

1 **Compilation of Commissioner Findings**

2 **Draft 9-2-2015**

3
4 The following findings by the Police Review Commission have been compiled
5 from personal participation by members of this commission; public comments at City
6 Council meetings and Police Review Commission meetings; analysis and review of the
7 Berkeley Police Department's Response to Civil Unrest December 6th and 7th, 2014
8 including the applicable BPD General Orders; review of Berkeley Police Department
9 videos; social media posts, photos, and videos; and review of reports from two of the
10 mutual aid responders, the Hayward and Alameda Police Departments.

11
12 1. On December 1, 2014, BPD learned of a planned, unpermitted march scheduled
13 to take place on Saturday, December 6, 2014.¹

14
15 2. The December 6 demonstration originated as part of the national Black Lives
16 Matter movement.² The focus of the December 6 demonstration was to express frustration
17 and anger over the failure of the authorities to charge the police officers responsible for the
18 deaths of Michael Brown in Ferguson, Missouri and Eric Garner in Staten Island, NY, and
19 others. A majority of the protesters believed the march was intended to be peaceful and
20 nonviolent.³

21
22 3. BPD's official position toward the protest was one of "protecting and defending
23 peaceful First Amendment activity."⁴ However, BPD believed the protest was organized
24 as a "F___ the Police" march, citing a leaflet with a picture of a protester sitting atop an
25 overturned/vandalized police vehicle.⁵ BPD did not try to contact the organizers until the
26 day of the event and they failed to reach any of the organizers.⁶ Thus, BPD's planning
27 unreasonably focused on potential agitators and vandals rather than facilitating a peaceful
28 protest.

29
30
31 ¹ Response to Civil Unrest December 6th and 7th 2014; A Review of the Berkeley Police
Department's Actions and Events of December 6 and 7, 2014 (hereinafter "BPD Report"), pages 1,
12.

32 ² <http://blacklivesmatter.com/a-herstory-of-the-blacklivesmatter-movement/>

33 ³ Moni Law, PRC Meeting, June 10, 2015

34 ⁴ BPD Report, page 15 (Mission Statement)

⁵ BPD Report, page 13

⁶ BPD Report, page 13.

1 4. In anticipation of a possibly large and violent crowd (as seen in other
2 demonstrations across the U.S.) BPD requested assistance from the Alameda County
3 Office of Emergency Services under the Mutual Aid response policy.⁷ The following law
4 enforcement agencies participated in the December 6 response: Alameda County
5 Sheriff's Office, Alameda Police Department, Hayward Police Department, Pleasanton
6 Police Department, Livermore Police Department, Oakland Police Department, California
7 Highway Patrol, and UC Berkeley Police Department.⁸

8
9 5. The Mutual Aid responders brought non-lethal munitions, including bean bag
10 shotguns, CS gas, and one tactical response vehicle.⁹ BPD did not inventory the non-
11 lethal munitions brought by other jurisdictions before or after the demonstration.¹⁰ BPD
12 did not provide any specific orders limiting the use of non-lethal force. Mutual Aid
13 responders follow their own department's internal rules and protocol when using less-
14 lethal force.¹¹

15
16 6. The December 6 demonstration began at approximately 5:00 p.m. with a crowd
17 gathering on the UC Berkeley Campus.¹² As the crowd marched down Telegraph and
18 into central Berkeley it grew in size.¹³ The crowd was peaceful, walking through the
19 streets and chanting.¹⁴ When the crowd reached the Public Safety Building, around 6
20 p.m., it had grown to several hundred.¹⁵

21
22
23
24 ⁷ BPD Report, page 16, paragraph 3

25 ⁸ Chief Meehan confirmed with the PRC Officer that this list is accurate and complete.

26 ⁹ Hayward Police Department Special Response Unit, After Action Report – SRU Operation #
27 14-14, page 7; Numerous eyewitnesses testified to the PRC about seeing an armored vehicle
28 marked "Hayward Police Department" in or near the Civic Center area, Alejandro S., City Council
29 Meeting, December 16, 2014

30 ¹⁰ BPD Report, pages 52-53

31 ¹¹ California Office of Emergency Services Law Enforcement Guide for Emergency Operations;
32 Alameda Police Department Report No. 14-6614 (hereafter "Alameda Police Report"), Supp. No.
33 12 ("Prior to deployment, APD Use of Force policy was reiterated and all personnel were advised to
34 follow APD policies concerning use of control devices).

¹² BPD Report, page 17; Berkeley Police Department Detail Call for Service Report for 12/6/14
(hereinafter "CAD Report"), page 2.

¹³ CAD Report, pages 3-4

¹⁴ James Arcellano, PRC Meeting, December 10, 2014; John, PRC Meeting, December 10,
2014; Anonymous Woman, PRC Meeting, December 10, 2014; Paul Kealoha Blake, City Council
Meeting, December 16, 2014; CAD Report, pages 3-4

¹⁵ M. Gordon, PRC Meeting, February 11, 2015; CAD Report, page 4 (900 people)

1 7. Shortly after the crowd arrived at the Public Safety Building, BPD set up a skirmish
2 line¹⁶ across MLK at Addison to keep the crowd away from the Public Safety Building
3 entrance and the staging area.¹⁷ As the crowd continued to grow several members of the
4 demonstration were seen testing the skirmish line and yelling insults at the police officers.
5 In an effort to keep the demonstration non-violent, some demonstrators admonished the
6 group to remember that "we are peaceful and non violent."¹⁸

7
8 8. When establishing the skirmish line, BPD officers gave verbal commands to the
9 front of the crowd to stay back and began to push protesters away.¹⁹ The protesters
10 believe that BPD failed to give adequate or sufficiently audible warnings to the
11 demonstrators to avoid the skirmish line officers' safety zone.²⁰ Numerous demonstrators
12 reported being struck in the head and/or back with batons at MLK and Addison. This was
13 the first use of force on December 6²¹ and the crowd became more verbally
14 confrontational with BPD thereafter.²²

15
16 9. Around 6:30 p.m., a BPD Commander determined that the roadblock at MLK and
17 Addison was causing a conflict with the crowd and was unnecessary. BPD then released
18 most of the lanes on MLK to allow the crowd to flow northbound.²³ BPD officers remained
19 in front of the Public Safety Building, in a line protecting the safety of the building.²⁴

20
21 10. As the crowd moved north towards University Avenue,²⁵ a protester approached a
22 BPD skirmish line officer with his arms raised. The protester was an older gentleman with
23 white hair and a beard. The protester came very close to the officer, well within an arm's
24 length. The officer used his baton to push the protester away. The protester fell
25 backward, tripping over his dog, and fell to the ground.²⁶ Many protesters saw this

26
27 ¹⁶ When a skirmish line is set up, officers are directed to maintain a safety zone, approximately
28 one arm's length plus the length of a baton, around themselves.
29 ¹⁷ BPD Report, pages 16 – 17; CAD Report, page 6.
30 ¹⁸ BPD videos
31 ¹⁹ BPD Report, page 19 (This was part of BPD's "safety zone" policy wherein skirmish line
32 officers create and maintain a safety space between themselves and protesters).
33 ²⁰ Moni Law, PRC Meeting, June 10, 2015
34 ²¹ BPD Report, page 20
²² Moni Law, PRC Meeting, December 10, 2014
²³ CAD Report, page 6
²⁴ BPD Report, page 22, paragraph 3
²⁵ BPD Report, page 20; CAD report, page 6
²⁶ James Arcellano, PRC Meeting, December 10, 2014; Tonya Carpenter, City Council
Meeting, December 16, 2014; BPD Report, page 21

1 exchange and shortly thereafter the atmosphere became more confrontational wherein
2 demonstrators became verbally confrontational with the police and several projectiles
3 were thrown toward the police from the north moving crowd.²⁷
4

5 11. The projectiles thrown at the police (throughout the evening) included a screw
6 driver, bricks, rocks, metal pipes and a bag of gravel.²⁸ At least five officers were injured,
7 one with a dislocated shoulder.²⁹ After the projectiles were thrown at officers near MLK Jr.
8 Way and Addison Street, BPD responded by firing one foam baton round³⁰ and rolling four
9 smoke canisters into the crowd.³¹ A protester picked up one of the smoke canisters and
10 threw it back toward the officers.³²
11

12 12. Some protesters attempted to dissuade acts of violence and encouraged the
13 crowd to stay focused on the purpose and to continue to march north. Some of these
14 protesters placed themselves between the police skirmish line and the protesters. At least
15 one protester who attempted to keep the crowd peaceful reported being struck in the back
16 with a baton. BPD did not communicate or attempt to manage the demonstration with the
17 protesters who assumed leadership roles or in any way take advantage of the de facto
18 peaceful leadership which emerged from the crowd.³³
19

20 13. The crowd eventually dispersed from the front of the Public Safety Building and
21 continued to move north toward University. At MLK and University, the majority of the
22 protesters began to move west on University.³⁴
23
24
25

26 ²⁷ M. Gordon, PRC Special Meeting, February 25, 2015; BPD report, page 21, paragraph 3;
27 CAD report, pages 6-7

28 ²⁸ BPD Report, page 21, paragraph 3; CAD Report, pages 6-7

29 ²⁹ BPD Report, page 21, paragraph 3

30 ³⁰ A foam baton is a 40 mm foam cylinder which is designed to be used in short range. Each
31 round fired from the foam baton is filled with small discs. The round can either be skipped off the
32 ground, in which instance it separates from the round and hits multiple targets in the leg or a single
33 round can be fired at a single individual, in which instance it will separate on impact.

34 ³¹ Steven O, City Council Meeting, December 16, 2014; BPD Report, page 21, paragraph 4;
CAD Report, page 7

³² Male Speaker, City Council Meeting, December 16, 2014; BPD Report, page 30 (picture);
CAD Report, page 7

³³ Moni Law, PRC Meeting, December 10, 2014; Anonymous Woman, PRC Meeting,
December 10, 2014; Moni Law, PRC Meeting, June 10, 2015

³⁴ BPD Report, page 23, paragraph 2; CAD Report, pages 6-8

1 14. Some individuals wearing black with mask covered faces vandalized the Trader
2 Joe's at MLK and University.³⁵ BPD videotaped the vandalism and destruction of Trader
3 Joe's, but did not respond³⁶ or apprehend the criminals.³⁷ One male citizen confronted
4 the masked men at Trader Joe's and he was attacked.

5
6 15. Because BPD did not intervene to stop the various acts of vandalism, Berkeley
7 residents and some protesters felt compelled to take action to stop the vandalism and
8 looting. These acts of citizen policing left the citizens open to violent retaliation from the
9 vandals.³⁸ As the crowd moved west on University, a small sub-group engaged in
10 vandalism, including tagging buildings with spray paint, breaking windows, and
11 overturning trash cans.³⁹ Residents who live in this area repeatedly tried to stop this
12 conduct and were met with violence and intimidation.⁴⁰ The police were not present.⁴¹

13
14 16. The law enforcement presence at the University onramp kept the protesters off of
15 the freeway.⁴²

16
17 17. At 8:20 p.m. and thereafter, Lt. Schofield gave numerous Dispersal Orders at
18 Berkeley Way and West Street.⁴³ Lt. Schofield also announced that the demonstration
19 was an unlawful assembly.⁴⁴ BPD repeatedly attempted to kettle the protesters and their
20 attempts repeatedly failed.⁴⁵

21
22 18. The protest then moved eastbound, back toward the UC campus. As the crowd
23 moved east through Berkeley, there were reports of sponge rounds and beanbags fired at
24 the crowd with reported injuries from beanbags or sponge rounds throughout the
25 demonstration. Marchers reported being forced or trapped by BPD into a parking lot near
26 Acton and University, then being shot with rubber bullets and CS gas as they tried to
27

28
29 ³⁵ BPD Report, page .22, paragraph 3; CAD Report, page 7

30 ³⁶ M. Gordon, PRC Special Meeting, February 24, 2015

31 ³⁷ BPD Report, page .22, paragraph 3; CAD Report, page 7

32 ³⁸ BPD Report, page 22, paragraphs 1, 3

33 ³⁹ CAD Report, pages 7-8

34 ⁴⁰ Carol Denney, PRC Meeting, June 10, 2015.

⁴¹ BPD Report, page 23, paragraph 2

⁴² BPD Report, pages 23-24

⁴³ CAD Report 8:20 p.m. dispersal order; BPD Report, page 24, paragraph 4

⁴⁴ BPD videos;

⁴⁵ CAD Report 8:20 p.m. dispersal order & order to kettle; BPD report, pages 50-51

1 escape.⁴⁶ As the demonstrators regrouped near the UC campus there were more reports
2 of vandalism and a reported fire.⁴⁷

3
4 19. At 9:00 p.m., BPD issued Dispersal Orders to the crowd located on Bancroft
5 between Dana Street and Telegraph Avenue. BPD "Command had an increasing concern
6 that there would be more looting, vandalism and violent riotous behavior in the Telegraph
7 Ave. business district if the crowd was allowed access."⁴⁸ BPD issued more Dispersal
8 Orders and attempted (unsuccessfully) to kettle the crowd again.

9
10 20. At 9:30 p.m., more than 100 officers blocked the intersection of Bancroft Way and
11 Telegraph Avenue. The crowd of approximately 200 included many UC Berkeley
12 students. Police then pushed protesters back toward Telegraph and Durant Avenue, to
13 which protesters chanted, "Hey hey, ho ho, police state has got to go."

14
15 21. Police used batons to push protesters down Telegraph. The Alameda officers
16 reported that they were directed to move the crowd southbound on Telegraph and they
17 did so with their batons while yelling "Get back!"⁴⁹ Numerous protesters reported being hit
18 with batons, many in the face and head. Many of the baton strikes were delivered using
19 over the head or over the shoulder swings. Some claimed they were hit even though they
20 were peaceful.⁵⁰

21
22 22. There were also reports of officers striking at cameras or cell phones that were
23 being used to record the events. One Alameda Police officer reported that he mistakenly
24 pushed a male member of the press: "I used my baton to push several of the protestors
25 back in order for them to move. At one point I pushed a White Male in the back with my
26 baton in order for him to move. At no point did I see any readily identifiable credentials
27 that indicated he was with the press. He turned around, stepped back and yelled at me

28
29 ⁴⁶ Ted Ambrose, December 10, 2014 PRC Meeting (stated that as the protest began to die
30 down he and other protestors were on a side street where the police blocked them on the street
31 and didn't tell them anything and they had no idea what was going to happen. People were forced
32 to break down a fence to escape and then the police shot rubber bullets and tear gas into the
33 crowd who were trying to get out because they were afraid for their lives).

34 ⁴⁷ CAD Report 9:26 p.m. and 9:46 p.m. describes rocks and bottles thrown from the back of the
crowd toward officers.

⁴⁸BPD Report, page 25 paragraph 3.

⁴⁹ Alameda Police Report, several references.

⁵⁰ BPD Report, page 26, paragraph 2 (batons used); Benjamin Schaub, PRC Meeting,
December 10, 2014 (witnessed officers attacking non-violent protestors)

1 claiming to be with the press. He then pulled a small badge from around his neck saying
2 he was from the press again. I did not get a good or close enough look at the badge to
3 verify whether or not that individual had a legitimate press pass. After he yelled at me he
4 stepped away from the large crowd and I lost visual of him.”⁵¹

5
6 23. Simultaneously, a much larger crowd, estimated between 1000 and 1500
7 demonstrators, had gathered at Telegraph Avenue and Durant Avenue.⁵² Dispersal
8 Orders were given to the crowd which referred to the possible use of less-lethal munitions,
9 but the orders did not include specific references to CS gas. The crowd did not disperse.⁵³

10
11 24. Around 10:00 p.m., Chief Meehan approved the deployment of CS gas and BPD
12 began deploying CS gas in the area of Telegraph and Durant.⁵⁴ After the CS gas was
13 used, reports of rock and bottle throwing and vandalism of police cars increased.⁵⁵ At
14 approximately 11:18 p.m., a man was injured by a projectile at Fred’s Market.⁵⁶ The
15 subject was transported to Alta Bates.

16
17 25. At approximately 11:30 p.m., BPD decided to disperse the crowd. An unlawful
18 assembly was declared and BPD and the Mutual Aid units began to form around the
19 protesters.⁵⁷ At 11:37 p.m., the Dispersal Orders began again.⁵⁸ The officers were
20 directed to push the crowd south toward Oakland. The officers created multiple skirmish
21 lines pushing parts of the crowd in different directions.⁵⁹ The officers moved the crowd
22 southbound with their batons and thrusting motions. At various points the protesters were

23
24 ⁵¹ Alameda Police Report, Supp. No. 7.

⁵² BPD Report, page 26, paragraph 1.

25 ⁵³ Alameda Police Report (“A Lieutenant from the BPD gave the crowd several commands to
26 disperse . . . The order to disperse was loud and clear, however, the crowd refused to disperse and
continued throwing rocks and glass bottles at officers.”)

27 ⁵⁴ BPD Report, page 29, paragraph 2; Alameda Police Report (several officers reported
deploying CS gas).

28 ⁵⁵ CAD Report, page 14 (10:15 p.m. taking rocks, taking rocks; 10:18 p.m. taking missiles;
10:39 p.m. taking on missiles)

29 ⁵⁶ CAD Report, page 16; Fred’s Market is located at 2521 Telegraph Avenue at Blake.

30 ⁵⁷ Andrea Pritchett, City Council Meeting, December 16, 2014; BPD Report, page 25,
31 paragraph 3; Zachary Running Wolf, City Council Meeting, December 16, 2014; Approximately
11:40 p.m., Berkeleyside reported that “Some of the protestors are sitting on the ground. The
demonstration appears to be peaceful.”; CAD Report, page 16.

32 ⁵⁸ CAD Report, page 17.

33 ⁵⁹ Nicky M., City Council Meeting, December 16, 2014 (told the council that she witnessed a
total disconnect between citizenry and the police. She said she was on Telegraph Avenue and
34 heard the cops scream skirmish line and then cops dressed in battle gear ran over them); BPD
videos.

1 pushed by one skirmish line into another skirmish line. This haphazard effort exacerbated
2 the problem and aggravated the crowd.⁶⁰ Numerous protesters reported being hit with
3 batons and sprayed with CS gas as they attempted to comply with the dispersal orders
4 and marched toward Oakland.⁶¹

5
6 26. At around 12:20 a.m., the process to "drive the crowd south" was renewed. BPD
7 orders were to "force the issue, keep moving them south."⁶² The crowd was forced to
8 walk to Oakland, as the police presence prevented them from leaving the crowd.

9
10 27. At approximately 12:32 a.m., the police reported that they were being hit with
11 projectiles⁶³ and police vehicles were vandalized with inflammatory language and graffiti.⁶⁴

12
13 28. At 1:00 a.m. at Telegraph and Parker ⁶⁵ the police continued to push the protest
14 southbound using multiple deployments of CS gas and baton strikes.⁶⁶ The march moved
15 into Oakland around 1:30 a.m.⁶⁷

16
17 ⁶⁰Ted Ambrose, City Council Meeting, December 16, 2014 (stated that as the protest began to
18 die down he other protestors were on a side street where the police blocked them in and they were
19 forced to break down a fence to escape. As they were escaping the police shot rubber bullets and
20 tear gas at them); BPD videos; Police used batons to push protesters down Telegraph; BPD
21 Report, page 26, paragraph 3..

22 ⁶¹ Nicky M., City Council Meeting, December 16, 2014; Male Speaker, City Council Meeting,
23 December 16, 2014; Berkeleyside reported, "Cindy Pincus, who identified herself as an intern
24 minister at the First Unitarian Society of San Francisco, said she was hit from behind with a police
25 baton just after midnight 'while retreating peacefully . . .' A police officer had begun jabbing a
26 protestor with the end of his baton. I turned around to retreat and passed a woman who had fallen
27 and was being trampled. I bent down to pick her up under one armpit while another woman
28 grabbed her other arm. I saw an officer raise his baton over my shoulder and was struck on the
29 back of the head as I was bent forward." She distributed a picture of her head bleeding from the
30 wound. http://www.huffingtonpost.com/2014/12/08/berkeley-protest-cindy-pincus_n_6290652.html; Steven O., City Council Meeting, December 16, 2014 (stated he was one
31 of the hundreds of peaceful protesters that was tear gassed. He said that he witnessed
32 bystanders, media, and students that received tear gas as they were retreating); CAD Report, page
33 17; Walker Quinn, City Council Meeting, December 16, 2014; BPD videos.

34 ⁶² CAD Report, page 18.

⁶³ CAD Report, page 19.

⁶⁴ BPD Report, page 27, paragraph 3; CAD Report, pages 18-19; Alameda Police Report (all 4
APD patrol vehicles were vandalized).

⁶⁵ CAD Report, page 20.

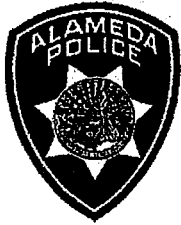
⁶⁶ Jackson R, PRC Special Meeting, February 25, 2015 (stated that he was beaten with
overhead baton strikes; he saw the police line-up and then charge toward the protestors; police
ordered them to march to Oakland); John, PRC Meeting, December 10, 2014 (stated that
protesters were marched to Oakland); BPD Report, page 29, paragraph 2; BPD Report, page 31,
paragraph 1; Alameda Police Report; several references to moving the crowd south using CS gas
and batons.

⁶⁷ CAD Report, page 22.

MISCELLANEOUS ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
ORIG



1555 OAK STREET

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Reported Date
12/06/2014

Officer
CLARK, BRIAN #22

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No ORIG	Reported Date 12/06/2014	Reported Time 15:51	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location TELEGRAPH AV/DURANT ST			City BERKELEY	ZIP Code 94704	Rep Dist 306
Area 03	Beat 03	From Date 12/06/2014	From Time 15:51	Officer 15021/CLARK, BRIAN #22	
Assignment TEAM C - 4TH PLATOON		Entered by 15021	Assignment TEAM B - 1ST PLATOON	RMS Transfer Successful	Prop Trans Stat Successful
Report Title MISCELLANEOUS	Approving Officer 25860	Approval Date 12/11/2014		Approval Time 12:16:37	
Case Status COMPLETED					

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
WIT	1	P	EMMITT, SERGEANT	557924			
WIT	2	P	YAKAS, OFFICER	557925			
WIT	3	P	KLAUS, SERGEANT	557926			
WIT	4	P	ORTEGA, OFFICER	557927			
WIT	5	P	HORIKOSHI, OFFICER	557928			
WIT	6	P	DOLE, OFFICER	557929			
WIT	7	P	MIELE, OFFICER	557930			
WIT	8	P	FISHER, OFFICER	557931			
WIT	9	P	BURNS, OFFICER	557932			
WIT	10	P	FOSTER, OFFICER	557933			

Summary Narrative

Unknown SUSs damaged four APD vehicles and disobeyed orders to disperse during an unlawful assembly.

COPY

This copy is for the exclusive use of:
Katherine Lee, Police Review Commission Officer, City of Berkeley

Neither it nor the information contained hereon is to be furnished to any other person or agency except as authorized by law.

ALAMEDA POLICE DEPARTMENT

**MISCELLANEOUS
ALAMEDA POLICE DEPARTMENT**

14-6614

Supplement No
ORIG

WITNESS 1: EMMITT, SERGEANT

Involvement WITNESS	Invl No 1	Type Police Agency	Name EMMITT, SERGEANT	MNI 557924	PRN 606841
Type WORK/BUSINESS	Address 1555 OAK ST			City ALAMEDA	
State CALIFORNIA	ZIP Code 94501	Date 12/06/2014			
Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014			
Employer/School ALAMEDA POLICE DEPARTMENT			Position/Grade SERGEANT		

WITNESS 2: YAKAS, OFFICER

Involvement WITNESS	Invl No 2	Type Police Agency	Name YAKAS, OFFICER	MNI 557925	PRN 606842
Type WORK/BUSINESS	Address 1555 OAK ST			City ALAMEDA	
State CALIFORNIA	ZIP Code 94501	Date 12/06/2014			
Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014			
Employer/School ALAMEDA POLICE DEPARTMENT			Position/Grade OFFICER		

WITNESS 3: KLAUS, SERGEANT

Involvement WITNESS	Invl No 3	Type Police Agency	Name KLAUS, SERGEANT	MNI 557926	PRN 606843
Type WORK/BUSINESS	Address 1555 OAK ST			City ALAMEDA	
State CALIFORNIA	ZIP Code 94501	Date 12/06/2014			
Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014			
Employer/School ALAMEDA POLICE DEPARTMENT			Position/Grade SERGEANT		

WITNESS 4: ORTEGA, OFFICER

Involvement WITNESS	Invl No 4	Type Police Agency	Name ORTEGA, OFFICER	MNI 557927	PRN 606844
Type WORK/BUSINESS	Address 1555 OAK ST			City ALAMEDA	
State CALIFORNIA	ZIP Code 94501	Date 12/06/2014			
Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014			
Employer/School ALAMEDA POLICE DEPARTMENT			Position/Grade OFFICER		

WITNESS 5: HORIKOSHI, OFFICER

Involvement WITNESS	Invl No 5	Type Police Agency	Name HORIKOSHI, OFFICER	MNI 557928	PRN 606845
Type WORK/BUSINESS	Address 1555 OAK ST			City ALAMEDA	
State CALIFORNIA	ZIP Code 94501	Date 12/06/2014			
Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014			
Employer/School ALAMEDA POLICE DEPARTMENT			Position/Grade OFFICER		

WITNESS 6: DOLE, OFFICER

Involvement WITNESS	Invl No 6	Type Police Agency	Name DOLE, OFFICER	MNI 557929	PRN 606846
Type WORK/BUSINESS	Address 1555 OAK ST			City ALAMEDA	
State CALIFORNIA	ZIP Code 94501	Date 12/06/2014			

MISCELLANEOUS ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
ORIG

Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014
-------------------------------	-----------------------------------	---------------------------

Employer/School ALAMEDA POLICE DEPARTMENT	Position/Grade OFFICER
---	----------------------------------

WITNESS 7: MIELE, OFFICER

Involvement WITNESS	Invl No 7	Type Police Agency	Name MIELE, OFFICER	MNI 557930	PRN 606847
-------------------------------	---------------------	------------------------------	-------------------------------	----------------------	----------------------

Type WORK/BUSINESS	Address 1555 OAK ST	City ALAMEDA
------------------------------	-------------------------------	------------------------

State CALIFORNIA	ZIP Code 94501	Date 12/06/2014
----------------------------	--------------------------	---------------------------

Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014
-------------------------------	-----------------------------------	---------------------------

Employer/School ALAMEDA POLICE DEPARTMENT	Position/Grade OFFICER
---	----------------------------------

WITNESS 8: FISHER, OFFICER

Involvement WITNESS	Invl No 8	Type Police Agency	Name FISHER, OFFICER	MNI 557931	PRN 606848
-------------------------------	---------------------	------------------------------	--------------------------------	----------------------	----------------------

Type WORK/BUSINESS	Address 1555 OAK ST	City ALAMEDA
------------------------------	-------------------------------	------------------------

State CALIFORNIA	ZIP Code 94501	Date 12/06/2014
----------------------------	--------------------------	---------------------------

Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014
-------------------------------	-----------------------------------	---------------------------

Employer/School ALAMEDA POLICE DEPARTMENT	Position/Grade OFFICER
---	----------------------------------

WITNESS 9: BURNS, OFFICER

Involvement WITNESS	Invl No 9	Type Police Agency	Name BURNS, OFFICER	MNI 557932	PRN 606849
-------------------------------	---------------------	------------------------------	-------------------------------	----------------------	----------------------

Type WORK/BUSINESS	Address 1555 OAK ST	City ALAMEDA
------------------------------	-------------------------------	------------------------

State CALIFORNIA	ZIP Code 94501	Date 12/06/2014
----------------------------	--------------------------	---------------------------

Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014
-------------------------------	-----------------------------------	---------------------------

Employer/School ALAMEDA POLICE DEPARTMENT	Position/Grade OFFICER
---	----------------------------------

WITNESS 10: FOSTER, OFFICER

Involvement WITNESS	Invl No 10	Type Police Agency	Name FOSTER, OFFICER	MNI 557933	PRN 606850
-------------------------------	----------------------	------------------------------	--------------------------------	----------------------	----------------------

Type WORK/BUSINESS	Address 1555 OAK ST	City ALAMEDA
------------------------------	-------------------------------	------------------------

State CALIFORNIA	ZIP Code 94501	Date 12/06/2014
----------------------------	--------------------------	---------------------------

Phone Type BUSINESS	Phone No (510) 337-8340	Date 12/06/2014
-------------------------------	-----------------------------------	---------------------------

Employer/School ALAMEDA POLICE DEPARTMENT	Position/Grade OFFICER
---	----------------------------------

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

On 12/06/14, the Berkeley Police Department requested Mutual Aid from surrounding agencies due to protests. The Alameda Police Department's SWAT team responded to assist.

At approximately 2100 hours, the team responded to the area of Telegraph Ave and Durant St. There were several hundred people in the area protesting. Many of the protestors began throwing rocks and glass bottles at officers. A lieutenant from the Berkeley Police Department gave the crowd several commands to disperse for violating section 409 PC-Unlawful Assembly. The order to disperse was loud and clear, however, the crowd refused to disperse and continued throwing rocks and glass bottles at officers.

**MISCELLANEOUS
ALAMEDA POLICE DEPARTMENT**

14-6614

Supplement No
ORIG

Narrative

Due to the crowd failing to disperse as ordered, officers were instructed to move the crowd S/B on Telegraph Ave. I gave protestors in front of me loud and clear orders to move back but they did not comply. I used my baton to strike the in compliant protestors while yelling, "Get back!" I struck multiple protestors throughout an approximately two mile route before they finally dispersed. I did not recognize or strike anyone who looked like they were with the press.

We were later informed by Berkeley Police Officers that all four of our APD patrol vehicles were vandalized. The white APD Dodge Durango (Lic. #1111426) had the driver's side front window broken. The black APD SIU Ford Explorer (Lic.#1412601) had "FTP" spray painted in white on it's driver's side. The letters were approximately 2' tall and covered both the driver's side front and rear doors. The driver's side rear window was completely shattered. The driver's side front window was broken but had not shattered completely.

15 Photos of the damage and stored on disk 1731.

The other APD Dodge Durango and Ford Explorer patrol vehicles were towed from the scene to the City of Berkeley's corp yard. Photographs were not taken of the damage.

No neighborhood check was conducted due to the surrounding civil unrest.

INVESTIGATIONS SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0001



1555 OAK STREET

Reported Date
12/06/2014

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Officer
MIELE, CAMERON #57

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT		Report No 14-6614	Supplement No 0001	Reported Date 12/06/2014	Reported Time 15:51	CAD Call No 143400107
Status REPORT TO FOLLOW		Nature of Call MISC REPORT				
Location TELEGRAPH AV / DURANT ST			City BERKELEY	ZIP Code 94704	Rep Dist 306	
Area 03	Beat 03	Officer 60574/MIELE, CAMERON #57		Assignment SCHOOL RESOURCE OFFICER		
Entered by 60574	Assignment SCHOOL RESOURCE OFFICER		RMS Transfer Successful	Prop Trans Stat Successful		
Report Title INVESTIGATIONS SUPPLEMENTAL		Approving Officer 25860	Approval Date 12/09/2014			
Approval Time 12:46:12						
Case Status COMPLETED						

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

On 12/06/14 at approximately 2100 hours, I was at Telegraph Ave. and Durant St. in Berkeley to assist with a mutual aid call out. There was a crowd of several hundred people involved in the protest. Many of the protestors started throwing rocks and glass bottles at the officers. Berkeley PD gave the crowd several commands to disperse for violating 409 PC - unlawful assembly. The crowd did not disperse and continued throwing rocks and glass bottles at the officers. I was not hit, but several bottles and rocks landed near me and I saw a few officers get hit with rocks. After the crowd failed to disperse, we (officers) started moving the crowd south on Telegraph Ave. Many protestors would not move and I used my baton to strike them while giving commands to, "Move back!" I struck multiple people. I do not recall striking anyone who looked like they were the press. I deployed approximately 10 muzzle blast (OC) canisters from a 40 mm gas gun and threw one CS gas canister.

At one point during the protest I observed an H/M/20's wearing a red hooded sweat shirt and gray Oakland Raiders hat. The male caught my attention because he was trying to advance towards the line of officers and he had his fists clenched and raised up in an aggressive fighting stance. Protestors held the male back as he continued to try and move towards us. Over the course of about one hour the male flicked three lit cigarettes at me. One hit the face shield of my riot helmet, one hit my chest, and one hit my shoulder. After flicking the cigarettes at me the male would disappear into the crowd for a few minutes before returning to the front line.

The male was subsequently arrested by several CHP officers shortly after flicking the third cigarette at me.

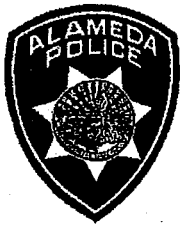
SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0002

Reported Date
12/09/2014

Officer
BURNS, KOBY #34



1555 OAK STREET

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0002	Reported Date 12/09/2014	Reported Time 07:07	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location 1555 OAK ST	City ALAMEDA	Rep Dist 306	Area 03	Beat 03	
Officer 10974/BURNS, KOBY #34	Assignment TEAM A - 2ND PLATOON	Entered by 10974			
Assignment TEAM A - 2ND PLATOON	RMS Transfer Successful	Prop Trans Stat Successful	Report Title SUPPLEMENTAL		
Approving Officer 25860	Approval Date 12/09/2014	Approval Time 12:45:45			

Case Status
COMPLETED

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

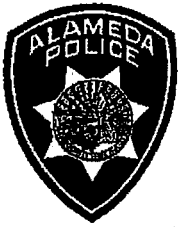
This supplemental is for documenting my involvement with this case.

On 120614, at approx. 2100 hrs. I responded to Telegraph Ave. and Durant St. in Berkeley to assist with a mutual aid call out. There was a crowd of several hundred people involved in a protest. Many of the protestors started throwing rocks and glass bottles at officers. A Lieutenant from Berkeley PD gave the crowd several loud and clear commands to disperse for violating 409 PC - Unlawful Assembly. The crowd refused to disperse and continued throwing rocks, lit cigarettes and glass bottles at the officers. I was able to get out of the way of the items being thrown and was not struck or injured. I did observe several bottles and rocks strike officers around me. Due to the crowd not dispersing as ordered, officers were instructed to move the crowd south on Telegraph Ave. I instructed the protestors in front of me to move back and away from me and they did not comply. I had to use my baton to strike in compliant protestors while giving commands to, "Move back!" I struck multiple protestors throughout an approx. two mile route before the crowd dispersed. I did not recognize or strike anyone who looked like they were with the press.

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0003



1555 OAK STREET

Reported Date
12/09/2014

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Officer
HORIKOSHI, KEVIN #65

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0003	Reported Date 12/09/2014	Reported Time 07:51	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location TELEGRAPH AV/ DURANT ST		City BERKELEY	ZIP Code 94704		
Officer 40322/HORIKOSHI, KEVIN #65		Assignment TEAM A - 2ND PLATOON	Entered by 40322		
Assignment TEAM A - 2ND PLATOON	RMS Transfer Successful	Prop Trans Stat Successful	Report Title SUPPLEMENTAL		
Approving Officer 25860	Approval Date 12/09/2014	Approval Time 12:45:21			
Case Status COMPLETED					

Narrative

On 12/06/14, around 2100 hours, I responded to Telegraph Ave. and Durant St. in Berkeley to assist with a mutual aid call out. Berkeley Police Department requested assistance dealing with a crowd of several hundred protestors. While I was standing at the intersection of Telegraph Ave and Durant St, I could hear protestors yelling things such as, "Fuck the police!" and "I hope you and your family die!" The protestors were also throwing objects at the police officers. While we were there, officers were hit with rocks, bottles, hammers, sand bags, and other objects. Based on the crowds behavior, it was determined they were in violation of 409 PC - unlawful assembly. Berkeley Police Department made several dispersal orders over the loud speaker telling the crowd they needed to evacuate the area. These orders were repeated several times.

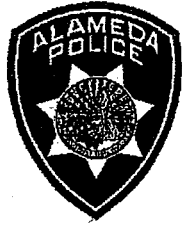
The crowd did not obey the verbal commands to evacuate the area so the officers were instructed to move the crowd south on Telegraph Ave. After these orders were given, an Asian male was standing in front of me. He was approximately twenty years old and was last seen wearing a blue sweatshirt with "Cal" written on it. I gave this male several verbal commands to move, which he did not comply with. My commands were similar to, "Get back!" and "Move!" As we started moving forward, I again told him to move, and again he did not comply. Using my wooden baton, I struck this male once causing him to fall to the ground. He got up and continued to walk with the protestors. As we continued moving south on Telegraph Ave, I used my wooden baton and struck this male a couple more times. We continued to move the crowd south for several miles. During this time, I used my wooden baton and struck several protestors who were not complying with our verbal commands. At no point did I strike anybody that looked like they were with the press.

During the protests I was assigned the less than lethal shotgun. At no point did I ever fire the shotgun, however I did deploy a field canister of CS gas.

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0004



1555 OAK STREET

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Reported Date
12/06/2014

Officer
MCMULLEN, MATTHEW #S6

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0004	Reported Date 12/06/2014	Reported Time 15:51	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location 1555 OAK ST	City ALAMEDA	Rep Dist 306	Area 03	Beat 03	
Officer 59302/MCMULLEN, MATTHEW #S6	Assignment TEAM B - 1ST PLATOON		Entered by 59302		
Assignment PERSONNEL & TRAINING	RMS Transfer Successful	Prop Trans Stat Successful	Report Title SUPPLEMENTAL		
Approving Officer 59302	Approval Date 12/15/2014	Approval Time 14:33:33			

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

On December 6, 2014 around 1445 hours, I responded to Berkeley, Ca. as part of a 14 member response team from the Alameda Police Department (APD) after the Berkeley Police Department (BPD) requested mutual aid regarding an anticipated protest. After attending a briefing with other agencies we were tasked with protecting BPD's building. We were assigned to the front of BPD's building where a large group of protesters had assembled. When our assistance was no longer needed outside the building, our team was tasked with additional objectives as the night progressed.

A Berkeley police officer was assigned to our team as a liaison in order to provide directions and relay information from the Incident Command Post. At one point, the officer relayed to us the protesters were becoming increasingly hostile and starting to commit criminal acts. Specifically, we were told the protesters were throwing rocks and bottles at officers as well as breaking windows, vandalizing buildings with paint, setting fires, and looting businesses.

During the time we were at the intersection of Durant Avenue and Telegraph, I saw rocks and bottles being thrown at officers. There were police transportation vans parked nearby and I could hear their windows being smashed. Protesters were yelling things to the effect of "kill police!" Several protesters ran up to me and began screaming they would kill me my "racist family." A BPD Lieutenant announced several times over a loud speaker that the protesters were assembling unlawfully and he ordered them to leave the intersection and go south on Telegraph Avenue. The lieutenant also warned the protesters, who appeared to number in the hundreds, that less-lethal munitions would be used if they did not comply with his order.

The lieutenant repeated the dispersal order several times, but it appeared to have no effect on the protesters as they refused to move and continued chanting/screaming at us. The direction was given to move the crowd of protesters south on Telegraph Avenue. When our line of police officers began to step forward, several protesters refused to move. A white female and two white males were protesting within a few steps from me. As I moved forward, all three aggressively stepped towards me with their arms raised while still screaming threats. Using my wood baton, I delivered "straight" strikes to the female and males in an attempt to get them to move back. I do not remember how many strikes I delivered to each subject. The female and males eventually walked off and I did not see them again.

We continued to the Channing Way and Telegraph Avenue intersection to block protesters from reassembling unlawfully. The protesters began to grow in numbers and were continuing their aggressive behavior while still

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0004

Narrative

chanting/screaming at us. One of the protesters even rolled a large metal refuse dumpster directly at the line of police officers. The number of protesters increased to several hundred.

The same dispersal order was given at the intersection by a BPD lieutenant several times. We were given direction to move forward after the protesters ignored the orders and refused to leave. Of note, a tall, slender, Hispanic male wearing a grey Raiders baseball type hat and red hooded sweatshirt was one of the protesters refusing to leave. The Hispanic male caught my attention because he lit several cigarettes and began flicking them directly at officers. I watched as one of the cigarettes appeared to hit Officer Miele, who was on my right, in his face. The male was aggressively moving around in the crowd with his fists balled up while looking directly at the line of officers and yelling, "I will kick your ass!" I struck several subjects who advanced towards me in a threatening manner. Due to the chaotic nature of the incident, I only remember delivering baton strikes to a white female wearing a red coat, a black female wearing all black clothing, and a white male wearing a multi-colored t-shirt/black sweatshirt.

Later, at the Parker Street and Telegraph Avenue intersection, I saw several officers from another police department struggling to gain control of a male subject. Officers were attempting to grab onto the male's arms while yelling at him to, "Get on the ground!" The male was yelling at the officers while forcefully pulling his arms back towards his body. The male began bending over and began charging at some of the officers in what appeared to be an attempt to tackle/grapple them. I ran over to assist and delivered two or three baton strikes to the male's right side. The male continued resisting by twisting and turning his body, throwing punches, and refusing to get on the ground. The other officers and I were able to force the male to the ground, but he continued to the fight even after we were able to detain him in flex type handcuffs. As officers assisted the male back onto his feet, I realized he was the same subject I had witnessed flick cigarettes at officers earlier in the night.

I rejoined my team and continued to move south on Telegraph Avenue until we were directed to return to the BPD building.

INVESTIGATIONS SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0005



1555 OAK STREET

Reported Date
12/09/2014

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Officer
EMMITT, JEFFERY #S5

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0005	Reported Date 12/09/2014	Reported Time 13:20	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location 1555 OAK ST	City ALAMEDA	Rep Dist 306	Area 03	Beat 03	
Officer 25860/EMMITT, JEFFERY #S5	Assignment INVESTIGATIONS-PROPERTY CRIMES				
Entered by 25860	Assignment INVESTIGATIONS-PROPERTY CRIMES	RMS Transfer Successful	Prop Trans Stat Successful		
Report Title INVESTIGATIONS SUPPLEMENTAL	Approving Officer 25860	Approval Date 12/11/2014			
Approval Time 12:25:04					
Case Status COMPLETED					

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

On 12/6/14 I was assigned as a Team Leader for a mutual aid team that was sent to the City of Berkeley for a planned protest. At 1530 hours, I attended a briefing at the Berkeley Police Department. Captain Upson from the Berkeley Police Department provided us with a copy of the operations plan and assignments.

The Alameda Police Department Mutual Aid team was assigned to the intersection of Telegraph Ave and Durant St at approximately 2100 hours. Our orders were to control the north side of the intersection with a line of officers. While we were holding the line, some officers were hit with rocks and glass bottles that were being thrown in our direction from the large crowd that was now gathering in front of us. No officers from APD were injured. The Berkeley Police Department made numerous announcements to the crowd that they were gathered in an unlawful assembly and that they were to leave the area immediately. This order was given over a loud speaker.

The crowd did not leave the area as they were instructed to do. The Berkeley Police Department informed us they wanted the crowd to be moved south on Telegraph Ave. When instructed to do so by Berkeley PD, I instructed APD officers to start moving towards the crowd. I was approximately two to three feet behind the APD officers. I could hear APD officers telling the crowd to move back. As the line of officers moved towards the crowd, we met resistant protesters who refused to follow our orders. The Berkeley Police Department informed us they would be deploying chemical agents into the crowd of protesters to get them to leave. I deployed one field CS chemical agent canister into the crowd of hostile protesters as we were moving them south on Telegraph Ave. While moving the crowd of protesters south on Telegraph Ave, I saw a Hispanic male in his early 20's, wearing a red hooded sweatshirt and grey Raiders hat, throw lit cigarette's at APD officers on the front line. I informed Lieutenant Durani and he passed the information along to an arrest team. The Hispanic male was eventually taken into police custody.

I did not use my wood baton while moving the crowd. As I was walking back and forth along the line, I did not see any one in the crowd who appeared to be a member of the press. After the crowd was dispersed, a Berkeley Police Lieutenant informed me that our four police vehicles had been damaged and two of them had to be towed to the City of Berkeley Corp yard. See the main report for details about the vehicle damage.

**MISCELLANEOUS
ALAMEDA POLICE DEPARTMENT**

14-6614

Supplement No
0006



**1555 OAK STREET
ALAMEDA, CALIFORNIA 94501
Nature of Call
MISC**

Reported Date
12/09/2014

Officer
DOLE, SCOTT #52

**510-337-8340
510-337-8544 FAX**

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0006	Reported Date 12/09/2014	Reported Time 15:34	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location 1555 OAK ST	City ALAMEDA	Rep Dist 306	Area 03	Beat 03	
Officer 22224/DOLE, SCOTT #52	Assignment TEAM B - 3RD PLATOON		Entered by 22224		
Assignment TEAM B - 3RD PLATOON	RMS Transfer Successful	Prop Trans Stat Successful	Report Title MISCELLANEOUS		
Approving Officer 25860	Approval Date 12/11/2014	Approval Time 11:56:49			

Case Status
COMPLETED

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

On 12/6/14 at approx. 2100 hrs, I responded to Telegraph Ave and Durant St in Berkeley to assist with a mutual aid call out. The Berkeley Police Department requested assistance with several hundred protestors in their city. While on scene, protestors were throwing glass bottles, rocks and cigarettes at officers. Several police vehicles were also damaged by the crowd. I was not hit or injured by any of the objects thrown.

Due to the crowds behavior, a Lieutenant with Berkeley Police Department made several announcements to the crowd to disperse per 409 PC- Unlawful Assembly. The announcements were loud and clear over a loudspeaker.

The protestors refused to disperse and officers were given instruction to move the crowd south on Telegraph Ave. I gave verbal commands to the protestors that were similar to "Move" and "Get back." They did not comply with my commands. I struck several protestors multiple times during the two mile dispersal route on Telegraph Ave. I also deployed one CS field cannister in an attempt to disperse the crowd. I did not recognize or strike anyone who looked like a member of the press.

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0007



1555 OAK STREET

Reported Date
12/09/2014

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Officer
ORTEGA, MICHAEL #96

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0007	Reported Date 12/09/2014	Reported Time 16:27	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location TELEGRAPH/DURANT	City BERKELEY	Rep Dist 306	Area 03	Beat 03	
Officer 67015/ORTEGA, MICHAEL #96	Assignment SPECIAL INVESTIGATIONS UNIT			Entered by 67015	
Assignment SPECIAL INVESTIGATIONS UNIT	RMS Transfer Successful	Prop Trans Stat Successful	Report Title SUPPLEMENTAL		
Approving Officer 25860	Approval Date 12/11/2014	Approval Time 12:02:44			
Case Status COMPLETED					

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

On 12/6/14, I was called in to work regarding a planned protest in City Of Berkeley. The Berkeley Police Department had requested mutual aid for assistance with crowd control in their city. I was part of a 14 person team from the Alameda Police Department. We responded to Berkeley PD at approx. 1600 hours. Initially we were assigned to the Berkeley PD station to provide building security. Later in the evening we were assigned as a mobile field force to respond to various locations within the City of Berkeley.

Throughout the night we received intel that looting and vandalism had begun. Also information was relayed that protestors were throwing rocks, bottles, crowbars, hammers and sandbags at police officers at different locations within Berkeley. At approx. 2100 hours our team was positioned at the intersection of Telegraph Ave and Durant. We formed a skirmish line along the north crosswalk of the intersection to prevent protestors from moving north on Telegraph Ave. The group of protestors began to grow in numbers as they blocked the intersection preventing any vehicle traffic from driving through. The protestors then began to throw objects at the police officers. The crowd that gathered in the intersection was deemed as an unlawful assembly. The Berkeley Police Department then gave the crowd several dispersal orders over a loud speaker advising them to leave the area. The dispersal orders were repeated numerous times. Officers from other agencies responded to the scene to reinforce the line and assist. We were then instructed to put on our gas masks.

After several dispersal orders were given we were advised to disperse the crowd and move them southbound on Telegraph. I used my baton to push several of the protestors back in order for them to move. At one point I pushed a White Male in the back with my baton in order for him to move. At no point did I see any readily identifiable credentials that indicated he was with the press. He turned around, stepped back and yelled at me claiming to be with the press. He then pulled a small badge from around his neck saying he was from the press again. I did not get a good or close enough look at the badge to verify whether or not that individual had a legitimate press pass. After he yelled at me he stepped away from the large crowd and I lost visual of him. I did not know where he went.

We then continued to move the crowd south for a few miles and gas was deployed by officers from several agencies. I used my wooden baton to deliver strikes numerous times to several different protestors who were not complying with my verbal commands to move back and leave the area. Due to the large crowd and chaotic scene I do not remember the descriptions of the protestors that I struck. I did not strike anyone else that appeared to be

**SUPPLEMENTAL
ALAMEDA POLICE DEPARTMENT**

14-6614

Supplement No
0007

Narrative

a member of the news media.

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0008



1555 OAK STREET

Reported Date
12/09/2014

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Officer
FOSTER, BRIAN #39

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0008	Reported Date 12/09/2014	Reported Time 17:39	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location 1555 OAK ST		City ALAMEDA	ZIP Code 94501	Rep Dist 306	
Area 03	Beat 03	Officer 29947/FOSTER, BRIAN #39	Assignment TEAM B - 1ST PLATOON		
Entered by 29947	Assignment TEAM C - 3RD PLATOON	RMS Transfer Successful	Prop Trans Stat Successful	Report Title SUPPLEMENTAL	
Approving Officer 25860	Approval Date 12/11/2014	Approval Time 12:07:22			
Case Status COMPLETED					

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

On 12/06/14 at approx. 2100 hrs., I responded to the area of Telegraph Ave. and Durant St. to assist Berkeley PD with a mutual aid call out. They were requesting assistance with handling a large crowd of several hundred protestors. I was standing on a line monitoring the crowd. I heard the protestors yelling things like, "Fuck the police!" and "Die pigs!" Several of the protestors also threw various objects at the police officers on scene. The objects thrown included: rocks, glass bottles, gravel bags, bricks, hammers and other objects. Due to the violent and riotous nature of the crowd, Berkeley PD determined the crowd was in violation of 409 PC, unlawful assembly. While monitoring the crowd, there was a Hispanic male, in his 20's, approx. six feet tall, 175 lbs, with dark hair, wearing a red sweatshirt in front of me. The male got within approx. two feet of me, and was staring intently at me. I ordered the male to get back away from me. The male started flexing his arms and shoulders, and I was afraid he was going to hit me. He said, "Fuck you pig!" and refused to move back. I again ordered him to back away from me. The male balled his hands into fists, and it appeared he was preparing to punch me. I delivered one jab strike with my wood baton to his midsection to drive him away from me. The male moved back, and began throwing things at me from behind several members of the crowd. He threw a lit cigarette, and a cigarette pack at me. He then disappeared from my view.

Berkeley PD made several verbal announcements into the crowd advising them that they were an unlawful assembly, and demanding that they disperse. The crowd ignored all announcements. The order was given to move the crowd south on Telegraph Ave. There were multiple protestors in front of me. I do not recall the specific description of the members of the crowd who were in front of me. I ordered those in front of me to move. There was a female in front of me with her hands up and near my face. She was Asian, approx. 20-25 years old, wearing a grey shirt. I ordered her to get back again. She refused to move. I delivered a single jab strike to her midsection using my wood baton. She fell to the ground, and was attended to by officers behind me. We continued moving the crowd south on Telegraph Ave. I struck several other members of the crowd that refused to move, but I don't recall their description. I did not strike anyone that appeared to be a member of the news media.

I was assigned a 40mm gas launcher for the duration of the event. I had the gas launcher slung around my neck. I raised it at several points, but I did not deploy any gas from the launcher at any point. I did deploy one CS field canister in an attempt to get the crowd to disperse.

Report Officer 29947/FOSTER, BRIAN #39	Printed At 08/18/2015 10:18	Page 1 of 1
--	---------------------------------------	-------------

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0009



1555 OAK STREET

Reported Date
12/10/2014

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Officer
FISHER, JAMES #49

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT		Report No. 14-6614	Supplement No 0009	Reported Date 12/10/2014	Reported Time 02:25	CAD Call No 143400107
Status REPORT TO FOLLOW		Nature of Call MISC REPORT				
Location TELEGRAPH AV/DURANT ST				City ALAMEDA	ZIP Code 94501	Rep Dist 306
Area 03	Beat 03	From Date 12/06/2014	From Time 15:51	Officer 28639/FISHER, JAMES #49		
Assignment TEAM B - 3RD PLATOON		Entered by 28639	Assignment TEAM B - 3RD PLATOON	RMS Transfer Successful	Prop Trans Stat Successful	
Report Title SUPPLEMENTAL		Approving Officer 25860	Approval Date 12/11/2014	Approval Time 12:09:31		
Case Status COMPLETED						

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

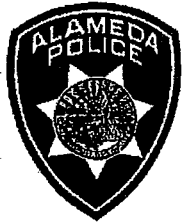
On 12-06-14 at approximately 2100 hours, I responded to the intersection of Telegraph Avenue and Durant Street to assist the Berkeley Police with a mutual aid call out. The Berkeley Police Department requested assistance in dealing with a large crowd of several hundred protestors within the city. While standing at the intersection, a skirmish line was assembled in an attempt to control the crowd. While standing at the intersection, protestors began throwing glass bottles, rocks and cigarettes at officers. In addition, several fully marked patrol vehicles and businesses nearby were vandalized. I was not hit by any of the objects thrown at officers and I did not sustain any injuries.

The Berkeley Police Department then made multiple announcements for the crowd to disburse per 409 P.C. (Unlawful Assembly) due to their violent behavior and via loudspeaker. The crowd refused to disburse and I heard multiple unknown persons within the crowd yelling, "Fuck the police!" and "Die Pigs!" Shortly after, officers were instructed to move the protestors southbound on Telegraph Avenue. I continuously gave verbal commands to "Get Back", but the crowd refused to comply with my commands. I struck and pushed multiple protestors with my wooden baton as we moved the crowd southbound on Telegraph Avenue. I am unable to recall any descriptions of the persons I struck or pushed with my baton and many of the protestors wore masks to conceal their faces. In addition, I did not strike anyone who I recognized to be news media. I also deployed one CS field canister in an attempt to disburse the crowd.

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0010



1555 OAK STREET

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Reported Date
12/10/2014

Officer
YAKAS, PETER #15

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0010	Reported Date 12/10/2014	Reported Time 15:51	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location 1555 OAK ST	City ALAMEDA	Rep Dist 306	Area 03	Beat 03	
Officer 97568/YAKAS, PETER #15	Assignment TEAM C - 4TH PLATOON		Entered by 97568		
Assignment TEAM C - 4TH PLATOON	RMS Transfer Successful	Prop Trans Stat Successful	Report Title SUPPLEMENTAL		
Approving Officer 25860	Approval Date 12/11/2014	Approval Time 12:14:12			
Case Status COMPLETED					

Modus Operandi

Crime Code(s)
SUSPICIOUS CIRCUMSTANCES

Narrative

On 12/6/14, I was assigned as an assistant Team Leader for a mutual aid team that was sent to the City of Berkeley for a planned protest. The team consisted of 14 police officers. We responded to Berkeley PD at approximately 1600 hours. Initially, we were assigned to the Berkeley PD station to provide building security. Later in the evening, we were assigned as a mobile field force and responded to various locations within the City of Berkeley.

At approximately 2100 hrs, my team was assigned to the intersection of Telegraph Ave and Durant St. Our orders were to control the north side of the intersection with a line of officers. While we were holding the line, some officers were hit with rocks and glass bottles that were being thrown in our direction from the large crowd that was now gathering in front of us. While I was standing on a line monitoring the crowd, I heard the protestors yelling things like, "Fuck the police!", "Die pigs!", and "We are going to hang you in the street!" Due to the violent and riotous nature of the crowd, Berkeley PD determined that they were in violation of 409 PC, unlawful assembly. A dispersal order was given over a loud speaker several times. The crowd refused to disperse.

The Berkeley Police Department informed us they wanted the crowd to be moved south on Telegraph Ave. When instructed to do so by Berkeley PD, we began to start moving towards the crowd. I was in the front line. There were multiple protestors in front of me, but I do not recall their specific descriptions. As the line moved towards the crowd, we met resistant protestors who refused to follow our orders. These protestors would either refuse to move or would actively attempt to assault us by throwing objects. I struck several of these individuals that refused to move, but I don't recall their description. Several members of the crowd wore masks that concealed their features. I did not strike anyone that appeared to be a member of the news media.

The Berkeley Police Department informed us they would be deploying chemical agents into the crowd of protestors to get them to leave. I deployed one field CS chemical agent canister into the crowd of hostile protestors as we were moving them south on Telegraph Ave. While moving the crowd, a group of officers from the CHP identified a member of the crowd that was to be arrested. The person was a tall white male that appeared to be wearing a yellow shirt. I had observed this individual earlier in the evening. He was very loud and appeared very agitated. When the group of CHP officers broke from the crowd in pursuit of this individual, I accompanied them in order to provide them cover as they effected the arrest. The male attempted to flee but was caught by one of the CHP officers. Both subjects went to the ground. By this time, I had passed the officer and the male and

**SUPPLEMENTAL
ALAMEDA POLICE DEPARTMENT**

14-6614

Supplement No
0010

Narrative

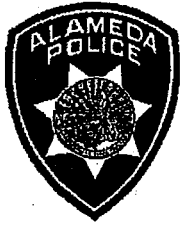
was watching for possible outside threats. I noticed that the officer had the male by his foot, but he was still attempting to get away.

I turned and made an attempt to control the male's upper body. As I was doing so, the male twisted and punched me in the face with a closed right fist. The blow glanced off my helmet and caused me no injury. I delivered two palm heel strikes to the male's facial area which allowed me to gain control of his right arm. I then was able to place my body in a position of advantage towards his upper back and bring his right hand to a cuffing position. Other CHP officers arrived to assist and placed cuffs on the male. I then rejoined the line.

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0011



1555 OAK STREET

Reported Date
12/15/2014

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Officer
ERIK KLAUS #S14

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT		Report No 14-6614	Supplement No 0011	Reported Date 12/15/2014	Reported Time 00:27	CAD Call No 143400107
Status REPORT TO FOLLOW		Nature of Call MISC REPORT				
Location 1555 OAK ST			City ALAMEDA	ZIP Code 94501	Rep Dist 306	
Area 03	Beat 03	Officer 47423/ERIK KLAUS #S14		Assignment TEAM B - 3RD PLATOON		
Entered by 47423	Assignment TEAM B - 3RD PLATOON	RMS Transfer Successful	Prop Trans Stat Successful	Report Title SUPPLEMENTAL		
Approving Officer 47423		Approval Date 12/15/2014	Approval Time 00:33:43			
Case Status COMPLETED						

Narrative

On 12/06/2014 the Alameda Police Department Mutual Aid team responded to the City of Berkeley Police Department to assist their agency for a planned protest. My role as part of the team responding was that of an Assistant Team Leader and I deployed with a department authorized less lethal shotgun.

At approx. 2100 hrs our team was assigned to the north side of Telegraph Ave and Durant St. where we were to control that portion of the intersection. As we were standing in formation, unknown members of the protestors began to throw rocks, bottles and hammers at us. At this time the Berkeley Police Department made numerous announcements to the crowd that they were gathering in an unlawful assembly and they were to leave the area immediately. An open corridor was provided for the crowd to head south on Telegraph Ave, which was not being blocked by police.

At this time Berkeley Police Department requested that we begin pushing the crowd south on Telegraph Ave and requested that we "don" our gas masks. Other outside agencies (CHP, Pleasanton PD and Berkeley PD) were also on line with us while we moved the crowd south. As I began walking towards the crowd I gave numerous commands for the crowd to get back and to move. At the same time field CS chemical agent canisters were deployed towards the crowd.

While moving forward an unknown white male in his 20's jumped in front of me, clinched his fists and lunged towards me. My immediate thought and reaction was he was going to assault me or another officer on line, therefore I delivered a single jab strike with my baton. The tip of my baton struck the abdomen of the individual and he buckled forward. He was then grabbed by other protestors and escorted to the back of the crowd. There were approx. five other incidences where unknown male protestors from the crowd made sudden movements lunging towards me and I reacted by delivering short jab strikes to their abdomen to push them back. I cannot recall what they were wearing or their approx. age.

During the approx. 3 mile push of the crowd I deployed approx. 5 field CS chemical agent canisters towards the crowd via underhand toss, I did not fire any drag stabilizing rounds from my less lethal shotgun and I was struck on the top of my helmet with an unknown glass bottle, however I was not injured. At no time did I see anyone in the crowd that identified themselves as the media, nor did I see anyone who displayed media credentials.

See the main report for further details.

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0012



1555 OAK STREET

ALAMEDA, CALIFORNIA 94501

Nature of Call
MISC

Reported Date
12/17/2014

Officer
DURANI, HOSH #L3

510-337-8340

510-337-8544 FAX

Administrative Information

Agency ALAMEDA POLICE DEPARTMENT	Report No 14-6614	Supplement No 0012	Reported Date 12/17/2014	Reported Time 11:00	CAD Call No 143400107
Status REPORT TO FOLLOW	Nature of Call MISC REPORT				
Location 1555 OAK ST	City ALAMEDA	Rep Dist 306	Area 03	Beat 03	
Officer 24116/DURANI, HOSH #L3	Assignment TEAM A - LIEUTENANT	Entered by 24116			
Assignment TEAM A - LIEUTENANT	RMS Transfer Successful	Prop Trans Stat Successful	Report Title SUPPLEMENTAL		
Approving Officer 24116	Approval Date 12/18/2014	Approval Time 12:19:44			
Case Status COMPLETED					

OTHER 1:

Involvement OTHER	Invl No 1	Type Individual	Name [REDACTED]	MNI 557934	Race HISPANIC	Sex MALE
DOB [REDACTED]	Age 21	Ethnicity HISPANIC ORIGIN	Juvenile No	Height 6'03"	Weight 190#	Hair Color BROWN
				Eye Color BROWN	PRN 606851	
Type HOME	Address [REDACTED]			City [REDACTED]	State [REDACTED]	
ZIP Code [REDACTED]	Date 12/17/2014					
Type PFN/JFN	ID No BKJ682					

Narrative

On 12/6/14, Berkeley Police Department (BPD) requested mutual aid due to protests stemming from the Ferguson Missouri officer involved shooting. I was assigned as the Commander for Alameda PD's team which consisted of 13 officers/sergeants. Prior to deployment, APD Use of Force policy was reiterated and all personnel were advised to follow APD policies concerning use of control devices. All APD personnel were dressed in fully marked APD utility uniforms and riot helmets. Sergeant Emmitt, Sergeant McMullen and I attended BPD's operation briefing and were given BPD's operation plan. BPD Officer Rosie Chung was assigned to our team as a "Path Finder" and had direct communication with BPD's Command Post (CP). After BPD's briefing, Sergeant Emmitt briefed all APD personnel regarding BPD's objectives.

At approximately 1800 hours, APD's team was assigned to building security of BPD due to a hostile crowd approaching BPD. Within minutes, a crowd of about 500-600 approached the front of BPD. The crowd was very aggressive. Specifically, the crowd could be heard shouting that officers should die etc. The crowd wanted to take over the BPD building. Shortly after, I was advised by BPD Sergeant Peter Hong and Officer Chung that there had been multiple assaults on officers by the crowd. These assaults were via bricks and metal objects; moreover, a BPD officer had been severely injured by the hostile crowd. Note: I had relayed this information to all APD personnel. Shortly after, APD's team was advised to utilize their gas masks due to gas being deployed half a block north of BPD building. Note: APD personnel did not deploy gas or use any other type of force.

Between 1920-2100 hours, APD's team was sent Code 3 to multiple locations throughout Berkeley as a Mobile Field Force. Most of these times, APD's team held a skirmish line, reinforced BPD teams, and prevented looting. All the intelligence from CP indicated that officers were being assaulted by rocks/bottles etc. and the crowds were rioting. Specifically, the crowds were looting businesses, setting fires, and damaging properties.

SUPPLEMENTAL ALAMEDA POLICE DEPARTMENT

14-6614

Supplement No
0012

Narrative

At approximately 2100 hours, APD's team relocated to the area of Telegraph and Durant St. due to an extremely large crowd taking over various intersections. We had parked all of our vehicles on Telegraph south of Durant St. BPD asked for APD to stop all traffic northbound on Telegraph. During this time, the crowd grew very large and unruly. Subsequently, teams from Hayward Police Department (HPD), CA Highway Patrol (CHP), Oakland Police Department (OPD), and Pleasanton Police Department (PPD) arrived to assist. I noticed a crowd of 300-400 gathered in the intersection of Telegraph and Durant St. Some members of the crowd had their faces covered. I saw bottles and rocks being thrown at officers. Moreover, the crowd started damaging a marked police van. In addition, I saw the crowd had stopped vehicles in the middle of the intersection and various civilians were trapped inside their vehicles. The crowd was extremely hostile towards law enforcement personnel and would routinely threaten harm against officers. I recall that the crowd was yelling something similar to "kill police officers."

Subsequently, BPD Lieutenant K. Schofield, using a PA, announced (continuously) dispersal orders for violation of 409 PC and directed the crowd to leave southbound Telegraph. However, the unruly crowd refused and continued to throw rocks and bottles. Lieutenant Schofield specifically made the crowd aware of use of less-lethal munitions.

I was contacted by BPD Lieutenant K. Reece and told that the crowd needed to be moved southbound Telegraph. In addition, I was advised that BPD would deploy gas. I advised Sergeants Emmitt, McMullen and Klaus of BPD's intention and they advised all other APD personnel. We donned our gas masks.

All teams started to move southbound and gave verbal orders for the crowd to move back. BPD deployed gas. The teams continued to give verbal commands, but the crowd was not moving back or dispersing. APD team along with other teams continued as reinforcement teams behind BPD and HPD.

As the lines became compromised, I used my baton to push an HMA-20's back. Gas continued to be deployed and we followed behind. Note: my gas mask had a malfunction and from that point on, I was exposed to full effects of gas. At times, I had to hold onto Sergeant McMullen or Sergeant Emmitt because I had lost all of my vision. As we continued southbound on Telegraph, I noticed APD's vehicles and PPD's vehicles had been vandalized (smashed windshields, slashed tires, graffiti). We stopped at Telegraph and Channing Way to prevent the crowd from reassembling; however, the crowd grew back to several hundred.

Subsequently, BPD Lieutenant Schofield again gave dispersal orders, but the hostile crowd refused to leave. The crowd was still very agitated and engaged in riotous behavior. BPD asked that all teams move the crowd southbound Telegraph. At this point, teams consisting of BPD, CHP, PPD, and APD gave verbal orders for the crowd and moved southbound Telegraph. The crowd was not moving and officers were shoving the crowd back. I noticed an HFA-20's, wearing a brown shirt, stand in our way. I repeatedly yelled at her to leave/move, and she did not. I used my baton to push her back and she fell down. Several other members of the crowd pulled her away, and I never saw her again.

Due to the totality of circumstances, gas was deployed by APD and other agencies. I noticed that members of the crowd were picking up the gas canisters and throwing it back at law enforcement personnel. I noticed various subjects were assaulting officers. Specifically, I noticed an HMA-20's, wearing a red sweatshirt (later identified as [REDACTED]) actually throwing punches at officers. On three separate occasions, I saw [REDACTED] use the crowd to mask his movement towards the front of the line and throw lit cigarettes at officers. I saw the lit cigarettes land on Officer Miele. I had yelled at [REDACTED] multiple times to stay back. When I noticed [REDACTED] aggressively move towards the officers, I used my baton to strike at his raised hand; however, I am not sure if I hit [REDACTED] provided [REDACTED] information to BPD Lieutenant R. Files, and [REDACTED] was subsequently taken into custody by BPD. Note: I did not see any officers strike anyone who reasonably appeared to be a member of the press.

For further details refer to Original report by Officer Clark and supplemental reports.

To: PRC for consideration at its September 9 meeting

From: Terry Roberts

Re: Recommended narrative for report to the City Council regarding PRC findings on BPD's December 6 and 7 responses to civil unrest.

Date: September 7, 2015

I sent much of the below narrative to the PRC on July 12, 2015. I want to reintroduce a revised version now to coincide with our upcoming finalization of the council report. Rather than just respond to BPD's recommendations I believe a bigger picture look at the department and how it is managed is important. Therefore, I recommend that we include the narrative below in the body of our report.

Introduction

It is important that the PRC's report on the events of December 6 & 7 also address some bigger picture questions about whether some of the problems experienced could have been anticipated and prevented by far earlier, timelier preparation by BPD. Looking at these issues sheds light on how the department is managed and if it is thinking proactively rather than reactively.

We live in a sophisticated, diverse, urban environment. Many types of civil unrest or social or political actions can occur at any time. Street protests can be expected in Berkeley. We expect our police department to be trained, equipped, and managed astutely and effectively, using best practices to deal with these situations as safely as possible for both officers and protestors.

Questions

Has BPD studied and learned from industry best practices and other agencies? If so, why weren't some of BPD's December 6 & 7 report recommendations addressed long before the protests occurred? Has BPD done adequate training internally, done table top exercises, coordinated effectively with other mutual aid agencies, obtained critical, state of the art equipment, and established a clear incident command management decision making plan for various types of incidents? If not, why not?

Review of BPD's Report on its December 6 & 7 Activities

Several of BPD's December 6 & 7 report recommendations (Rec) fall under the category "why weren't these issues addressed sooner", including but not limited to:

Rec#1....getting clarity on availability of regional radio inoperability...to improve communications with mutual aid partners...

Rec #2....use of social media

Rec #3....explore use of BPD negotiators for this type of crowd management

Rec #4....acquire high quality mobile public address system

Rec #6....make efforts to ensure mission clarity

Rec #14...explore technology to improve decision making

Pg.2 from Terry Roberts

- Rec #21...training re: disciplined use of baton strikes
- Rec #22...warning to officers of impeding chemical agent use
- Rec #24...comply with existing policy regarding filing after action reports
- Rec #26...ensure and increase the level of officer training
- Rec #27...ensure that commanders attend training
- Rec #32...investigate the use of body armor...to protect officers from projectiles

The PRC believes that the Rec's cited above should be expected to occur in BPD's normal line of duty since they can be anticipated and are needed to prepare the department and its officers in advance for a variety of possible incidents, rather than being discovered as lessons learned from an emergency action. What are the "best policing practices" in preparing for similar situations? Why weren't these and similar preparations made far earlier as part of the normal course of BPD business? Is BPD fully ready to respond to the next major incident?

Conclusion

While BPD should receive our gratitude for doing a vital and difficult job, all departments have room for improvement. Expecting BPD to implement the kinds of changes and strategies noted above very early as part of best practices is critical to successful outcomes. Being proactive rather than reactive should be a high priority BPD strategy. What should be done to ensure that this foresight and preparation happens in the future so that BPD is fully supported in its efforts, but in the end is held accountable for its actions resulting from inadequate planning and preparation?

It is clear from BPD's above recommendations that on December 6 and 7 BPD was not in a full state of readiness to adequately respond, and accordingly that certain BPD policies, practices, tactics and operational procedures need to be revised.

Specific Recommendation to the Council

The PRC recommends that the City Council direct BPD to submit a report on its state of readiness to respond and effectively manage key emergency management situations by comparing BPD's state of readiness to "best policing practices" including but not limited to training, equipment, organizational structure and sufficiency, management and mission clarity, and related policies, procedures, and tactics. Since these incidents can happen at any time, the report is urgent and should be submitted to the Council for review by February 2016.

COMPLAINT DEADLINE REPORT INVESTIGATIONS

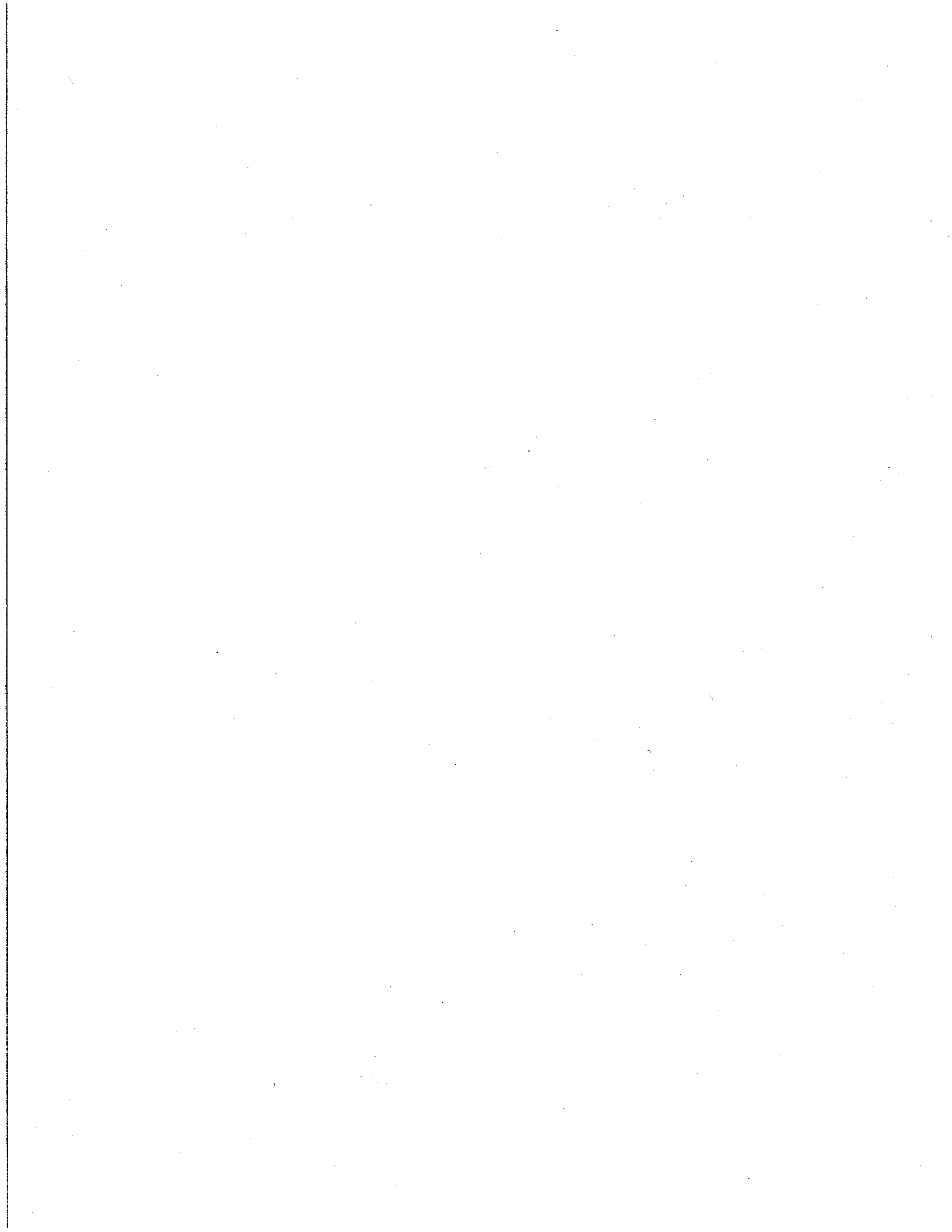
NO.	DATE FILED	INCIDENT DATE	27-day Notice of Alleg. Due	Notice of Alleg. DONE	74-day Report DUE	74-day Report Issued	BOI PACKET ISSUED	119 DAYS From Date Filed	STATUS
2361	G 12-15-2014	September-14	01-11-2015	12-22-2014	06-07-2015	06-05-2015		04-13-2015	*BOI Hearing Pkt in Progress
2373	J 04-15-2015	April-15	05-12-2015	05-04-2015	06-26-2015	06-26-2015	07-06-2015	08-12-2015	**Final Findings due by 10-2
2379	E 08-10-2015	August-15	09-04-2015	08-14-2015	10-23-2015			12-07-2015	Investigation
2380	T 08-12-2015	July-15	09-08-2015	08-25-2015	10-23-2015			***11-17-2015	Investigation
2381	G 08-21-2015	August-15	09-17-2015	08-27-2015	11-03-2015			12-18-2015	Investigation
2382	W 09-01-2015	August-15	09-28-2015	09-08-2015	11-13-2015			12-29-2015	Note of Alleg due
2383	C 09-01-2015	August-15	09-28-2015	09-08-2015	11-13-2015			12-29-2015	Note of Alleg due

*12/15 to 3/25 criminal case hold

**Tolled from 7-20 to 9-3

***from 7-21-15 (filed w. BPD)

POLICY	DATE FILED	Notice of Complaint to BPD	Due to Commission (30 days)	Initial Commission Meeting Date	Commission Resolved Y/N	Admin. Closure Due	STATUS
2362	L 12-23-2014	01-08-2014	01-22-2015	01-14-2015	n		Review in Progress
2363	M 01-08-2015	01-08-2014	02-07-2015	01-14-2015	n		Review in Progress
2377	D 06-22-2015	07-10-2014	07-22-2015	07-08-2015	n		Review in Progress



Lee, Katherine

From: J. George Lippman <george@igc.org>
Sent: Thursday, September 03, 2015 8:22 PM
To: Brenman, Eric; Lee, Katherine
Subject: Fwd: Nor-CAHRO Survey and Invite for Sept. 19th Convening
Attachments: NorCAHRO Convening 9.19.15.pdf; ORID Facilitation Results 4 11 15 v2.pdf

Importance: High

Eric, Kathy,

Please share this message from the northern California Association of Human Rights Organizations (CAHRO) with the Peace and Justice, Status of Women, and Police Review commissions.

Eric, is there a way to share with all other Berkeley commissions as well?

Thanks,

George Lippman

Begin forwarded message:

From: Solis, Mary Jane
Sent: Wednesday, August 26, 2015 6:19 PM
To:
Importance: High

NorCAHRO is attempting to collect information on the types of issues being addressed by human rights organizations in Northern California. We also want your input as to the kinds of services CAHRO can provide to help strengthen the work of human rights organizations in California. Please take 10 minutes of your time to help us achieve this important work.

To take the survey please go to: <https://www.surveymonkey.com/r/6VHBMB2>

We also hope that you will be able to join us at the next NorCAHRO convening on September 19th! To register for the convening go to:
: <http://www.eventbrite.com/e/northern-cahro-regional-convening-tickets-18215126935>

Thank you for your time and commitment!

