

Police Officers And Prejudice

Recently, a white suburban woman who refused a lawful request to sign a traffic ticket became a cause célèbre when she threw a fit about being groped by the police. Obviously she's never exercised her First Amendment rights at a Klan rally where groping is the order of the day. Her story is news precisely because it is so unlikely. But what about the more common and constant victims of police abuse like Rashad Grayson, his parents and little sister, who are just a few of many African-American citizens currently suing the Columbus police for abuse?

On August 15, 1993, at nine in the evening, the 13-year-old Rashad was admittedly in front of his house playing with fake nunchakus, a harmless plastic toy with foam-rubber covering. One of Columbus' newest and finest police officers, Samuel Feldman, was out to make perhaps his "first arrest." According to Feldman's deposition on file in Franklin County's Common Pleas Court, he had just finished his probationary "coaching" period. He had already been suspended for 10 days during that probationary period for an "unreported use of force" violation.

Now Feldman was on his own and he knew a criminal when he saw one. Feldman decided to arrest Rashad for "disorderly conduct." Feldman, who admits under oath to having played with real nunchakus himself while a teenager, found

BOB FITRAKIS

Rashad to be “recklessly engaged in some type of turbulent behavior.” The white Feldman “considered Rashad a suspicious person” because he was swinging his toy nunchakus in a “proficient manner.” He also assumed that there might already be an unseen “possible victim.” Officer Feldman explained his theory of probable cause: the black youth “could have used the nunchakus on this person” who didn’t exist.

“Bad boys, bad boys, whatchya gonna do when they come for your toy nunchakus?” Rashad did nothing but comply with the officer’s deranged prejudices, but his parents made the mistake of questioning Officer Feldman’s actions and attempting to videotape the arrest. By the time it was over, Rashad’s mother, who was videotaping, was tackled, his sister was Maced, and his father, Samuel Grayson, was beaten with a police baton. The “suspicious” Rashad was quickly forgotten as up to 30 police officers and a helicopter cordoned off the area and his family was dragged off to jail. The police later returned and arrested Rashad for “disorderly conduct.”

Rashad was acquitted of this charge and the prosecutor’s office refused to bring charges against his parents. This is a far more common scenario in Columbus, but not as sensational as a black cop arresting a white, middle-class woman.

We live increasingly in a police state as politicians whip up irrational and emotional fears of “bad boys” with black faces. We’re convinced we need 100,000 more cops on the street even though per-capita violent crime has declined since the early ‘70s and is no higher than it was in the early 1930s. The prison industrial complex is involved in promoting a new, dehumanized, all-powerful, all-consuming enemy. And it is disproportionately minorities and the poor that are the victims of overzealous police tactics. A few years ago, a survey showed that two-thirds of Americans didn’t think a police officer should have to have a search warrant to enter the home of “a suspected drug dealer.”

COPS, COVER-UPS AND CORRUPTION

If police officers want to be respected, they ought to respect our Constitution and our fundamental human rights. They ought to be required to continue their education, particularly in liberal arts. A decent Social Problems class might help offset their authoritarian mindset that has been documented in study after study. Police, whether they like it or not, are the foot soldiers defending American liberties. But now, with the Cold War over, there appears to be an “enemies gap.” With no Soviets to hate, we’ve turned a lot of that savage aggression inward towards our own citizens. The real lesson of Waco is the eerie similarity between the bomber pilot in Vietnam who said, “We had to destroy the village in order to save it,” and the militarist in the law-and-order establishment who argued that they had to kill the kids in order to save them from Koresh.

This helps to explain state Attorney General Betty Montgomery’s new “air force.” You may have seen the blurb a few weeks ago about Betty copping three 1970s-vintage military copters for the War on Drugs, specifically marijuana, the demon weed. There’s never been a more stupid, misguided and unwinnable war than the one against pot. And if the cops took my Social Problems course, they would learn that most addiction and drug abuse is legally prescribed or purchased at the liquor store. If Jesus had rolled one up after the Last Supper, sucked it into his lungs and passed it around to his disciples and proclaimed, “This is the breath of my life, this do in remembrance of me,” those copters would be out searching for stills instead of hemp stalks. And Betty Boop would be pledging a zero-tolerance policy against alcohol and soliciting campaign contributions at Three-Reefer Power Luncheons.

February 14, 1996

Copwatch

Put a hundred of “Columbus’ finest” in riot gear and you can count on a riot—usually a police riot. The police tactics on Friday, May 17, are simply the latest in a long series of police-instigated rioting and misconduct in the campus area. Last Friday, May 31, I spoke with a dozen students and a lizard exercising their First Amendment rights on the northwest corner of 12th and High. Their demonstration posed a simple question: “Is South Campus a student neighborhood or a penal colony!?”

Neither. It’s condemned and occupied territory, thanks, in part, to the hysteria whipped up by Campus Partners. All that “neighborhood in decay” rhetoric has been taken to heart by the Columbus Police Department.

Tom Vigarino, one of the first arrested on May 17, reports that he was “tackled from behind by a couple undercover cops” that he never saw and who have failed to identify themselves as officers. As they beat him, he recalls one of them warning, “Motherfucker, don’t ever come back to 12th again!” Vigarino, who lives two blocks away on 10th, wonders why he can’t walk the streets in his neighborhood. He is charged with “rioting” for allegedly throwing a bottle at the police, a charge he and various witnesses vehemently deny.

Other witnesses report that police officers purposely shoved Shomas Jones, a third-year criminal law major, over a chain-enclosed planter. Jones was attempting to videotape police

COPS, COVER-UPS AND CORRUPTION

activity, and as he lay defenseless on the pavement he was repeatedly Maced and his camera smashed. When police returned his tape, the video had been erased. Another triumph for the Columbus police's interpretation of the First Amendment.

The police then beat, Maced and arrested Chris Wisniewski, a fourth-year journalism student, for complaining about Jones' treatment. "I was knocked flat on my ass from behind. We were in back of the police by High Street watching what they were doing on 12th, away from the action, and they just turned on us because Shomas had a camera," recalls Wisniewski.

Wisniewski says he was taken to the Zettler Hardware parking lot near campus and held. When students complained about their treatment, they were met with the flippant comments of officers, including one who encouraged others to "get 'em riled up, so I can Mace 'em again."

Writing in *The Lantern* on May 24, Eric Sims, a senior majoring in journalism, recounts how he and a friend were accosted while walking to a convenience store on May 17 by police who offered helpful hints like "...What the fuck do you think you're doing? Turn around, NOW!"

"They chased the students down, beating the ones they caught, Macing the others. Students were screaming and almost trampling each other to run back to their houses," wrote Sims.

The students all tell the same story. No problems, no fights, prior to the police invasion. In fact, area residents had complied with earlier police requests to use plastic fencing to contain their guests and even made public announcements over a PA system asking residents to cooperate with police. Only after the police actions were bottles thrown and items set on fire. But that must be put in the context of the indiscriminate

BOB FITRAKIS

beatings, excessive Macing and random assault with “knee-knockers”—rubber riot bullets—and other anti-riot devices. Throw in the mounted riot police and cop helicopter and you’ve got the makings for police-state mayhem. But the students are fighting back.

The demonstrators announced the formation a new and long-overdue organization: Copwatch. They plan to monitor police activity and take legal action to prevent what has now become a long stream of abuses.

Let’s recall the most obvious. After Ohio State’s last big win at home over Michigan, unlike other universities that enjoy victory celebrations, Columbus cops Maced the hell out of celebrating fans attempting to tear down the goalpost. Last spring, riot police Maced and brutally beat Antioch students for holding a peaceful demonstration at the federal building opposing cuts in student loans. And last fall, police fired tear gas canisters and “knee-knockers” indiscriminately into south campus streets and residences making the air in a four-square block area virtually unbreathable, and then beat and arrested students fleeing to fresh air.

The seeds of the problem germinated in bad social policy. First, an asinine decision to raise the drinking age. This only makes sense if raising the drinking age means that the students would comply; they won’t. College students always drink alcohol. If the drinking age is 18, they drink it in local bars; if it’s 21, they drink at house parties. If you close and burn down the bars, they’ll drink in their cars and alcohol-related fatalities will rise. In our society, it’s a rite of adult passage. The college and the city should be promoting responsible drinking, not police rioting.

What message was being sent when the police department decided to crack down on “drunk walkers” in the campus area a year or so ago? Again, why not crack down on drunk

COPS, COVER-UPS AND CORRUPTION

walkers at Christopher's after the Ohio legislature adjourns on any given day? If the police would contact me, I could gladly give them the names of a few senators and representatives I've never seen sober.

Stop the police repression and brutality. Have the police read the Constitution. And if this is what the Columbus Public Safety Department means by a new policy of "community policing," I wonder about their definition.

June 5, 1996

Call Him Mace Ventura

Channel 4's investigative series "Trouble on 12th Avenue" aired last week. Producer Joel Chow and investigative reporter Rich Skidmore provided viewers with some of the year's most provocative video footage. Despite the standard denials, obfuscations and wild tales told by police officials, their own videotapes tell a different story. Still even more damning is the Internal Affairs paper trail left by the officers accused of "excessive use of force" on May 18.

The series' first segment focused on an incident involving Kevin Lennon. Lieutenant David Wood, who investigated Lennon's complaint against Officer Robert Coffman, wrote in his June 7, 1996, memo to Chief James Jackson that, "When I first viewed the film it appeared that Officer Coffman's strike to the subject's back was improper. After careful review, this investigation it is obvious [sic] that his actions were necessary and proper. I recommend no further action necessary." No surprise.

The police tapes, obtained by Channel 4, clearly show Coffman coming in and punching Lennon as he's being carried away by other cops. You can hear the words, "Enough, Bob," from a fellow officer, which brings what appears to be a swipe from Coffman towards the cop advocating professional behavior.

COPS, COVER-UPS AND CORRUPTION

Coffman is not always keen on professionalism. On February 9, 1994, Coffman ran a license tag number for a Sergeant Watkins for “personal use.” He was “counseled.” Perhaps the police should have spoken with Becky West, who on April 17, 1993, was injured in Coffman’s custody. That was ruled an “accidental injury.” Or they could have talked with Tony Delpra who filed a complaint for an incident on May 13, 1991, when he was “struck in jaw” by Coffman. This was, of course, “justified.” Or they could have talked to three different mothers on two different occasions who charged that Coffman pointed his gun at kids during raids on their homes. And the list goes on.

Officer Michael Stalnaker knees Lennon on the tape. Another of Columbus’ finest, Stalnaker has, since 1987, either Maced or had 13 “excessive use of force” complaints. Whether it was an “unfounded” shove against Paul Collier “causing him to hit his head,” or the “justified” use of a “flashlight” against Robert Walker, or the “justified” kicking of Tim Hemmert in the stomach, for some reason citizens seem to unfairly single out Stalnaker. With all the “justified” force being used by the officer, it’s no wonder it slipped his mind to report he kicked Hemmert. His “written reprimand” was, no doubt, unwarranted. So many unruly citizens, so little time.

The second segment shows that there’s always time to take a young lad—in this case, George Sandroock—to “the whipping post.” Different officers; same pattern of behavior. Sandroock suffered contusions on his nose and upper left eye and a laceration over his right eye that required stitches. This, for not dispersing quickly enough while on a private porch behind party fencing per police instructions. According to police reports, Sandroock’s a real ass-kicker. He stood his ground, cussing out cops, despite “two verbal orders” directed at him by Officer Jimmie Barnes. After Macing

BOB FITRAKIS

Sandroek, in Barnes' version, the youngster attacked his riot shield with his fist and head. Yes, indeed, Sandroek swung his "fist so hard at Officer Barnes that he lost his balance and fell into the riot shield."

Just ask Officer Eric Moore, who attempted "to restrain Mr. Sandroek's arms and legs while he was kicking and swinging his fist at the officers." And Officer Martin Malone also saw Sandroek "resisting." Now, anyone who saw the video saw the officers push Sandroek over the railing, hold him there and beat the hell out of him. The Allman Brothers' classic "Whipping Post" would have been appropriate background music. But who's going to believe a lying punk like Sandroek when you have three officers like Barnes, Moore and Malone.

Since 1990, six citizens have complained after Barnes Maced them; three persons "accidentally injured" themselves in his custody in the last year and a half.

At least Moore "accidentally shot himself in the leg" and was reprimanded on April 1, 1990. Add to that nine Moore Macings—including Macing a man in Florida while Moore was on vacation. A written reprimand resulted from Moore's Florida adventure. Stir in seven citizen complaints, all very similar, all found to be "unfounded" allegations. These involved "rude and obnoxious behavior," "alleged theft" and forcefully pulling police out of their cars. Toss in seven more force complaints, including pulling Joseph Cook from his car and putting a gun to his head and three—including Sandroek—"accidentally injured" prisoner complaints in the last three years.

There's still more with Malone: 17 complaints since 1987 for Macing, excessive use of force, and an injured prisoner.

And the third and final segment dealt with Criminal Justice student Shammias Jones who was videotaping the police activity away from the fray and was allegedly attacked by Officer David Dennison. Dennison's attack on Jones was "justi-

COPS, COVER-UPS AND CORRUPTION

fied.” Just like his 10 Macings since March 1993.

But how do they justify the police officer caught on tape shooting “knee-knockers”—rubber bullets designed to be shot into the ground and bounce up—directly at students and yelling, “There you go, eat that!”

Police investigators admit they came to their conclusions on “justified” Macing and use of force on 12th Avenue by only using the least damaging tape. This is unjustifiable.

August 14, 1996

12th Avenue Freeze-Out

An age-old question on government abuse asks, “Who watches the watchers?” In Columbus, the answer is easy: it’s Copwatch.

Active and visible in the OSU campus area since the May 17, 1996, confrontation between Columbus police officers and 12th Avenue partiers, their slogan is “Refuse to be Abused”; their logo depicts an eyeball for the “O” in the word Cop. A pamphlet they’ve handed out every weekend this fall states: “We have cameras. We have lawyers. We have people who can be seen, and people who can’t. We are watching cops right now in the OSU area.”

And all of it’s true.

Like many seemingly subversive and radical ideas and innovations, the Copwatch concept originated in Berkeley. It is a direct linear descendant of perhaps America’s most well-known militant Copwatchers—the Oakland-based Black Panther Party and the Berkeley-based student liberation movement that brought us the student Free Speech Movement and clashed with the police over Peoples Park in the ‘60s.

Like its Bay-Area predecessors, Copwatch was first organized in February 1990 on the south side of Berkeley in response to “police brutality,” according to Berkeley’s Copwatch handbook. The ongoing struggle between the Uni-

COPS, COVER-UPS AND CORRUPTION

versity of California at Berkeley administration and campus-area residents over the removal of the Peoples Café from Peoples Park once again brought “people together out of a mutual understanding that this violence, which is targeted at the poor, street people, people of color, activists and hippies is a direct result of pressure from the university, many Telegraph Avenue merchants and landlords to gentrify the area,” the handbook explains.

In its initial manifesto, proclaiming “Who is Copwatch,” the organization asserted: “We have come to feel that the very people who are supposed to safeguard our persons and property have actually come to represent a major threat to us.” They weren’t alone and their idea began to spread across the country.

In 1994, the Minneapolis Anti-Racist Action chapter, an organization whose national headquarters is in Columbus’s north campus area, started its own version of Copwatch. One of the Minneapolis founders, Justine—Copwatchers are generally reluctant to use their full name for fear of police harassment—conceded that, “Our philosophy is a little different than Berkeley’s.

“We have more of a critique of the state, and what the police work to do, to uphold racist laws and a class-based society and suppress the poor,” she explained. Unlike Berkeley, the Minneapolis Copwatch focuses mainly on the downtown areas where they claim that African-American youth are routinely harassed on Friday and Saturday nights. Justine said that, “Curfews are strictly enforced on black youth and we didn’t see that being done in other areas, so it provided us with a way to have a greater public presence” by monitoring the police.

The instructions in the Minneapolis Copwatch handbook call for much more aggressive action than Berkeley’s. Their

BOB FITRAKIS

teams of four “intervenors” are told that, “It’s your job to find out what’s going on, be a witness, and prevent false arrest and harassment.” The more Gandhi-ist Berkeley chapter says, “Treat everyone you come in contact with in a friendly and polite manner”; the Minnesota chapter advises, “Don’t get into philosophical debates with pigs, it’s pointless.” The Minneapolis Copwatch literature proclaims: “We don’t talk to cops!” They instruct their members: “They are our oppressors and you are committed to fighting oppression.” They define one of the note-taker’s tasks in the handbook as recording “Stupid or fucked-up quotes from the cops.”

Despite their more militant tactics and rhetoric, Justine said that only four Copwatch members have been arrested in its two years of existence, all misdemeanors involving interference with official police business.

On the other hand, the fledgling and much less confrontational Columbus Copwatch had four of its members arrested in a two-week period between October 13 and 27, and are adding a different element, the lawsuit. Attorney Jim McNamara said he plans to file suit on Wednesday, November 27, in the Franklin County Common Pleas Court against the city of Columbus and Columbus Police Officer David J. Dennison and, as yet unnamed John and Jane Doe officers. The suit, filed on behalf of plaintiffs Shammias Jones, Chris Wisniewski and Walter Leake alleges “assault and battery,” “false arrest” and “malicious prosecution” against the officers and the city.

The lawsuit stems from the Columbus Police Department’s actions in the south campus area on the evening of May 17, 1996. It also led to the founding of Copwatch in Columbus. Jones, then a third-year Criminology student, stood behind the police and videotaped them as they charged down 12th Avenue firing tear gas and wooden bullets and making random arrests.

COPS, COVER-UPS AND CORRUPTION

The reason for the confrontation between a couple hundred police and throng of 12th Avenue party-goers remains a mystery. The lawsuit states, “This large police presence was not in response to any emergency situation or civil disobedience. Rather, it was a pre-planned action.” McNamara claims that testimony in the Shammass Jones criminal trial—where a jury unanimously acquitted of all criminal charges—demonstrated that the police planned the confrontation with the partiers “up to 10 days earlier.”

McNamara contends that Jones merely “observed, videotaped, and then turned to walk away” when “he was attacked from behind by the police, Maced in the face, knocked to the ground, pushed and struck violently and repeatedly.” The suit alleges that the police attacked Jones “because he had videotaped improper police actions.” Jones asserts that the portion of his tape that showed the police misconduct was erased while in police custody.

“I don’t have any knowledge of that,” said Commander Steven Gammil, the CPD officer in charge of the situation on the OSU campus the night Jones, Wisniewski and Leake was arrested.

So outraged was Jones by the police action he refused an offer by the city of Columbus to dismiss all criminal charges against him, including disorderly conduct and resisting arrest, if he signed an agreement promising not to sue the city and the officers.

Co-plaintiff Chris Wisniewski, a member of Anti-Racist Action (ARA), was shocked by the police assault on Jones, an African-American, and “paused and made a critical comment on the police action,” according to McNamara. Wisniewski, the suit claims, was also “attacked from behind” and arrested.

Co-plaintiff Leake was Maced “in a police show of force

BOB FITRAKIS

to clear the area quickly,” says the suit. Neither Wisniewski nor Leake were charged with criminal conduct. “Look, there’s three steps here. First, the police hurt you physically if you attempt to witness their actions. Then they arrest you, and finally, they charge you if you happen to catch them on videotape,” McNamara asserts.

Within a week, ARA activists aware of the Copwatch in Minneapolis took to the streets. On May 31, a dozen Copwatchers demonstrated on the corner of 12th and High with a banner asking a simple question: “Is South Campus a Student Neighborhood or a Penal Colony!?” Diverting from the Minneapolis model, Columbus Copwatchers emphasize not only non-confrontational observing of south campus police activity, but also educating area residents of their Constitutional rights. Every weekend night on campus they hand out literature containing “Practical tips in dealing with the police.” One tip advises, “Do not ‘bad mouth’ the police or run away, even if you believe what is happening is unreasonable.”

The summer months weren’t much of a test as to the police’s receptiveness to the Copwatch tactics. News coverage on NBC4 showing police brutality, with video depicting an officer repeatedly punching an arrested student, helped create a friendly environment for Copwatch activity.

Autumn quarter at OSU became the real challenge. It started well enough with Shammias Jones being acquitted on September 23. But then things got ugly. After OSU’s victory over Notre Dame, police provided little or no law enforcement as a small but determined group of celebrators vandalized and overturned cars on 12th Avenue. Public sympathy for south campus residents quickly vanished. With great fanfare, OSU President Gordon Gee disposed of due process and suspended several students suspected of taking part in the vandalism, which occurred off-campus and not under the

COPS, COVER-UPS AND CORRUPTION

university's jurisdiction.

Copwatch members claimed that the Columbus Police Department let the vandalism get out of control to punish 12th Avenue residents critical of their May 17 actions and to manipulate public opinion. It worked. With elected officials and the public at large decrying student vandalism, the police were virtually given carte blanche to control the south campus area.

Liquor control agents posing as store clerks and pizza deliverymen invaded the south campus area to crack down on underage drinking. They routinely enter area residences that host weekend parties, checking I.D.'s, making arrests and confiscating kegs. And the mainstream media began to report routinely the number of campus arrests each weekend along with the Buckeye football score. OSU student Anthony Tarantino commented that the police "are taking away all our freedoms. They're watching us all the time. It's like we live in a police state." Another student, Donald Cox, said, "The cops are screwing everything up. We need gas masks to party. It sucks."

The emboldened police immediately cracked down on Copwatchers. On October 13, a Copwatch member was arrested for videotaping police arrests. The tape he shot clearly shows that he was complying with police orders. *Columbus Alive* viewed a video provided by McNamara that shows the police ordering the Copwatch videographer to the sidewalk, a safe distance away from the arrest. The police later push the videographer into a crowd of students and arrest him after he asks them if they want to "get macho for the camera."

"What Copwatch was doing is perfectly legal," McNamara argues.

On October 19, Copwatch organized a rally, in conjunction with ARA's national convention, of some 300 people to march against police brutality in the south campus area. Po-

BOB FITRAKIS

lice squad cars followed the peaceful demonstration and waded into the crowd at Blake Avenue and High Street to arrest a marcher for walking in the street. In making the arrest, they Maced several demonstrators, including this *Columbus Alive* reporter. Police later denied using Mace to the media.

Copwatch members and police clashed again on October 27. Both Josh Klein and Ann Pussel were arrested while peacefully videotaping an arrest near 12th and High. And fellow watcher Patricia Sikora was ticketed when she followed the police cruiser to the Franklin County jail to bail them out. *Columbus Alive* obtained a tape of the incident that is strikingly at odds with the police arrest report submitted by Lieutenant Rich Mann. In Mann's report, "Mr. Klein then walked right up to the officer's face, pushing his camcorder into their faces. He was again ordered to leave the area. Mr. Klein then walked to the sidewalk taunting and crying at officers."

The tape tells a different tale. Officers indeed ordered Klein a safe distance away to the sidewalk. At that point, a male companion of the man being arrested says to the Copwatchers, "That's fucked up. It takes a whole precinct to arrest him." Police officers, clearly not in any danger with their man arrested and in the cruiser, take offense to the companion's remark and walk up to the camera. When they put their hands on Klein, he says, "Don't touch me. Don't touch me." In Mann's version—not substantiated by the tape—Klein says, "I don't have to leave. Don't you fucking touch me." Upon arrest, fearing that his tape would meet the same fate as that of Shammias Jones, Klein passed his camera off to Ann Pussel, who was immediately arrested for interfering with police business.

McNamara vows to produce, in addition to the tape, at least three eyewitnesses who support Copwatch's version.

COPS, COVER-UPS AND CORRUPTION

On October 31, the U.S. Justice Department announced an investigation of evidence of patterned discrimination by Columbus Police officers giving Copwatch members some hope that their arrests have not been in vain.

Doug Browell, chief labor attorney for the city of Columbus, commented Tuesday, "We don't try our cases in the press. So I really have no comment on [the investigation.] What I can say is that the city is cooperating with the investigation as much as possible."

Ron Zeller, owner of the south campus restaurant Street Scene and self-professed "Copwatch Watcher," has strong opinions on Copwatch tactics. "Copwatch serves some good purposes, but they've overstepped their bounds a little bit." While he supports the police and criticizes the Copwatchers for interfering, he concedes that the crux of the problem is the government's policy that tries "to legislate moral and social problems." He said that out of the 29 altercations he's had at Street Scene, 27 involved non-college students. "Just today I had a 28-year-old who wanted to throw a beer bottle at the TV set because the Buckeyes lost to Michigan. He's not a student. There's too much Section 8 housing in the area. Too much density in the 12th Avenue area and that's the landlord's fault, not the students." He frankly admits that he believes there's "discriminatory enforcement of the liquor laws in the campus area."

In anticipation of an OSU victory over Michigan, 400 riot police moved into the south campus area last weekend. No major confrontations or arrests of Copwatch members were reported.

Now comes the winter of Copwatch's discontent and litigation. It's not quite as exciting as Huey Newton brandishing a gun and a copy of the Constitution and facing down the Oakland Police in the 1960s, but it may be as equally impor-

BOB FITRAKIS

tant in our current climate of rough-'em-up police tactics and prison-building that the police know that they're accountable to the communities they're sworn to protect and serve.

November 27, 1996

Hog-tying Incident Not Over

Chief Jackson's account in *The Columbus Dispatch*, claiming a new study 'vindicates' the officers involved in the hog-tying death of Chris Kinneer, is hogwash," according to attorney James D. McNamara, who recently won a settlement from the city on behalf of Kinneer's girlfriend, Patricia Hetzer. Kinneer was arrested and hog-tied after allegedly menacing a police officer in December 1994 after he and Hetzer had argued in her apartment.

McNamara pointed out "some peculiarities" with *The Dispatch's* "news account." "First, they lead with the claim that 'A medical expert has reversed his decision that called the police practice of hog-tying prisoners deadly.' Then, they imply that it was the original medical expert that reversed himself, but they go on to cite 'a study by Dr. Tom Neuman,' and only briefly mention without quotes or citation that the original medical expert, Dr. Donald T. Reay 'agreed with the findings,'" explained McNamara.

"And what were Neuman's findings? 'What is killing these people are the drugs they are taking that make them so agitated and so violent.' People need to know that other than alcohol, there were no drugs of any kind in Kinneer's body. And that before they accept the chief's explanation, they ought to read the under-oath testimony of the police and Jackson

BOB FITRAKIS

himself,” McNamara said.

A February 6, 1998, *Dispatch* article quotes Jackson saying, “This seems to exonerate the officers and their actions, as well as the division.” None of the police officers involved in the hog-tying death of Kinneer were disciplined for their actions.

But, the case itself provides an interesting look into the operations of the Columbus Police Department, and the way police officers are trained. On January 29, 1996, Jackson gave a sworn deposition in the Kinneer case. The chief said that he first learned that hog-tying could lead to death in February 1993. Jackson claimed no “technical knowledge” regarding hog-tying.

On January 30, 1994, Jackson issued Division Directive 3.40 prohibiting placing a hog-tied prisoner on his abdomen. Yet, Kinneer died nearly a year later on December 31, 1994, in that very position. Jackson acknowledged that officers are “required” to know his directives. But, Jackson revealed in his deposition that the officers never “received” his directive and “should not be held accountable because there was a failure in the system.”

That failure, according to Jackson, occurred throughout the entire year of 1994.

His directives were supposed to be read and passed out to officers at roll call. Roll call, “wasn’t taking place in some cases,” particularly for “mid-watch officers.”

Mid-watch Officer Steven E. Dean’s May 23, 1996, deposition stated that Kinneer “seemed pretty calm...very calm” when the police arrived. Dean described Kinneer’s attitude as “nonchalant, hanging out, not doing anything.” Dean swore that Kinneer initially complied with verbal directives and that he could not smell alcohol on Kinneer’s breath, but he was moving slowly. Kinneer, according to Dean, was neither told

COPS, COVER-UPS AND CORRUPTION

that he was doing anything illegal nor warned that he might face arrest. After Dean “grabbed” Kinneer’s “sleeve and tugged it” and said, “Come on,” Kinneer “pulled his arm back in a clenched fist.” That’s what led to Kinneer’s arrest.

Following the clenched fist and subsequent arrest, Dean “told” Kinneer “to get on the ground.” The officer never explained why he didn’t have Kinneer simply turn around for cuffing. “And I started to force him to the ground using body weight to pull on his lapels,” Dean explained. Dean couldn’t recall exactly how Kinneer ended up on the ground but he clearly recalled Macing Kinneer in the face. Dean conceded that he’d arrested many people who were a lot more violent than Chris Kinneer. Somehow Kinneer ended up on his stomach hog-tied, but Dean’s memory is “cloudy” since he was “extremely” affected by the Mace he had sprayed and found it hard to breathe. Dean went to the landing to get some air as the Maced and hog-tied Kinneer lay on his belly.

Officer Dean couldn’t remember ever receiving roll call training on alternatives to hog-tying such as flex-cuffs or other restraint devices. He stated that Sergeant Jack Roth, responsible for his training, “never” trained him on restraint devices. He noted, though, that it would have been virtually impossible since Roth started at 11:00 and the mid-watch officers started four hours earlier at seven.

Officer Robert D. Edwards swore that he was also unaware of the chief’s directive, and that hog-tying was an accepted practice for Columbus police in 1994. It was Edwards who later checked Kinneer’s pulse and found it not beating.

Officer John A. Gall participated as well in Kinneer’s hog-tying and admitted under oath that he’d hog-tied up to 30 people between January 1993 and December 1994. Gall also admitted he learned his “hog-tying...on the street,” not at the “Academy.” He swore in his deposition that he was also un-

BOB FITRAKIS

aware of Jackson's directive and said that the Columbus police failed to adequately train him.

With the current debate raging among City Council, Chief Jackson, the Safety Inspector's office and Mayor Lashutka as to the quality and responsibility of police training, the Kinneer depositions are insightful reading.

"Since 1991, for example, we've received about 12 percent of the monies we've requested for training and travel. [In] 1991, I think we received about \$19,000 for 2,000 employees for training and travel. For 1992, we didn't receive one penny for training and travel... '93 we received \$10,000. [In] '94 we received \$10,000, and '95 it was about \$50,000, but all of that is totally inadequate for training," Jackson stated under oath.

The Kinneer depositions reveal that all the officers involved in his hog-tying and subsequent death were unaware of a key directive from Chief Jackson. While Jackson admits that there was a "failure of the system," it's more than that. It's a crisis when the chief's essential directives are not passed on to officers on the street. "The Chief and the department are not exonerated," concluded McNamara. "They've got the same systemic problems they've always had."

February 12, 1998

Ain't Afraid Of Your Jails

The tactics of Columbus police in the OSU area just cost city taxpayers \$26,800 in a settlement of the first civil suit brought by the campus-based Copwatch organization. The figure could go much higher with five more cases involving seven claimants still pending. Add to this 11 Antioch students preparing to sue the Columbus police for Macing them while peacefully demonstrating at the federal building, and you get a better understanding of Mayor Gregory Lashutka's and City Council's concern over police training. The same day the case was settled, Lashutka called Police Chief James Jackson's report on police training and conduct "unimpressive," according to WTVN radio.

On Monday, April 20, City Attorney Janet Jackson agreed to the first settlement of \$26,800 in the case of Copwatch member Anne Pussel, arrested for allegedly "obstructing official business" on the evening of October 27, 1996. Her suit claimed she was protesting police "violence" against another Copwatch member, Josh Klein. In her complaint filed in the Franklin County Common Pleas Court, Pussel charged the Columbus police with "assault and battery," "false arrest," "malicious prosecution," violations of First and Fourth Amendment rights and the City of Columbus for "failure to adequately and reasonably train, supervise, and discipline officers...."

Copwatch describes itself as "a community organization

BOB FITRAKIS

... formed to monitor police activities in response to allegations of police misconduct in the area near the Ohio State University." A Copwatch pamphlet reads: "We have cameras. We have lawyers. We have people who can be seen, and people who can't. We are watching cops rights now in the OSU area." A November 27, 1996, *Columbus Alive* article, "12th Avenue Freeze Out" documents the group's formation and growth. Copwatch began as an outgrowth of Anti-Racist Action (ARA) on the night of May 17, 1996, when Columbus police confronted campus-area revelers attending the traditional African-American Heritage Festival and Anti-Fest.

Shammus Jones, then a third-year criminology major, was the first to pick up a video camera and use it as a Copwatch tool that night. Jones videotaped police charging down 12th Avenue, firing tear gas and wooden bullets and making numerous random arrests. Consequently he was also arrested, charged with "assault, disorderly conduct, resisting arrest and obstructing official business." Jones rejected an offer from the city to drop all charges in exchange for an agreement not to sue the police. After a weeklong criminal trial, the jury quickly found Jones not guilty on all counts. His attorney, Jim McNamara, filed a civil suit against the Columbus police claiming that Jones was illegally "attacked from behind by the police, Maced in the face, knocked to the ground, pushed and struck violently and repeatedly...because he had videotaped improper police action."

Jones' two co-plaintiffs, Chris Wisniewski, an ARA member, and Walter Leake, were never arrested but both alleged that they were attacked for criticizing police behavior against Jones. The Jones, Wisniewski, Leake civil trial is scheduled to begin next Tuesday.

In a two-week period between October 13 and 27 four

COPS, COVER-UPS AND CORRUPTION

Copwatch members, including Pussel, were arrested on various charges after videotaping and monitoring police activity. On October 13, police arrested Copwatch member Justin Gelenek after he videotaped a police arrest.

Columbus Alive reviewed the tape shot by Gelenek that night. In the tape, Gelenek, after complying with police orders to move a safe distance away from the arrest, is pushed into a crowd of students and is subsequently arrested after he said, "Get macho for the camera," to police. Criminal charges were dismissed against Gelenek, who also has a civil suit pending against the police.

On October 27, Pussel and two other Copwatch members, Josh Klein and Trisha Sikora, were arrested. All criminal charges were dropped against the Copwatchers including what McNamara terms the "ludicrous" charge against Sikora that she was "following an emergency vehicle" after she followed the police paddy wagon to the jail in an attempt to arrange bail for Klein and Pussel. Both Klein and Sikora have civil cases pending against the police.

Finally, the Fraternal Order of Police had had enough and began to put political pressure on City Attorney Jackson not to drop criminal charges against Copwatchers. Soon after that, Pussel and Sikora were again arrested and brought to trial. In Pussel's case, Judge James Fais threw out the case after the prosecution presented its witnesses in November of '97; and on March 26, the city attorney asked that Sikora's case be dismissed after failing to present their case. Both Pussel and Sikora have filed additional civil suits from their second arrests.

The final day of the African-American Heritage Festival and Anti-Fest is slated for May 16 this year, and Copwatch is determined to send a message to the Columbus police and city politicians: "We intend to monitor these events. We'll be

BOB FITRAKIS

looking at police tactics from unnecessary street closings, to interfering with the business of local merchants, to harassment of citizens.”

When asked what Copwatch wants, McNamara said his clients “want citizens in the campus area to be treated the same as those in the Brewery District and those attending the Short North Gallery Hop.

“Ultimately, taxpayers are going to conclude that police misconduct is costing them a lot of money. By not training these officers properly, nor disciplining them when they violate citizens’ rights, publicly-elected officials are complicit in this process,” concluded McNamara.

April 23, 1998

OSU Unrest Prompts Copwatch Action

The city of Columbus can expect another round of lawsuits from the campus-based Copwatch organization following Saturday night's clash between the police and crowds of people mingling on High Street.

Copwatch—a group that monitors police activity in the campus area armed with video and still cameras—was out in force because of past problems associated with the aftermath of the African-American Heritage Festival at Ohio State University.

On Monday, Copwatch activists released video footage of a conflict between police and citizens near the corner of 10th and High. Copwatch members had no criticism of police actions on Friday night when 16 people were arrested, primarily for disorderly conduct and open container violations. The Copwatchers noted that the police gave the large crowd gathered in the 7-Eleven store parking lot a 10-minute warning before sweeping the streets at 4:30 a.m. early Saturday morning.

At nearly the same spot the following night, the Copwatch video caught the police moving in at 2 a.m. As the primarily African-American revelers peacefully socialized in the parking lot, the police twice announced, “The 7-Eleven parking

BOB FITRAKIS

lot is now closed,” the videotape revealed. No warning to the crowd to disperse is audible on the tape. As if by design, a military-style armored personnel vehicle is seen moving into the picture and the police assuming a military formation. Twice again, the police informed the crowd, “7-Eleven is now closed. Vacate the lot now.”

The police again issued no specific warnings on the tape. The video next captured a volley of shots—wooden riot-control “knee-knockers”—fired by the police into the crowd. The tape records the words of a panicked black bystander who shouted, “They’re trying to kill us!” The obviously intimidated crowd scattered; the police followed with another volley of knee-knockers before charging in to clear the parking lot. Twelve people were arrested, mostly for disorderly conduct.

The police version of the what transpired appeared in Monday’s *Dispatch*: “A dozen people were arrested between 10:30 p.m. Saturday and 2:30 a.m. yesterday after police were pelted with rocks and bottles.” Copwatch videotape appears to document that the police started the confrontation with the unprovoked firing of wooden bullets, and Copwatchers insist if bottles were thrown, it was in response to the police shootings.

Eight Copwatch activists took spent knee-knocker canisters, wooden bullets and the video footage to City Council on Monday to illustrate their complaint against the cops’ behavior. The police told council that they have their own video supporting their version of events. Earlier, at Copwatch headquarters, one member pointed out that several of the wooden bullets were “unscuffed” and had been fired “not at the ground, as they are supposed to, but in the air directly at people.”

A Copwatch press release attacked “most media coverage” for focusing “on a few isolated acts of bottle-breaking