youth Center, Search to Involve Filipino Americans, Korean Youth Center, Chinatown Service Center, Korean American Coalition, Korean Immigrant Workers Advocacy, Asian Pacific American Labor Alliance, Chinese American Citizens Alliance, A/P Student Svcs: LMU, Black Student Union, LMU, Momentum U.C. San Diego, Asian Pacific Coalition-UCLA. For info: contact David at NCR (213) 680-3484

# AWARE Forms: LA Times

**Asian-Americans Organize AWARE : Rights: The countywide group is an outgrowth of a dispute over photographs of gang members taken by Fountain Valley police.**

**September 29, 1993 | BILL BILLITER | TIMES STAFF WRITER**

COSTA MESA — Angered by incidents of what they term discrimination and harassment, a group of Asian-Americans in Orange County has formed a new countywide organization to battle for civil rights.

Called AWARE, which stands for Alliance Working for Asian Rights and Empowerment, the group is spearheaded by Daniel C. Tsang, a Costa Mesa resident who is a lecturer and library staffer at UC Irvine. The 10 founding members, including Tsang, organized AWARE on Sunday.

"We're not sure if there is an increase of harassment of Asian-Americans going on in Orange County, but more instances are being reported," Tsang said in an interview Tuesday. "We want to empower Asian-Americans to keep lines of communication open and to work together on issues like hate crimes."

Asian-Americans, according to the 1990 federal census, constitute about 7.4% of Orange County's population.

AWARE is an outgrowth of a dispute over a Fountain Valley police practice of taking photos of suspected gang members. Tsang said the Asian-Americans who protested the Fountain Valley police practice are among the founding members of AWARE. The group has not yet elected officers.

# Cont'd...

Tsang cited the Jan. 9 beating of a Vietnamese-American in Laguna Beach as an example of an alleged hate crime. In that incident, the victim, Loc Minh Truong, was critically injured by youths who attacked him. Police labeled it a hate crime, saying the attackers thought Truong was gay.

But Tsang said he and other Asian-Americans believe Truong was also targeted for assault because of his race. He said AWARE will be vigilant about speaking out for Asian-American victims.

AWARE will also be a citizens' watchdog agency against police abuse, Tsang said.

"We are opposed to police taking mug shots (photos) of young people just because they're Asian-Americans," Tsang said, referring to the Fountain Valley Police Department's compilation of photos of suspected gang members.

Fountain Valley police and city officials have said repeatedly that no discrimination is involved in photographing suspected gang members.

Mayor Laurann Cook said both the city attorney and an independent attorney specializing in city litigation had found the police practice to be legal. Moreover, Cook said, photographs are taken only of youths who give written consent first.

But Tsang on Tuesday said members of AWARE believe Asian-American youths are so frightened by police that they agree, out of intimidation, to being photographed. "You can fight gangs and crime without having to violate constitutional rights."

Tsang said AWARE "wants to build good relations between young people and police. We want to help police to do a better job."

He said AWARE's goals also include the following:

- \* Seeking a state law to ban police from taking photos of people who are stopped but not arrested.
- \* Encouraging cities in Orange County to have citizens, including Asian-Americans, review and comment on police procedures.
- \* Conducting "youth outreach programs," such as summer job programs, for Asian-American young people.
- \* Pushing for more ethnic diversity, including the hiring of more Asian-Americans in city police departments.

# AWARE Button





# AWARE Know Your Rights Card

## Know Your Rights

*If police stop you...*

You have certain rights. Police cannot stop and detain you unless there is a legally valid reason. The best option is to remain calm and be courteous. Do NOT resist the police. You have the right to ask if you can leave: If the police say no, you are being detained. You have the right to ask why. Police may try to conduct a "field interview" with you. In general, it is NOT wise to answer any questions (beyond giving your name & address), or agree to a search without your lawyer present. Remember to note the badge number and name of each police officer and time, date and place. Ask if you are under arrest.

*If police try to photograph you without arresting you...*

You have a right to say no to any photos. Show the other side of this card to the police (after you've filled it out). Police are photographing youth for gang files, whether or not you are a gang member. AWARE is fighting this practice. You can help by reporting all such incidents. We can help you file complaints. Report incidents to:

*Alliance Working for Asian Rights and Empowerment*

*(949) 597-9766    [awaredt@hotmail.com](mailto:awaredt@hotmail.com)*

# On the back of the card

Declaration

I do NOT give permission (police or other law enforcement personnel) to take any photographs of me.

Name (sign here): .....

Date: .....

If under 18, have parent or guardian co-sign below:

I agree with the above statement.

Parent/guardian (sign here): .....

Date: .....

# Annie Lee and Minh Tram Tran, 2 of the original plaintiffs



Photo © copyright Daniel C. Tsang 1993

# Op Ed in LA Times

**Community Essay**

## Is 'Innocent Until Proven Guilty' a Lost Principle?

■ Taking photos of teens and linking them to gangs because of what they're wearing reveals lack of sensitivity by police.

By DANIEL C. TSANG

Hysteria over gangs, including Asian ones, has reached epidemic proportions in Southern California. In Orange County, supervisors have begun planning a "summit" to fight gangs. Westminster has begun enforcing a judge's order banning gang members from associating with each other. This has the unforeseen, if ludicrous, consequence of barring biological brothers who live under the same roof from publicly hanging out together.

Fountain Valley police have detained and photographed Asian youths merely on suspicion that they belong to gangs or are "gang associates." And Monterey Park police crossed county lines to raid a Japanese-American household in Fountain Valley at dawn, handcuffing the whole family outdoors while seeking to arrest one son.

Both Rep. Dana Rohrabacher (R-Huntington Beach) and Westminster Councilman Tony Lam have called for swift deportation of any refugee gang member convicted of any major crime.

Recently, a group of Asian-Americans—including many young people—protested at a Fountain Valley City

difference. (Police there now supposedly ask kids to sign a card giving their consent to be photographed.) Innocent kids will still be terrified of the police; how many will say "no" to an officer? Besides, since when have kids had the legal right to consent? All photos of minors taken with such consent forms are illegal and must be purged.

A day after the Fountain Valley protest, two Southeast-Asian teen-agers telephoned me, saying that they and another girl had been questioned by police, this time in Garden Grove, and photographed, apparently because they wore "baggy clothes," which many police identify with gang members.

If police have to take mug shots of Asian-Americans because they cannot tell us apart, then local police need to seriously think about sending their gang units back to school to learn vernacular languages and begin diversifying. Fountain Valley, for example, has only three Asia/Pacific-American officers out of 61 sworn personnel. The Orange County anti-gang "summit" planned for November will not succeed if Asians perceive the effort to be racist.

The rationale for the need to "document" gang members appears in an unpublished 30-page report on "Asian Gangs in Little Saigon: Identification and Methods of Operation," although the writer never specifically mentions using photographs as a law-enforcement technique.

In it, the author, Westminster Police

**'Basing police work on stereotypes is hardly professional behavior. And taking photographs of innocent people is hardly cost-effective.'**



JONATHAN ALCOORN

From left, Minhtran Tran, 14, Santa Ana; Annie Lee, 14, Tustin; Pham, 15, Tustin, say police have stopped them for wearing "similar to what they have on in this photo."

# Case Settled

A34 R TUESDAY, DECEMBER 12, 1995 ★

## Suit Settlement

The ACLU and Garden Grove police have agreed to settle a lawsuit challenging the police practice of stopping suspected gang members and taking their photographs for files and mug books. Some key aspects of the settlement:

- Detainees must knowingly and voluntarily consent in writing.
- Photograph must serve a legitimate law enforcement purpose.
- Knowledge/suspicion of gang membership or affiliation, without more information, is insufficient justification for uncontested photograph; there must be factual indication detainee was involved in criminal conduct.
- If reasonable suspicion of criminal activity has been dispelled, no photograph may be taken without consent, and no detention shall be made for sole purpose of taking a photograph.
- In collecting information for its "field interview" cards, which are placed in gang-related files, officers must now:
  - Enter time** the stop was initiated and time it ended.
  - Describe detainee's clothing** and name of affiliated gang; if gang affiliation is denied, officers cannot make further inquiry on that subject.
  - State facts** that gave rise to reasonable suspicion in a new five-line narrative.
  - Provide information** relating detainee to a particular type of crime or incident; all field interview cards must be approved by supervisors.
- **Provide citizens** opportunity to file a request with police chief to have their field interviews and photographs purged from police files. If chief declines, three-member panel of chief's volunteers forum will review decision.
- In addition to revising procedures, the Police Department will:
  - Pay \$85,000** to five Asian youths who brought the lawsuit and their attorneys.
  - Purge plaintiffs' photos** and negatives from files.
  - Destroy all field photographs** taken before Dec. 21, 1993, except those connected to a specific criminal case.
  - Train all officers** in new procedures within next six months.
  - Make available details** of review process to public secondary schools within Garden Grove.
  - Allow ACLU** to randomly review information taken about suspected gang members.
  - Not ask juveniles** to produce immigration documents such as green cards.
  - Observe revised rules** on wallet searches: If officer has cause to search suspect's wallet, officers may not examine photographs of detainee's friends or personal writing on photo backs.

Source: U.S. District Court, Los Angeles; Researched by DAVAN MAHARAJ / Los Angeles Times

# Mug File Settlement

## Garden Grove's Asian Mug File Settlement

© Daniel C. Tsang

(SANTA ANA, CALIFORNIA) -- In settling a class action lawsuit against them recently, the Garden Grove Police Department has revised its policies so that one's ethnicity, mere suspicion of gang membership or being dressed in "gang attire" are no longer sufficient reasons for police to detain and photograph someone.

The settlement for *Quyên Pham et al. v. City of Garden Grove et. al.* was approved on February 9, 1996, by U.S. District Court Judge William Keller of the Central District of California. This is just one of many cases of police harassment of Asian youth in southern California. Garden Grove lies between Los Angeles and San Diego in Orange County, which has the largest Southeast Asian community outside Asia itself.

This \$85,000 settlement came almost three years after an incident involving three Southeast Asian teenagers, two of them high school honor students. Attired in baggy pants, they were stopped by Garden Grove police's Gang Suppression Unit in July 1993 at the Euclid Retail Center, a strip mall which police later claimed was frequented by gangs. Police questioned the teens about gang affiliations for "field interview" cards and photographed them without permission. One of the girls, Minh Tran, was arrested in a later incident for not carrying a green card, though she is a U.S. citizen and federal law only requires adult aliens, not minors, to carry immigration papers. The case garnered national attention back in December 1993 when CBS Evening News profiled plaintiff Quyên Pham for an "Eye on America" segment. The final settlement covers five claimants in all: these girls plus Annie Lee, the third girl stopped with them in the mall who later joined the suit, and two others, Lisa Hinh and Tram-Linh Ho, who were with Tran at a May 1994 Strawberry Festival when Garden Grove police detained them.

AWARE (Alliance Working for Asian Rights and Empowerment) was actually formed in September 1993 because of this incident. The original three girls saw newspaper photos of a 1993 protest against the

"Asian Mugbook" practice in neighboring Fountain Valley and contacted me. The Fountain Valley Youth Alliance had filed 15 complaints against police for similar "photo stops," and the Garden Grove case convinced activists that the problem was widespread enough to warrant a county-wide group. We sought support from the ACLU, who assisted the three girls in filing a complaint with City Hall and later made this a class action suit on behalf of all Southeast Asians or people appearing to be.

In settling the lawsuit, Garden Grove PD has issued newly revised "training bulletins" (which have the same legal force as its General Orders) covering field detentions and photography. Officers can now only detain someone if there is "reasonable suspicion" of a crime being or about to be committed, and can only take photographs with the person's informed consent or, absent that, as part of investigating a particular crime. Officers have to detail the grounds for detention in a five-line narrative on a revised field interview card. If a person denies gang membership or affiliation, officers can probe no further on that subject, and must record denial on the FI card. Officers are barred from rummaging through a wallet looking for photographs or writings. They are only allowed to confirm the individual's identity. Officers are



Minh Tran Tran and Quyên Pham at ACLU press conference announcing settlement.

Photo © Daniel C. Tsang, 1996

warned that no law requires citizens or alien minors to carry ID except when operating a vehicle. Police eliminated a loose criterion for recording "gang associate" data in

the GREAT computer system that tracks gang activity in the Southland. Police Chief Stan Knee also wrote letters of apology to the plaintiffs and claimants and agreed to purge all records (including photos) relating to the five. Many of photographs taken of other detainees before December 21, 1993, will also be destroyed.

For a period of one year, the ACLU will monitor records associated with field detentions. Each month, the ACLU can request up to seven days' FI cards to look at. For any problematic cards, the police are required to notify detainees of their right to seek review under a new process that can lead to a three-member advisory panel, the Chief's Forum, looking over the file.

The settlement, of course, needs to be strictly monitored to ensure police compliance. Unfortunately, both ACLU attorneys who argued the case have left the ACLU of Southern California, which to date has not selected a new monitor. (Robin Toma is now a consultant with the Los Angeles Human Relations Commission, and Mark Silverstein is now the Legal Director of the ACLU's Denver office.) Under the settlement, Garden Grove PD was supposed to widely publicize the appeals procedures, but there is little evidence of that occurring. The FI card still uses the archaic term "Oriental" for Asians and two other Asian groups are specifically identified -- Vietnamese and Samoan -- even though the Samoan population in the city is almost non-existent. Moreover, the "outside" Chief's Forum is not truly an independent citizens review panel, even though only one member can be a city employee, because it is hand-picked by the police and only "advisory."

More seriously, the settlement allows police to continue to photograph with consent and without it if they are investigating particular crimes. AWARE's position is that such widespread photographing of youth of color is discriminatory and a barrier to improved community relations with the police, and continues to call for an end of any such photography. Even police asking people if they consent to a photo is problematic. Who is likely to question an officer with a badge and a gun, especially in

# Cont'd....

the middle of the night?

That scenario of increased harassment was highlighted when some half-dozen students at University of California, Irvine, all Asian Americans, complained in December about campus, Irvine and Newport Beach police harassing them and some city police even having their pictures. One complainant told University authorities that undercover police followed him as he left an Irvine apartment complex and subsequently two regular police cars pulled him over on the freeway. Irvine police asked about gang affiliation (he's not a gang member) and then photographed him, over his initial protests.

In documents received after making a Public Records Act request, AWARE has also discovered that the police in Irvine, south of Garden Grove, devoted a whole paragraph to AWARE in its training bulletin on photographing field detainees. The bulletin states that AWARE is "actively trying to stop police from photographing field detainees," and criticizes AWARE's "Know Your Rights" card as "denying" the right

of police to take photographs except during an arrest. (In fact, the card allows the cardholder to sign -- with parental endorsement as well -- that he or she does not consent to be photographed. Created in 1994, over 3,000 of the cards have now been distributed.)

AWARE's appearance at a recent Irvine City Council meeting to request time on a future agenda to discuss this was met with the police chief denying he had received any complaints and councillors suggesting it would be a good time for police to show off their new Gang Suppression Unit. Two councillors, however, later privately expressed concern over police singling out AWARE in the bulletin and promised to meet with the police chief. Irvine is also currently considering not notifying parents when police seek to interview children about gang activity, a recommendation made by a special task force jointly created by the City Council and school board.

Unfortunately, the Garden Grove PD settlement only applies to Garden Grove, and there is no sign that police elsewhere

in Orange County are rushing to revise their policies, even though the private attorney representing the Garden Grove police, Bruce Praet, also represents many other police departments in the county and state. AWARE remains the only organization acting as Police Watch in Orange County.

...  
*Daniel Tsang co-founded AWARE with JoAnne Kanshige, whose son was misidentified from a police photo and jailed for almost a year before being acquitted in a shooting case, and community organizer Q.T. Nguyen. A social science bibliographer at UCI/Irvine, he also hosts "Subversity" weekly on KUCI 88.9 FM. He's been active in anti-surveillance work for several decades, including work with the Public Eye network in the 1980's and Covert Action Information Bulletin (now Quarterly). Reach him at AWARE, P.O. Box 28977, Santa Ana, California 92799-8977, (714) 567-9766 or via email at [dtsang@uci.edu](mailto:dtsang@uci.edu). AWARE's web page address is: <http://sun3.lib.uci.edu/~dtsang/awarefs.htm>.*

# Another Op Ed in LA Times

LOS ANGELES TIMES

Community Essay

## 'Asians Are Automatically Labeled Gang Members'

■ Critics say cultural bias figures into the case against a Vietnamese student. Propositions 187 and 184 could exacerbate the problem.

By DANIEL C. TSANG

**T**he bobbing shaved heads in a sea of orange, for one fleeting moment, brought me back to Southeast Asia, reminding me of Buddhist monks going about their routine in their saffron robes. But reality struck: I am in the waiting room at Orange County Men's Jail.

I am here to see Tu Anh Tran, 22, who legally immigrated from Vietnam in 1988. He is charged him with murder, attempted murder and robbery. His public defender, Jeff Lund, says Tu is a victim of being in the "wrong place at the wrong time." Tu says tattoos and cigarette burns on his arm and hand, inflicted years ago as a memorial to his dead mother, have caused police to label him a gangbanger. Others, including

Li Ren Fong, Tu's math instructor at Rancho Santiago College and his mentor, firmly believe police are mistaken. Lund believes that without the gang assumption, Tu, who was shot in the back during the incident, would not have been charged.

On April 2, Tu was a student at Rancho Santiago College in Santa Ana. It was spring break. Tu and a friend ate at a Little Saigon restaurant in Westminster. As Tu was paying the bill, a fight broke out, he says. As Tu tried to break up the fight, he says, an off-duty security guard shot and killed his friend, and wounded Tu. The next thing Tu knew, he was taken from the hospital to jail.

Even though he has no prior convictions, Tu faces a possible life sentence if convicted. The man who did the shooting is free, claiming self-defense, that he was attacked by a group of people in the crowded cafe.

Tu believes his predicament is due to cultural misinterpretation of his tattoos and cigarette burns. Tu has a tattoo of an eagle on his arm and the words, in Vietnamese, "bird without its flock." He says it speaks to his loneliness after his mother's death when he was 17 and living



Tu Anh Tran's trial starts today.

According to Tu, the police to him the tattoo is proof he is in a Chin gang, even though he is Vietnamese.

Tu says the faded burns on his h were also to show his pain at his mo passing. Dr. Hoang Van Duc, who t pathology at USC, says Tu's actio have been an adaptation of old Vie religious tradition—when monks ated into Buddhism, their skulls with burning incense to prove handle pain through meditatio

1993 Southeast Asian Gangs t the California Commission on Standards and Training sta rette burn marks are "witho "most common form of m Asian gang members."

John Son criminal ju his dissert enforcem Vietnam that vie ing fro body I such eoty N Ar y R



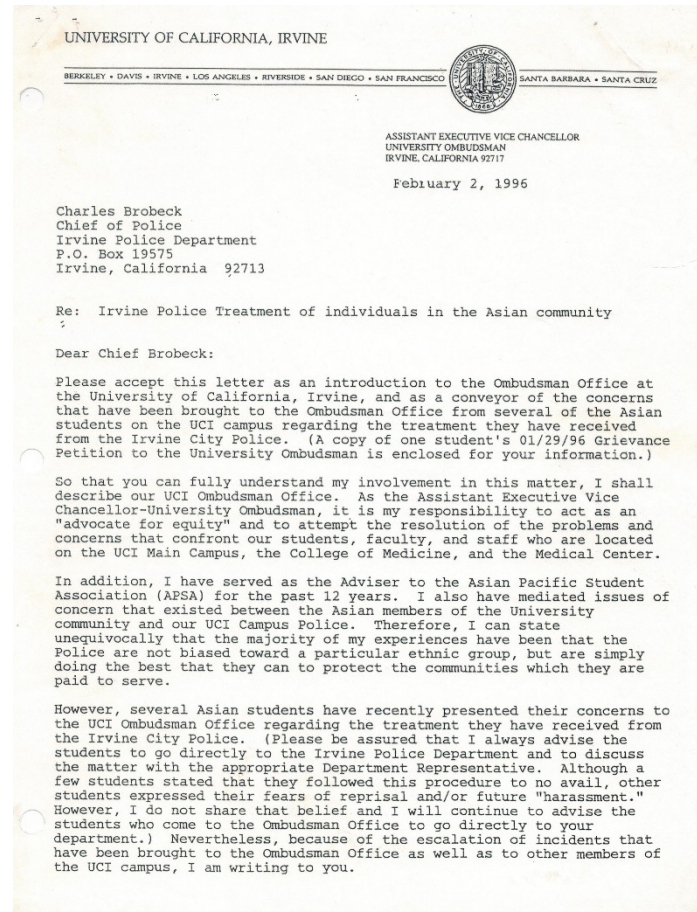
# AWARE demonstrates outside Courthouse, Santa Ana, 1990s



# AWARE outside Irvine PD, 1990s



# UCI Ombudsman Gets Involved



# Cont'd....

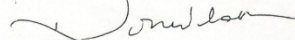
02/02/96  
p. 2

It also is noteworthy that the growth of the Asian population at UCI is being frequently discussed and these remarks can put the Asian community on the defensive. Although I realize that this is not the fault of one individual, office, or department, nevertheless the attached statement and similar grievances can create a problem or escalate an issue in a manner that is beneficial to neither of the involved parties. Therefore, if at all possible, I am requesting your assistance in the following manner:

1. Could you provide me with the name of the appropriate individual to whom I can direct grievances similar to the attached document?
2. Would you consider asking a representative from your Community Liaison Office to meet with members of the Asian Pacific Student Association and listen to their concerns?
3. Would you consider discussing the issue with Kathleen Stanley, Chief of the UCI Campus Police, so that a collaborative approach to this problem might be designed and implemented?

Thank you for your consideration in this matter, and if you have any questions, please call me at (714) 824-7256.

Sincerely,



Ron Wilson  
Assistant Executive Vice Chancellor  
University Ombudsman

RW:sc

Enclosures

cc: Kathleen Stanley, Chief of Police, University of California, Irvine

# Example of a Grievance

ISSUE/GRIEVANCE PETITION TO THE UNIVERSITY OMBUDSMAN

NAME: \_\_\_\_\_ DATE: 1/29/66  
I.D.#: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

(Use only Black Ink)

Outline your problem and include answers to the following questions:

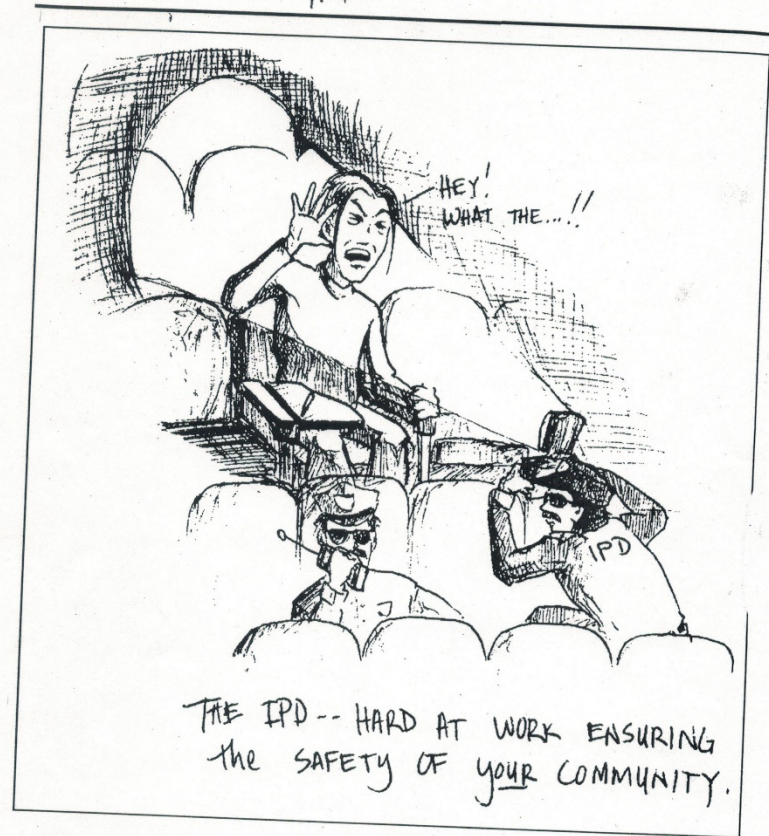
1. What is the problem? How long have you had the problem?
2. What Academic Department or Administrative Office was approached to resolve the problem? What was their response?
3. What action would you like the Ombudsman Office to take?

As I was pulling out of the Park West Apartment complex two weeks before finals week at U.C.L. last quarter a black domestic car began to follow me on the way home. As I entered the 405 I noticed that the car was still following me and that it was following at a very high speed. As I passed MacArthur I noticed a red light had turned on in the black car and that it was already behind me, but I kept on driving because I could not tell whether it was not it was a police car. After the undercover car turned on its siren, I

(Use additional pages if necessary)

# New University Cartoon

February 12, 1996 p.14



TODD VAN DER KRUIJ, NEW UNIVERSITY

# Complaint to Irvine Police Department

**Narrative:** Re: Irvine Police Dept. Training Bulletin  
94-18 "Field Interview Photographs"  
Paragraph 2 (p.1) is inappropriate in  
That it singles out our civil rights group.  
It is also inaccurate in its characterization  
of what we've done and our 'know  
your rights' card. We ask that  
This paragraph be removed from the  
policy.

(Use additional pages if necessary)


**YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZEN COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER AN INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT. EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE THE OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.**

**IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE.**

I have read and understood the above statement.

Dave Gray  
Complainant

4/2/96  
Date



"In Partnership with the Community"

**WHAT ABOUT MY COMPLAINT?**

# AWARE Press Release 1996

Alliance Working for Asian Rights and Empowerment  
PO Box 28977, Santa Ana CA 92799-8977 Daniel Tsang co-founder  
(714) 597-9766 voice/fax; beeper: (714) 569-8866

IRVINE POLICE POLICY SINGLES OUT CIVIL RIGHTS GROUP  
Irvine -- In response to a Public Records Act request from the Alliance Working for Asian Rights and Empowerment, a group formed to monitor police practices in Orange County, the Irvine Police Department has released its first batch of internal policies.

Irvine PD's Training Bulletin 94-18 on Field Interview Photographs, written October 14, 1994 by gang investigator Mike Welch, then the department's Officer of the Year, contains incorrect, improper and misleading information about AWARE itself, according to an analysis of a copy of the policy just received by AWARE's co-founder, Daniel C. Tsang, who filed the initial Public Records Act request. Police department training bulletins generally have the same legal force as department General Orders.

The second paragraph of 94-18 describes AWARE's creation and states that AWARE "is actively trying to stop police from photographing field detainees. Each member of this group carries a card containing information on all individual rights that are involved during a field detention. The card indicates they have the right to deny a field photography unless under arrest. This is NOT true. A field detainee may be photographed without an arrest but only under the strictest guideline outlined below."

AWARE protests the singling out of its members by the Irvine Police Department. Why is the Irvine Police keeping track of what AWARE members carry in their wallets? AWARE's "Know Your Rights" card, recently reprinted in the Orange County Register, actually states that card holders "have a right to say no" if police try to photograph them without arresting them. AWARE believes that people have a constitutional right to say no to police abuse, and believes photographs in non-arrest, routine field detention situations are unnecessary. In fact, it is bad police practice, since it continues to cause friction between law enforcement and the community. In addition, we ask, "Doesn't Irvine PD believe people have a right to say no?" What is true consent (one of the factors supposedly to take into account when photographing a detainee) if you can only say yes? AWARE wants to know if Irvine Police Department is monitoring AWARE meetings and publications and keeping files on its members. AWARE is in the process of seeking legal advice as to what future steps to pursue.

The policy also permits such photographs to be used in a "photo lineup," even though Irvine Police Sgt. Al Murray told a University of California, Irvine, meeting February 7 that field detainee photographs cannot be used for such a purpose.

AWARE also questions why such a short period as 30 days is the required time period to file complaints over the taking of a



# Surveillance since 9/11

Source: stoplapdspying.org

## The process for collecting and monitoring police surveillance on local communities under Special Order 1.



**1.** A police officer observes "something suspicious" and fills out a S.A.R. - Suspicious Activity Report. Under Special Order 1 this means reporting on non-criminal activities such as taking a picture of a building, drawing or painting a landmark, drawing diagrams or taking notes in public, using binoculars, or inquiring about a building's hours of operation.

**2.** All S.A.R.s are sent to the Counter Terrorism and Criminal Intelligence Bureau (CTCIB) of the LAPD's Major Crimes Division (MCD).




**3.** The S.A.R.s' information is often shared with the Joint Regional Information Center also known as the **Fusion Center**.

**4.** The S.A.R.s' information can then be uploaded onto the Information Sharing Environment (ISE) a National Database.



**Will we sleep or will we fight?**

# Stop LAPD Order 1



**STOP! LAPD SPYING! STOP!**  
**SPECIAL ORDER 11**

Do you take pictures and shoot videos in public...  
Do you ask about a place's hours of operation...  
Do you take notes...  
Do you draw diagrams...  
Do you use binoculars for birdwatching or sightseeing?

If you do any of the above and/or many other non-criminal activities,  
LAPD Considers You A Suspicious Person

In March of 2008 LAPD issued Special Order 11 (SO11), which authorizes LAPD officers to gather intelligence based on "observed behavior". These behaviors include everyday non-criminal activities such as the ones listed above. LAPD submits Suspicious Activity Reports to a national information-sharing network which links government and private collectors and users of intelligence data.

**Should LAPD be authorized to spy on, profile, and violate our right to privacy?**  
**Public Safety or Public Insecurity??**  
**Stop LAPD Spying!!**

**Campaign to Rescind Special Order 11**  
For more information please email at [hamidk@congress.org](mailto:hamidk@congress.org) or call 562-230-4578  
[www.stopladspying.org](http://www.stopladspying.org)

# Cont'd...

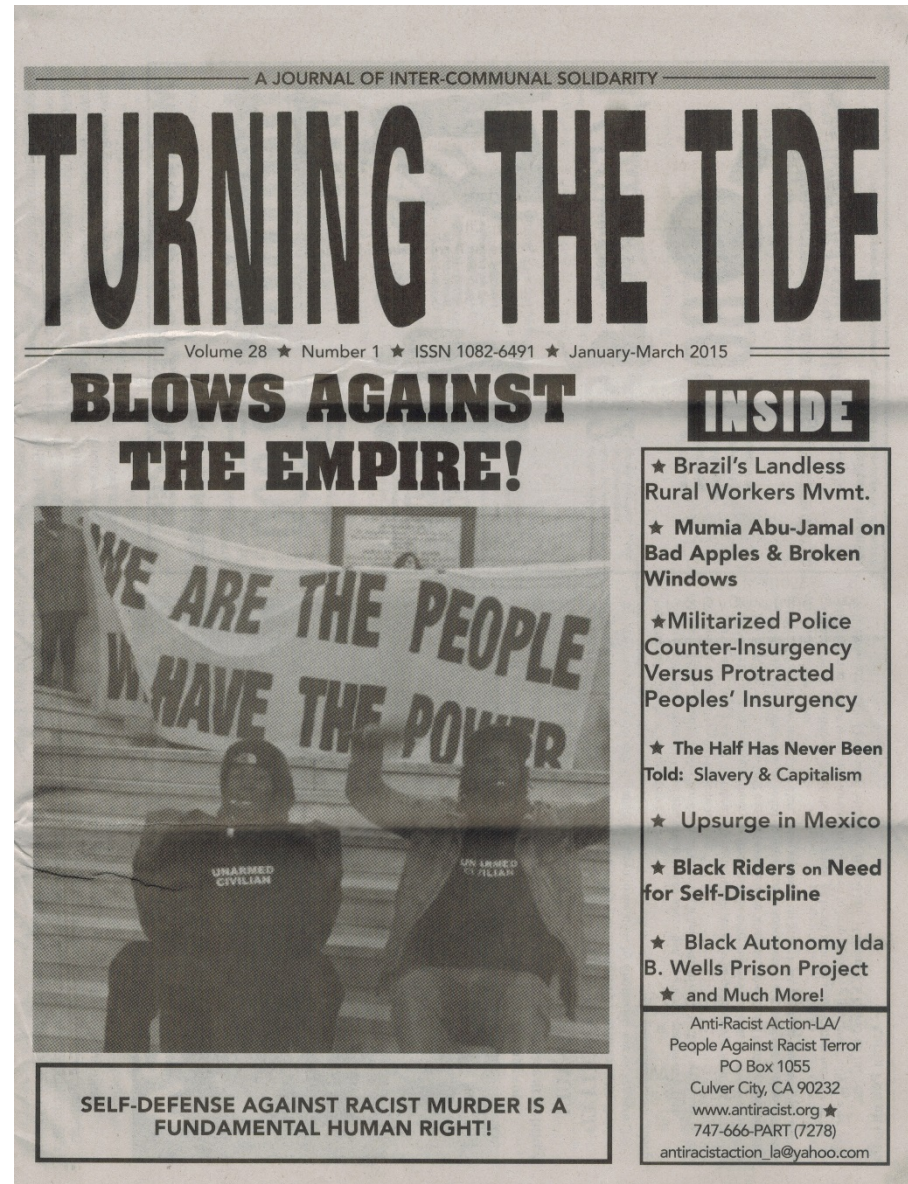
## Examples of non-criminal behaviors listed in

### LAPD's Special Order 11\*

- Engages in suspected pre-operational surveillance (uses binoculars or cameras, takes measurements, draws diagrams, etc.).
- Appears to engage in counter-surveillance efforts (doubles back, changes appearance, evasive driving, etc.).
- Engages security personnel in questions focusing on sensitive subjects (security information, hours of operation, shift changes, what security cameras film, etc.).
- Takes measurements (counts footsteps, measures building entrances, measures building entrances or perimeters, distances between security locations, distances between cameras, etc.).
- Takes pictures or photographs (of no apparent aesthetic value, i.e., camera angles, security equipment, security personnel, traffic lights, building entrances, etc.).
- Draws diagrams or takes notes (building plans, location of security cameras or security personnel, security shift changes, notes of weak security points, etc.).

\* LAPD's Findings and Recommendations of the Suspicious Activity Report (SAR) Support and Implementation Project; March 5, 2008.

# Turning The Tide, cover



# Essay on Police Watching after Ferguson

## Militarized Police Counter-Insurgency Must Be Met By a Protracted Peoples' Insurgency

by Michael Novick, *Anti-Racist Action-Los Angeles/People Against Racist Terror (ARA-LA/PART)*

It's a new year, and perhaps a new day, in the struggle. Sustained and growing resistance to police murders with impunity, marked by creative and disruptive tactics led by a new generation of Black activists across the country, are an unexpected and overdue but welcome harbinger of a break with the politics of despair and defeatism that have gripped people in the U.S. for too long.

Beginning with the uprising in Ferguson and the eye-opening display of militarized police repression that greeted it, and continuing through the fall and into the dark, cold weeks of winter after grand juries in Missouri and New York refused to indict outrageous killer cops, protests have continued for months, some massive, such as the marches of tens of thousands in New York City and 4-5,000 for "Millions March L.A." (mostly Black people in their teens, 20s and 30s), some small, such as the OccupyLAPD vigil by Black Lives Matter L.A., some national in scope and participation, such as a convergence to Ferguson and St. Louis, MO.

And gratifyingly, there is no sign of stopping -- indeed, New Year's Eve and New Year's Day actions in dozens of cities across the country are being followed by a host of actions to mark the Martin Luther King, Jr. holiday on January 19. A specific and vocal rejection of the old guard pacifying self-appointed "leaders" has marked most of these efforts, not out of disrespect for their age but from a recognition that pacification and brokering of the masses' outrage for personal advancement is worse than pointless. There are a variety of programmatic and policy proposals being put forward, such as Community Control over the police through elected boards with the power to hire, fire and prosecute, to calls for demilitarization of the police and repurposing of spending on law enforcement and "criminal justice" programs to meet community needs for social and economic integration and development.

At the same time, other elements within the Black liberation struggle, such as the Black Riders, are speaking out about the need for self-defense if anything is to change, recognizing that the problem of racist police murders is not one of the police alone, but is rooted in the larger conditions of oppression and exploitation, of colonialism and capitalism, that the police are hired to enforce. There is a clear and growing recognition that the issue is not one of a "few bad apples," or police "misconduct."

It is the conduct of police and policing, the charge they are given by the political and economic elite and elected officials, the function they fulfill as an occupying army in communities of color and as an internal border guard in more privileged areas, that is coming into question. The slogan "Black Lives Matter," asserted and defended, has made a lasting impact on the assumptions of white supremacy and unexamined privilege, even within the so-called white left and progressive movement.

**Neither the color of the skin nor the content of the character of individual police officers**



a solution by Barack Obama -- police body-cams and community policing -- only intensify the problem. As the *Stop LAPD Spying Coalition* has pointed out, body-cams on cops serve as another modality for police spying, along with drones, a panoply of street cameras, and license-plate readers that take photos of every parked or moving vehicle the cops pass. Dashboard cameras in L.A. squad cars are routinely disabled; the body cameras will be used mainly for intelligence gathering and evidentiary purposes against activists, protesters, alleged gang members and anyone considered a "threat" by the police.

Community policing is even worse. It is a strategy of counter-insurgency, specifically described by its advocates in the professional journals of the policing "profession" as the "domestic equivalent of psychological operations [PSYOPS] in the military," designed to "control the thinking of the population or the enemy." Whether you are considered "population" or "enemy" depends on your passivity in the face of police paramilitary operations. It is not an antidote to, but an expression of, the militarization of the police, just as much as the weaponry and the drones. Thankfully, we are

colonizes, exploits and oppressed.

We need to begin to act more clearly on that understanding and devise strategies for decolonization and self-determination. How concretely can we best undermine the legitimacy of the oppressive institutions of domination that have us in their grip, and increase the effective power of the people to meet our needs, shape our own destiny and take the political initiative on the path to liberation?

**There needs to be a strategy for building a popular insurgency capable of sustaining itself and eventually prevailing.**

Consider that this is 2015, half-way through the second decade of the 21st Century, with clear evidence that the rule of the Empire is threatening not only individual communities and colonized people, but the very fabric of the eco-systems that sustain human and other life. Are we closer to overturning that system and replacing it with one that will meet basic human needs in a way that can be carried out in harmony with the biosphere and other

**stands as a barrier against the role of the police as an instrument to protect and serve wealth, white supremacy and the empire.**

"Good cop" and "bad cop" is a tactic of police interrogation, a role play used to break down the resistance of "suspects," to get them to waive their right to silence, try to cut a deal and snitch on each other. It is not a matter of separating the "good cops" from the "bad" ones. Neither the color of the skin nor the content of the character of individual police officers or even chiefs stands as an effective barrier against the role of the police, sheriffs, prison guards, private cops, and the rest of the garrison state apparatus as an instrument to protect and serve wealth, white supremacy and the empire.

They form a "domestic" army whose militarization parallels that of the globally-deployed troops of the US as gendarmes enforcing US domination in 170 countries, or the Border Patrol whose operations extend hundreds of miles inland from the militarily imposed borders and to the environs of every international airport in the US (including Alaska and Hawaii, indigenous areas and nations appended illegitimately to the US).

Many are familiar with the roots of policing in the US in slave patrols, and many date the establishment of formal urban police agencies to the need to suppress the early industrial working class. Fewer are aware that one of the first policing agencies in the current US, established initially as a vigilante operation by settlers, were the Texas, Arizona and California Rangers in the territories conquered from Mexico as the US sought to expand slavery and carry out its "manifest (white supremacist) destiny" to rule the continent "from sea to shining sea." The role of the police later was based on the imperial state taking on the powers previously exercised by the plantation owners and ranchers and their hired hands.

Their use against European immigrant workers was a double-edged sword, reflected by the incorporation of immigrant ethnics into the new "white" nation -- including particularly into the ranks of law enforcement. Part of how "the Irish became white" is how the Irish became cops (and the same is true for Italians, Jews and other immigrants grudgingly admitted to the ranks of "whiteness").

George Jackson prophetically taught that "reform" is the new name for fascism. The reforms proposed as

beginning to see mass understanding of and resistance to this.

Cop-watching and "watch-a-pig" programs are primarily effective, not in the change observation makes in police behavior -- the brutal actions of cops against people who video tape them, as well as the video taped killings of Oscar Grant in Oakland, Kelly Thomas in Fullerton and Eric Garner in New York, make clear that the cops have no shame and no fear of exposure. That's because of the guarantee of impunity they have received from the civil authorities, who make sure that criminal prosecution in the few cases it is forced on them results in a slap on the wrist at worst, and that civil liabilities penalties are treated as a "cost of doing business" for the city and state, and no individual cop has to pay.

**'Community policing' is counter-insurgency described by its advocates as the "domestic equivalent of psychological operations [PSYOPS] in the military."**

No, the point of cop-watching and "Watch-a-pig" patrols is the impact they have on the behavior and consciousness of the people in the community, the growing recognition that people have to move beyond fear, and to come out and observe, not hide away, when the police are in action outside their homes, shops or laundromats. People have learned that the worst thing you can do in a mental health crisis or domestic dispute is to call the cops, and the community must begin to take responsibility for its own harmony, defense and collective interests.

There is also a growing awareness that police killings are the tip of the iceberg not only of racial profiling and stops, but of the constant criminalization of Black and Brown people who are confined in massive numbers, as a means of social control as well as a profit center, in the prisons, jails and detention centers of the carceral state.

If there is increasing awareness of the role of militarized police in counter-insurgency, there still needs to be a greater awareness of and strategy for building a popular insurgency capable of sustaining itself against such operations and eventually prevailing. The idea that the police are an occupying army is not merely a rhetorical flourish, but a recognition that the imperial system is in a continuing state of war against the people it

living beings on the planet?

Do we have a plan or project that will chart the way forward so that in five years time, by 2020, we can see the forces of racism, repression, and exploitation on the run, or at least clearly on the defensive, and the powers and capacity of the peoples' forces on the rise, or at least clearly on a strategic offensive? What organizational forms are needed to carry out such a plan if we develop it?

Do we really understand that the corporate Empire state has agents working around the clock, on police forces, in the military, at the NSA and in corporate enterprises, devising stratagems for blunting and reversing the current popular offensives and resistance? Can we figure out how to turn their own initiatives against them and to our advantage? How can we develop the popular will and power to enforce decolonization, demilitarization, decriminalization, decarceration, decentralization and economic democratization?

There are no easy or fore-ordained answers to those questions, though there are lessons that may be learned from the study of past and current revolutionaries, liberationists and freedom fighters in the US and internationally. But they must be tested in practice under today's conditions and circumstances, and then honed and corrected through criticism, self-criticism and above all through accountability to the communities and masses who have the power to make and shape history.

**BLACK LIVES MATTER**

The current upsurge of resistance to police murders and impunity is an exciting crucible in which to sharpen such analyses and build people's power. It must not be wasted, as so many previous opportunities and advances have been. The need for principled practical unity, and for undogmatic, unselfish political struggle and analysis, has never been greater. We invite people to use the pages of *Turning the Tide* as one vehicle among many for advancing those processes.

# Empty Reform: Body-Worn Cameras

Source: <http://stoplapdspying.org/wp-content/uploads/2015/04/Stop-LAPD-Spying-Coalition-Report-on-Use-of-Body-Cameras-by-Law-Enforcement-April-2015.pdf>



## Stop LAPD Spying Coalition

### Body-Worn Cameras: An Empty Reform to Expand the Surveillance State

In 2014, body-worn cameras for police became the subject of public discussion across political and media landscapes following the non-indictments handed down to the officers involved in the killings of Ezell Ford, Michael Brown, Eric Garner, and countless other people of color. With conflicting narratives surrounding many of these high profile cases of unarmed black and brown as well as mentally ill, transient, and homeless individuals being killed at the hands of law enforcement, body-worn cameras have been advocated as one technological remedy toward fostering greater police accountability and transparency by providing what proponents hold is objective documentation of community-police interactions.

However, body-worn cameras should not be perceived as the end-all solution to fostering greater police accountability and oversight and mitigating officers' deadly use of force. Analyzing body-worn cameras through the financial details surrounding them in the context of the Los Angeles Police Department's (LAPD) contract with TASER International raises serious allegations of conflicts of interest as well as concerns stemming from the lack of substantive community input and debate on the deal. Research as to the efficacy of body-worn cameras is also virtually non-existent, which leads the Stop LAPD Spying Coalition to contend that marketing hype and the pursuit of more effective means of surveillance and intelligence gathering, not empirical data, are driving the push toward adoption of body-worn cameras by police departments across the nation. This was facilitated in the case of Los Angeles by its Civilian Police Commission, which functions through legitimating an unwavering pro-law enforcement perspective while other, more critical, community voices are marginalized and framed as outside the boundaries of respectable discourse.

# Copwatch



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## POLICING THE POLICE

### ***DID YOU KNOW...***

- Our police department ranks among the worst in the nation\*
- Experts say Copwatch.com's 'Crucial Reforms' **MUST** be adopted\*
- Most cops are poorly educated and dangerously undertrained\*
- Cops have more in common with criminals than with normal citizens
- The cops' 'Blue Wall of Silence' is like the Mafia's code of 'Omerta'
- The Police Union fights against police accountability
- We need, but do not have, a REAL 'Citizen's Review Board'
- According to Federal statistics, policework is **NOT** very dangerous
- High IQ applicants are rejected by the Police Academy
- Cops habitually lie to, deceive, and mislead innocent citizens

**COPWATCH.COM**



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## Smashing the 'Blue Wall of Silence'



# Copywatch incident report form

Name of Copwatcher \_\_\_\_\_ Incident Report # \_\_\_\_\_

**COPWATCH USE ONLY ABOVE THIS LINE**

### COPWATCH INCIDENT REPORT FORM

IMPORTANT: If the victim/arrestee wishes his/her identity to be confidential, mark this box .

#### TIME AND PLACE

Date/Time of Incident \_\_\_\_\_ at \_\_\_\_\_ am  
month/day/year time pm

Exact Location \_\_\_\_\_

#### POLICE OFFICERS INVOLVED

Officers' Names 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_

Badge #'s \_\_\_\_\_

Police Departments \_\_\_\_\_

Police Car License #'s \_\_\_\_\_

#### VICTIM INFORMATION

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address/Way to Contact \_\_\_\_\_

Victim:  was arrested  wants to file a complaint  needs a lawyer

Suspected Charge \_\_\_\_\_ Injuries (describe) \_\_\_\_\_

#### WITNESSES

Name 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_

Phone/Way to Contact \_\_\_\_\_

Are there  photos or  tapes of the incident? Who has them? \_\_\_\_\_

#### DESCRIPTION OF INCIDENT

\_\_\_\_\_

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COPWATCH · 2022 BLAKE ST · BERKELEY 94704 · 548-0425

# Videotaping Police

Credit: Paul Richmond, attorney. <http://cldc.org/wp-content/uploads/2011/12/Videotaping-Police-during-political-demonstrations-7-2004b-5.pdf>

## **Videotaping Police during Political Demonstrations**

### Purpose of this Manual

This manual is meant to provide a basic overview of proven tactics for video taping police at demonstrations. This information is presented with the hope of having as many people as possible attending these demonstrations carrying video cameras and having knowledge of how to use them effectively. It is hoped that you the reader will become one of these people.

### Why Videotape Police

Video cameras are, if properly employed, one of the most effective tools for documenting what occurs and containing excesses by the police.

The majority of arrests are usually a form of control and harassment. During a typical demonstration they are usually for trivial things like "jaywalking or "offensive littering" (i.e. throwing a cigarette butt down in the street.) Other times, there may be blatantly over the top behaviors, even involving the use of chemical agents and projectile weapons, or circling hundreds of demonstrators followed by mass arrests. In any case, letting the police know that there's a record being made and that they are accountable is one of the best ways for law-abiding citizens to control and prevent these harassing tactics.

# The Police

Source: [http://www.crimethinc.com/tools/posters/police\\_front.pdf](http://www.crimethinc.com/tools/posters/police_front.pdf)



# 7 Myths

Source: [http://www.crimethinc.com/tools/posters/police\\_back.pdf](http://www.crimethinc.com/tools/posters/police_back.pdf)

## Seven Myths about the Police

**The police exercise legitimate authority.** The average police officer is not a legit expert; he probably knows his department's protocol, but very little about the actual laws. This means his decisions involve a great deal of bluffing, improvisation, and fabrication. Police lie as a regular habit. "I just got a report of someone or something occurring a certain amount here. What to do or not to do?" This is not what we should expect from a legit expert.

This is not what we should expect from a legit expert, either. The entire judicial system protects the privileges of the wealthy and powerful. Changing laws is not necessarily morally right-it may even be immoral. Slavery was legal, aiding escaped slaves illegal. The Nazis came to power in Germany via democratic elections and assassinations through the prescribed channels. We should expect the strength of conviction to do what we know is best, regardless of laws and police authorities.

protecting and serving the fuck out of you

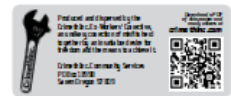


**The police are ordinary workers just like us they should be our allies.** Unfortunately there's a big gap between "should be" and "is". The role of the police is to enforce the laws of the ruling class, anyone who has not had a bad experience with them is likely privileged, suburbanite, or both. Today's police officers have exactly what they're getting into when they join the force-people in uniform that get on our nerves. The most likely job because of economic pressure, but sending a paycheck is no excuse for setting backfires, harassing young people of color, or preying on the homeless. These whose consciences can be bought are everyone's potential enemies, not allies.

This story sets to move persuasive when it is couched in strategic terms for example, "They're protecting us from the worst of the worst because we're making sure we're safe." But the police are not just any workers, they're the ones who threaten to harm their livelihoods just by defying the prevailing order, thus the least likely to be sympathetic to those who wish to change it. In this context, a police officer would be expected to oppose the police as such, their role is not to ally with them. As long as they serve their masters, they cannot be our allies; by denouncing the practices of police and denouncing individual officers, we encourage them to seek other livelihoods as we can use that fact to our advantage.

**Maybe there are some bad apples, but some police officers are good people.** In this sense, police officers have good intentions, but more often, hostile as they obey orders rather than their consciences, they cannot be trusted.

There's something to be said for understanding the economic nature of institutions, rather than attributing every injustice to the abstract concept of individuals. Because the structure of the case who, motivated by their marginal to each one because his degree of attachment to a long time before playing a hand in the game on the work where had caught it. The friends, compromised, inspired why on earth he would do such a thing. "This wasn't the case that working one" he explained.



**Police can win any confrontation, so we shouldn't antagonize them.** With all their weapons, equipment, and armor, the police can seem invincible, but like it or not, they are limited by all sorts of probable cause-legalistic police tactics, communication breakdowns, uncoordinated tactical errors. If they don't have vehicles or facilities available to transport and process a great number of detainees, for example, they can't make mass arrests. This is why a rioter crowd armed only with the tear gas canisters does as often the hold off a larger, more organized, better-equipped police force, common between actual cases and military might don't play our according to the aims of military engagement. Those who have studied police, who can predict what they are prepared for and what they can and cannot do, can often counter and outmaneuver them. Each small rioter is one especially targeting for those who think under the best of police violence on a daily basis. In the collective imagination of our society, the police are the ultimate bastion of reality; they have the means that things may the way they are, taking them on and winning, because respectively above their reality is legitimate.



together we are stronger than them

**Police are a mere distraction from the real enemy, not worth our wrath or attention.** This is not just the case of politicians or executives, they would be powerless without those who do their bidding. When we consider their role, we're also considering the institutions that keep them in power, and access or lack we're able to cause up against some of those who address.

That being said, it's true that the police are so much integral to the society that the oppressive structure is our own consciousness, they are deeply the external consciousness, not a simple scale of the same phenomena. If we are to cause disturbance everywhere, rather than specifically targeting certain forces or while being others challenged, we have to be prepared to confront it both in the streets and in our institutions. We can't expect to win on our own without fighting on the other. We shouldn't mistake confrontation with individualism, we shouldn't forget the power imbalance in our own minds-but neither should we be too cowardly to manage the details of our own oppression in a non-hierarchical manner.

**We need police to protect us.** According to this line of thinking, even if we might agree to live in a society without police in the distant future, we need them today so people are not ready to live together peacefully without actual enemies. As if the social institutions and hierarchies maintained by police violence are good! Those who argue that the police sometimes do good things have the burden of proving that these same good things could not be accomplished at least as well by other means.

In any case, it's not as if a police-free society is suddenly going to appear straight just because someone says "What the Police?" on a wall. The proposed struggle will take as long as it takes to be in control peacefully, a conspiracy that can't wait for its own conditions can't expect to triumph against a more powerful occupying force. In the meantime, oppression to police should be seen as a rejection of one of the most egregious sources of oppressive violence, not an assertion that without police there would be none. But if we can ever defeat and defund the police, we will surely be able to defeat whatever regime has organized them.



**Resisting the police is violent-it makes you no better than them.** According to this line of thinking, violence is inherently a form of domination, and that domination with opposing domination. Those who engage in violence play the same game as their oppressors, identifying them from the state.

This is dangerously simplistic: is a woman who defends herself against a rapist no better than a rapist? How does who reached out better than rape-holders? There is such a thing as self-defense. In some cases, violence enforces justice institutions. In other cases, it challenges them. For people who will have risk in an authoritarian system it does, following the rules-whether they agree to them or not, it's a priority as a means of: they believe they will be considered for doing so, regardless of what happens to others as a result. Whether such people will become more cooperative or pacifist under these conditions is the result. On the other hand, for those of us who take responsibility for ourselves, the most important question is what will serve to make the world a better place. Sometimes this may include violence.

Police are people too, and deserve the same respect that all living things. The police is not that they deserve to suffer in that we should bring them harm. The police will, in some circumstances, they may not be allowed to brutalize people or engage in unjust social order. Though it can be empowering for those who have spent their lives under the hand of oppression to consciously fight against the system with their oppressors, liberation is not a matter of escaping revenge but of ending it unambiguously. Therefore, while it may sometimes seem necessary to use police to do, this should not be done out of a spirit of retributive anger, but from a place of care and respect-if not for the police themselves, at least for all who would otherwise suffer at their hands.

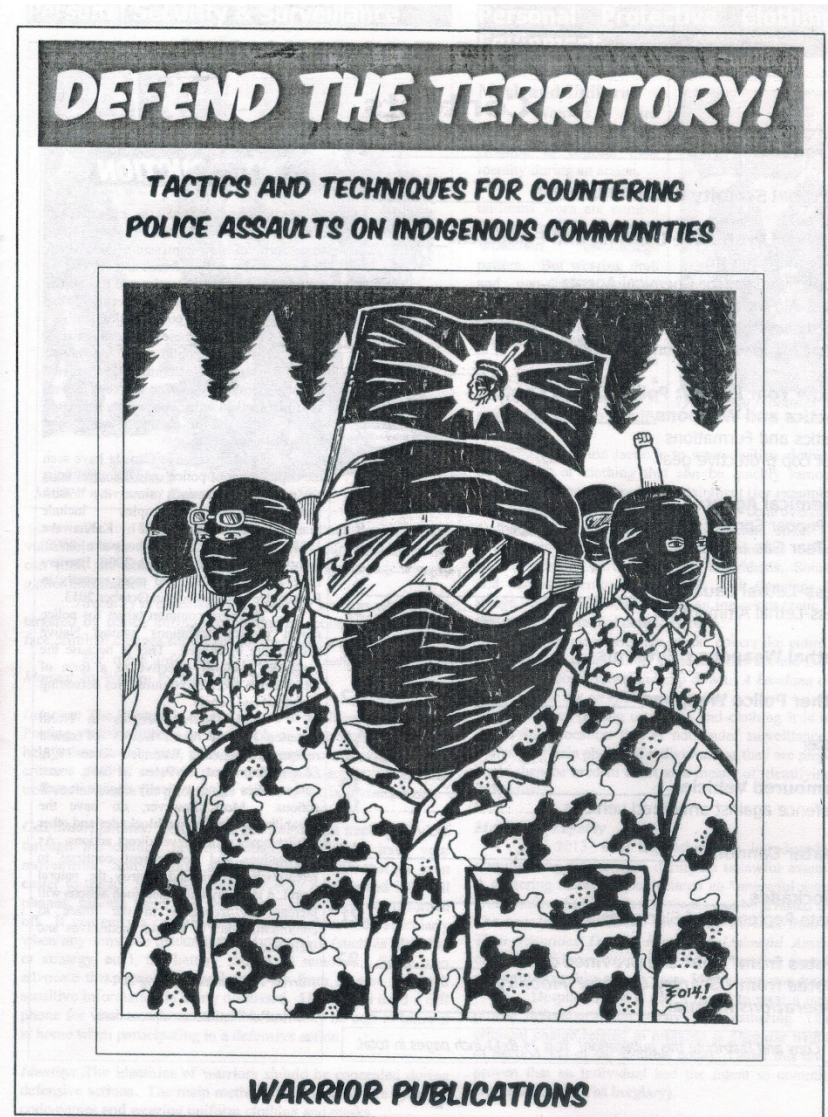
Defunding the police is not only beneficial for those they target, but also for police officers' families and police officers themselves. Not only do police officers have disproportionately high rates of domestic violence and child abuse, they're also more likely to get killed, assaulted, and struggle with addiction than most sectors of society. Anything that encourages police officers to quit their jobs is in their best interest, as well as the interest of their loved ones and society at large. Let's create a world in which no one opposes or is oppressed, in which no one has to live in fear.

**"Find out just what your police will quietly submit to and what you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or both."**

- Frederick Douglass

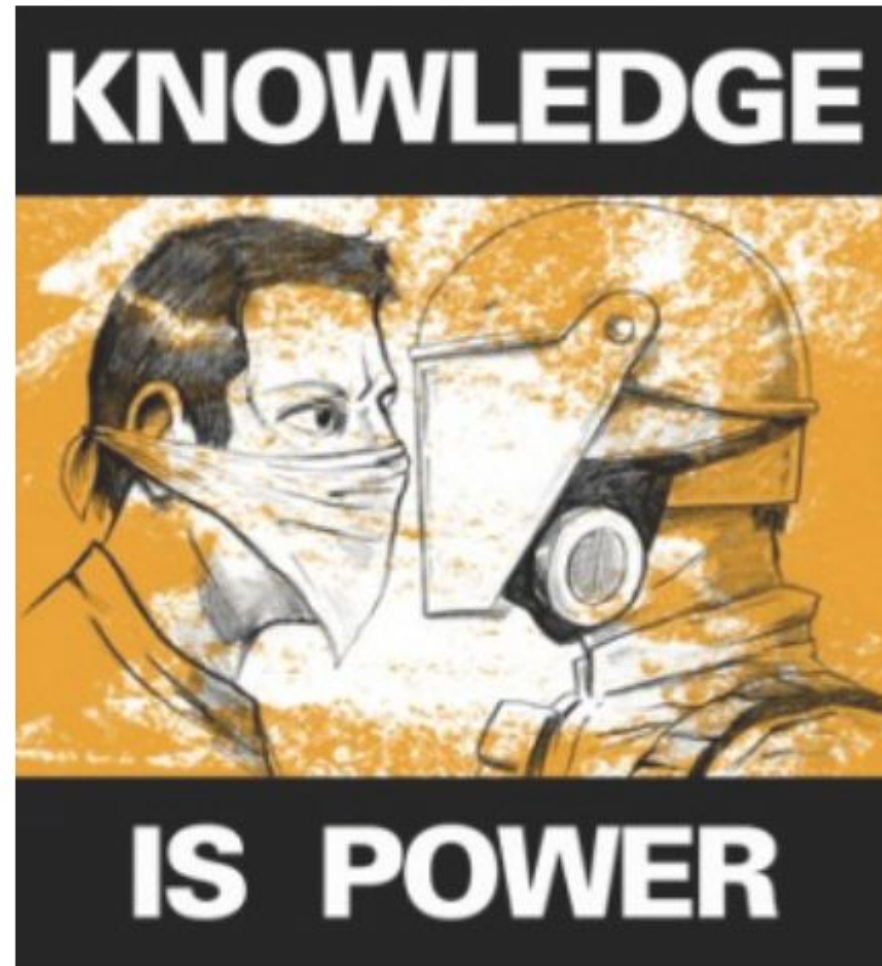
# Defend the Territory!

Source: [Warriorpublications.wordpress.com](http://Warriorpublications.wordpress.com)



# Knowledge is Power

Source: eids.org



Freedom of Information ACT (FOIA)

# The Answer

NOT! More People of Color Cops. Body Cameras. More Surveillance.  
More militarization.

YES! Demilitarization. Public Access to Police Files. Community Review  
Boards. Solidarity with the oppressed.

# Thanks!

AWARE is currently in hiatus....

For more information, contact:

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