

REDWOOD CURTAIN COPWATCH

(707)633-4493

CopWatchrwc@riseup.net

Hand Delivered and Sent Via Electronic Mail

October 27, 2010

Re: Open Letter About Racial Profiling Incident

Paul Gallegos
District Attorney
County of Humboldt
825 5th Street
4th Floor
Eureka, CA 95501
districtattorney@co.humboldt.ca.us

Dear Mr. Gallegos,

We are writing in regards to a serious issue of police misconduct that occurred in September of this year and we believe represents an appalling pattern by the Arcata Police Department. Specifically, we are alarmed by the treatment that “Rosa”* endured as she was the victim of racial profiling and intimidation by the Arcata Police officers, subsequent to her witnessing them conducting an arrest. Her observation of the police's violent treatment of another person resulted in the officers targeting and harassing her, and arresting her without cause or due process. This woman, our friend, is a petite, middle-aged woman of color. She is well known in the community as a hardworking person and a caring mother and grandmother. Given her reputation, any circumstances that would lead to an arrest seem highly unlikely and indicate some other motive.

In late September, Rosa witnessed what appeared to her to be aggressive behavior by Arcata Police officers toward another person. Moments later, although she was only on a sidewalk and *not* driving a vehicle, all but one of the same officers whom she had observed, stopped her and arrested her for violations of the California Vehicle Code, including driving without a license and driving under the influence of alcohol. During the arrest, the officers forced her to submit to field sobriety tests including several chemical breathalyzer tests while still i*n the street, and a blood test after taking her to the hospital. When she informed the hospital staff that the handcuffs were injuring her, the officers made them tighter. The officers wrote on her arrest release papers, or Agreement to Appear, that in addition to vehicle code violations, she had also been arrested for giving false identification information.

Rosa chose to remain silent, except to repeatedly state that if she was being arrested she wanted her rights told to her and to be allowed a phone call, while the officers questioned and made harassing

*** We are referencing this woman by “Rosa” at her request because this letter is going out to hundreds of people.**

remarks to her. Arcata Police officers not only profiled her, but they also threatened her while she was remaining silent. Rosa reported to us that the Arcata police psychologically abused her throughout their entire encounter, which lasted about two hours. The words that the officers said to Rosa, from the moment they approached her to when they had her in the jail, made it clear that they were targeting her based on her race. The abuse included the officers sitting her on the floor of the jail where they harangued her about [what they perceived to be] her ethnicity. In addition to requesting that her rights be observed throughout the entire ordeal with the Arcata Police, during her four hours in the jail cell, Rosa requested (into the camera) a phone call. At no time while in custody of the Arcata Police or the Humboldt County Correctional Officers was her request granted. An hour after she was finally fingerprinted in the jail, the Correctional Officers released her saying, "Now you can make a phone call."

We are aware of a growing trend of racial profiling by local police. Specifically, in Arcata, we are aware of multiple instances wherein police officers have targeted women of color (who were, for instance, walking though a parking lot) and then committed violent and humiliating acts against them. Unfortunately, many people targeted by the Arcata and Eureka police departments quietly suffer police misconduct, which has become increasingly common and normalized, rather than contest it legally or otherwise. We are aware that Humboldt County's adoption in August of 2010 of the Department of Homeland Security's egregious "Secure Communities Program" encourages officers toward increased racial profiling.

We are bringing this serious violation against Rosa and the attitude and behavior of local officers to your attention in order that this specific circumstance and the pattern of racial profiling, more generally, begin to be remedied. In that regard, we request a meeting with you *before November 2, 2010* to discuss appropriate action regarding the circumstance of Rosa's situation. It is our hope that, at a minimum, your office will decline to charge Rosa with anything. Her rights have already been violated based on the color of her skin. Your office need not sanction and condone racial profiling nor make the indignity she has endured any worse by pursuing charges that are the result of serious misconduct and deception by local officers.

Those of us from Redwood Curtain CopWatch, in addition to other concerned members of the public, would like to hear from your office immediately as to the time and day you are available to meet about this particular situation. Please call the Redwood Curtain CopWatch number at (707) 633-4493.

Sincerely,

Redwood Curtain CopWatch

*cc: Civil Liberties Monitoring Project
Civil Liberties Defense Center
Humboldt County Board of Supervisors
Humboldt County Human Rights Commission
American Civil Liberties Union, Northern California
Rights Working Group*