

The BUMP squad

Wanna run over protesters? Join the Oakland Police Department

By A.C. Thompson

Lawsuits generated by the already infamous police crackdown at the Port of Oakland are starting to flood the courts. So far, at least 46 people have sued the Oakland Police Department, accusing Oakland riot cops of quashing the April 7 antiwar protest with unnecessary and unreasonable force.

One internal OPD document that's sure to be discussed in federal court is Special Order No. 7088. The order, which has been obtained by the *Bay Guardian*, lays out the department's policy of steering police motorcycles into throngs of protesters "to physically push people."

Running over people with motorcycles wouldn't appear to be a terribly enlightened form of crowd control – which is probably why other big-city police departments we contacted specifically ban the practice.

The San Francisco Police Department's crowd-control manual, for example, states that "motorcycles shall not be driven into the crowd, or used to make physical contact with persons in the crowd."

But over in the East Bay, things are done differently.

Known as "BUMP," or "Basic Use of Motorcycle Push", in Oakland police parlance, the city's policy was approved by chief Richard Word early this year and gives cops wide latitude to hit people with their thousand-pound Harley-Davidsons.

Oakland cops can run into people when directed to do so by a commanding officer, or in "circumstances where the officer would be placed at a disadvantage by dismounting the motorcycle," according to the vaguely worded two-and-a-half-page order.

Before metal meets flesh, a cop is supposed to "issue verbal warnings to the individual(s) that if they do not comply with the officer's directions they will be pushed with the police motorcycle." When actually driving into people, officers "shall not be moving at a speed likely to cause injury to the person or the officer. This speed is considered to be no faster than walking speed." Notably, the order doesn't proscribe knocking people to the pavement – it simply instructs officers to "consider" what would happen "should the person fall."

The BUMP technique was on display not just at the bloody port protest, but also at a less contentious March 5 antiwar demonstration in downtown Oakland. "It's an archaic tactic that's wholly inappropriate for crowd control," said Mark Schlosberg, police practices expert for the American Civil Liberties Union of Northern California, one of several groups suing the OPD in the wake of the waterfront fiasco. "It's deadly force as far as I'm concerned."

Apparently, the OPD isn't interested in defending the practice. After the *Bay Guardian* made repeated phone calls to the department over the span of three days, Lt. Paul Figueroa finally said, "Nobody here's going to talk to you."

Contacted via telephone, Patrick Murphy, a Maryland-based police consultant who has served as police chief in New York and several other major cities, told us, "I've never heard

of that." Police departments, Murphy added, often come to rely on "tactics based on myths and untested assumptions."

In Oregon, Portland Police Department spokesperson Brian Schmautz laughed when we asked him about the practice. "I've never seen [officers] run into people on their motorcycles," he said.

Closer to home, the San Jose cops have no written policy regarding the use of motorcycles as weapons, according to special operations captain Mike O'Connor. However, O'Connor noted, San Jose's "overall policy is that we try to use as little force as possible."

The SFPD threw out the tactic nearly 20 years ago, after using it during the raucous demonstrations at the Democratic National Convention in 1984. "We got a lot of complaints," SFPD Field Operations Bureau commander Bob Puts said. Puts thinks departments still employing the tactic "are opening themselves up for a huge liability."

The port protest suits actually mark a new chapter in an ongoing legal conversation about the intelligence of driving motor vehicles into human beings. In early 2000 the city of Oakland paid \$65,000 to Jose Lopez after a cop allegedly ran him down from behind with his Harley while yelling, "Get the fuck out of here!" The incident, which sent Lopez to the hospital with an injured leg, occurred as officers were breaking up a house party in Fruitvale.

Lopez was represented by lawyers Mike Haddad and Julia Sherwin, who also happen to be representing six port protesters. During the earlier suit, Haddad said, Oakland police "denied having either a custom or a policy of doing this." Interestingly, Special Order No. 7088 states, "The Oakland Police Department has a tradition of using police motorcycles in crowd control situations," and suggests the force had an unwritten policy of BUMPing people for years.

Haddad told the *Bay Guardian*, "It makes me think I was misled during the earlier case – that, in fact, there was a custom and de facto policy to use their motorcycles to hit people."

And this time around the practice is likely to cost Oakland a whole lot more than \$65K.

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