

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, October 26, 2016
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT**
(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers. They may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)
- 4. APPROVAL OF MINUTES**
Regular Meeting of October 13, 2016
- 5. CHAIR'S REPORT**
- 6. PRC OFFICER'S REPORT**
Status of complaints; other items.
- 7. CHIEF OF POLICE'S REPORT**
Crime, budget, staffing, training updates, and other items.
- 8. OLD BUSINESS (discussion & action)**
 - a. Status of General Order W-1, Right to Watch.
 - b. Review draft of response to City Manager's September 12, 2016 letter regarding the standard of proof used in BOI hearings.
 - c. Policy regarding publication of communications from the public to the PRC – continue discussion on form and content of reporting of informal and formal complaints to Commission.
From: PRC Officer
 - d. Review of BPD marijuana enforcement report.
From: Commissioner Bernstein
(See October 13, 2016 packet.)

- e. Certificate of appreciation for former Chief Meehan
From: Commission
- f. Proposed changes to Standing Rules regarding procedures for election of PRC Chair and Vice-Chair
From: Commissioner Perezvelez
- g. Commission's list of tasks and prioritization.
From: PRC Officer

9. NEW BUSINESS (discussion & action)

- a. Review of handout on significant laws and court cases affecting scope and powers of the Berkeley PRC; discussion of applicability to aspects of the BOI process.
From: PRC Officer
- b. Commendations of BPD personnel January through June 2016.
From: PRC Officer

10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)

- a. General Orders C-64, etc. Subcommittee
Schedule next meeting date or consider dissolving.
- b. Fair & Impartial Policing Subcommittee
Update; approve outreach letter; next meeting date November 14, 2016.
- c. Mutual Aid Pacts Subcommittee
Update; schedule next meeting date.
- d. Media Credentialing Subcommittee
Update; schedule next meeting date.
- e. Surveillance and Community Safety Ordinance Subcommittee
Update; schedule next meeting date.
- f. Outreach Subcommittee
Consider additional appointment; schedule meeting date.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda at this time.)

Closed Session

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the PRC will recess into closed session to discuss and take action on the following matters:

13. REVIEW OF CALOCA DECISION

Complaint #2380 (*Decision and brief to be distributed during closed session.*)

End of Closed Session

14. ADJOURNMENT

Communications Disclaimer

Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees, are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the PRC Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary for further information.

Communication Access Information (A.R.1.12)

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission, located at 1947 Center Street, 1st floor, during regular business hours.

Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.



PRC REGULAR MEETING ATTACHMENTS

October 26, 2016

MINUTES

October 13, 2016 Regular Meeting Page 7

AGENDA-RELATED

Item 8.b – Draft Letter to City Manager regarding Standard of Proof for review. Page 13

Item 8.b – Proposed addition to Draft letter to City Manager on Standard of Proof, by PRC Commissioner Lippman. Page 15

Item 8.f – Proposed Process for PRC Annual Elections for Chair and Vice-Chair – Amendment to PRC Standing Rules. Page 17

Item 8.g – PRC Priority List updated 10-19-2016. Page 19

Item 8.g – Prioritization of PRC requests to BPD updated 10-19-2016. Page 21

Item 8.g – PRC Subcommittees List updated 10-18-2016. Page 22

Item 9.a – Handout: Significant Laws and Court Cases Affecting Scope and Powers of the Berkeley Police Review Commission. Page 23

Item 9.a – Summary of Significant Laws and Court Cases Affecting Scope and Powers of the Berkeley Police Review Commission. Page 31

Item 9.b – Commendations of BPD personnel for the period January – June 2016. Page 33

Item 10.b – PRC Subcommittee on Fair and Impartial Policing Proposed Outreach Letter. Page 83

COMMUNICATIONS

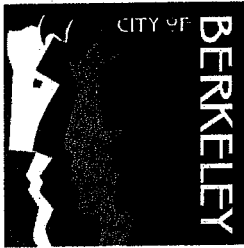
Closure letters from other oversight agencies. Page 85

ABC Grant Enforcement: by type of violation. Page 105

Email from a citizen dated October 17, 2016 related to CAL parent/Berkeley crime spree. Page 107

Letter from the Police Review Commission dated October 18, 2016 to the City Manager re Excusing Officers from Appearing at Boards of Inquiry. Page

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Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(unapproved)**

**Thursday, October 13, 2016
7:00 P.M.**

**South Berkeley Senior Center
2939 Ellis Street, Berkeley**

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:07 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Terry Roberts (Vice Chair)
Commissioner George Lippman
Commissioner Michael Sherman
Commissioner Kad Smith
Commissioner Ari Yampolsky

Absent: Commissioners Alison Bernstein, Kimberly DaSilva, Jerry Javier

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Mike Durbin, Sgt. Ben Cardoza, Sgt. Sean Ross

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Seconded (Sherman/Yampolsky) **Motion Carried**

Ayes: Lippman, Perezvelez, Roberts, Sherman, Smith, and Yampolsky.

Noes: None **Abstain:** None **Absent:** Bernstein, DaSilva, Javier

3. PUBLIC COMMENT

There were no speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of September 21, 2016, as corrected to show the heading for Item #9 is "Old" and not "New" Business.

Moved/Seconded (Sherman/Roberts) **Motion Carried**

Ayes: Lippman, Perezvelez, Roberts, Sherman, Smith, and Yampolsky.

Noes: None **Abstain:** None **Absent:** Bernstein, DaSilva, Javier

5. CHAIR'S REPORT

The Chair and PRC Officer reported on the NACOLE conference they and Investigator Byron Norris attended in Albuquerque, NM.

6. OFFICER'S REPORT

The PRC Officer and the Chair reported on a meeting they and Investigator Norris attended with a group from Sacramento (a councilmember, representatives of other elected officials, and community groups), which is conducting fact-finding about other oversight agencies to possibly strengthen their oversight body.

One new complaint filed since the last meeting; the complainant chose mediation. A record number of cases have gone to mediation this year; difficult to explain why.

7. CHIEF OF POLICE'S REPORT

Lt. Durbin reported on the Interim Chief's behalf:

-- Chief Greenwood and others are at or on their way to the IACP (Int'l Assoc. of Chiefs of Police) Conference in San Diego.

-- No change in staffing since last report. Ofc. Tim Kaplan resigning after 20+ years.

-- First round of training on revised GO C-64 occurred; about 40 officers. 3 parts: 1) recap of Dec. 6 & 7, 2014; 2) Legal issues and policy; 3) Practice training in field at Alameda Co. Sheriff's Office facility. Another 30 officers to be trained Nov. 3.

-- Will get procedural justice training started by the end of the year. Continue to send officers to 40-hour Crisis Intervention Training.

-- Command staff assignments: Capt. Louis - Operations Division; Capt. Frankel - Professional Standards; Acting Capt. Spiller - Investigations.

Questions:

-- Key changes in training in C-64? What questions & concerns? A couple e.g.s: 1) On the skirmish line, former policy of not engaging in conversation was a concern. Now can use discretion to answer. 2) Using baton strikes prior to dispersal order. There may be times officers need to move before dispersal order given, e.g. when need to move through a crowd to arrest isolated offenders.

-- Having problems with recruitment? Yes, it is difficult and continues to be, but still hiring without lowering standards.

-- Standard of proof in internal discipline and at arbitration? Unsure.

Motion to adjourn the meeting in memory of three people (noted below).

Moved/Seconded (Lippman/Roberts) **Motion Carried**

Ayes: Lippman, Perezvelez, Roberts, Sherman, Smith, and Yampolsky.

Noes: None

Abstain: None

Absent: Bernstein, DaSilva, Javier

8. OLD BUSINESS (discussion & action)

a. Status of General Order W-1, Right to Watch.

(Item postponed to the next meeting.)

- b. Review draft of response to City Manager's September 12, 2016 letter regarding the standard of proof used in BOI hearings.
(Item postponed to the next meeting.)

- c. Policy regarding publication of communications from the public to the PRC.
Heard following Item #10.e.

Motion to direct PRC officer to propose a process for informing the Police Review Commission in closed session about citizen complaints that do not go to the BOI process (informal complaints) on an informational basis only, with officer's names if they are included, after 90 days.

Moved/Seconded (Roberts/Sherman) **Motion Carried**

Ayes: Lippman, Roberts, Sherman, and Yampolsky.

Noes: None Abstain: Perezvelez, Smith Absent: Bernstein, DaSilva, Javier

Motion to have PRC Officer prepare for the Commission's review, in closed session, a quarterly digest of formal complaints filed that include: officer's names, complaint names, allegations, and findings, for review in closed session.

Moved/Seconded (Yampolsky/Lippman)

Motion to postpone the discussion and vote until the next meeting.

Moved/Seconded (Lippman/Yampolsky) **Motion Carried**

Ayes: Lippman, Perezvelez, Roberts, Sherman, Smith, and Yampolsky.

Noes: None Abstain: None Absent: Bernstein, DaSilva, Javier

- d. Review of BPD marijuana enforcement report.
(Item postponed to the next meeting.)

- e. Decide whether to accept policy complaint #2406; if accepted, decide how to proceed.

Motion to accept policy complaint #2406 as to the policy of searching vehicles and persons when the driver is an authorized marijuana user, and refer to staff to investigate.

(Sherman/Smith)

Motion to also investigate the complainant's second point, that sobriety checkpoints lend themselves to discriminatory activity.

(Lippman/died for lack of second)

Initial Motion Carried

Ayes: Lippman, Perezvelez, Roberts, Sherman, Smith, and Yampolsky.

Noes: None Abstain: None Absent: Bernstein, DaSilva, Javier

- f. Review draft letter regarding City Manager's excusal of officer from appearing at a Board of Inquiry

The Commission, by general consent, agreed to revisions of the draft letter, and that copies should be sent to the Mayor and City Councilmembers, and the City Clerk.

- g. Commission's list of tasks and prioritization.
Item postponed to the next meeting.

9. NEW BUSINESS (discussion & action)

- a. Certificate of appreciation for former Chief Meehan
Item postponed to the next meeting.
- b. Proposed changes to Standing Rules regarding procedures for election of PRC Chair and Vice-Chair
Item postponed to the next meeting.

10. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)

- a. General Orders C-64, etc. Subcommittee
- b. Fair & Impartial Policing Subcommittee
- c. Mutual Aid Pacts Subcommittee
- d. Media Credentialing Subcommittee
- f. Outreach Subcommittee
All Subcommittee items, except for the Surveillance and Community Safety Ordinance Subcommittee, were postponed to the next meeting.
- e. Surveillance and Community Safety Ordinance Subcommittee
Heard following Item #8.b.

After hearing Julia Leftwich speak about her experience and her interest in serving on this subcommittee, she was appointed by the Chair as a public member.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

12. PUBLIC COMMENT

There was 1 speaker.

Closed Session

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the PRC will recess into closed session to discuss and take action on the following matters:

13. REVIEW DRAFT LETTER REGARDING CITY MANAGER'S EXCUSAL OF OFFICER FROM APPEARING AT A BOARD OF INQUIRY

No action taken.

14. VOTE ON ADMINISTRATIVE CLOSURE OF COMPLAINT

Motion to approve Complaint #2395 for administrative closure.

Moved/Seconded (Yampolsky/Roberts) **Motion Carried**

Ayes: Perezvelez, Roberts, Sherman, Smith, and Yampolsky.

Noes: Lippman Abstain: None

Absent: Bernstein, DaSilva, Javier

15. REVIEW OF CALOCA DECISION

Complaint #2380

Item postponed to the next meeting.

End of Closed Session

16. ANNOUNCEMENT OF CLOSED SESSION VOTE

The unanimous vote to close Complaint #2395 was announced.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 10:25 p.m. in memory of Alfred Olango, killed by police in El Cajon on September 27, and Palm Spring police officers Lesley Zerebny and Jose "Gil" Vega, killed on October 8.

DRAFT

Dear Ms. Williams-Ridley,

Thank you for your response of September 12, 2016, to our inquiry regarding your decision during the meet and confer process to abandon the PRC's amendment to the standard of proof used in our Board of Inquiry. Although we appreciate you taking the time to respond, there are a number of things in your response that we find deeply troubling. We are concerned that the current policies and practices of the City Manager's office are a grave disservice to the spirit and letter of the PRC enabling ordinance, and greatly impede our ability to operate as an independent, fact-finding body.

As you are undoubtedly aware, Section 10, subsection (f) of the 1973 PRC enabling ordinance states

The Commission established by this Ordinance shall have the following powers and duties:

...
f) to adopt rules and regulations and develop such procedures for its own activities and investigations as may be necessary and to publish and file same with the office of the City Clerk, and to do such other things not forbidden by law which are consistent with a broad interpretation of this Ordinance and its general purposes

Contrary to your assertion, we are not familiar with there being a "long established" practice of changes to the PRC's regulations being subject to meet and confer. Indeed, we believe that prior proposed changes to our regulations – which did not include amendments to the standard of proof – were implemented without meet and confer. Moreover, it is not clear to us how every proposed change to PRC regulations would properly be subject to meet and confer under the applicable law. For your administration to so hold, without reservation, seems to us to directly contradict the will of the voters as expressed in the above noted section of the Ordinance.

If, however, your administration intends to subject every change in the PRC regulations to meet and confer, it is imperative that when you "weigh and balance the benefit to the City" you include in that calculus the impact on the independent civilian oversight system in Berkeley of allowing the BPA to hold absolute veto power over the PRC's internal regulations. We are alarmed by the real damage your current policy of subjecting changes to the PRC's internal operations to approval by the BPA will do to the independence of the PRC.

Although it is true that the other proposed changes to our internal operations were not vetoed by the BPA, you fail to note that almost all of those had previously been vetted and approved by the union during the year-long subcommittee process. It does not seem to us a mark of the success of the meet and confer process that it took over two years to get the BPA to sign off on changes to the regulations that they had already informally agreed to.

Finally, your letter fails to acknowledge the significant policy reasons that underscore the need for the change in the standard of proof. The PRC has repeatedly explained how the use of the clear and convincing standard is both inconsistent with the standard used across California, and indeed the country, when evaluating allegations of misconduct by governmental employees. We have also pointed out the inherent unworkability of having a single arbiter balance and consider fact-finding of the same incident from two different bodies –Internal Affairs and the PRC - when each employs a different standards of proof. And finally, and most importantly, you fail to explain why the City should continue to insist that the PRC employ a standard that as a policy matter gives more weight and importance to police officers' job security than to addressing the alleged wrong suffered by a member of the community.

The PRC passed this change because we believed it was vital to our ability to carry out our mandate. Your response fails to address these concerns.

Item # B.6.

Proposed addition to Draft letter to CM on Standard of Proof
PRC Commissioner George Lippman
October 13, 2016

The PRC process of civilian review is a very minimal lever of community oversight, and far behind the curve and the national direction toward police accountability. The commission is constrained by its 40-year-old mandate in some ways, and by state law and judicial precedent in others.

To force the PRC to hold to an unreasonably high standard of proof above the state and national norms unnecessarily deprives the BPD of a carefully considered and well-regulated independent input into the disciplinary process. It also frustrates community sentiment at a time when more, not less, of such independent input is required.



**Proposed Process for PRC Annual Elections for Chair and Vice-Chair
- Amendment to PRC Standing Rules**

1. Annual elections for PRC Chair and Vice-Chair will be agendized for the first regular meeting in January and, whenever possible, this item will be agendized as the final item under New Business.
2. The election of the Chair will precede the election of the Vice-Chair, and the following nomination and election process will be followed for each office:
 - a) The presiding Chair declares the nomination process open.
 - b) A commissioner nominates another commissioner (no commissioner may nominate him/herself).
 - c) The nomination is seconded (the nomination fails if there is no second)
 - d) The presiding Chair declares the nomination process closed, when there are no further nominations.
 - e) Each nominee is allowed two (2) minutes to express their reason for seeking the position. A nominee may decline this opportunity.
 - f) Commissioners pose questions to each candidate.
 - g) The presiding Chair calls for a roll vote and then announces the winner, except in the following circumstances:
 - i. If there is only one nominee for a position, the presiding Chair will seek or move a vote by acclamation.
 - ii. If a tie occurs among nominees, the presiding Chair will conduct a second round of balloting and possible additional nominations.
 - iii. If a clear winner is still not identified after a second round of voting, the Presiding Chair will conduct a coin toss to break the tie and determine a winner.
3. The PRC Secretary will record the maker and the second of the nomination motion as well as the total votes and results per office.
4. The outgoing Chair and Vice-Chair will be given the opportunity to make 2 minute departing statements after the election process takes place. The newly-elected Chair and Vice-Chair will assume their positions at the end of the meeting.

PRC Priority List

Updated October 19, 2016

Top Priorities	Notes
Revision of General Orders, incl. C-64, U-2, M-2	Subcommittee recommendations conditionally approved by full Commission 9.21.16; awaiting Commanders Guide.
Body-worn camera policy	PRC and BPD met 9.14.16 to see if policy differences can be reconciled. Next meeting TBD.
Fair and Impartial Policing (includes policy review re race designation on traffic citations)	Subcommittee active.
Standard of proof in BOI hearings	On 9.14.16, authorized designated commissioner to draft letter to Council. On 10.26.16 agenda.
<i>CM excusing officer from BOI hearing</i>	<i>Letter sent to City Manager, Mayor and Councilmembers, Clerk on 10.18.16.</i>
City Council directive of 1.26.16 to work with BPD on recommendations from reports re response to Dec. 2014 protests.	Items not referred to General Orders or Media Credentialing Subcommittees to be agendized.
Develop Ordinance on Surveillance and Community Safety	Subcommittee's first meeting 10.21.16.
Outreach – to explore effective ways of reaching target audience	Subcommittee formed 9.21.16.
Mutual Aid Pacts – annual review	Subcommittee active.
Media credentialing policy	Subcommittee active.

Pending items	
McKinley Ave. Staging – policy review	BPD to present revised G.O. U-4, Unusual Occurrences. (Per 4.13.16 meeting)
G.O. W-1: Right to Watch	Request to BPD 3.31.16 to adopt SFPD's G.O. 5.07.
Investigation into BPD response on Dec. 7 & 8, 2014	1) Letter to Chief with inquiries sent 8.22.16; 2) 2 issues referred to G.O. C-64 etc. Subcommittee.
Policy review re Smoking Control Ordinance	On 7.15.15, PRC authorized further action as memorialized in 8.7.15 letter from PRC Officer to Chief expressing concerns and making requests.

PRC Priority List

Updated October 19, 2016

Pending items	
G.O. M-3: Monthly Management and Annual Reports	7.18.16 letter to CM and Chief re why reports not generated. CM on 8.1.16 said Chief to respond. 9.14.16 authorized request to Chief for his recommendations to M-3 in line with current IT and data tracking, for complying with reporting requirements to CM.

Remaining items	
Commissioner training on law and police procedures	Tactical de-escalation training presented 8.10.16. Additional training?
BPD acquisition of non-military armored vehicle	To be agendized.
Policy review of citations to bicyclists running red lights	(A. Bernstein would like to add "Idaho stop" issue.)
How to read CAD reports	PRC Officer item.
Achieving agreement with BPD regarding consultation on all new and changes to G.O.s	
BPD budget review	
BPD preparedness and capacity	Comm. Roberts' item.

Pending from staff	
Review of BOI procedures and underlying authority (Copley Press, PSOBRA, BPA v. COB, etc.)	Staff's memo on significant laws and court cases affecting powers and scope of PRC distributed 10.17.16 and agendized for 10.26.16.
Obtain findings reports from other oversight agencies	Results of staff work distributed 10.17.16 and attached to 10.26.16 packet.
Policy review re search of vehicle and person based on marijuana smell when driver is authorized user	Assigned to staff 10.13.16.

Updated October 19, 2016

Prioritization of PRC requests to BPD

Date/form of request	Request	Status/Notes
GROUP I		
1.26.16 Council action	Council directive to PRC and BPD to work on recommendations following review of December 6, 2014 response	Most are being handled in G.O. C-64 etc. Subcommittee
12.9.15 oral	Center for Policing Equity analysis of stop data – when?	As of Sept. 2016, still unknown
3.31.16 letter	Consider adopting SFPD G.O. 5.07, Rights of Onlookers, as the BPD's Right to Watch G.O.	9.14.16 Chief said on his desk.
7.18.16 letter	General Order M-3, BPD reports to City Manager et al.: 1) Urge reporting to occur; 2) Discuss at meeting with CM 8.1.16	2) Discussed with Chief/CM: Chief to reply. (per 9.14 PRC action, further request to Chief forthcoming)
GROUP II		
12.9.15 oral	Analysis of new beat plan – when?	At 12.9.15 meeting, Chief said would be another 4 – 6 months.
1.5.16 letter	3 new ordinances to “improve conditions on community sidewalks”: any plan to issue G.O., T&I Bulletin, or Captain's Instructions?	
4.13.16 meeting	Provide Revised G.O. U-4, Unusual Occurrences, for review.	
8.22.16 letter	Respond to questions regarding BPD response on Dec. 7-8, 2014	
GROUP III		
8.27.15 letter	Smoking Ordinance/dissemination of info to officers re new ordinances.	At 12.9.15 meeting, PRC did not include in top 10 priorities.
1.13.16 oral	Cost analysis to carry out recommendations in Dec. 2014 post-incident review?	

To be prioritized:

- More information about the DUI enforcement action undertaken by BPD and other law enforcement agencies in South Campus.
- How BPD conducts its police officer recruitment efforts.
- Policy review on vehicle and car searches based on marijuana smell when driver has medical marijuana card.

**POLICE REVIEW COMMISSION
SUBCOMMITTEES LIST
Updated 10-18-16**

Subcommittee	Commissioners	Chair	BPD Reps / Others
Body-worn & Dash Cameras Formed 12-9-15	Javier Lippman Roberts Yampolsky	Lippman	Lt. David Reece Sgt. Joseph Okies
General Orders on Crowd Control C-64, U-2, M-2 Formed 1-13-16	Bernstein Lippman Perezvelez	Bernstein	Capt. David Frankel Lt. Michael Durbin
Fair & Impartial Policing Formed 1-13-16	Javier Lippman Roberts Smith <i>Public members:</i> Christina Murphy Paul Kealoha-Blake Elliot Halpern	Lippman	Lt. Michael Durbin
Media Credentialing Formed 1-13-16	Perezvelez Sherman Smith	Smith	
Mutual Aid Pacts Re-formed 7-13-16	Bernstein DaSilva Sherman		Capt. David Frankel
Surveillance and Community Safety Ordinance Formed 9-14-16	Bernstein DaSilva Javier Yampolsky <i>Public members:</i> Tracy Rosenberg Brian Hofer Julie Leftwich		
Outreach Committee Formed 9-21-16	Bernstein DaSilva		

SIGNIFICANT LAWS AND COURT CASES AFFECTING SCOPE AND POWERS OF THE BERKELEY POLICE REVIEW COMMISSION

LEGISLATION

Berkeley Police Review Commission created (1973¹)

Voters adopt PRC Ordinance (Ordinance No. 4644-N.S., codified in Berkeley Municipal Code Chapter 3.32), effective April 17, 1973.

Purpose: to provide for community participation in setting and reviewing Police Department policies, practices and procedures; and to provide a means for prompt, impartial and fair investigations of complaints brought by individuals against the BPD.

(Some provisions were declared invalid in *Brown v. City of Berkeley* (1976), below.)

Public Safety Officers Procedural Bill of Rights Act (1976)

Calif. Government Code sections 3300 – 3313 ("POBRA")

Provides a set of basic rights and protections afforded to all covered peace officers in California by their employing agencies in the categories of investigation procedures, imposition of discipline, privacy rights, political activity, and personnel files.

These provisions have the greatest effect on PRC investigations of individual complaints and Boards of Inquiry:

- Sec. 3303 – When any peace officer is under investigation and subjected to interrogation by a commanding officer or any other member of the employing public safety department, which could lead to punitive action, the interrogation shall be conducted under the following conditions.
 - Sec. 3303(a) – An interrogation must be conducted at a reasonable hour, preferably at a time when the subject officer is on duty, or during the normal waking hours for the officer.
 - Sec. 3303(b) – The officer is entitled to know who will be present during the interrogation, and all questions directed to the subject officer under interrogation shall be asked by and through no more than two interrogators at one time.
- Sec. 3304(d)(1) – Generally, the agency must complete its investigation and notify the officer of proposed discipline within one year of the agency's discovery by a person authorized to initiate an investigation of the alleged misconduct. [There are certain specified exceptions to this one-year rule.]
- Sec. 3304(b) – If punitive action is imposed, the officer has a right to an administrative appeal and, under Sec. 3304.5, each agency must adopt administrative appeal procedures.

¹ The dates shown for the PRC Ordinance and all statutes described in this memo are the year of initial enactment; all have been amended.

Calif. Penal Code section 832.5 (1974)

Requires law enforcement agencies to establish a process for civilians to file complaints against peace officers; provides for retention of, maintenance of, and access to records.

Pertinent provisions:

- (a)(1) Every agency that employs peace officers must establish a procedure to investigate complaints by members of the public against its personnel.
- (b) Complaints and any reports or findings relating to those complaints must be retained for at least five years. The complaints may be maintained either in the officer's general personnel file or in a separate file designated by the department or agency as provided by its policy.

Calif. Penal Code section 832.7 (1978)

Makes peace officer personnel records confidential; specifies exceptions to non-disclosure.

Pertinent provisions:

- (a) "Peace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code."
- (b) However, an agency shall release to the complainant a copy of his or her own statements.
- (c) Also, "an agency may disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved."
- (d) And, an agency can release factual information about a disciplinary investigation of an officer if that officer or his/her representative publicly makes a knowingly false statement about the investigation or the disciplinary action.

Calif. Penal Code Section 832.8 (1978)

Defines "personnel records"; includes complaints against peace officers and related investigations.

"As used in Section 832.7, 'personnel records' means any file maintained under that individual's name by his or her employing agency and containing records relating to any of the following:

- (a) Personal data, including marital status, family members, educational and employment history, home addresses, or similar information.
- (b) Medical history.
- (c) Election of employee benefits.
- (d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.”

Calif. Evidence Code sections 1043 – 1047 (1978)

Provides a process for obtaining confidential peace officer personnel records by codifying the balancing test created in Pitchess v. Superior Court (below), weighing an officer's right to privacy in those records against a defendant's right to a fair trial.

In addition to amending the Evidence Code, the Legislature amended and enacted several Penal Code sections which, together, establish procedures for obtaining information in a peace officer's personnel file in civil or criminal proceedings, including when a criminal defendant alleges that an officer engaged in misconduct related to the defendant's case. The "Pitchess statutes" provide that peace officer "personnel records," as defined in PC section 832.8, records maintained pursuant to section PC section 832.5, and "information obtained from" either category of records, are "confidential and shall not be disclosed in any criminal or civil" case unless the special discovery procedure in Evidence Code section 1043 is followed.

Calif. Public Records Act (1968)

Government Code sections 6250 et seq.

Declares that public records of state and local agencies are open to inspection by the public, while recognizing government's occasional need for confidentiality, and individuals' right to privacy.

Exemptions are specified in **Government Code section 6254**; for PRC purposes, the significant subsections exempt:

(c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

(k) Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege.

Government Code section 6254(k) is not an independent exemption, but incorporates exemptions from disclosure found in other laws, including Penal Code sections 832.7 and 832.8.

COURT CASES

Pitchess v. Superior Court of Los Angeles County (1974)

11 Cal.3d 531

A criminal defendant being prosecuted for battery against a peace officer may obtain that officer's personnel records to show that the officer had a history of using excessive force and that the defendant acted in self-defense.

To support his claim that he acted in self-defense to excessive use of force by four deputy sheriffs, the defendant sought evidence of the deputies' propensity for violence, which he believed was contained in internal investigations conducted by the sheriff's office in response to other citizens' complaints against the same deputies. The Court struck a balance between a criminal defendant's right to a fair trial, and the constitutional right of privacy that attaches to confidential peace officer personnel records.

Brown v. City of Berkeley (1976)

57 Cal.App.3d 223

Several sections of the PRC Ordinance conflict with the Charter of the City of Berkeley and are therefore invalid. The invalid provisions are severable from the remainder of the Ordinance, which stands.

Section 10(d) of the Ordinance, giving the Commission the power to recommend specific action or discipline against police department employees and prohibiting the police department from conducting its own internal investigations and disciplinary proceedings, conflicts with the Charter provision giving the City Manager the power to hire, fire, and discipline all City employees, without interference from the City Council or any of its committees or members. (Charter, Art. VII, sec. 28(b).)

Sections requiring the City Clerk's office to provide clerical and secretarial assistance to the Commission (Ord. sec. 6); requiring assistance from all departments and officials, requiring the police chief to attend meetings and provide documents upon request (Ord. sec. 9); and empowering the Commission to request and receive documents, materials and assistance it deems necessary from any City official or department (Ord. sec. 10(c)) conflict with the Charter provision that the Council deals with administrative services solely through the City Manager. (Charter, Art. VII, sec. 28(b).)

Caloca v. County of San Diego (1999) (Caloca I)

78 Cal.App.4th 1209

A subject officer has a right to an administrative appeal of a citizen review board's findings; even though the review board had no disciplinary powers, its findings "may" lead to punitive action.

Background: The County of San Diego Citizen's Law Enforcement Review Board (CLERB) issued findings of serious misconduct against Deputy Sheriff Caloca and three other deputies in separate incidents, but did not make any recommendations for discipline, recommending policy changes only.

The Deputies asked the County Civil Service Commission to hold liberty interest hearings (i.e., a hearing required before being deprived of a constitutionally protected right) or, alternatively, hear an administrative appeal of CLERB's findings under POBRA, arguing that the CLERB's findings constituted punitive action. The CLERB does not have authority to impose discipline and any recommendations for discipline are advisory only, and the Civil Service Commission refused both requests. The Deputies and the County Deputy Sheriffs Association sued to compel the action. The trial court denied the petition, finding that the Deputies failed to show a deprivation of liberty interests and that they failed to show punitive action.

The Court of Appeal found that the sustained findings are a "punitive action" under POBRA (Gov. Code sec. 3304(b)) and the Deputies therefore had the right to an administrative appeal of the CLERB's findings. Whether or not the CLERB's reports are placed in the Deputies' personnel files, the evidence establishes that the reports will be considered in future personnel decisions and *may lead* to punitive action.

The Court upheld the finding of no liberty interest deprivation.

Caloca v. County of San Diego (2002) (Caloca II)

102 Cal.App.4th 433

In the administrative appeal established in Caloca I, the subject officer is entitled to a de novo review (the case is decided anew); burden of refuting the civilian board's findings cannot be placed on the officer.

Background: After Caloca I was remanded, the Civil Service Commission adopted appeal procedures, which included requiring that officers bear burden of establishing that the misconduct findings were erroneous, and permitted the Commission to close some portions of its hearings to the public, over the objections of a deputy.

Deputies challenged these procedures through a second writ. The trial court found that the burden of proof could not be placed on the Deputies and the administrative hearing could not be closed without a Deputy's consent.

The Court of Appeal affirmed the trial court. "At a minimum, an administrative appeal requires independent fact-finding in a *de novo* proceeding. In such a proceeding, the proponent of any fact bears the burden of establishing it. . . [T]he law is clear that the administrative appeal provided by the Public Officers Bill of Rights requires 'an *independent re-examination* of an order or decision made.'"

The Court also found that the Deputies had a substantial interest in receiving any vindication in a proceeding that is open to the public. [Note: sheriffs later successfully moved to have all hearings closed.]

The Copley Press v. Superior Court of San Diego County (2006)

39 Cal. 4th 1272

Penal Code section 832.7(a), making peace officer personnel records confidential, applies not only to civil and criminal proceedings, but to administrative proceedings as well. Also, peace officer personnel records maintained by any state or local agency are confidential under Penal Code sections 832.7 and 832.8.

This case stemmed from Copley Press's filing of a series of state Public Records Act requests with the San Diego County Civil Service Commission for documents related to a deputy sheriff's administrative appeal to that body of a proposed termination.

Key holdings:

- The confidentiality of peace officer personnel records in Penal Code section 832.7(a) is not limited to criminal or civil proceedings, and includes administrative proceedings.
- Although the Civil Service Commission does not employ peace officers, it functions as part of "the employing agency," so the Commission's files regarding

a peace officer's disciplinary appeal are "maintained by [the officer's] employing agency" under Penal Code section 832.7(a) as "records maintained by any state or local agency pursuant to [Penal Code] Section 832.5."

- There is no common law or constitutional right of access to the records sought.

Berkeley Police Association v. City of Berkeley (2008)

167 Cal.App.4th 385

Berkeley Police Review Commission has a duty to keep its investigative records and findings confidential and close its [BOI] hearings to the public, under Penal Code sec. 832.7 (extending the reasoning of Copley Press), and subject officers must be afforded all rights and protections under POBRA.

The Berkeley Police Association (BPA) filed a writ against the City and the PRC alleging that the PRC's complaint procedures and public hearings violated the confidentiality of police officer personnel records under Penal Code section 832.7, and failed to provide officers all rights under POBRA. Trial court granted BPA's petition on both issues and the City appealed.

The Court of Appeals held:

- The confidentiality provision of Penal Code section 832.7 applies to a local government commission even though it does not have a role in imposing or hearing appeals of discipline. The *Copley Press* rationale is not limited to appeals from internal affairs investigations, but applies to "all aspects of disciplinary matters and citizen complaints," regardless of the mechanism the local agency sets up to handle them, or whether entities independent of the agency's police department play a role in investigating or hearing such matters.
- Records and findings of the PRC are protected from disclosure under Penal Code section 832.7(a) because: 1) they are "records maintained by any state or local agency pursuant to [PC] Section 832.5" because the PRC is a governmental agency that investigates complaints by members of the public against peace officers; and 2) they are "personnel records" because they related to complaints or investigations of complaints pertaining to the manner in which BPD officers perform their duties. (See PC sec. 832.8(e).)
- BOI hearings must be closed, as open hearings violate Penal Code section 832.7(a) by disclosing information obtained from confidential records, including the identity of officers subject to complaints and the content of investigative files and memoranda compiled by PRC investigators before the hearing.
- Officers' rights under POBRA apply to PRC proceedings because BPD officers are subject to interrogation or a fact-finding hearing by order of their employer and under penalty of disciplinary sanction (it is tantamount to being subject to interrogation by officer's "commanding officer, or [another] member of the employing public safety department" (Gov. Code sec. 3303)); and because the PRC investigations "could lead to punitive action" (Gov. Code sec. 3303), since the police chief or city manager can take disciplinary action against a BPD officer based on PRC findings.

10-12-2016

FOR IMMEDIATE RELEASE

Thursday, October 13, 2016

JUSTICE DEPARTMENT OUTLINES PLAN TO ENABLE NATIONWIDE COLLECTION OF USE OF FORCE DATA

Today, Attorney General Loretta E. Lynch announced several steps by the Department of Justice to enable the nationwide collection of data on law enforcement interactions with civilians, including data related to the use of force by law enforcement officers.

“Accurate and comprehensive data on the use of force by law enforcement is essential to an informed and productive discussion about community-police relations,” said Attorney General Lynch. “The initiatives we are announcing today are vital efforts toward increasing transparency and building trust between law enforcement and the communities we serve. In the days ahead, the Department of Justice will continue to work alongside our local, state, tribal and federal partners to ensure that we put in place a system to collect data that is comprehensive, useful and responsive to the needs of the communities we serve.”

The President’s Task Force on 21st Century Policing called on law enforcement to “collect, maintain and report data . . . on all officer involved shootings, whether fatal or nonfatal, as well as any in-custody death,” and the department is committed to heeding this call. In 2014, Congress passed the Death in Custody Reporting Act (DCRA), which required states and federal law enforcement agencies to submit data to the department about civilians who died during interactions with law enforcement or in their custody (whether resulting from use of force or some other manner of death, such as suicide or natural causes) and authorized the Attorney General to impose a financial penalty on non-compliant states. However, Congress did not impose a similar reporting requirement for *non-lethal* uses of force by law enforcement. In the absence of a statutory mandate, and in an effort to close this gap, the department is partnering with local, state, tribal and federal law enforcement to provide a means for national data collection. In 2015, and in collaboration with local, state, tribal and federal law enforcement the Federal Bureau of Investigation (FBI) began work on a “National Use of Force Data Collection,” an online portal to collect use-of-force data from law enforcement agencies across the country.

The Attorney General announced additional details regarding these efforts:

- **National Use-of-Force Data Collection.** At the request of local, state, tribal and federal law enforcement agencies, the FBI has been working with such agencies to develop a National Use of Force Data Collection program. The FBI announced the proposed pilot program last week in the Federal Register. The pilot study will evaluate the effectiveness of the methodology used to collect the data and the quality of the information collected. The FBI is seeking comment from all

interested parties, including local, state, tribal and federal law enforcement, civil rights organizations and other community stakeholders. After reviewing and addressing these comments, the FBI will issue a final proposal and plans to begin the pilot data collection program in early 2017. The pilot study participants are expected to include the largest law enforcement agencies, as well as the FBI, Bureau of Alcohol, Tobacco, Firearms and Explosives, Drug Enforcement Administration and U.S. Marshals Service.

- **DCRA Compliance.** Earlier this summer, the department's Bureau of Justice Statistics (BJS) issued a draft proposal outlining its plan for collecting death-in-custody data from state and local law enforcement agencies. Last week, the first public comment period closed, with several thousand comments received. The department is currently reviewing those comments and it plans to issue an updated proposal in the near future.
- **Federal Reporting under DCRA.** The DCRA requires federal law enforcement agencies to report information on deaths that occur during interactions with federal law enforcement agencies or in their custody, beginning with Fiscal Year 2016 (FY2016) data. FY2016 ended September 30. The Attorney General has issued a memorandum to federal law enforcement agencies formally notifying them of their reporting obligations under the DCRA and directing them to BJS for further coordination.
- **Police Data Initiative (PDI).** The department's Community Oriented Policing Services (COPS) Office announced today that it has assumed leadership of the Police Data Initiative (PDI), a data transparency project initiated by the White House in 2015. Through PDI, participating law enforcement agencies commit to publicly releasing at least three policing datasets, which can include data on stops and searches, uses of force, officer-involved shootings, and other police actions. Numerous foundations, organizations and companies have stepped up to help. The PDI currently includes 129 law enforcement agencies, covering more than 44 million people across the country. To assist with this effort, the COPS Office recently awarded the Police Foundation a \$750,000 cooperative agreement through FY2016 funding to support PDI. Over the next two years, the Police Foundation will work with a cohort of approximately 100 law enforcement agencies to develop promising practices for police open data usage, support community engagement regarding policing data and provide technical assistance to law enforcement agencies to collect and publish open data sets.

These initiatives demonstrate once again the department's deep commitment to the ideals of the President's Task Force. The department will continue to work with local, state, tribal and federal agencies to encourage and support data collection and transparency beyond these projects.

16-1193

Office of the Attorney General

Updated October 13, 2016

SUMMARY OF SIGNIFICANT LAWS AND COURT CASES AFFECTING SCOPE AND POWERS OF THE BERKELEY POLICE REVIEW COMMISSION

LEGISLATION

Berkeley Police Review Commission created (1973¹)

Voters adopt PRC Ordinance (Ordinance No. 4644-N.S., codified in Berkeley Municipal Code Chapter 3.32), effective April 17, 1973.

Public Safety Officers Procedural Bill of Rights Act (1976)

Calif. Government Code sections 3300 – 3313 (“POBRA”)

Provides a set of basic rights and protections afforded to all covered peace officers in California by their employing agencies in the categories of investigation procedures, imposition of discipline, privacy rights, political activity, and personnel files.

Calif. Penal Code section 832.5 (1974)

Requires law enforcement agencies to establish a process for civilians to file complaints against peace officers; provides for retention of, maintenance of, and access to records.

Calif. Penal Code section 832.7 (1978)

Makes peace officer personnel records confidential; specifies exceptions to non-disclosure.

Calif. Penal Code section 832.8 (1978)

Defines “personnel records”; includes complaints against peace officers and related investigations.

Calif. Evidence Code sections 1043 – 1047 (1978)

*Provides a process for obtaining confidential peace officer personnel records by codifying the balancing test created in *Pitchess v. Superior Court* (below), weighing an officer’s right to privacy in those records against a defendant’s right to a fair trial.*

Calif. Public Records Act (1968)

Government Code sections 6250 et seq.

Declares that public records of state and local agencies are open to inspection by the public, while recognizing government’s occasional need for confidentiality, and individuals’ right to privacy.

¹ The dates shown for the PRC Ordinance and all statutes described in this memo are the year of initial enactment; all have been amended.

COURT CASES

Pitchess v. Superior Court of Los Angeles County (1974)

A criminal defendant being prosecuted for battery against a peace officer may obtain that officer's personnel records to show that the officer had a history of using excessive force and that the defendant acted in self-defense.

Brown v. City of Berkeley (1976)

Several sections of the PRC Ordinance conflict with the Charter of the City of Berkeley and are therefore invalid. The invalid provisions are severable from the remainder of the Ordinance, which stands.

Caloca v. County of San Diego (1999) (Caloca I)

A subject officer has a right to an administrative appeal of a citizen review board's findings; even though the review board had no disciplinary powers, its findings "may" lead to punitive action.

Caloca v. County of San Diego (2002) (Caloca II)

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Berkeley Police Association v. City of Berkeley (2008)

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[REDACTED]
[REDACTED]
[REDACTED]

9.23.15

Dear Ms. Velma Garcia

You are a superstar! You
have helped me greatly and
for this I am extremely
grateful.

Many thanks...

[REDACTED]
[REDACTED]
[REDACTED]

Dear Officer Burdham,

I wanted to let you know how much I appreciated the multiple extra steps you undertook after recovering my stolen Honda CR-V on Nov 18. Not only did you save me a considerable amount of money, you also spared me the frustrations of the impound lot, and most importantly reignited my belief that people are helpful and compassionate!

Recently there has been so much negativity about the police that I made ^a point of telling (and re-telling) my story of how you chose the option with more effort and more hassle for you at every opportunity with no obvious benefit for yourself.

Thank ^{you} so much for all that you did, and all that you do. Wishing you a fabulous 2016,

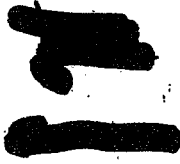
Report Number: [REDACTED]

Dec. 15, 2015

Dear Detective Lee, (Susan)

I want to thank you again for your tremendous support and all the time you spent with me and putting my case together earlier this year. As you may know, a total of 48 charges were eventually filed. Also, I've been able to recover, thus far, more than half of the losses from my credit cards. So thank you so much for all you did to make these outcomes possible! And perhaps most important, I want to let you know how much I appreciate the highly professional yet caring manner with which you treated me throughout. I certainly hope no one has to go through this kind of experience, but if they do, they'd be very fortunate to have you working in their court!!

Wishing you the happiest of holidays!



To whom it may concern,

Officer B. Hartley,


Hello,

My name is [REDACTED] you pulled me over [REDACTED]
[REDACTED]. I'm writing this letter to say thank you for the great service you and your respected fellow officers provided me that night. Even though I was the one who got a ticket; I'm still grateful for being pulled over because it prevented me from possibly harming myself and others. It took me a little while to fully comprehend the depth of the situation and realize that. And I also want to mention that this perspective of mine was greatly influenced by you Officer Hartley and by the way you and your fellow officers treated me; with respect & courtesy as much as I deserved in that situation, and for being understanding and kind when writing me up. I realized later that it really could've been much worse for me and my punishment much harder, but it wasn't, all thanks to you and your A-Team (seriously that's what you guys looked like; professionally trained big crime fighting bad asses!, my hat's off to y'all) And once again thank you!

With Regards.

Dear Sergeant M. Durbin
and Family,

I am very happy to send you this holiday's greeting
with warmest regards in prayer and Thanksgiving.

 Wishing you a Merry Christmas
and a Happy New Year.

I will not forget what you had done on [redacted].
[redacted] with your sacrificial aid for [redacted]. Indeed,
you gave me exemplary service. Thank you again
and again!

May abundant God's Blessings rest upon you, family
and your work throughout the coming years, always!
Sergeant Durbin I received a beautiful New-Car
(Hyundai) from God (in Faith). Blessings [redacted] 14

Macapagal, Jessee

From: Macapagal, Jessee
Sent: Tuesday, January 05, 2016 4:02 PM
To: Macapagal, Jessee
Subject: FW: Commending Sgt. Wilson

From: [REDACTED] [mailto:[REDACTED]@yahoo.com]
Sent: Sunday, January 03, 2016 5:20 PM
To: BPD Webmail <bpdwebmail@ci.berkeley.ca.us>
Subject: Commending Sgt. Wilson

I would like to commend Sgt. Wilson for her helpfulness, thoughtfulness and professionalism in locating and assisting me with retrieving my stolen car on December 27, 2015. Her quick observation, consideration of the circumstances and effort above and beyond the call turned a difficult situation into about as easy and pleasant process as could be imagined. Sgt. Wilson made clear her devotion to serving the whole community in both word and action, and her attitude is greatly appreciated.

Sincerely,

[REDACTED]

Frost, Monique

From: [REDACTED]@[REDACTED]
nt: Monday, January 11, 2016 11:45 PM
to: Frost, Monique
Subject: praise for Tamara Lopes

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Officer Frost,

Tonight my wife's computer was hacked by an internet scam. We phoned the number provided when the system was blocked, and the 'agent' who answered tried to get us to pay to 'unlock' the computer and ensure that the computer, as well as its information, was safe. We said that we wanted to research the situation more before paying, and asked whether we could call the number back once we'd done so. The 'agent' refused to give us the number, and said, 'You may as well throw your machine away. Everything will be insecure. You'll lose all your information and all your secure accounts - everything that is on that machine.' He seemed to be talking in a room full of other people on phones, so we were increasingly suspicious.

We therefore hung up and phoned the Berkeley police, asking for a non-emergency number. We were incredibly fortunate to be speaking to dispatch officer Tamara Lopes, who happens to be a computer whizz as well as an amazingly patient dispatch officer. Tamara talked us through how to unblock the machine and explained how the hacking system works. We are extremely grateful to her, and asked her if we may write a note of commendation. I just cannot say enough how knowledgeable, professional and patient she was in a rather un-nerving situation. Kudos to Tamara, and to the Berkeley Police for being there for us 24/7.

Best

[REDACTED]
[REDACTED]@[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

January 14, 2016
[REDACTED]
[REDACTED]

Berkeley Police Dept.
Attn: Chief Michael Meehan or
Department of Personnel
2100 Martin Luther King Way
Berkeley, CA 94704

To Whom it May Concern:

Please direct my letter to appropriate desk.

On January 3, I received a phone call from Berkeley Police Dept stating that the department had a BMW key registered to my VIN# BMW. I was astounded.

Officer Paula Hammonds, Badge # 157, stated that Safeway had turned in a key to your agency. I was more astounded to learn that Paula Hammonds, Badge #157, had made the effort to trace my VIN # through Weatherford BMW in [REDACTED], was able to get my phone number and called me to retrieve the key.

Given the expense of car keys, what with chips, even with my 13-year-old station wagon, I am so appreciative of the effort it took to match my key with me.

Whatever the public relations with police departments and communities, it is little things like these, and the pleasant personnel you meet in these encounters that account for so much good will. It is gratifying to see that members of the force are willing to go the extra time and phone call to help members of the community. Even those of us who live in Oakland.

As a former public employee (school teacher), it helps to know that little things go a long way.

Thank Officer Hammonds for me. I know legally we can't tip, but I certainly would have.

Sincerely
[REDACTED]
[REDACTED]
[REDACTED]

RECEIVED
JAN 20 2015
OFFICE OF THE CHIEF

January 20, 2016

City Of Berkeley
Police Department-Chief
2100 Martin Luther King Jr. Way
Berkeley, CA 94704-1109

RECEIVED
JAN 21 2015
OFFICE OF THE CHIEF
No extra on envelope

PERSONNEL INVOLVED

Off. Jason Collier
SGT Frank Landrum
CSO Leslie Assata

Dear Chief Michael Meekan:

RE [REDACTED]

Please read the whole letter.

What I'm writing about is this case that involved [REDACTED] and myself whereas police [REDACTED] and removed items that belonged to me that had nothing to do with [REDACTED] was not in the home at the time.

On this event I want to commend (yes that is the correct word) the Officers for treating me with dignity and respect. I want you to know that I apologized to this group of Officers who [REDACTED] and told them that 'I'm sorry that I'm part of the problem and not part of the solution' and that is event was very upsetting what was happening in my home.

[REDACTED] was outside the house when an Officer stopped her and from there they [REDACTED] (no crime by the Officers plus I granted permission). [REDACTED] was arrested and what I want to say about the arrest is that [REDACTED] who was very irritated told me that the arresting Officer treated her with dignity and respect and I hope this gets passed on to that Officer.

Why I sending this letter, the main reason is as follows.

I've had a stressful time with the Court trying ([REDACTED]) to get our property back. The rifle that was taken had a lot of sentimental value that cannot be replaced. The rifle yes, but the history and fun I have had with [REDACTED] and this rifle (target shooting Carson City Nevada, hunting rabbits, coyotes, etc.) is priceless.

On January 19, 2016 I tried again to retrieve my property. The female Officer who was helping me I assume was in training but again I was treated with dignity and respect and I say that walking without any of my property.

Page Two

Berk Chief Of Police/Rachel-Castro

January 20, 2016

Later that afternoon I got a call from now Sergeant Frank Landrum #S-1 who introduced himself and shared [REDACTED]

[REDACTED].....Let's both share the joy we have for this Officer working for us with such a great memory!

He told me if I could make it back to the Berkeley Police Department by 4:40p.m. (it was after 4p.m. I was in Oakland trying to get a permit to carry a concealed weapon....I'm legal) I could pick up my property.

The lady Officer that helped me earlier greeted me and shortly Sergeant Landrum came down to say 'hello' and [REDACTED] I remembered the [REDACTED] but not the Officer but really this Officer made me feel important and I was impressed he took the time to see me in person.

You being the Chief, and me being the resident we can both be very proud that you have Officers working for us in this City and that is what this letter is all about. I hope you take the time to share the contents of this letter with all the Officers involved and let them know that I proud they chose to wear the Berkeley Police Department uniform to protect all of us and for the good job they try and do every day.

[REDACTED] has had her problems mostly dealing [REDACTED] but I also know she appreciates most of the Berkeley Police Officers (all those for sure involved in this letter) and also wants to thank all involved for getting my property back to me.

Respectfully

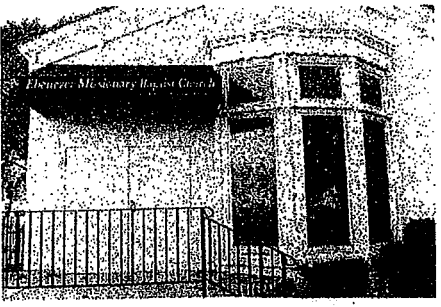
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

January 20, 2016

Lieutenant Diane Delaney
Berkeley Police Department
2100 Martin Luther King Way
Berkeley, CA 94704

Dear Lieutenant Delaney:

Thank you for the donation of toys. The Police Department's continued support of our toy drive is truly a blessing to the children here. Thank you for always thinking of us and may God continue to bless you.

Sincerely,

[REDACTED]

[REDACTED]

OFFICER BROWN, YOU ARE A SHINING EXAMPLE
OF GOD'S LOVE IN ACTION. THE LOVE

THAT YOU FEEL FLOWS OUT TO THOSE
AROUND YOU THROUGH YOUR CONVERSATIONS
WITH THEM AND YOUR WILLINGNESS TO
BE OF HELP TO THEM. OFFICER BROWN,

THE REAL YOU IS A LOVING, JOYFUL
BEING. YOU ARE ALSO FEELTHERFUL AND HONEST.
YOU ARE DEPENDABLE; YOU ARE ABLE

TO SPREAD BLESSINGS EVERYWHERE
AND MAKE PEOPLE HAPPY WHEREVER

YOU GO. OFFICER BROWN, BECAUSE THE
SPIRIT OF GOD IS IN YOU, IS THE SOURCE
OF YOUR LIFE YOU ARE PRIVILEGED
TO BE WELL AND STRONG. THE LIFE

OF GOD IS YOURS. YOU MAKE THE
MOST OF IT AND LET IT MAKE

THE MOST OF YOU. OFFICER BROWN,
YOU ARE DEDICATING YOURSELF - IN

ALL THAT YOU ARE AND ALL
THAT YOU DO - TO BEING A

January 21, 2016

Thank you

for your kindness.

SHINING EXAMPLE OF GOD'S
LOVE.

"ARISE, SHINE; FOR YOUR LIGHT HAS
COME, AND THE GLORY OF THE
LORD HAS RISEN UPON YOU."
(ISA. 60:1)

TO GOD BE THE GLORY!

January 21, 2016

Berkeley Police Department
2100 Martin Luther King Jr. Way
Berkeley, California 94704-1109

[REDACTED]
[REDACTED]
[REDACTED]

To Whom It May Concern:

I would like to commend Officer B. Kishiyama #57 for the compassionate way in which he communicated with me at the discovery of my brother's body during a welfare check on January 10. He demonstrated the utmost kindness and patience during the entire process of waiting for me to arrive, seeking clarifications for the Coroner's Office and being sure I and my family were prepared to move forward.

Please see that this letter of commendation is entered into his file.

Sincerely and on behalf of my family,

[REDACTED]

Sister of deceased Frederick Weaver

[REDACTED]
[REDACTED]
[REDACTED]



POLICE DEPARTMENT
City of Newark

JAMES LEAL
Chief of Police

February 1, 2016

Chief Michael Meehan
Berkeley Police Department
2100 Martin Luther King Jr. Way
Berkeley, CA 94704

Dear Chief ^{MIKE} Meehan:

On December 7, 2015, our department had the unfortunate task of investigating a homicide involving a husband and wife. One of our detectives was tasked with arranging a [REDACTED] interview for the two-year-old daughter who only spoke Korean. Finding an officer who spoke Korean in the immediate area was not easy; however, we were able to contact Homicide Sergeant Hong who graciously agreed to assist. On December 10th he attempted to interview the child, but despite his best efforts, the child would not engage with him. Sergeant Hong then reached out to Detective Susan Lee for her assistance. Detective Lee met with the child for nearly an hour and was able to get the little girl to talk. In the end, the child provided limited information, but without your staff's assistance, we wouldn't have known for sure what the child did or did not witness.

On a side note, Sergeant Hong also agreed to listen to the interview between the suspect and the Korean consulate. He listened to most of it on his own time and provided us with some very valuable feedback.

Please pass along our appreciation to Sergeant Hong and Detective Lee for their willingness to help and for the professional manner in which they performed their duties.

As always, please feel free to contact me if you should need our assistance in the future.

Sincerely,

JAMES LEAL
CHIEF OF POLICE

JL/ml

RECEIVED
FEB 05 2016
OFFICE OF THE CHIEF



2/2/16
Berkeley Police Department
2100 M.L.K. Jr Way
Berkeley, CA 94704

Attention: Chief of Police - Michael K. Meehan

Subject: Thank You

On January 21st I expressed an interest in employment or as a reserve officers within your department.

Lt. Rico Rolari called me today and it appears that I would qualify for a lateral transfer, however, I am short around 15 + - units towards the mandatory 60 unit requirement.

I fully understand a need for some advanced education as an officer is the face of the department on the street but a certain demeanor and presence is necessary before a court.

Lt. Rico Rolari is a good example of someone who is a good "face" as his presence / professionalism was clearly expressed. Essentially he was helpful with some suggestions.

Unlike some people I do not have a financial need thus I shall be seeking employment either as a reserve officer or full time elsewhere since I can not easily become a part of the Berkeley Police Department family.

As a side issue which someone of my ILK (not qualified) might express.

My background is such that I have a doctorate in life but only 9+ years in law enforcement. I have hired some very well educated people who did not have practical people skills thus to some extent I would think that the weeding out process starting with an intense oral interview and an equally intense field training program involving more than one FTO could provide any law enforcement agency with the best available employee.

Just my three cents.

Please inform Lt. Rolari that his call to me today was appreciated.

Sincerely



RECEIVED
FEB 08 2016
OFFICE OF THE CHIEF

FEB 14, 2016

DEAR BERKELEY CHIEF OF POLICE.

ON JAN 31, 2015, MY 1993 PREVA, TOYOTA WAS
SHOCKINGLY NOT AT ITS LAST PARKED LOCATION. OFFICER
BADGE #60 SHOWED HIMSELF TO BE BEYOND BEING
A SEASONED POLICE OFFICER, BUT A HUMANITARIAN
OF A HIGH CALIBRE. I WISH THAT HIS GOODNESS IS
RECOGNIZED BY YOUR DEPARTMENT.

J. Smith
SINCERELY,



FEB 14, 2016

DEAR BERKELEY CHIEF OF POLICE.

ON JAN. 31, 2015, MY CAR, A 1993 PREVIA THAT I HAD PARKED ON CENTER ST. WAS DISCOVERED BY ME TO BE GONE. OFFICER NAVARRO (BADGE #42) WENT OUT OF HIS WAY TO HELP ME WITH LOCATING THE CAR. I THANK HIM FOR HIS ASSISTANCE.

SINCERELY

[REDACTED]

FEB, 14, 2016

DEAR BERKELEY POLICE DEPARTMENT.

ON JAN 31, 2015 MY ¹⁹⁹³ TOYOTA PREVIA WAS
DISCOVERED STOLEN AND THOUGH IT WAS
FULLY REGISTERED BY ME, WAS NOT LOCATABLE
IN DMV. COMPUTER. WHAT STRESS! ON FEB 1, 2016

OFFICER BADGE #93 TOOK MY INFORMATION
FOR ME, AND EVENTUALLY WAS ABLE TO ASSIGN
A REPORT NUMBER ([REDACTED]).

BESIDES THANKING HIM FOR HIS PROFESSIONALISM,
I WOULD LIKE TO SAY THAT HE IS, AS AN INDIVIDUAL,
VERY, VERY INTELLIGENT!

SINCERELY
[REDACTED]

FEB 14, 2016

DEAR BERKELEY POLICE CHIEF,

ON FEB 2, 2016 OFFICER ANDERSEN (BADGE #4)
WAS ASSIGNED TO (██████████) AND IN PERSON WENT TO
MY RESIDENCE AND INTERVIEWED ME.

MY NIGHTMARE WAS ENDED WHEN ON FEB 3,
MY CAR WAS FOUND.


OFFICER RYAN ANDERSEN'S DEDICATION TO HIS
WORK WAS BREATH-TAKINGLY OUTSTANDING. I AM
TOUCHED BEYOND WORDS!

RYAN, I WISH YOU A VERY LONG & FULFILLED
LIFE.

BEST OF REGARDS!

████████████████████

Dear Officer Stedouly

Thank you very much for
your assistance when I misplaced
my car Saturday in the rainstorm
You were a bright spot in
a very trying time and I appreciate
your courtesy, helpfulness and
professionalism. Berkeley PD is lucky
to have you.
Appreciatively, 

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Tuesday, February 16, 2016 3:17 PM
To: Gonzalez, Manuel
Subject: FW: Thank you, thank officer Mathis

From: [REDACTED] <[REDACTED]@[REDACTED]>
Date: February 13, 2016 at 11:27:59 PM PST
To: "Nabozny, Jessyca A." <JNabozny@ci.berkeley.ca.us>
Subject: Thank you, thank officer Mathis

Dear Officer Nabozny,

I want to let you know how much we appreciated Officer Brian Mathis coming to our meeting on Thursday night. He's a terrific speaker. He answered all our questions in a lively and open manner, and I'd say we all learned a lot.

I think I speak for everyone in saying we were very lucky to have him speak to us:

Sincerely,

[REDACTED]
[REDACTED]

2/17/2016

Berkeley Police Department:

re: Officer Benjamin Phelps: badge no. 153

My name is [REDACTED], and I would like to submit a letter of gratitude for a wonderful deed of kindness done by an officer of the Berkeley Police Department.

On [REDACTED], at approximately [REDACTED], I was riding my bicycle west on Cedar Street in Berkeley. I was making a right turn onto Stannage street, but due to the construction work at the time, a worker inadvertently left a chunk of cement (the size of a football) out away from the curb; needless to say, I never saw it and was completely thrown off my bicycle and into the street. I suffered a light concussion. I called 911, and was quite impressed by the quick response of the EMT's as well as the policeman who assisted me, Officer Benjamin Phelps of the Berkeley PD.

Officer Phelps stayed with me throughout the whole ordeal. He went right into action. He had a photographer come and take pictures of me and the bruises and scrapes that I incurred, and pictures of my crashed bike. And I must mention Officer Phelps' kind, considerate and professional manner. Staying with me in the dark, after everyone (police, EMT's etc.) were gone. After going through the shock of such a quick and unexpected accident, officer Phelps' considerate manner was quite commendable.

While we're in a time when there are continually tragic reports of poor behavior between Police towards people of color, etc. throughout the country, I want to make sure the record show that, me, a black man, commends this police officer... Benjamin Phelps, a wonderful man, and a police officer with a wonderful heart and spirit; who was truly there to protect and serve in my time of need. Thanks again, officer Phelps.

Sincerely
[REDACTED]
[REDACTED]

3/14/16

LT: Can you please forward AS a
Commendation.

—VAs

[REDACTED]

Shan,

I want to thank you for taking time out of your busy schedule to spend time with [REDACTED]. Our hope is that all of our student-athletes will better understand the efforts required to become a successful professional. The time spent with you at Berkeley Police Department Investigative Unit has provided [REDACTED] with networking opportunities that will be important as she moves through her time at Cal and beyond.

I hope that this was also a positive experience for you. If I can ever be of assistance to you, please do not hesitate to call. Thank you again for your participation in the Cal Women's Basketball Mentor and Career Development Program.

[REDACTED]

Macapagal, Jessee

From: Macapagal, Jessee
Sent: Thursday, March 03, 2016 12:01 PM
To: Macapagal, Jessee
Subject: FW: Civilian Police Leadership

From: [REDACTED]
Sent: Thursday, February 18, 2016 8:58 PM
To: Reece, David K. <DReece@ci.berkeley.ca.us>
Cc: Norman, Latargie <lnorman@cityofberkeley.info>
Subject: Civilian Police Leadership

Dave,

Thank you again for hosting the Civilian Police Leadership class this week. The training room was great and the breakfast and coffee the BPD provided was appreciated by everyone in attendance. I also wanted you to know how extremely helpful and hospitable Latargie was not just toward me but to all the participants in the class. In fact all three of your participants were great ambassadors for the department and the City of Berkeley. Over the course of the two days, I think they probably made 50 restaurant recommendations to various participants. Below, you'll find a quick overview of the evaluations from the course.

Thanks again and I'll see you next month.

Evaluation Overview

The overall evaluation score for the class was 4.4 on a 5 point scale.

- All participants either agreed (52%) or strongly agreed (48%) with the statement, "I will be able to apply the learning objectives to improve my job performance."
- All participants either agreed (48%) or strongly agreed (52%) with the statement, "The content of the course (subject matter) was relevant to the audience."
- All participants either agreed (52%) or strongly agreed (48%) with the statement, "The trainer demonstrated a clear and thorough knowledge of the subject matter/course content"
- All participants either agreed (43%) or strongly agreed (57%) with the statement, "Overall, I would rate this course as an excellent learning experience."

Sampling of participant's verbatim comments:

- "This was a very enjoyable course. A lot of great information & techniques were shared which will be applied to my unit and staff."
- "I would take this class once a year, it is very helpful."
- "I could always spend more time on leadership issues for civilians. Course definitely helped me identify some of my own leadership characteristics at different intervals of my career."

- "Fantastic course. Joe is an excellent presenter and teacher. Handbook, PowerPoint and lecture were relevant and well organized. I really benefited from the group exercises!"

[REDACTED]

Turner, Melanie

From: Frankel, David A.
Sent: Wednesday, March 16, 2016 7:16 AM
To: Turner, Melanie
Subject: FW: Lockdown at James Kenney Recreation Center

The below e-mail string speaks well to our 1 City, 1 Team approach. Officer Rafferty's thoughtful approach to assisting on yesterday's shooting at San Pablo/Delaware and the subsequent SRT callout was greatly appreciated by City staff and community members. Please process as a commendation.

Thanks,

Captain Dave Frankel
Investigations Division Commander

From: [REDACTED]
Sent: Tuesday, March 15, 2016 10:33 PM
To: Rafferty, Darrin <DRafferty@ci.berkeley.ca.us>
Cc: Ferris, Scott <SFerris@ci.berkeley.ca.us>
Subject: Lockdown at James Kenney Recreation Center

Officer Rafferty,
Please read the email below from a parent who appreciated how our Recreation staff handled the lockdown situation at James Kenney Recreation Center today. Your communication with me regarding the incident was part of the reason staff were able to perform so well. The information I received from you and was able to share with my staff was instrumental in giving them the knowledge and confidence to keep the children safe and the parents and community members informed. Thank you again for communicating the relevant information to me. A few minutes of your time went a long way.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, March 15, 2016 9:55 PM
To: [REDACTED]
Subject: Fwd: Praise for James Kenney Staff

[REDACTED]

FYI - I just received this from a parent a little while ago.

[REDACTED]

Begin forwarded message:

From: [REDACTED]
Date: March 15, 2016 at 9:01:28 PM PDT
To: [REDACTED]
Subject: Praise for James Kenney Staff

[REDACTED]

As a parent of an afterschool student at James Kenney, I wanted to share what a fantastic job your staff did in handling the lock down situation this afternoon in the area surrounding James Kenney.

I saw police cars, but didn't know of the full situation, when I dropped my son off this afternoon. [REDACTED] was waiting outside, took my son in immediately and then assured me they would be inside as a result of the police activity.

When I realized the seriousness of the situation, I emailed [REDACTED] for assurance about the lock-down and [REDACTED] responded quickly.

Finally, when I did arrive the staff were truly professional and security-minded. The kids were not scared but just confident and taken care of.

I'm truly impressed with the professionalism of the whole team. Thank you for the work that you all have clearly done to prepare for a situation like this.

Best,
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Dear Vilma,

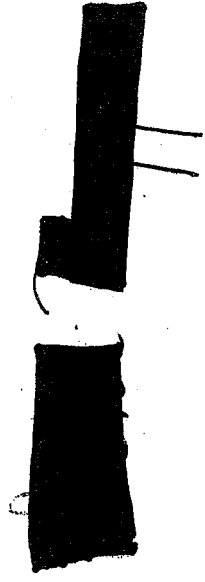
God created every Person with a Purpose. It is the little things that you say, and do as you go your way. Time is not measured by how long you live, but by the Deeds you do and the joy that you give.

Continue to plant seeds of Kindness In people and you will reap a harvest of Kindness for yourself,

Vilma, It is as you reach out to Others that GOD reaches out through you, and to you. It is when you bless others that GOD BLESSES You.

Thank you for All the Ways In which you gave yourself to me, Professional, Prompt and Courteous!

...and you deserve a great big thank you!



March 26, 2016

Berkeley Police Department,
Officer Warren,
Badge #76, contacted
me in response to a
problem I had reported.

She was concerned
& efficient.

BPD is very
fortunate to have her
on their force. I was
very fortunate that she
was the responding
officer.

~~_____~~

Turner, Melanie

Subject: FW: THANK YOU

From: [REDACTED]
Sent: Monday, March 28, 2016 7:16 PM
To: Shannon, Jeffrey <JShannon@ci.berkeley.ca.us>; Harris, Cynthia <CHarris@ci.berkeley.ca.us>
Subject: THANK YOU

Jeff, thank you for an excellent presentation of your Crisis Intervention Training class last week. I'll get the evals to you later this week, but they came back very positive. You brought extremely valuable information to our pool, and it was recognized by everyone present.

Cynthia, I appreciate you pointing me in Jeff's direction! Great resource for us.

Thanks again to everyone. Please pass along to Officer Neff as well!

Have a good week.
Joe

[REDACTED]

Confidentiality Notice: Information contained within or attached to this email is confidential and may be legally privileged. If you are not the intended recipient, please immediately notify me by email or telephone and destroy the original transmission and its attachments without reading or saving them.

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Monday, April 04, 2016 4:35 PM
To: Gonzalez, Manuel
Subject: FW: Commendation

From: Meehan, Michael
Sent: Monday, April 04, 2016 3:22 PM
To: Reece, David K. <DReece@ci.berkeley.ca.us>
Cc: Greenwood, Andrew <AGreenwood@ci.berkeley.ca.us>; Frankel, David A. <DFrankel@ci.berkeley.ca.us>
Subject: Commendation

Dave. Please see we process this commendation for the employees involved.

I received a call from [REDACTED]. His house was broken into on Thursday morning while his wife was home. Apparently someone broke the window to their street level office and stole two computers which were visible from the outside. His wife was frightened but unharmed. He called to thank the officers for their "outstanding response." He said his wife described the officers behavior as "lovely" and said they treated the case with due seriousness. He and his wife were grateful and wanted us to know it.

According to the case report, on scene were:

- Alan Reinhardt
- Temo Vargas
- Anna Bolla (?)
- ~~Rob Rittenhouse~~ (?)

NICK HBM

I am not sure whether Anna and Rob responded to the home.

The case # is [REDACTED]

4,10,2016

Dear Berkeley Police Department,

I want to say a huge thank you to the officers, especially Officer Patrick, and the dispatch staff for helping me find my iPhone last night. This meant a lot to me, and I am very grateful.

Sincerely,

[REDACTED]

Cummings, Rashawn D.

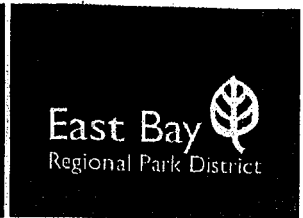
From: Smith, Katherine
Sent: Monday, April 11, 2016 12:09 PM
To: Hart, Alyson L.; Sabins, Todd; Cummings, Rashawn D.
Subject: FW: NOT a complaint, but a THANK YOU

Follow Up Flag: Flag for follow up
Flag Status: Flagged

[REDACTED]
[REDACTED]
[REDACTED]
From: [REDACTED]
Sent: Monday, April 11, 2016 9:17 AM
To: Smith, Katherine <kas2@ci.berkeley.ca.us>
Subject: NOT a complaint, but a THANK YOU

Last night 4/10/16 a little after 11 pm, my wife made an international telephone call and mis-dialed 911 instead of dialing 011. Two Berkeley police officers showed up at our door shortly thereafter. I apologize for the inconvenience we created, but most of all I also want to thank you for your attention to what could have been a very serious matter and especially for your quick response. A personal thank you to the two courteous police officers who came to our door last night.

[REDACTED]
[REDACTED]



DEPARTMENT OF PUBLIC SAFETY 17930 LAKE CHABOT ROAD CASTRO VALLEY, CA 94546 T. 510 881 1833 F. 510 538 7743 WWW.EBPARKS.ORG

April 25, 2016

Berkeley Police Department
Attn: Chief Mike Meehan
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Letter of Appreciation

Dear Chief Meehan,

I would like to thank you and your department for assisting us with the investigation of a PC 261 that occurred at the McLaughlin East Shore State Park's Seabreeze Market in the city of Berkeley on March 28, 2016. Specifically Sgt. Reece and Evidence Technician J. Schwarck assisted our officers without hesitation.

Your officers were first on scene and awaited our Department's arrival as we patrol this portion of Berkeley. Our Dispatch was having a hard time calling out an evidence technician, so Sgt. Reece requested Evidence Technician J. Schwarck to perform scene processing. This was invaluable as it allowed the victim to be interviewed by our department as your team processed the scene.

We wouldn't have been successful in arresting the suspect without your department's help and we can't thank you enough for the generous interagency cooperation during this investigation. If we can be of similar assistance in the future please do not hesitate to contact us.

Sincerely,

Timothy Anderson
Chief of Police

RECEIVED
MAY 02 2016
OFFICE OF THE CHIEF

Board of Directors

Doug Siden President Ward 4	Beverly Lane Vice-President Ward 6	Dennis Waespi Treasurer Ward 3	Diane Burgis Secretary Ward 7	Whitney Dotson Ward 1	John Sutter Ward 2	Ayn Wleskamp Ward 5	Robert E. Doyle General Manager
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CPM



CITY HALL • 250 EAST L STREET • BENICIA, CA 94510 • (707) 746-4200 • FAX (707) 747-8120

April 29, 2016

Michael K. Meehan, Chief of Police
City of Berkeley
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Chief Meehan,

On behalf of the City of Benicia I wanted to thank you and members of your staff for your recent assistance to the City of Benicia. Our employees requested we provide some updated violence in the workplace awareness/active shooter training. We have offered this training in the past and we were wanting an updated and more modern version of the training. Benicia Police Chief Erik Upson arranged with Berkeley PD for Sergeants Joe Okies and Spencer Fomby to present this training to our staff and they did an outstanding job.

One of the reasons they were willing/interested in providing this training for us is they were in the process of updating the training in preparation for training some employees at Berkley City Hall. I have received nothing but positive comments about the training and your Sergeants who presented it to my staff. Sgts. Okies and Fomby are very knowledgeable and passionate about their jobs as well as this topic, and it certainly showed.

I know most law enforcement agencies are short staffed and resources are stretched thin. I know this is true for Benicia Police Department, and I suspect the same for Berkley Police Department. The fact your Sergeants were willing to take the time to come to Benicia and provide this training to the City of Benicia was very much appreciated, and we are sincerely grateful for the collaboration and assistance from your department.

Again, thank you.

Sincerely,

Anne Caldwell, Acting Cm
for Brad Kilger
City Manager

RECEIVED

MAY 09 2016

OFFICE OF THE CHIEF

Cc Chief Erik Upson
Kim Imboden, Human Resources Dept. *XO*

ELIZABETH PATTERSON, Mayor
Members of the City Council
MARK C. HUGHES, Vice Mayor . ALAN M. SCHWARTZMAN . TOM CAMPBELL . CHRISTINA STRAWBRIDGE

BRAD KILGER, City Manager
KENNETH C. PAULK, City Treasurer
LISA WOLFE, City Clerk

5/2/16

Goodmorning Chief Meehan. This is [REDACTED], [REDACTED]

I was blown away yesterday, again, by Officer Matt McGee. He and I were working with a really challenging situation with a mom at "wits end". Mom was trying to use consequences in law enforcement and threats to control her son. I watched Matt give mom incredible coaching related to being positive with her son and being a part of the therapeutic process. Matt was amazing.

Macapagal, Jessee

From: Macapagal, Jessee
Sent: Thursday, May 12, 2016 11:20 AM
To: Macapagal, Jessee
Subject: FW: Commendation

From: [REDACTED]
Sent: Wednesday, May 11, 2016 8:56 AM
To: BPD Webmail <bpdwebmail@ci.berkeley.ca.us>
Subject: Commendation

I would like to commend Traffic Officer Navarrete, #834, for her fairness and courtesy. I was in the wrong and she had every right to issue me a parking violation, but was willing to listen to me and give me a break. She did not have to do this, and I appreciated it very much. I know that Traffic Officers are not the most popular and I would imagine it's easy to become jaded. All the more reason I appreciate Officer Navarrete's professionalism and kindness.

[REDACTED]

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Tuesday, May 17, 2016 1:58 PM
To: Gonzalez, Manuel
Subject: FW: Commendation

From: "Tinney, Sean" <STinney@ci.berkeley.ca.us>
Date: May 11, 2016 at 5:01:26 PM PDT
To: "Lui, Tracie A." <TLui@ci.berkeley.ca.us>, "Jones, Megan" <mcjones@ci.berkeley.ca.us>, "Kishiyama, Brian" <BKishiyama@ci.berkeley.ca.us>, "Schulz, Christopher" <cschulz@ci.berkeley.ca.us>
Cc: "Stines, Christian O." <CStines@ci.berkeley.ca.us>, "Rittenhouse, Robert B." <RRittenhouse@ci.berkeley.ca.us>, "Shannon, Jeffrey" <JShannon@ci.berkeley.ca.us>
Subject: Compliments

All,

I spoke with [REDACTED] for the City of Berkeley today. He made sure to identify each one of you by name after complementing "whoever is responsible for training" in our department. He stated that each of you has responded to the downtown library recently and he was extremely impressed with how you deescalated the situations, and the subjects, you were involved with (instead of just rushing in and arresting the person). The compliment was unsolicited, and [REDACTED] was truly impressed with you, and our department.

Keep doing what you're doing – keep fighting the good fight.

Schulz, Jones: I wasn't sure who your supervisors were. Feel free to forward this email to them.

I asked [REDACTED] to email the Chief if he was so inclined. He agreed to do so and reiterate his praise of you all.

Officer Sean Tinney #63
Community Services Bureau – Area 2 Coordinator
Berkeley Police Department
2100 Martin Luther King Jr. Way
Berkeley, CA 94704
(510) 981-5778 Direct
(510) 981-5819 Fax

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Monday, May 23, 2016 8:29 AM
To: Gonzalez, Manuel
Subject: FW: [REDACTED] Standby

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, May 17, 2016 3:27 PM
To: Smith, Brandon C. <BCSmith@ci.berkeley.ca.us>
Subject: [REDACTED] Standby

(Resent, this time to correct email address)

I am writing from Japan, where I am currently staying with [REDACTED] and [REDACTED] the owners of [REDACTED]

[REDACTED]
Through them and the reports they have been receiving from their daughter [REDACTED], I am aware of the assistance and sound advice you have given in connection with the dispute they have had with the couple who have been housesitting for them in their absence. They are close friends, so I am personally grateful for what you have done in helping bring this matter to a satisfactory and peaceable resolution. Thank you.

[REDACTED]

Sent from my iPhone

Sent from my iPhone

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Monday, June 06, 2016 8:57 AM
To: Gonzalez, Manuel
Subject: FW: THANK YOU

From: [REDACTED]
Sent: Thursday, June 02, 2016 11:45 AM
To: Nash, Zackery
Subject: THANK YOU

Dear Officer Nash,
I can not thank you enough for finding me and then returning my wallet!!!! I had given up hope of every seeing the photos of my grandkids and my Mom (taken after the war) again. I am so gratefull!!! You went above and beyond your call of duty.

THANK YOU MERCI GRACIAS DANKE TODA XIE-XIE

Please forward this to your boss - I want him/her to know how lucky the Berkeley Police Dept. is, to have you on staff.

Thank you again!!!!

Best,

[REDACTED]
[REDACTED]

Greenwood, Andrew

From: [REDACTED]
Sent: Monday, June 06, 2016 2:45 PM
To: Greenwood, Andrew
Subject: Safety Assistance

Good Afternoon Captain Greenwood,

I just wanted to send you a note of 'THANKS' for your excellent response and kind attention to my call for assistance. This was regarding a threat we had received about [REDACTED] last Friday evening. You answered my immediate needs and then had Lt. Rateaver take charge of our safety for the Berkeley Book Festival in which [REDACTED] was one of the featured Authors and Speakers. The Lieutenants assistance was very helpful, timely and much appreciated!

Sgt. Hong then made contact with me at the Saturday Event. He was very responsive to me and to facilitating the [REDACTED] safe ingress and egress. The Sergeant was very friendly and he had 2 mobile Officers briefed and available in the area if we needed assistance. Many thanks to Sgt. Hong, Officer Speelman and Officer Emelson.

Both [REDACTED] and myself wish to express our gratitude to you, Captain, as well as the fine Berkeley Police Department and the 'A' Team you assembled for us! Please pass on our appreciation to all involved.

Respectfully,

[REDACTED]

Macapagal, Jesse

From: Macapagal, Jesse
Sent: Wednesday, June 08, 2016 1:09 PM
To: Macapagal, Jesse
Subject: FW: THANK YOU

-----Original Message-----

From: [REDACTED]
Sent: Friday, May 27, 2016 2:03 PM
To: BPD Webmail <bpdwebmail@ci.berkeley.ca.us>
Subject: THANK YOU

You all are doing a great job responding to the concerns of anyone who lives near or walks through Ohlone Park. Thank you for enforcing lawful behavior in the park. I wish you all a safe and fun holiday weekend.

Sincerely,

[REDACTED]

Dear Berkeley Police

I want to give you all a Big
Thank you to you all. Especially all
the officers patrolling Milvia St.
between the high school and Ward St.
on the morning of Tuesday the 19th.
I've had it with those cyclists! How dare
they ride along Greenway and obstruct
My roads in My neighborhood! I see them...
riding so smug on the roads. They should all
have cars like me! Those rich college kids
sucking tax dollars, that should be yours (B.P.D.)
anyway. Least they can do is get
an UBER! One day they'll hit me and
scratch the paint on my Subaru. Thank you
for making those students pay up! Hopefully
the re-route their commutes onto other
roads with more cars on them. Making them
pay money will really teach them the lesson
of how to avoid hitting a car!

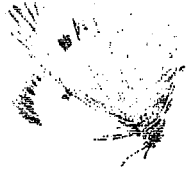
great job Berkeley Police!

Five Star stickers for you!

I am so grateful for your
speedy + accurate attention
to my problem and their
disposing of the mattress.



P.S. I'm also very grateful
for what the entire force does
to help us!

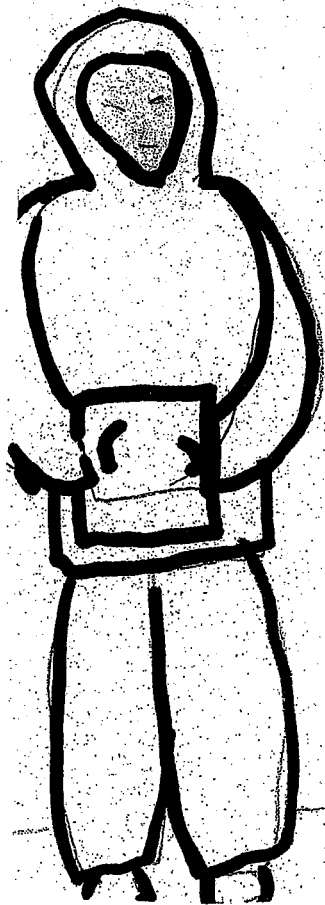


For everything you do

Dear officer Turner!

I thank you for offering to
help and then pulling out of
Yanling the mattress out of
my Honda's wheel bed.

The mattress had been lying
in the narrow driveway
next to the dumpster at
2409 College + got caught
as I drove down it.
It got wound around the
wheel completely and my Honda
came to a stop in the middle
of College.



THANK YOU B.P.D.!

Feb. 10, 2016

I happened to be $\frac{1}{2}$ a Block from
BPD officers doing a GREAT job
being brave & not using lethal FORCE,
while APPREHENDING the fellow who
was RAMMING CARS, & had a
weapon, TODAY Feb. 10, 2016 in the
A.M.

~~THANK~~



PERSONNEL INVOLVED

- ① Ofc. Kevin Peters
- ② Ofc. Tim Kaplan
- ③ Ofc. Mike Huerta
- ④ Sgt. Andrew Frankel
- ⑤ Ofc. Rochell Bledsoe
- ⑥ Ofc. Lionell Dozier
- ⑦ Ofc. Hugo Diaz
- ⑧ Ofc. Ryan Andersen
- ⑨ Ofc. James Seaton
- ⑩ Ofc. Jen Coats
- ⑪ Ofc. Victor Martinez

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Monday, June 06, 2016 2:39 PM
To: Gonzalez, Manuel
Subject: FW: National Missing Children's Day Follow Up

From: [REDACTED] [mailto: [REDACTED]]
Sent: Thursday, June 02, 2016 1:25 PM
To: Scott, Christopher <CScott@ci.berkeley.ca.us>
Subject: Fw: National Missing Children's Day Follow Up

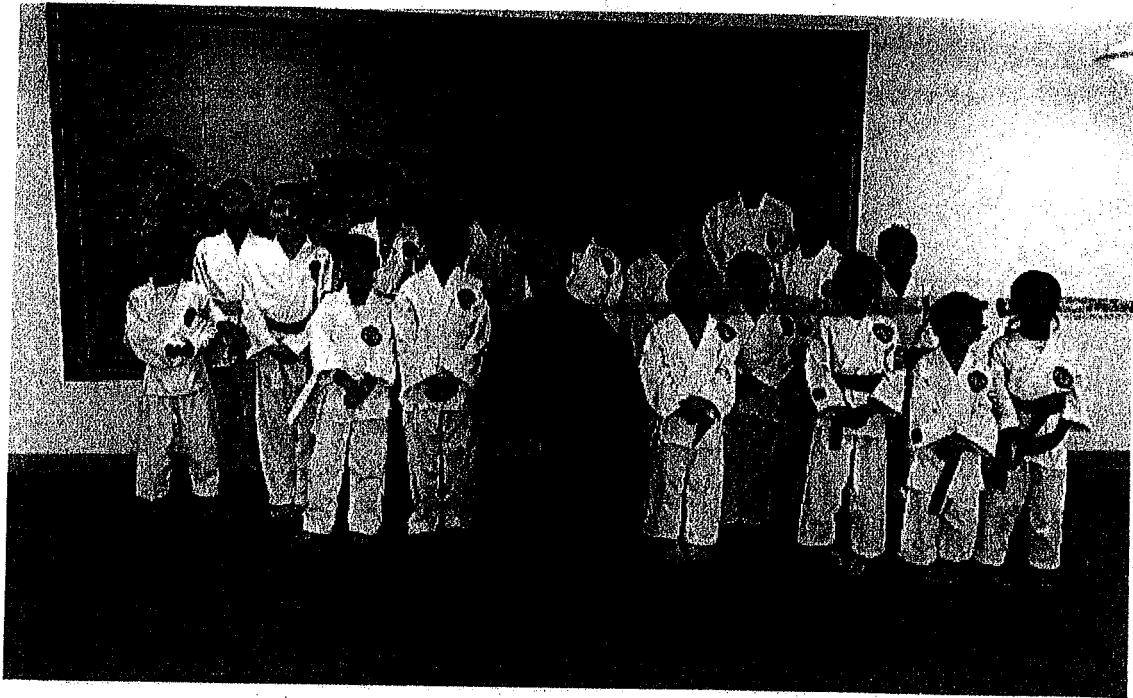
Good afternoon, Officer Scott,

Just wanted to share this with you, Detective Kelly, and the CSI Technician Officer that came to share with us. Cannot thank you enough for all of your effort!

From: West Wind [REDACTED] > on behalf of [REDACTED]
[REDACTED]
Sent: Thursday, June 2, 2016 11:29 AM
To: [REDACTED]
Subject: National Missing Children's Day Follow Up

[REDACTED] first ever observance of National Missing Children's Day was a huge success!!

[View this email in your browser](#)



THANK YOU

To all the parents and kids for supporting this very important day, and remembering why we have our kids at West Wind in the first place.

To Officer Mendez and Officer Aldrete from the California Highway Patrol, and Detective Kelly and Officer Scott from the Berkeley Police Department, for donating their time and expertise.

To [REDACTED] for dedicating a tremendous amount of effort to coordinate this great event.

And to [REDACTED], for taking the time to teach our youngest students how to stand up for themselves and remember how important the gift of training at West Wind Schools is!

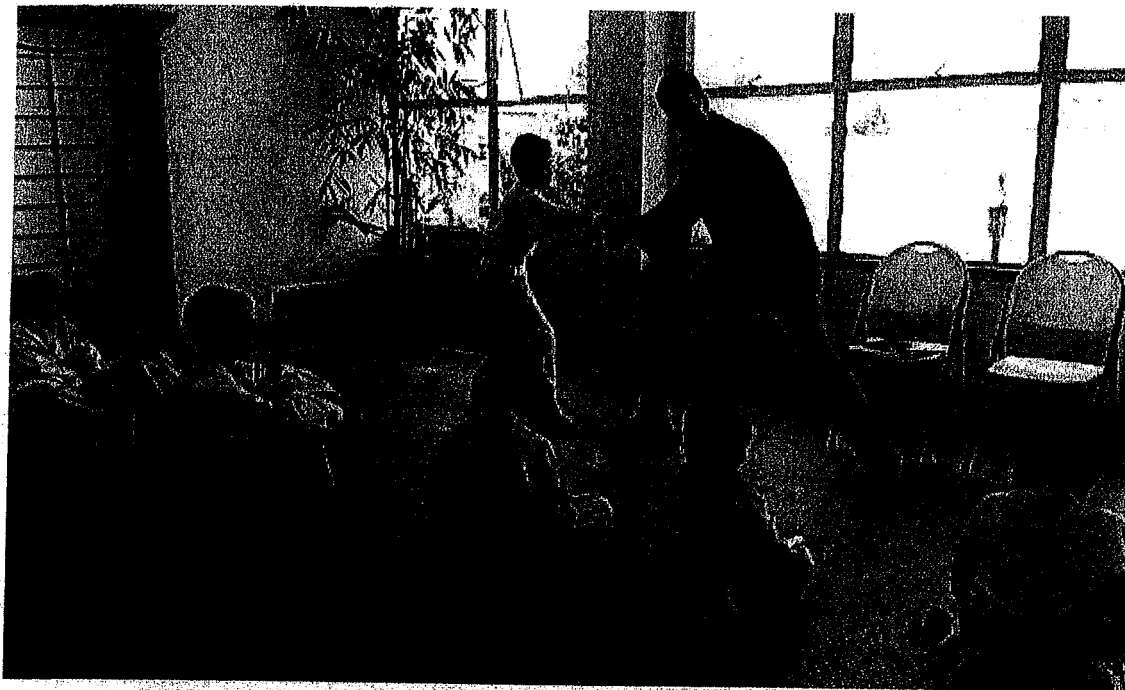


Detective Kelly and Officer Scott
discussing the importance of
awareness at the Berkeley Dojo.

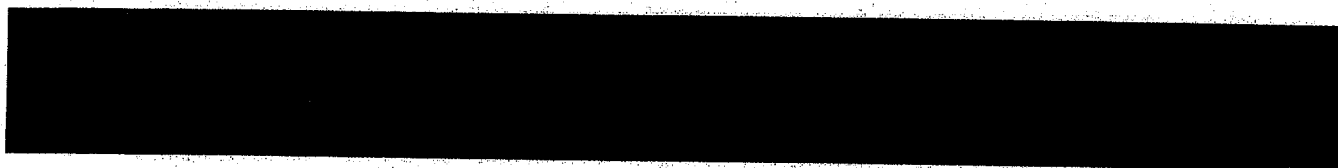


Mr. ... working with the first
group of students to defend against
tricks that attackers try to use on
kids.





For more pictures and information on this event, visit our [Facebook page](#).



PRC Subcommittee on Fair and Impartial Policing
Proposed Outreach Letter

From: Subcommittee on Fair and Impartial Policing, Berkeley Police Review
Commission

To: Berkeley Community

Subject: *Berkeley's standards of fair and impartial law enforcement*

Dear community members,

For several years, concerned citizens nationally and Berkeley residents locally have expressed doubt about the fairness of treatment of people of color by law enforcement officers.

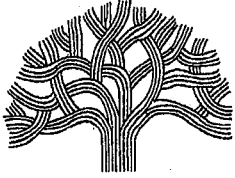
In 2015, the police department began collecting and reporting statistics about police stops in Berkeley, broken down by race, gender, and age. It appears to the Police Review Commission that the statistics show a disturbing racial disparity: many more African Americans and Latinos are stopped and searched by police than white people, while significantly smaller percent of the stops of people of color result in an arrest or even a citation.

The Police Review Commission, an independent oversight body not part of the police department, has begun a policy investigation into these disparities and how we can work with the BPD to live up to its commitment to fair and impartial policing.

We need your help. This fall, the PRC's Subcommittee on Fair and Impartial Policing is holding public hearings as well as confidential interviews around Berkeley to listen to the community's experiences. The more we hear from the community, the more useful our recommendations to the city council and the police department will be. There are two ways you can contact us:

1. You are welcome to come and speak at our subcommittee meetings, at the South Berkeley Senior Center, 6-8pm on Mondays October 24, November 14 and November 21.
2. As an alternative, you may meet with a community member who is gathering stories on this issue, at a time and place that is convenient for you. Contact our commission staff, Katherine Lee or Byron Norris, by calling (510) 981-4950 or emailing prc@cityofberkeley.info to arrange a confidential and anonymous interview.

Thank you for helping make Berkeley a better place to live!



①

CITY OF OAKLAND
OFFICE OF THE CITY ADMINISTRATOR
CITIZENS' POLICE REVIEW BOARD

**NOTICE TO COMPLAINANT OF CPRB PROPOSED
ADMINISTRATIVE CLOSURE**

250 FRANK H. OGAWA PLAZA * SUITE 6302 * OAKLAND, CA 94612 * 510-238-3159 * FAX 510-238-6834 * TTY 510-238-2007

Date

VIA CERTIFIED AND REGULAR MAIL

Name/Address **[fill in with complainant's information]**

Re: Case Information No. **##-####**

Dear **complainant's name** :

The investigation into the complaint you filed with the Citizens' Police Review Board (CPRB) has been completed. The Citizens' Police Review Board members will review your case at their next Board meeting on **[drop down calendar box], commencing at [drop down time], at XXXX XXXX.**

The CPRB staff will make the recommendation(s) listed below at the next Board meeting to close your case. **This is a recommendation only.** The Board will review the investigator's report, discuss the facts of the case, and vote on it. You are welcome to come to the next Board meeting to tell the Board more about your case. There is a time limit for people who wish to speak at the meetings. Attendees are limited to three minutes, so we ask that you focus on what you believe to be the most important aspects of your case when addressing the Board.

The allegations of your complaint and the recommendations for each are as follows:

1. MOR...

Recommended Finding: [fill in with finding and associated reasoning]

The CPRB Board will consider the facts of the case, and vote whether or not to close this case pursuant to Oakland City Council Ordinance No. 12454 C.M.S, section (6)(G)(9) on the basis a hearing would not facilitate the fact-finding process and that no good cause is shown for further action.

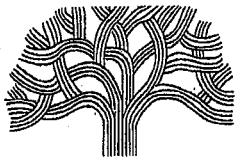
Please contact Investigator **xxxxx** at (510) 238-#### prior to the Board meeting if you wish to oppose this closure, so we can anticipate your attendance and provide more information about the meeting in advance. Your attendance at the meeting is voluntary.

Please be assured that the CPRB staff carefully reviewed all relevant materials available to it, and spoke to as many involved parties as was necessary to reach a recommended finding. However, due to legal limitations set forth by California Government Code section 3300-3311, California Penal Code 832.5, 832.7, 832.8 and the Police Officers' Bill of Rights, the CPRB is unable to provide the details of the investigation, such as what witnesses said, what documents were reviewed, and what evidence exists in support of or against your complaint, as it is bound under the law to keep the investigation confidential.

The CPRB will contact you in writing if the Board does not adopt the recommended findings as proposed. Otherwise, please consider this letter as the final notice regarding the closure of your complaint.

Sincerely,

Anthony W. Finnell
Executive Director
Citizens' Police Review Board
(510)-238-3159



CITY OF OAKLAND
OFFICE OF THE CITY ADMINISTRATOR (2)
CITIZENS' POLICE REVIEW BOARD

250 FRANK H. OGAWA PLAZA * 6TH FL * Suite 6302 * OAKLAND, CA 94612 * 510-238-3159 * FAX 510-238-6834 * TTY 510-238-2007

[drop down calendar]

Complainant name and address

RE: CPRB FINDINGS

CPRB Complaint No: ##-####

Date of Incident: [drop down calendar]

Complaint filed: [drop down calendar] (CPRB)

CPRB Hearing Date: [drop down calendar]

Dear Complainant Name:

CPRB Findings:

This letter serves to inform you that the Citizens' Police Review Board (CPRB) reviewed the evidence and testimony presented at the CPRB hearing of [drop down calendar] and has made the following findings as to the allegations of your complaint:

Allegation number and allegation

Board Findings ...

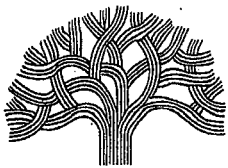
[repeat as necessary for all allegations]

Thank you again for your cooperation in the Citizens' Police Review Board process, and bringing this matter to our office for investigation.

Sincerely,

Anthony W. Finnell
Executive Director
Citizens' Police Review Board
(510)-238-3159

3



**CITY OF OAKLAND
OFFICE OF THE CITY ADMINISTRATOR
CITIZENS' POLICE REVIEW BOARD**

250 FRANK OGAWA PLZ * STE 6302 * OAKLAND, CA 94612
* 510-238-3159 * FAX (PENDING) * TTY 510-238-2007

NOTICE TO COMPLAINANT OF PROPOSED CASE CLOSURE

Anthony Finnell, Executive Director

April 2, 2015

VIA CERTIFIED AND REGULAR MAIL



RE: CPRB Complaint No.: 14-0366
Date of Incident: April 16, 2014
Date Complaint Received: June 12, 2014 (CPRB)

Dear [REDACTED]:

The investigation into the complaint you filed with the Citizens' Police Review Board (CPRB) has been completed as to some of the officers. One officer is currently unavailable, and the allegations will remain open as to him or her pending his or her return to duty.

The Citizens' Police Review Board members will be reviewing the part of your case that will be closed at this time at their next Board meeting on April 9, 2015, commencing at 6:15 p.m., at City Hall, 1 Frank Ogawa Plaza, Council Chambers, 3RD floor, Oakland.

The CPRB staff will be making recommendations listed below at the next Board meeting to close your case. This is a recommendation only. The Board will be reviewing the investigator's report, discussing the facts of the case, and voting on it. You are welcome to come to the next Board meeting to tell the Board more about your case. There is a time limit though for people who wish to speak at the meetings. Attendees are limited to three minutes, so we ask that you focus on what you believe to be the most important aspects of your case when addressing the Board.

We understand that receiving a letter that your case is being recommended for closure is not the hoped for outcome. Please understand a recommendation for closure is not a direct reflection on the concerns as to what happened to you. The Citizens' Police Review Board and its investigators must focus on very specific violations of Oakland Police Department rules. The recommendation for closing of your case thus reflects that the investigation did not find an actionable violation of those particular Oakland

Police Department rules. The Board is always open to hearing suggestions from the community for changes in rules and policy of the Oakland Police Department.

The allegations of your complaint and the recommendations for each are as follows:

1. Oakland Police Officers improperly entered private property without lawful reason.

MOR 314.39 PERFORMANCE OF DUTY—INTENTIONAL SEARCH, SEIZURE OR ARREST/IMPROPER SEARCH, SEIZURE OR ARREST
FOURTH AMENDMENT

Recommended Finding: Exonerated--The investigation reveals that the act or acts which provided the basis for the complaint occurred, however, the acts were justified, lawful and/or proper and not violations under law and/or departmental policy.

2. An Oakland Police Officer pushed open a fence as Complainant was closing it and telling the officers present you can't come in here, and then the Officer pushed Complainant.

MOR 370.27--USE OF PHYSICAL FORCE

Recommended Finding: Exonerated--The investigation reveals that the act or acts which provided the basis for the complaint occurred, however, the acts were justified, lawful and/or proper and not violations under law and/or departmental policy.

3. An Oakland Police Officer improperly grabbed Complainant, choked him, threw him on the ground, kneed him, and handcuffed him, even though Complainant did not resist him.

MOR 370.27--USE OF PHYSICAL FORCE

ALLEGATION TOLLED AS TO THE SUBJECT OFFICER.

4. Oakland Police Officers improperly took into custody and arrested [REDACTED] as an Officer said that there was an arrest warrant for them, but no warrant was ever shown to them even though they kept asking to be shown one.

MOR 314.39 PERFORMANCE OF DUTY—INTENTIONAL SEARCH, SEIZURE OR ARREST/IMPROPER SEARCH, SEIZURE OR ARREST
FOURTH AMENDMENT

Recommended Finding: Exonerated--The investigation reveals that the act or acts which provided the basis for the complaint occurred, however, the acts were justified, lawful and/or proper and not violations under law and/or departmental policy.

5. An Oakland Police Officer was rude/insulting when he was laughing and said to another Officer in the police car, "You can show off to your other colleagues that you apprehended somebody with a charge of assaulting a police officer and no one from your crew has one under their belt. I feel proud like a dad."

MOR 314.04--CONDUCT TOWARDS OTHERS--INAPPROPRIATE CONDUCT

ALLEGATION TOLLED AS TO THE SUBJECT OFFICER.

6. Oakland Police Officers pushed [REDACTED] for no reason.

MOR 370.27--USE OF PHYSICAL FORCE
MOR 314.07 CONDUCT TOWARDS OTHERS--DEMEANOR

Recommended Finding: Exonerated as to one of the officers--The investigation reveals that the act or acts which provided the basis for the complaint occurred, however, the acts were justified, lawful and/or proper and not violations under law and/or departmental policy.

ALLEGATION TOLLED AS TO A SECOND SUBJECT OFFICER.

7. An Oakland Police Officer pushed a friend of Complainant's for no reason.

MOR 370.27--USE OF PHYSICAL FORCE
MOR 314.07 CONDUCT TOWARDS OTHERS--DEMEANOR

ALLEGATION TOLLED AS TO THE SUBJECT OFFICER.

8. An Oakland Police Officer improperly drew his weapon during the arrest of [REDACTED], and/or failed to truthfully report why he drew his weapon.

MOR 370.27--USE OF PHYSICAL FORCE
MOR 398.80 TRUTHFULNESS

ALLEGATION TOLLED AS TO THE SUBJECT OFFICER.

9. An Oakland Police Officer is prejudiced against Complainant and his family.

MOR 314.03 GENERAL CONDUCT
MOR 314.05 CONDUCT TOWARDS OTHERS--HARASSMENT AND DISCRIMINATION
MOR 314.07 CONDUCT TOWARDS OTHERS--DEMEANOR
MOR 314.39 PERFORMANCE OF DUTY

Recommended Finding: Not Sustained--The investigation did not disclose sufficient evidence to determine whether or not the alleged conduct occurred.

The CPRB Board will consider the facts of the case, and vote whether or not to close this case pursuant to Oakland City Council Ordinance No. 12454 C.M.S, section (6)(G)(9) on the basis a hearing would not facilitate the fact-finding process and that no good cause is shown for further action.

Please contact Investigator Saupe at (510) 238-3702 prior to the Board meeting if you wish to oppose this closure, just so we can anticipate your attendance and provide more information about the meeting in advance. Your attendance at the meeting is voluntary.

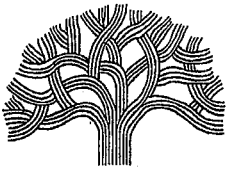
Please be assured that the CPRB staff carefully reviewed all relevant materials available to it, and spoke to as many involved parties as was necessary to reach a recommended finding. However, due to legal limitations set forth by California Government Code section 3300-3311, California Penal Code 832.5, 832.7, 832.8 and the Police Officers' Bill of Rights, the CPRB is unable to provide the details of the investigation, such as what witnesses said, what documents were reviewed, and what evidence exists in support or against your complaint, as it is bound under the law to keep the investigation confidential.

The CPRB will contact you in writing if the Board does not adopt the recommended findings as proposed. Otherwise, please consider this letter as the final notice regarding the closure of your complaint.

Sincerely,

Anthony Finnell
Executive Director
Citizens' Police Review Board
(510) 238-7401

4



**CITY OF OAKLAND
OFFICE OF THE CITY ADMINISTRATOR
CITIZENS' POLICE REVIEW BOARD**

250 FRANK OGAWA PLZ * STE 6302 * OAKLAND, CA 94612
* 510-238-3159 * FAX (PENDING) * TTY 510-238-2007

NOTICE TO COMPLAINANT OF PROPOSED CASE CLOSURE

Anthony Finnell, Executive Director

January _____, 2016

VIA CERTIFIED AND REGULAR MAIL



RE: CPRB Complaint No: 15-0259
Date of Incident: 2/20/15
Date Complaint Received: 4/22/15 (CPRB)

Dear [REDACTED]:

The investigation into the complaint you filed with the Citizens' Police Review Board (CPRB) has been completed. The Citizens' Police Review Board members will be reviewing your case at their next Board meeting on **Thursday, January 14, 2016, commencing at 6:15 p.m., at City Hall, 1 Frank Ogawa Plaza, Council Chambers, 3RD floor, Oakland, CA.**

The CPRB staff will be making the recommendation listed below at the next Board meeting to close your case. This is a recommendation only. The Board will be reviewing the investigator's report, discussing the facts of the case, and voting on it. You are welcome to come to the next Board meeting to tell the Board more about your case. There is a time limit though for people who wish to speak at the meetings. Attendees are limited to three minutes, so we ask that you focus on what you believe to be the most important aspects of your case when addressing the Board.

We understand that receiving a letter that your case is being recommended for closure is not the hoped for outcome. Please understand a recommendation for closure is not a direct reflection on the concerns as to what happened to you. The Citizens' Police Review Board and its investigators must focus on very specific violations of Oakland Police Department rules. The recommendation for closing of your case thus reflects that the investigation did not find an actionable violation of those particular Oakland Police Department rules. The Board is always open to hearing suggestions from the community for changes in rules and policy of the Oakland Police Department.

The allegation you made and the recommendations for it is as follows:

1. **Complainant [REDACTED] alleges that an Oakland Police Officer by the name of [REDACTED] threatened a friend of his to give the officer Complainant's telephone number or the officer would subpoena his friend's telephone records to obtain the phone number.**

Recommended Finding: **No Manual of Rules violation.**

The CPRB Board will consider the facts of the case, and vote whether or not to close this case pursuant to Oakland City Council Ordinance No. 12454 C.M.S, section (6)(G)(9) on the basis a hearing would not facilitate the fact-finding process and that no good cause is shown for further action.

Please contact Investigator Saupe at (510) 238-3702 prior to the Board meeting if you wish to oppose this closure, just so we can anticipate your attendance and provide more information about the meeting in advance. Your attendance at the meeting is voluntary.

Please be assured that the CPRB staff carefully reviewed all relevant materials available to it, and spoke to as many involved parties as was necessary to reach a recommended finding. However, due to legal limitations set forth by California Government Code section 3300-3311, California Penal Code 832.5, 832.7, 832.8 and the Police Officers' Bill of Rights, the CPRB is unable to provide the details of the investigation, such as what witnesses said, what documents were reviewed, and what evidence exists in support or against your complaint, as it is bound under the law to keep the investigation confidential.

The CPRB will contact you in writing if the Board does not adopt the recommended findings as proposed. Otherwise, please consider this letter as the final notice regarding the closure of your complaint.

Sincerely,

Anthony Finnell
Executive Director
Citizens' Police Review Board
(510) 238-7401

San Francisco

DATE

NAME
ADDRESS
CITY, STATE, ZIP

RE: OCC Case No. 0000-00

Dear Mr./Ms.:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's preliminary findings as to each allegation:

The allegation of **Unwarranted Action** against a police officer for issuing you a citation without cause is **Proper Conduct**.

The allegation of **Unwarranted Action** against a police officer for searching you and your property without cause is **Not Sustained**.

The allegation of **Conduct Reflecting Discredit on the Department** against police officers for engaging in inappropriate behavior is **Not Sustained**.

The allegation of **Unnecessary Force** against police officers for using unnecessary force is **Not Sustained**.

The allegation of **Neglect of Duty** against police officers for failing to properly process property is **Not Sustained**.

Please refer to the attached information for definitions of these findings. If you are not satisfied with the preliminary disposition indicated above, you have the right to request an investigative hearing on this complaint. (Please see information sheet, enclosed). The OCC strongly recommends that, to assist you in determining the grounds for a hearing, you call promptly to make an appointment with the investigator in your case, **NAME OF INVESTIGATOR** at **PHONE**, to discuss the preliminary findings and to review the evidence upon which the findings are based. Your written request for a hearing must be mailed or delivered within ten (10) days of the date that you receive this letter, to the following address:

NAME OF AGENCY
ATTN:
ADDRESS OF AGENCY
CITY, STATE, ZIP

NAME
OCC Case No. 0000-00

Page 2

As members of SFPD know, Department General Order 2.04 III. A.5.a. requires that, after OCC's investigation, including any investigative hearing, the OCC's investigation and findings as to sustained allegations shall be transmitted to the Chief of SFPD or the Chief's designee for review and action.

Sincerely,

NAME
TITLE

INITIALS:
Attachment Enclosed

INVESTIGATIVE HEARINGS

The Director has discretionary authority to impanel an investigative hearing if it is requested by the complainant or an involved officer and it is determined that such a hearing will facilitate the fact finding process. Accordingly, your hearing request letter should establish one or more of the following grounds for a hearing:

- a) there is additional evidence, such as witness statements or other information that contradicts, supplements, or was not disclosed by the investigation;
- b) there is reason to question the conclusion of the investigation;
- c) an appearance in person by the parties would further the fact finding process;
- d) there has been an undue lapse of time since the occurrence of the incident;
- e) a hearing would advance public confidence in the complaint process;
- f) there are other factors that you believe make an investigative hearing necessary.

Please tell us in your letter your reasons for submitting the request for a hearing, and be as specific as possible. Please contact the investigator specified in the attached letter to review the evidence in the case before requesting a hearing. We will notify you by mail whether your request has been granted or denied.

DEFINITIONS OF FINDINGS

Sustained: A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

Not Sustained: The investigation failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

Proper Conduct: The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

Unfounded: The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

Policy Failure: The evidence proved that the act by the member was justified by Department policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure, or regulation.

Supervision Failure: The evidence proved that the actions complained of were the result of inadequate supervision when viewed in light of applicable law, training, and Departmental policy and procedure.

Training Failure: The evidence proved that the action complained of was the result of inadequate or inappropriate training or the absence of needed training when viewed in light of Departmental policy and procedure.

Information Only: The evidence proved that the action complained of did not involve a sworn member of the Department, or that the action described was so obviously imaginary that their occurrence is not admissible by any competent authority. Information Only allegations are not counted as complaints against sworn members of the Department. Complaints against non-sworn employees of the Department are referred to Internal Affairs Division. Complaints against employees of other agencies, are referred to the appropriate agency.

No Finding: The complainant failed to provide additional requested evidence, or the complainant requested a withdrawal of the complaint.

Mediated: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner.





OFFICE OF THE INDEPENDENT POLICE AUDITOR

①

152 North Third Street, Suite 602
San José, CA 95112
TEL (408) 794-6226 • FAX (408) 977-1053
www.sanjoseca.gov/ipa/

«CurrentDate»

«FullName»

«Address1»

«CityStateZip»

RE: Complaint # «IANum»

Dear «SalLastName»:

The Office of the Independent Police Auditor (IPA) was created by the City of San Jose so that non-police officers would be involved in reviewing complaints filed against San Jose police officers. The IPA does not investigate complaints. Instead, the IPA monitors and tracks complaints as they go through the complaint process. Completed investigations are reviewed by the IPA to see if they are thorough, fair and objective.

The Internal Affairs Unit (IA) of the San Jose Police Department sent the completed investigation of your complaint to us for review. The investigation focused on the incident that occurred on «IncidentDate». The IPA's Office reviewed relevant documents contained in the IA investigation file. The IA investigation file typically contains a summary of the evidence gathered, an analysis of the facts and applicable SJPD policies. Supporting documentation such as police reports, dispatch logs, medical records, photographs, and force response report, is typically attached. You will receive a letter from the IA Unit Commander with the final outcome.

The case has been officially closed by the IPA. Please contact the Commander of the Internal Affairs Unit at (408) 277-4094 if you have questions about the investigation or if you have not received a letter about the final outcome. After that, if you want to discuss the process used to review your complaint, please contact our office at (408) 794-6226.

Sincerely,

Walter Katz
Independent Police Auditor

By: _____
«AuditedBy»

Issues Reviewed During Audit

Each closed IA case file includes an investigation document containing a summary of the incident, findings on each allegation, and a written analysis supporting those findings. The investigation document may contain statement summaries of persons interviewed – complainants, civilian witnesses, officer witnesses or subject officers.

The investigation file may also contain supporting documentation such as police reports, medical records, radio event chronologies, or photographs. When the case is audited, IPA staff look for those key factors mandated by the municipal code – namely was the investigation complete, thorough, objective and fair. A number of issues are reviewed.

Issues Reviewed During IPA Audit	
Timeliness / tolling	<ul style="list-style-type: none"> Was the investigation completed in a timely manner?
Classification	<ul style="list-style-type: none"> Was the case properly classified?
Presence/absence of allegations	<ul style="list-style-type: none"> Do the listed allegations adequately capture the concerns voiced by complainant? Were any allegations removed? If so, why?
Presence/absence of supporting documentation	<ul style="list-style-type: none"> If pertinent, did the investigator obtain and review documentation such as: <ul style="list-style-type: none"> CAD * Medical records Photographs Police reports/citations Taser downloads Use of force response reports
Presence/absence of interviews conducted by Internal Affairs	<ul style="list-style-type: none"> Witnesses — what efforts were taken to identify and contact witnesses? Witness officers — what efforts were taken to identify and interview officers who witnessed the incident? Subject officers — what efforts were taken to identify and interview subject officers?
Presence/absence of logical objective application of policy to the facts	<ul style="list-style-type: none"> What is the policy/duty manual section which governs the conduct in question? Is this authority applicable to the case or is other authority more pertinent? Does the analysis apply all the factors set forth in the authority to the facts?
Presence/absence of objective weighing of evidence	<ul style="list-style-type: none"> What weight was given to officer testimony? Why? What weight was given to civilian testimony? Why? Does the analysis use a preponderance standard? Does the analysis logically address discrepancies?

* CAD: Computer Aided Dispatch logs inputted information from 911 calls, officers assigned to the call, and information on the call location and status.



OFFICE OF THE INDEPENDENT POLICE AUDITOR

2

152 North Third Street, Suite 602
San José, CA 95112
TEL (408) 794-6226 • FAX (408) 977-1053
www.sanjoseca.gov/ipa/

«CurrentDate»

«FullName»

«Address1»

«CityStateZip»

RE: Complaint # «IANum»

Dear «SalLastName»:

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The case has been officially closed by the IPA. Please contact the Commander of the Internal Affairs Unit at (408) 277-4094 if you have questions about the investigation or if you have not received a letter about the final outcome. After that, if you want to discuss the process used to review your complaint, please contact our office at (408) 794-6226.

Sincerely,

Walter Katz
Independent Police Auditor

By: _____
«AuditedBy»

Issues Reviewed During Audit

Each closed IA case file includes an investigation document containing a summary of the incident, findings on each allegation, and a written analysis supporting those findings.

The investigation document may contain statement summaries of persons interviewed – complainants, civilian witnesses, officer witnesses or subject officers.

The investigation file may also contain supporting documentation such as police reports, medical records, radio event chronologies, or photographs. When the case is audited, IPA staff look for those key factors mandated by the municipal code – namely was the investigation complete, thorough, objective and fair. A number of issues are reviewed.

Issues Reviewed During IPA Audit	
Timeliness / tolling	<ul style="list-style-type: none"> • Was the investigation completed in a timely manner?
Classification	<ul style="list-style-type: none"> • Was the case properly classified?
Presence/absence of allegations	<ul style="list-style-type: none"> • Do the listed allegations adequately capture the concerns voiced by complainant? • Were any allegations removed? If so, why?
Presence/absence of supporting documentation	<ul style="list-style-type: none"> • If pertinent, did the investigator obtain and review documentation such as: <ul style="list-style-type: none"> ○ CAD * ○ Medical records ○ Photographs ○ Police reports/citations ○ Taser downloads ○ Use of force response reports
Presence/absence of interviews conducted by Internal Affairs	<ul style="list-style-type: none"> • Witnesses — what efforts were taken to identify and contact witnesses? • Witness officers — what efforts were taken to identify and interview officers who witnessed the incident? • Subject officers — what efforts were taken to identify and interview subject officers?
Presence/absence of logical objective application of policy to the facts	<ul style="list-style-type: none"> • What is the policy/duty manual section which governs the conduct in question? • Is this authority applicable to the case or is other authority more pertinent? • Does the analysis apply all the factors set forth in the authority to the facts?
Presence/absence of objective weighing of evidence	<ul style="list-style-type: none"> • What weight was given to officer testimony? Why? • What weight was given to civilian testimony? Why? • Does the analysis use a preponderance standard? • Does the analysis logically address discrepancies?

* CAD: Computer Aided Dispatch logs inputted information from 911 calls, officers assigned to the call, and information on the call location and status.

LOS ANGELES POLICE COMMISSION

BOARD OF POLICE COMMISSIONERS

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100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 236-1440 TDD

DATE

Mr./Ms.
XXX
XXX

Dear Mr./Ms.:

On XXXX, you contacted the Office of the Inspector General for assistance regarding the results of a misconduct investigation. On XXXX, you contacted the Los Angeles Police Department (Department) and alleged misconduct by a Department employee. As a result of your allegation(s), the Department opened and subsequently completed a formal complaint investigation Complaint Form No(s). **_****.

At your request, we reviewed the Department's completed investigation including the rationale for the findings. The investigation resulted in XXX allegation(s) of misconduct against a Department employee(s). The allegation that XXXX was adjudicated as Unfounded. This means the preponderance of evidence obtained in the investigation did not prove that the act you complained of occurred in the manner that you described [MAKE SURE TO CHANGE THE DEFINITION OF ADJUDICATION IF OTHER THAN UNFOUNDED].

Based on our review of the Department's investigation, we agree with the Department's decision not to sustain an allegation of misconduct in this case. California state law prohibits us from discussing any details of the investigation, or details of our review. However, if you have general questions you may contact our office at (213) 482-6833.

Very truly yours,
BOARD OF POLICE COMMISSIONERS

KEVIN ROGAN
Assistant Inspector General
Police Commission

BART

Their closure letter states that they completed their investigation and reached the following findings. Then each allegation is stated, followed by the finding. No reasoning is given. A separate sheet providing definitions of the findings is enclosed.

ABC Grant Enforcement

Violation	Total
Open Container	224
Furnishing to a Minor	36
Minor in Possession	156
Fake Identification	85
Other Citations	33
In-Custody Arrests	17
Grand Total	551



Lee, Katherine

From: Lee, Katherine
Sent: Monday, October 17, 2016 5:23 PM
To: 'teesdalelane@charter.net'
Cc: BPD Webmail
Subject: FW: CAL parent /Berkeley crime spree

Dear Ms. Winter,

This replies to your email to Berkeley's Police Review Commission (PRC). I can certainly understand how the recent spate of armed robberies near the UC campus has alarmed you. For your information, the PRC is not part of the Berkeley Police Department, but is an independent body that advises the police department on policies and procedures, and investigates allegations of individual police misconduct.

By a cc of this email, I am forwarding your concerns to the Berkeley Police Department. (police@cityofberkeley.info.) I believe they are in the best position to answer your question about what is being done to address this cycle of violence.

I will, however, share your email with the Police Review Commissioners, to keep them apprised of concerns civilians have about crime in Berkeley.

Sincerely,

Katherine J. Lee
Police Review Commission Officer
City of Berkeley
510.981.4960

-----Original Message-----

From: PRC (Police Review Commission)
Sent: Monday, October 17, 2016 9:14 AM
To: Lee, Katherine <KLee@ci.berkeley.ca.us>
Cc: Norris, Byron <BNorris@ci.berkeley.ca.us>
Subject: FW: CAL parent /Berkeley crime spree

-----Original Message-----

From: Pamela Winter-Miller [mailto:teesdalelane@charter.net]
Sent: Monday, October 17, 2016 8:40 AM
To: PRC (Police Review Commission) <prcmailbox@ci.berkeley.ca.us>
Subject: CAL parent /Berkeley crime spree

Dear Police review commission:

I am a parent from Calabasas California. My son is a student at UC Berkeley.

My husband and I are horrified as to the recent crime spree at Berkeley, that continues to put CAL students in jeopardy, in harm's way. Whatever the city of Berkeley is doing to keep our CAL

kids safe, to keep your Berkeley community safe, is not working. Berkeley crime is escalating, and as a parent of a CAL student I am extremely concerned.

My two younger children are interested in applying to CAL, and my husband and I are thinking it too dangerous at present. If these heinous crimes hitting your city are not abated in the near future, families of high school students will begin questioning this matter. CAL is going to suffer in reputation and applications as parents will be too fearful to send their children to your city.

The men and women on the Berkeley police force do work hard, and we are grateful for their efforts, but in your city it seems to be in vain. There is a grave problem when every day your crime escalates.

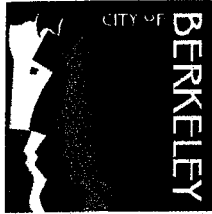
Perhaps Berkeley needs to support its law enforcement more, make more funds available for extra officers to protect our UC kids, invest in cameras or better monitoring of the streets surrounding the university. Perhaps you need to work with CAL to bring the forces of your officers, and their campus security as one.

It is not just the responsibility of CAL, and your city, to offer an opportunity of education to our children, but to protect them as well, this is most paramount. This is everything.

I would appreciate a response from your office as to what is being done to rectify this cycle of violence.

Thank you,

Pamela Winter



Police Review Commission (PRC)

October 18, 2016

Dee Williams-Ridley, City Manager
City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Re: Excusing Officers from Appearing at Boards of Inquiry

Dear Ms. Williams-Ridley,

Thank you for your response to the concerns expressed at the meeting of August 1, 2016, regarding excusing officers from Police Review Commission Boards of Inquiry.

Although we understand your summation that it falls under your purview and appreciate your statement that you would only employ this process under exigent circumstances and using "reasonableness" as the benchmark for your decision making process, we strongly disagree.

The Commission would like to reiterate one of the most important tenets for effective police oversight: transparency. The understanding is that an oversight agency operates with the purpose of enhancing officer and departmental compliance with policies at the local, state and federal levels, and at the same time endeavors to create a bridge with the community it represents.

Your evaluation of "what makes sense" continues to be extremely problematic to the commission and how the community perceives the work of the Police Review Commission. When the PRC was created, by voter mandate, no such process was envisioned.

When community members engage in the PRC complaint process, they do so with the belief and understanding that there will be a strict adherence to the investigation, Board of Inquiry and deliberation format clearly delineated in our brochures and regulations. There is no mention in our process that the City Manager, under an "independent" and secretive process, may excuse an officer from attending a Board of Inquiry and thereby invalidate one of the major responsibilities with which the Police Review Commission is tasked under the ordinance. This would undermine public trust and confidence in the process and the Council and City's commitment to oversight.

It severely undermines trust and effectively renders the investigatory process null. It disrespects the community member making the allegation and broadcasts that the only manner of redress can be easily dismissed. It is not in the end a question of "right to exercise or not," but a question of respect, accountability and transparency.

Dee Williams-Ridley
Excusing Officers from Appearing at Boards of Inquiry
October 18, 2016
p. 2

Moreover, it undermines morale within the police department. If some police officers can be excused while others are obligated to attend a Board of Inquiry, it sends the message that two different standards apply. This translates to all levels, from the new officer out of training to the highest levels of command leadership.

The Police Review Commission must guarantee fairness in oversight by ensuring that any and all officers that engage in misconduct are investigated and findings considered in discipline if allegations are sustained. Investigations and findings also lead to the evaluation and purposeful revision of police procedures, supervision and training.


We strongly suggest that you re-evaluate your position of having the ability to excuse any and all officers from engaging in the investigative and Board of Inquiry process. Alternatively, we ask that you refrain from exercising any such ability that you believe you have. A process under which an individual exempt from community vetting can bypass the complaint process and the work of the residents of the City of Berkeley appointed to the commission lacks fairness.

We look forward to continuing the discussion on this matter. It is one of the major aspects of our possible re-evaluation of the ordinance as a charter amendment in 2018.

It would be a welcome example of leadership if the City Manager's office would align with the concerns of the commission and the community and continue to effect positive change in establishing transparency, inclusiveness and accountability.

The members of the PRC voted unanimously at its September 21, 2016 meeting to express these concerns in writing to you, with a copy to the Mayor, City Councilmembers, and City Clerk (Bernstein, DaSilva, Javier, Perezvelez, Roberts, Sherman, Smith, and Yampolsky; Lippman absent) and, at its October 13, 2016 meeting, approved the specific wording of this letter by general consent (Bernstein, DaSilva, and Javier absent).

Respectfully,


George Perezvelez
Chairperson
Police Review Commission

cc: Mayor and City Councilmembers
Mark Numainville, City Clerk
Zach Cowan, City Attorney
Andrew Greenwood, Interim Police Chief
Jovan Grogan, Deputy City Manager
PRC Commissioners