

# Resisting Police Militarization and Mass Incarceration

Berkeley Friends Meeting, February 17, 2021



**American Friends  
Service Committee**

## California Racial Justice Act

- ❖ Passed Sept. 30th, 2020
- ❖ First in the Country on this scale
  - North Carolina 2009 - repealed 2013
  - Kentucky 1998 - repealed 2013
- ❖ AB 2542 prohibits the state from seeking or obtaining a criminal conviction, or from imposing a sentence, based upon race, ethnicity or national origin.
- ❖ The RJA makes it possible for a person charged or convicted of a crime to challenge racial bias in their case through evidence

- Exhibited racial bias by an attorney, judge, law enforcement officer, witness, etc. involved in case.
- Use of racially discriminatory language during the trial, whether or not purposeful or directed at a defendant.
- Racial bias in jury selection
  - removing all or nearly all people of color from the jury.
- Statistical disparities in charging and convictions
  - Evidence that people of one race are disproportionately charged or convicted of a specific crime
- Statistical disparities in sentencing
  - evidence that people of one race receive longer or more severe sentences, including the death penalty or life without parole.

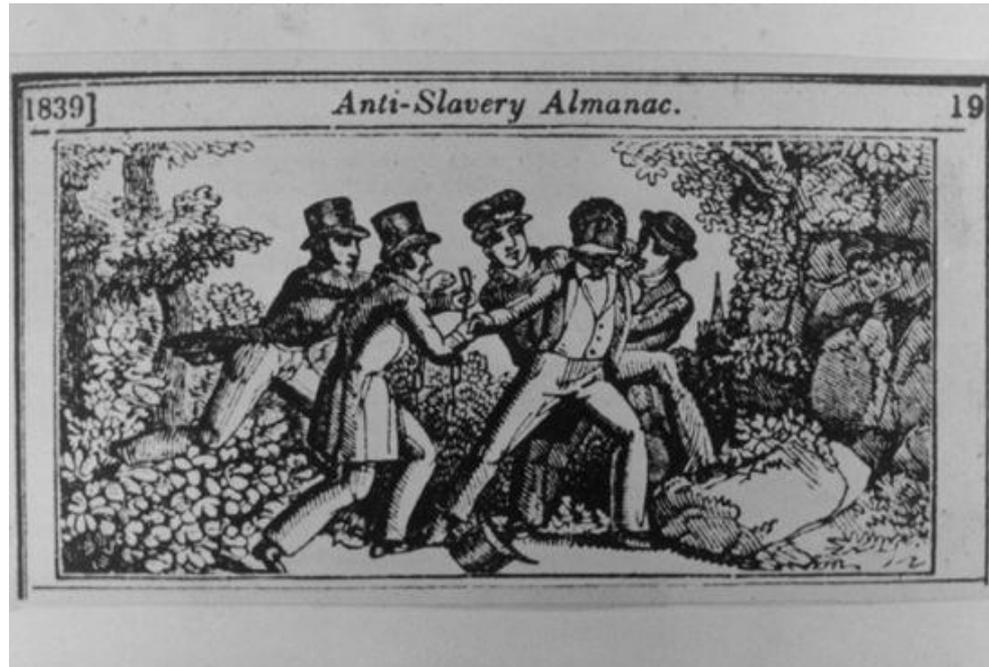
# AB 256 RJA for All

- Introduced January 15, 2021
- Makes bill retroactive
- First stop-Assembly Public Safety

## **Racist police violence is a function of five problems:**

- **Mission** - addressing social problems with armed police: gentrification, unmet mental health needs, substance use disorders, school discipline
- **Recruitment** of police from outside the communities where they work
- **Training** to see community members as threats
- **Equipment** made for aggression and war
- **Impunity** for crimes that police commit

# U.S. policing grown out of slave patrols, Texas Rangers, anti-labor repression, and other histories of social control



**1700s, 1800s: Slave patrols, paramilitary groups coalesce into 24-hour, city-run police**

Photo credit: <https://upload.wikimedia.org/wikipedia/commons/thumb/6/6a/Slavepatrols.jpg/550px-Slavepatrols.jpg>

# What can community safety look like beyond police?



# Invest & Divest



A large, diverse crowd of people is seated in a hall, attending a City Council discussion. Many individuals are holding up protest signs. The signs are primarily yellow and white, with text such as "BERKELEY RESIDENTS AGAINST URBAN SHIELDS AND PATRIOTISM", "FUCK THE POLICE", "BEING COMPROMISED", "BLACK LIVES MATTER", "EMERGENCY SERVICES ARE NOT A BUSINESS", "THE POLICE ARE NOT A BUSINESS", and "EMERGENCY SERVICES ARE NOT A BUSINESS". The crowd is dense, and the atmosphere appears to be one of active participation and protest. The setting is a well-lit indoor space, likely a city hall or council chamber, with a wooden podium visible in the background.

# Replacing Militarized Police

Berkeley residents attend City Council discussion of Urban Shield exercises, 2018

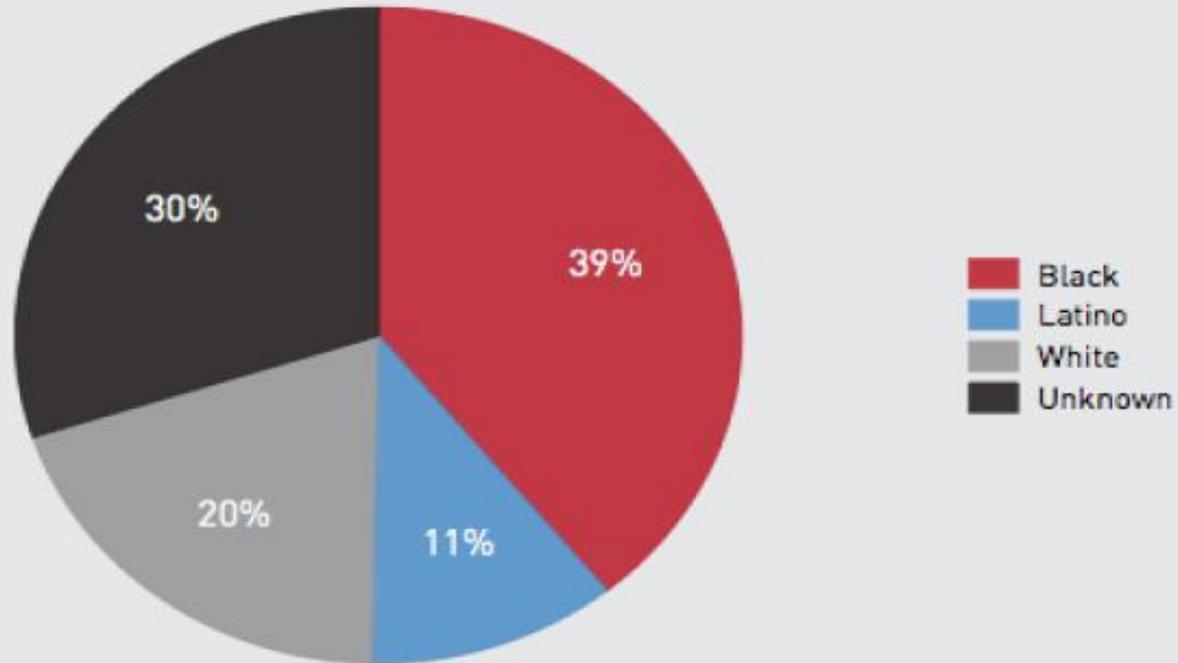
## *Military Equipment and Weapons Ordinance Timeline*

- **2008-2010: Drawdown in Iraq/Afghanistan sends billions of military weapons to US police**
- **2015: Response to Ferguson Uprising and Militarized Response: Obama Executive Order on Military Weapons**



**FIGURE 3**

**SWAT Deployments by Race of Individuals Impacted (2011-2012)**



Source: Data provided by local law enforcement agencies for ACLU investigation.

***ACLU 2014 Report: SWAT Teams Target POC  
Disproportionately***

# 'Bearcat' supplied to PDs through DHS cash grants



# Less lethal arms and chemical agents



FN303 launcher for less lethal  
“baton round” used by BPD



Baton round projectiles used with  
FN303 launcher.



Launcher of “bean bag”  
rounds

## Assault Rifles, such as Colt M4



# LRADs

LRAD stands for Long Range Acoustic Device. The LRAD is another important aspect to this ordinance. This device is frequently used by police departments in crowd control management and dispersal. Here's a couple of reasons why the LRAD's should stay in the ordinance but should be considered as a possible weapon to citizens.

- Police departments have used LRADs at high decibels and within those high ranges this causes long term pain and trauma to folks that have experienced this. Examples of this: New York PD, Oakland PD.
- A federal court found LRADs to be used with excessive force.



## ***Military Equipment and Weapons Ordinance Timeline***

- **2015: Obama issues executive order to control 1033 Pentagon surplus equipment, mandate elected civilian control of acquisitions**
- **2017: Trump rescinds Obama executive order – more weapons flow again**



## *Military Equipment and Weapons Ordinance Timeline*

- **Oakland: March 2018: OPD kills sleeping houseless man Joshua Pawlik using tank-like Bearcat vehicle as a shooting platform**



## ***Military Equipment and Weapons Ordinance Timeline***

- **September 2018: California bill AB 3131 to require local decisions, use policies and reporting on militarized weapons for police vetoed by then-Governor Brown**

OFFICE OF THE GOVERNOR



SEP 27 2018

To the Members of the California State Assembly:

I am returning Assembly Bill 3131 without my signature.

This bill establishes requirements that must be met before a law enforcement agency may take a number of specified actions related to the acquisition and use of “military” equipment.

## ***Military Equipment and Weapons Ordinance Timeline***

- **January- March 2020 - Police Commission considers and revises proposed Controlled Equipment Ordinance**
- **June 2020 - Police Commission unanimously recommends ordinance to City Council**



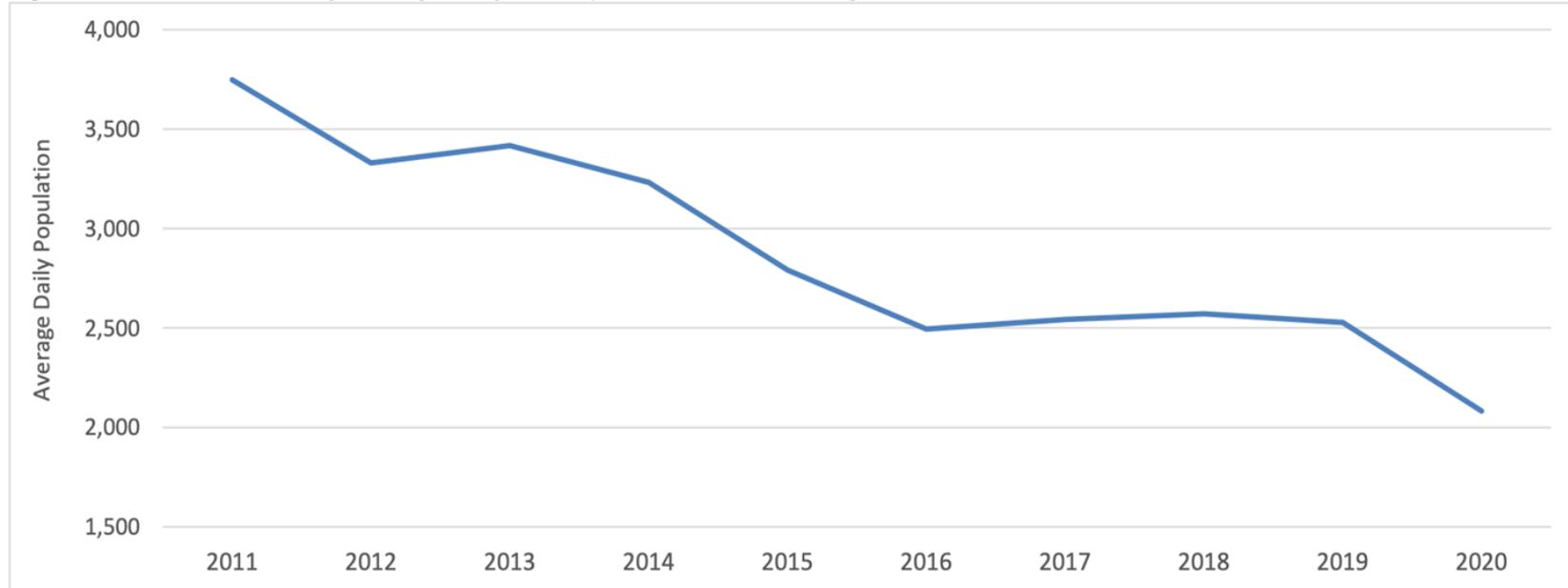
- **July-October 2020 - Berkeley Police Review Commission edits and recommends similar ordinance**
- **Now before Berkeley City Council Public Safety Committee**

# Depolicing → Decarceration in Alameda County



## Alameda County's Average Daily Jail Population Trend

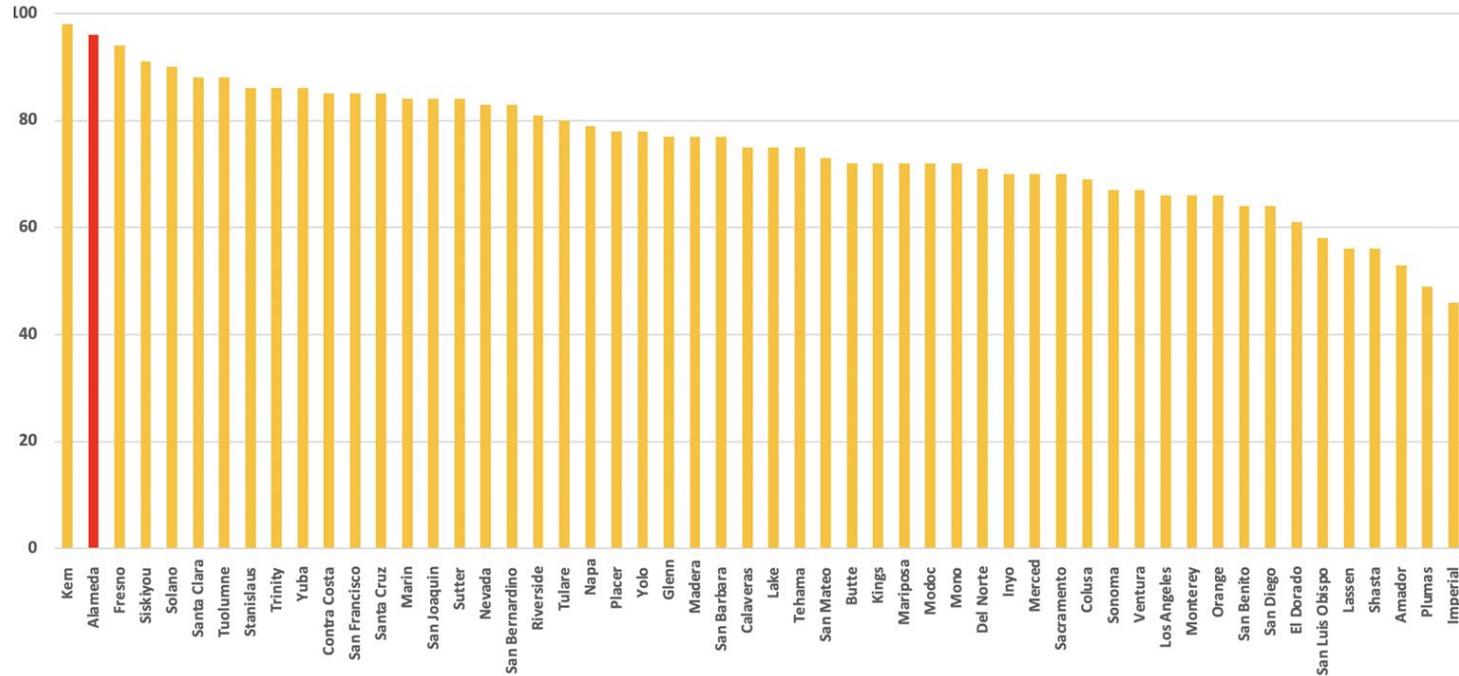
Figure 5. *Alameda County Average Daily Jail Population for 2011 through 2020<sup>1</sup>*



Source: <http://www.bscc.ca.gov/wp-content/uploads/Jail-Pop-Trends-Through-Q3-2020.pdf>  
JPS data as of December 2, 2020. <sup>1</sup> 2020 data through third quarter only (January - September)

# Sentenced vs. Unsentenced Jail Population: How does Alameda County compare to other counties?

Percentage Prisoners in County Jail who are Unsentenced  
(third quarter 2020)



Source: <http://www.bscc.ca.gov/wp-content/uploads/Jail-Pop-Trends-Through-Q3-2020.pdf>  
JPS data as of December 2, 2020. 1 2020 data through third quarter only (January - September)

# At least 47 people have died in Alameda County Jail system since 2014



# Decarcerate Alameda County - goals

## **1. Free People from Santa Rita Jail**

- a. That the District Attorney, courts, and Sheriff decarcerate Santa Rita Jail by 50% by 2022; 75% by 2024.

## **2. Divest from Incarceration & Policing By the Sheriff's Office**

## **3. Invest in Community Health**

## **4. Build Community Resilience, Shift Power Away from Law Enforcement**

# **Current & Potential Decarceration Strategies in Alameda County**

- **Fight for Emergency COVID releases**
- **Decarcerate people with serious mental illness (SMI) and build community capacity**
- **Ending federal lease beds**
- **Expand Diversion, Zero Bail/Pre-Trial Release, and Ending Sentencing Enhancements**

## Some Actions You can Take

- Monday, March 1, 10:30am: Public comment during Berkeley Public Safety Committee on the ***Controlled Equipment Ordinance***
- Upcoming weeks/ months: Join campaigns to Demilitarize Police in Oakland, Berkeley, and California

## Some Information Sources

- **Demilitarize OPD:** [afsc.org/story/demilitarizeopd](https://afsc.org/story/demilitarizeopd)
- **Demilitarize Berkeley PD:** [afsc.org/story/transparency-and-demilitarizing-bpd](https://afsc.org/story/transparency-and-demilitarizing-bpd)
- ***The End of Policing***, by Alex Vitale (Verso Press)
- **American Civil Liberties Union:** [aclu.org/feature/war-comes-home](https://aclu.org/feature/war-comes-home)

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