

COMPLAINT DEADLINES REPORT

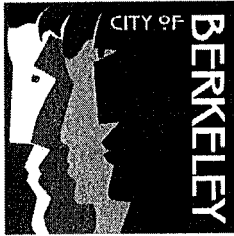
INVESTIGATIONS										
NO.	Complainant	Filed Date	Incident Date	Notice of Allegations Due (20 Bus. Day)	Notice of Allegations Issued	BOI Packet (80 days)	BOI Packet Issued	BOI Findings Report Goal (105 days)	120 Days	STATUS
2391		01/25/16	Nov-15	02/22/16	02/01/16	04/14/16	04/20/16	05/09/16	05/24/16	*BOI cont. to after Feb. Investigation
2409		10/19/16	Oct-16	11/16/16	10/21/16	01/06/17		02/01/17	02/16/17	Alleg due
2411		12/13/16	(Nov 2016)	01/10/17		03/03/17		03/28/17		

*tolled from 5/5 at officer's request

MEDIATION										
NO.	Complainant	Filed Date	Date of Comp's Election	Notice of Election to Officer Due (5 bus day)	Notice of Election Issued to Officer	Officer Agreed to Mediation	SEEDS Referral Date	Date of Mediation Session	Closure Due (2 weeks after mediation)	STATUS
2403		8/23/2016	8/23/2016	8/30/2016	8/23/2016	Y	9/30/2016	11/19/2016	12/3/2016	complaint closed
2408		10/4/2016	10/11/2016	10/18/2016	10/11/2016	Y	10/27/2016	11/22/2016	12/6/2016	complaint closed
2410		11/23/16	11/29/16	12/06/16	11/30/16	Y	12/07/16			pending mediation session

POLICY REVIEWS									
NO.	Complainant	Filed Date	Notice of Complaint to BPD	Due to Comm (30 days or next mtg.)	Initial Commission Meeting	Commission Vote Date	Commission Resolved Y/N	Admin. Closure Due	STATUS
2377	DENNEY, CAROL	06/22/15	07/10/14	07/22/15	07/08/15	07/08/15	n		Investigation
2384	PITCHER, STEPHEN	09/21/15	09/23/15	10/21/15	10/14/15	10/14/15	n		Investigation
2406	KEENLEY, JAMES	08/30/16	08/30/16	09/29/16	09/14/16	10/13/16	n		Investigation

CALOCA APPEALS										
NO.	Complainant	Officer Appeal Filed	PRC Records Due (60 days)	PRC Records Filed	Officer Brief Filed Y/N	PRC Brief Due	PRC Brief File Date	OAH Hearing Date	OAH Decision Due	STATUS
2402		12-14-2016								



Police Review Commission (PRC)

December 13, 2016

To: Police Review Commission
From: Commissioners Terry Roberts and Ari Yampolsky
Re: Status of Discussions with BPD on a Body-Worn Camera Policy

Background: Representatives of the Police Review Commission and the Berkeley Police Department presented their respective draft BWC policies at a Council Worksession on July 19, 2016. PRC and BPD answered Council's questions; Council asked the PRC and BPD to work out their differences on the four main areas of disagreement.

At its July 27, 2016 meeting, the PRC voted to empower a subset of the Commission to sit down with BPD, with the direction to remain firm on three of the issues of disagreement: the use of personal recording devices; recording of interrogations; and release of recordings to the PRC. Regarding the fourth issue, writing a report before reviewing the video in certain use of force situations, the PRC said to get a better understanding of the BPD's position. The PRC asked that the matter be brought back to the full Commission.

PRC and BPD representative met on Sept. 14 and Dec. 7, 2016, and discussed the four points of disagreement. At the latter meeting, an additional point was discovered during our discussion: the use of "should" vs. "shall" language throughout the report. The following is a summary of our positions and our recommendations. (All section references are to the draft policies attached to the Council Worksession reports.)

1. Use of personal recording devices (PRD)

PRC (Sec. 450.6): Any officer issued a BWC shall not use a PRD, except with express permission of the Chief. Rationale: recordings captured on a BWC are secure and trackable, unlike those made with a PRD.

BPD (Sec. 450.6): Use of the PRD is only with the express permission of the Watch Commander, as it is cumbersome and impractical to get the Chief's

permission. PRD use may be necessary if, say, the BWC battery runs out or malfunctions. At the latest meeting, Chief Greenwood expressed that he doesn't think it's necessary to get permission at all; rather, PRD use should require an explanation after the fact as to why a PRD was used instead of the BWC. BPD doesn't want to restrict other ways of gathering evidence. The process presently in place for booking evidence will ensure integrity of PRD recordings.

No agreement reached. Recommendation: That the PRC maintain its position on this issue.

2. Recording interrogations

PRC (Sec. 450.5(b)): BWC must be activated during all interrogations.

BPD (Omitted from list in Sec. 450.5): Many situations in which a consensual encounter or interview turns into an interrogation, but turning on the camera mid-conversation would have a chilling effect on the person being interviewed. BPD is willing to include interrogations in the list of situations where the BWC should (rather than shall) be on, when a person in custody is being interrogated.

No agreement reached, and another issue discovered (see #5 below).
Recommendation: That the PRC maintain its original position.

3. Release of recordings to the PRC

PRC (Sec. 450.8(a)): Recordings are to be released to the PRC in conjunction with its investigation of a civilian complaint.

BPD (not included): Original position was that release of this evidence should be governed by General Order R-23, setting forth rules for release of other police records.

At the Dec. 7 meeting, Chief Greenwood said he would support allowing BOI commissioners to view relevant BWC footage at the BPD, in the presence of an IA sergeant. PRC staff would have similar access during their investigation. This way, BPD retains custody and control of the recordings.

The Chief's proposal is a step in the desired direction, but ideally, the video should also be available during the BOI hearing, so that Commissioners can ask the complainant or officer questions about what they see.

Recommendation: While we agree with the Chief's latest proposal, we also think the video should be made available to PRC staff and BOI Commissioners before and during a BOI. We should continue to work with the Chief on the details.

4. When can officers review video before writing a report

PRC (Sec. 450.7.2): All cases except where reportable use of force or grave bodily injury occurs. In such use of force cases a report would be written by the officer prior to reviewing the video.

BPD (Sec. 450.8): All cases except officer-involved shootings and in-custody deaths.

PRC explained the importance of getting a "state-of-mind" report: what did the officer perceive before using force? We don't think it's an unreasonable burden on the BPD if required in roughly 40-50 cases yearly. Also, any variances between the initial report and video can be reconciled through the officer's supplemental report. The intent is to improve transparency in use of force cases.

BPD strongly opposed, indicating that it seems like a way to create a "gotcha" for the officer (intentionally trying to catch an officer doing something wrong), if the initial report varies from what video shows. BPD has not demonstrated a pattern of significant misconduct, so the PRC's proposal is an expression of distrust with little value.

No agreement reached. Recommendation: That the PRC maintain its original proposal.

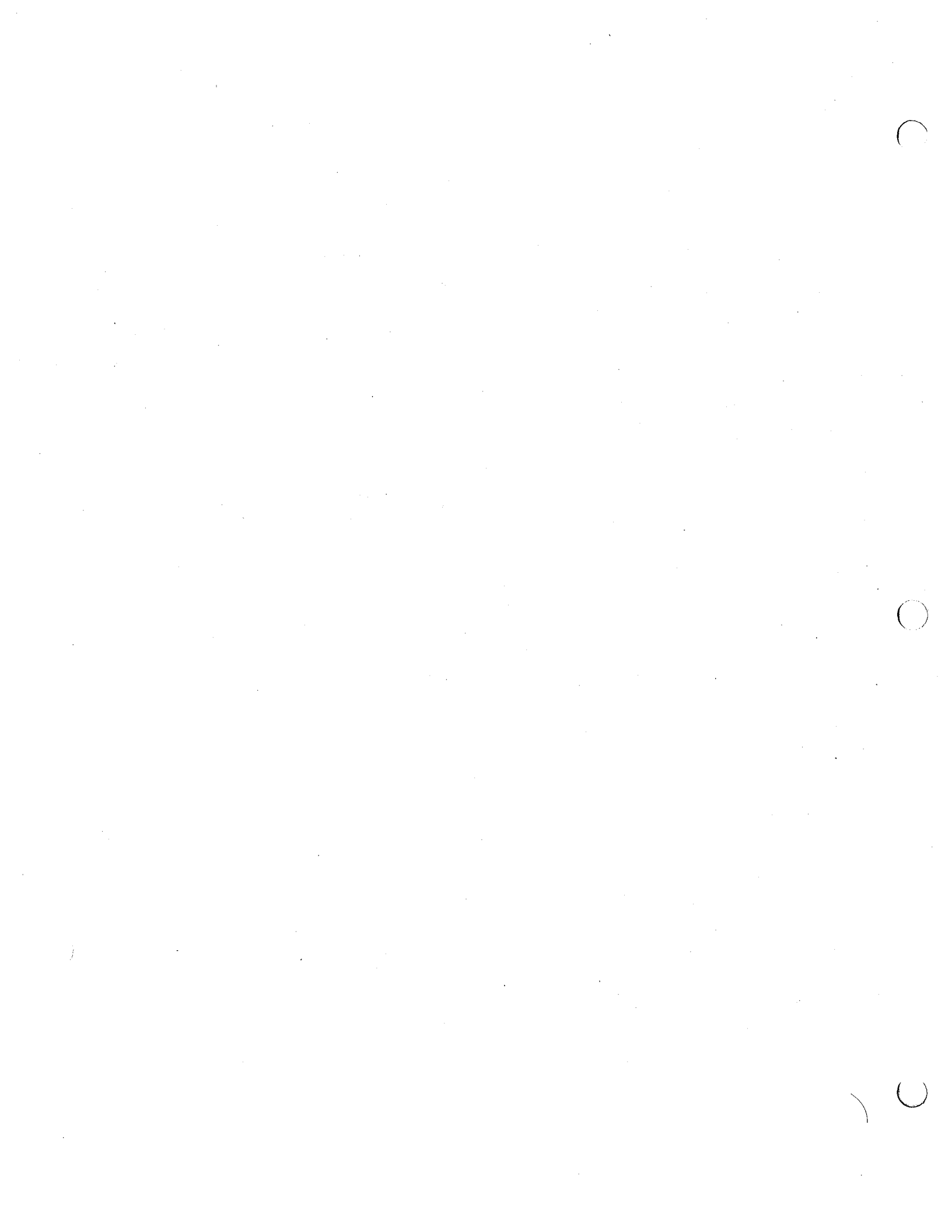
5. Mandatory v. discretionary activation of the BWC.

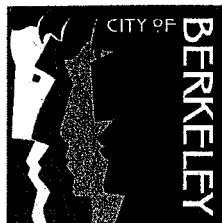
PRC (Sec. 450.5): The BWC "shall" be activated – i.e., activation is mandatory – in specified situations.

BPD (Sec. 450.5): The BWC "should" be activated – i.e., activation is discretionary – in specified situations.

This is a significant difference. Under the BPD's proposed policy, activating the BWC is entirely optional at all times, despite the language that "Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident." We believe that this amount of discretion undermines the value of the BWC, as civilians would view officers as having the ability to selectively record. Furthermore, this discretionary language is at odds with the body-worn camera policies adopted by the Oakland, Richmond, BART, and San Francisco Police Departments, all of which delineate circumstances in which the camera must be turned on.

No agreement was reached on this issue, although it was raised for the first time at the Dec. 7 meeting. Recommendation: That the PRC maintain its original, mandatory language.





Office of the City Manager

WORKSESSION
July 19, 2016

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Submitted by: Michael K. Meehan, Chief of Police

Subject: Body Worn Camera Recommendations

INTRODUCTION:

Over the last several years the use of body-worn cameras (BWC's) has expanded substantially throughout the law enforcement profession. Studies show that this technology provides quality evidence in criminal cases, mitigates complaints, and delivers greater police accountability. Based on these factors the Berkeley Police Department, Berkeley Police Association and Police Review Commission see the value of this equipment and support implementing its use in Berkeley.

The department evaluated the potential and viability of a body worn camera program in Berkeley, researched equipment and implementation strategies, consulted with stakeholders, and created a model policy which was reviewed and approved by the City Attorney.

Based on this work, I am recommending we implement the use of body-worn cameras in Berkeley by immediately beginning a one-year pilot program. This approach will allow the city to develop and roll out a program in a fiscally responsible way and give the department adequate time to transition to this technology. This one year pilot program will include twenty cameras to be deployed by patrol officers at an approximate cost of \$45,000. The Berkeley Police Department is prepared to begin a pilot program immediately.

BACKGROUND:

On February 10, 2015 Council directed the Police Review Commission to research BWCs and provide a report and recommendations to Council based on their review. Council also directed the PRC to work with the Berkeley Police Department throughout this process to ensure that their input was considered and incorporated into their recommendations.

The Body-worn & Dash Camera Subcommittee met regularly from January through May 2016 and focused exclusively on writing a policy that would control all aspects of the camera use in the department.

PROCESS:

The Berkeley Police Department representative provided the subcommittee with a draft BWC policy based on one created by Lexipol. Lexipol is the company that provides vetted model policies to law enforcement agencies throughout California and the United States. Many Bay Area agencies, including BART and Richmond use Lexipol policies. Berkeley Police Department policy is based upon Lexipol for the following reasons:

- Berkeley Police Department is in the process of adopting Lexipol for all of its policies.
- Lexipol represents a majority of agencies in California and its BWC policy is consistent with best practices and industry standards.
- Much of the Lexipol BWC policy is in line with ACLU and US Department of Justice policy recommendations.

The Subcommittee reviewed the policy recommendations provided by the Police Department and made changes and recommendations. Through a series of discussions and collaboration between the department representative and committee members a recommended policy came together that addressed many of the needs and concerns of both the police department and the commission. The end result was a policy in which the police department and the PRC share a lot of common ground.

There was consensus on most of the topics with a few important differences remaining. These differences impede the successful implementation of the pilot program. A more detailed accounting of these issues is outlined below:

#1. Video Review

The department's position is to treat video like any other evidence during an investigation. To that end, officers would be entitled to review their video when preparing criminal reports as well as when documenting lower level uses of force. During an officer involved shooting or in-custody death investigation officers would be required to provide a preliminary statement prior to reviewing their own video, after which they would then be given the opportunity to provide a follow up statement to account for any memories that were triggered by the review as well as to address any differences between their perception of the events that the video captured.

The Commission position is to require this protocol for all use of force incidents no matter how small. This position is not an industry standard or best practice.

PRC research showed that 22 out of 24 agencies allowed officers to review video when making preliminary reports (the other two agencies did not specifically address video review in their policy). When considering video review, it is also important to note that some other department's policies allow officers to review videos prior to providing statements in all circumstances, including officer involved shootings and in-custody deaths. This is not our recommendation.

There are a number of reasons the department advocates following industry standards in this case:

- This recommendation accounts for the differences between an officer involved shooting or in-custody death investigation and all other cases. In an officer involved shooting or in-custody death the officer is the subject of an investigation. As such they are not allowed to talk to witnesses or other involved parties, they cannot review evidence, and are not responsible for documenting the crime they were investigating prior to the incident. Their only responsibility as it relates to the investigation is to provide a statement to investigators.

In all other circumstances, including lower level uses of force, officers are required to completely investigate and document crime(s) associated with the call for service. Current practice is that officers are allowed to review all evidence in these cases, including audio and external video recordings. This approach supports efforts to thoroughly complete required preliminary investigations and is necessary to write incident reports. A review of all of the evidence, including audio and video records, prior to writing a report is necessary to present the information in a logical, clear, and chronological manner and prevents redundant report writing.

- Multiple studies show that memories are imperfect, and officers may not accurately remember every detail of an encounter. The Alameda County District Attorney's office has confirmed that even minor differences between the initial and supplemental reports will hamper prosecution efforts and discredit officers. Additionally there is a concern among officers that they could be labeled dishonest solely due to a misperception or imperfect memory. Allowing officers to review all relevant evidence associated with their investigation, enables them to prepare a complete and accurate preliminary report and avoids these issues.
- The fact that officers are able to view video in lower level uses of force will not change what the video captures. Officers will still have to articulate why they used the force they did, and show that it was reasonable. Based on the nature of how audio and video captures use of force incidents officers will not be able to tailor their testimony in order to justify a use of force that is not objectively reasonable. In addition to video captured by the acting officer there are checks in the system to ensure a use of force is proper. Multiple videos and officers on scene will provide context; supervisors, commanders, and trainers each review uses of force to determine if they are within the law and policy; and there is a complaint process with both Internal Affairs and the PRC. These checks are reasonable and adequate ways to ensure that officers are using force in a manner that is consistent with law and policy that do not create the issues associated with the PRC's proposed policy.
- Adding a supplemental police report to lower level uses of force would add substantial time to the report writing process. In these incidents each involved

officer would have to write a second police report outlining what they saw in the video as it relates to both use of force and their criminal investigation, account for details that weren't present in their preliminary police report, and address any differences between their preliminary and supplemental report.

For these reasons the Department prefers to follow Lexipol policy and industry standards in this area.

#2. Creating Specific Rules for the Release of Video to the Public

There is language in the PRC's proposed policy that discussed when video can be released to the PRC or a private person. For the purposes of public disclosure video is the same as any other record or document generated by the police department; topics that are already addressed in General Orders R-23 Release of Reports and Information Therein and R-23a Guidelines for Release of Reports and Information Therein. These policies, written in concert with the City Attorney, cover the reasons that certain information is, or is not, disclosable.

In addition to the potential significant costs associated with redaction of video evidence, best practices in policy promote the idea that each policy covers a specific topic and is a stand-alone document. This approach ensures that policies are clear, consistent, and concise. It also ensures that modifications that need to be made due to new technology or changes in law are done in one place. Creating specific rules in a BWC policy that direct the processes already covered in other policies creates the potential for confusion and conflict, and hampers the department's ability to manage their policies effectively.

Under R-23, each video that is released, including those to the PRC would need to be reviewed by police staff and footage related to protected categories outlined in the policy would need to be redacted. Examples include footage that includes injuries or medical conditions, or footage that includes personal identifying information.

#3 Requiring Officers to Activate BWCs for Every Suspect Interrogation

The PRC policy requires officers to activate their BWCs when conducting interrogations. This creates potential investigatory issues as sometimes an interaction may transition into an interrogation based on the direction of the conversation. Additionally some persons, including witnesses, may not be willing to give a statement with the camera turned on. Based on these factors officers should have discretion regarding the recording of interrogations. The majority of interrogations will likely be recorded due to the fact that it is a valuable source of evidence. For the reasons outlined above officers should retain discretion in this area.

#4 Use of Recording Devices other than the BPD Equipment

The PRC policy states that any privately owned recorder can only be used by officers with the explicit permission of the Chief of Police. The Police Department agrees that it would be extremely rare for an officer to need to use their own equipment to capture video footage. In circumstances, including large scale events or natural disasters, the

department should be able to make an exception to this rule and feels that operationally it makes more sense to have the Watch Commander approve and document this.

BERKELEY POLICE BWC IMPLEMENTATION PLAN:

The police department consulted a number of sources including regional agencies, the Police Executive Research Foundation (PERF) and the US Department of Justice (DOJ) and through this process identified the steps necessary to successfully implement a BWC program and are using them as an outline for this program. They have identified program goals, written a draft policy, come up with a budget, and are seeking funding to initiate the program.

In anticipation of moving forward the department has created an Implementation Team run out of the Professional Standards Division. This team is made up of trainers, subject matter experts, as well as representatives from the Berkeley Police Association and command staff. This group has reviewed and supports the department's draft policy. The department has determined the best way to move forward is to implement a pilot program.

Pilot Program:

The implementation team has researched a pilot program for the department and is recommending deploying 20 cameras for one year period among the different patrol teams. This program will cost the city approximately \$45,000. In ramping up the pilot program the department has created a draft policy, and worked with both the District and City Attorney's offices to ensure that this body-worn camera program is lawful and proper. Implementation Team members have also considered the resources needed from IT to support the pilot program and have taken steps to ensure a smooth roll-out.

The implementation team is identifying pilot program participants and will work with the eventual vendor and police department trainers to train them prior to deploying the cameras. The department Public Information Officer is prepared to inform the community about the pilot program as part of the launch process.

Once the program is launched the Implementation Team will regularly meet with participants to evaluate the equipment, processes, infrastructure, workload, and identify and address any issues discovered in the process.

Program Expansion:

At the end of the one year pilot program the Implementation Team will look to expand BWC use to the remainder of the Operations Division. Once funding is secured the department anticipates doing this within a six month period. As part of this process the Implementation Team will work with the vendor and the city's Department of Information Technology to set up the hardware and infrastructure needed to support the program. Implementation Team members will conduct regular evaluations with officers and supervisors to track the program's progress.

The department will continue to evaluate relevant law, technology, and professional trends to ensure that the program remains in line with best practices and industry standards.

CONTACT PERSON

Michael K. Meehan, Chief of Police, Police Department, (510) 981-5700

Attachments:

1. Draft Policy

DRAFT Berkeley PD Policy

Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio/Video policies).

450.2 POLICY

The Berkeley Police Department recognizes that video recording of contacts between Department personnel and the public provides an objective record of these events and that the use of a recording system complements field personnel in the performance of their duties by providing a video record of enforcement and investigative field contacts which can enhance criminal prosecutions and limit civil liability. A video recording of an event or contact also enables the delivery of timely, relevant, and appropriate training to maximize safety for BPD personnel and improve the delivery of police services to the community.

While recordings obtained from video recorders provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.3A TRAINING

Members of the department who are assigned Body Worn Cameras must complete department training in the proper use and maintenance of the devices before deploying them in the field.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly

report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible.

Officers are not required to obtain consent from members of the public when the officer is lawfully in the area where the recording takes place. For example an officer who lawfully enters a business or residence shall record any enforcement or investigative activity, as set forth in this policy, and is not required to obtain consent from members of the public who may also be present. In addition, officers are not required to play back recordings to allow members of the public to review the video footage.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever possible.

When using a portable recorder, the assigned member shall record his/her name, BPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members are required to document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. In the event activity outlined in section 450.5 is not captured in whole or in part the member will need to document this and the reason the footage was not captured.

Members are required to upload video footage prior to the end of their shift. If the member is unable to do so the supervisor will perform this function.

450.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving an officer-involved shooting or in-custody death, and ensure the data is downloaded (Penal Code § 832.18).

Supervisors shall review relevant BWC recordings prior to submitting any administrative reports.

450.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder should be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops

(c) Self-initiated activity in which a member would normally notify the Communications Center

(d) Probation or parole searches

(e) Service of a search or arrest warrant

(f) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

During crowd control, protest, or mass arrest incidents members shall use their BWC's consistent with this policy, and when directed by the Incident Commander. The Incident Commander shall document their orders in an appropriate report and provide the orders to all personnel.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

Informal community interactions differ from "consensual encounters" in which officers make in an effort to develop reasonable suspicion to detain or probable cause to arrest. To strengthen relationships between police and citizens, officers may use discretion regarding the recording of informal, non-enforcement related interactions with members of the community.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

450.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers should occur at the end of the member's shift, or any time the storage capacity is nearing its limit. In circumstances when the officer cannot complete this task, the officer's supervisor shall immediately take custody of the portable recorder and be responsible for downloading the data. Officers must properly categorize and tag video recordings any time they are downloaded.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording and document the contact appropriately.

Members are prohibited from intentionally erasing, altering, reusing, modifying, or tampering with audio video recordings.

450.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a minimum of 60 days. Incidents involving consensual contacts, aid to citizens and cold reports will be retained for one year. Recordings of incidents involving use of force by a police officer, detentions, arrests, or recordings relevant to a formal or informal complaint shall be

retained for a minimum of two years. Any recordings relating to court cases and personnel complaints that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the department's evidence retention policy.

450.8 REVIEW OF RECORDINGS

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

In the event of an officer involved shooting or in custody death officers shall provide an initial interview before they review any audio or video recordings of the incident. An involved officer will have an opportunity to review recordings after the initial statement has been taken, and he or she can be re-interviewed if either the officer or members of the investigating team believe it is necessary.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court or District Attorney personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the authorized designee.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
- (e) By training staff regarding incidents which may serve as a learning or teaching tool.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

450.9 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

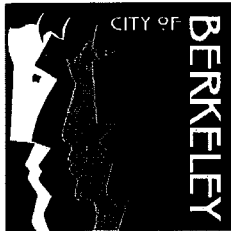
- (a) Establishing a system for downloading, storing and security of recordings.
- (b) Designating persons responsible for downloading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

DRAFT



Police Review Commission

WORKSESSION

July 19, 2016

To: Honorable Mayor and Members of the City Council
From: Police Review Commission
Submitted by: George Perezvelez, Chairperson, Police Review Commission
Subject: PRC's Response to City Council Referral Regarding Berkeley Police Department Use of In-Vehicle and Body-Worn Cameras

INTRODUCTION

At its February 10, 2015 meeting, the City Council referred an item regarding Berkeley Police Department (BPD) use of police in-vehicle and body-worn cameras to the City Manager and the Police Review Commission (PRC) to develop a plan to implement the use of these cameras for the BPD. The PRC subsequently formed a Body-Worn and Dash Cameras Subcommittee, which developed a draft policy for body-worn cameras. The Subcommittee presented its draft policy to the full Commission at its May 25 and June 8, 2016 meetings. The Commission revised the draft (attached) and unanimously approved that it be recommended to the Council. M/S/C (Lippman/Roberts). Ayes: Bernstein, Lippman, Murphy (temporary appointment), Perezvelez, Roberts, Sherman, Smith, and Yampolsky. Noes: None. Abstain: None. Absent: Javier, Waldman.

The PRC did not take up the subject of in-vehicle, or dashboard, cameras. This is because, according to the BPD, it has not yet been provided the funds for either body-worn or dashboard cameras; consequently, due to these funding needs, it is currently considering the purchase of body-worn cameras only, because they are more cost-effective than dashboard cameras.

CURRENT SITUATION AND ITS EFFECTS

Presently, the BPD has neither in-vehicle cameras nor body-worn cameras. Amidst the national conversation about improving accountability of the law enforcement officers, video-recording systems are widely seen as an important new tool for strengthening police transparency, preventing and resolving complaints against the police by civilians, and documenting police-public interactions.

BACKGROUND

In March 2014, the Council asked the PRC to investigate the BPD's possible use of body-worn cameras. The PRC reported back to Council on January 27, 2015, concluding that, if the necessary resources are available, it saw no reason why the BPD should not develop policies for and adopt a body-worn camera program.

In response to the February 10, 2015 Council referral, the PRC established a Body-Worn and Dash Cameras Subcommittee. This group met about three times monthly from January through mid-May 2016. At least one BPD representative was present at almost every meeting and actively participated in the Subcommittee's work, answering questions, explaining the department's position, and supplying background information. The Subcommittee worked off a draft general order, based on the model Lexipol policy, submitted by the BPD. The Subcommittee also reviewed the existing policies of several jurisdictions, including Oakland, BART, Richmond and Los Angeles, as well as the growing body of literature and commentary about best practices and policies for the use of body-worn cameras (BWCs).

The Subcommittee's recommendation was presented to the full Commission, which devoted most of its May 25 and June 8, 2016 meetings reviewing and revising the proposed general order. Representatives from BPD's Professional Standards Division attended both Commission meetings and, along with other BPD staff who regularly attend PRC meetings, answered Commissioners' questions, especially on those provisions for which the two groups had differing views.

While the PRC and the BPD agree on many provisions in the PRC's proposed policy and compromised on some, they did not reconcile all of their disagreements. The significant differences of opinion concern:

- Review of recordings before writing a statement or report. The PRC proposes that in all use-of-force incidents (about 40 to 50 per year, according to the BPD), the officer not be allowed to view the video of the incident until after he or she provides an initial report or statement, which may be supplemented after viewing the video. The BPD would require an initial interview before viewing camera footage only in cases of an officer-involved shooting or an incident involving a death.
- Mandatory activation of the BWC during interrogations. The PRC wants the BWCs activated whenever interrogations occur. The BPD pointed out that interrogations are conducted not only at the police station, but also in the field, and by detectives. The BPD's current plan is to equip only officers assigned to the Patrol Division with BWCs.
- Use of mobile recording devices other than department-issued BWCs. The PRC would like to ban the use of any other recording devices, except with the Chief's express permission, due to the lack of safeguards in preserving and maintaining recordings made using non-department issued BWCs. The BPD believes that if a BWC is not available or not working, an officer should be allowed to use other means, such as a cell phone, to record an incident.

- Release of recordings. The PRC would like BWC video to be released to the PRC in conjunction with a PRC investigation of a civilian complaint. The BPD believes that video from body-worn cameras should be treated in the same manner as any other BPD records, as described in General Order R-23, "Release of Public Records and Information." Under that general order, BPD records released to the PRC are routinely redacted.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

The Council could choose to fund the purchase of body-worn cameras and related equipment, and the maintenance of a video storage and retrieval system.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

To be determined.

CONTACT PERSON

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Attachments:

1: PRC Recommended Policy for Berkeley Police Department Use of Body-Worn Cameras (Proposed General Order)



**PRC Recommended Policy for Berkeley Police Department Use of Body Worn Cameras
(Proposed General Order)**

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable Body Worn Cameras (BWC) by members of this department while in the performance of their duties.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes.

450.2 POLICY

The Berkeley Police Department recognizes that video recording of contacts between Department personnel and the public provides an objective record of these events, and that the use of a recording system complements field personnel in the performance of their duties by providing a video record of enforcement and investigative field contacts, which can enhance criminal prosecutions, limit civil liability, increase transparency, and enhance professionalism in policing. A video recording of an event or contact also enables the delivery of timely, relevant, and appropriate training to maximize safety for both community members and BPD personnel and will improve the delivery of police services to the community.

While recordings obtained from video recorders provide an objective record of events, it is understood that video recordings do not necessarily capture all events, activities and information, or reflect the full experience of the individual member(s) in a given incident. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

450.2a Confidentiality and Proper Use of Recordings.

Body Worn Video use is limited to enforcement and investigative activities involving members of the public. The recordings will capture video and audio evidence for use in criminal investigations, administrative reviews, and other proceedings protected by confidentiality laws and Department policy. Improper use or release of BWC recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded and is prohibited.

450.2b Training Required.

Officers who are assigned BWC's must complete department-approved training in the proper use and maintenance of the devices before deploying to the field.

As part of a continual improvement process, regular review should be conducted by BPD staff of the training on this policy and the related use of BWC's under this policy. The department shall make an annual report to the PRC regarding the outcome of this review

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each member who is assigned to wear a BWC will be responsible for making sure that he or she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever possible.

Officers are not required to obtain consent to record from members of the public when the officer is lawfully at the location where the recording takes place.

Upon the approval of the police chief or his or her designee, non-uniformed members may use an approved portable recorder. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use and notify persons that they are being recorded, whenever possible.

When using a portable recorder, the assigned member shall record his or her name, BPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required if the recording device and related software captures the user's unique identification and the date and time of each recording.

Members are required to document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. In the event activity outlined in section 450.5 is not captured in whole or in part the member will need to document this and the reason the footage was not captured.

450.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors shall take immediate physical custody of a BWC when the device may have captured an incident involving a use of force, an officer-involved shooting or death or other serious incident, and shall ensure the data is uploaded in a timely manner as prescribed by BPD policy.(Penal Code § 832.18).

Supervisors shall also review relevant BWC recordings prior to submitting any administrative reports.

450.5 ACTIVATION OF THE BWC

This policy is not intended to describe every possible situation in which the BWC should be used. Members shall activate the recorder as required by this policy or at any time the member believes it would be appropriate or valuable to record an incident within the limits of privacy described herein.

The BWC shall be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations.
- (b) Interrogations.
- (c) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- (d) Self-initiated activity in which a member would normally notify the Communications Center.
- (e) Probation or parole searches.
- (f) Service of a search or arrest warrant.
- (g) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.
- (h) Transporting any detained or arrested person, any time the member expects to have physical contact with that person.

Members shall remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

Informal community interactions differ from "consensual encounters" in which officers make an effort to develop reasonable suspicion to detain or probable cause to arrest. To strengthen relationships between police and citizens, officers may use discretion regarding the recording of informal, non-enforcement related interactions with members of the community.

At no time is a member expected to jeopardize his or her safety in order to activate a BWC or change the recording media. However, the BWC should be activated in situations described above as soon as practicable.

450.5.1 ACTIVATION IN CROWD CONTROL SITUATIONS

During crowd control, protest or mass arrest incidents members shall use their BWC's consistent with this policy, and when directed by the Incident Commander. The Incident Commander shall document their orders in an appropriate report (e.g. Operations Plan or After Action Report).

The limitations outlined in General Order C-1, governing intelligence-gathering procedures for First Amendment activities, apply to the use of BWCs and other recording devices.

450.5.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.4 CESSATION OF RECORDING

Once activated, the BWC should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria required herein for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio/video recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on duty. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

The department-assigned BWC shall be the only mobile video recorder allowed for department employees while on duty. Any other mobile video recorders shall be used only with the express permission of the Chief of Police.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

450.7 PROCESSING AND HANDLING OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers must occur at the end of the member's shift, and any time the storage capacity of the recorder is nearing its limit. In circumstances when the officer cannot complete this task, the officer's supervisor shall immediately take custody of the portable recorder and be responsible for uploading the data. Officers must properly categorize and tag video recordings any time they are uploaded.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording and document the contact appropriately.

Members are prohibited from intentionally erasing, altering, reusing, modifying, or tampering with audio video recordings

450.7.1 RETENTION REQUIREMENTS

- a) All recordings shall be retained for a minimum of 60 days. Incidents involving consensual contacts, aid to citizens and cold reports will be retained for one year. Recordings of incidents involving use of force by a police officer, detentions, arrests, or recordings relevant to a formal or informal complaint shall be retained for a minimum of two years and one month. Any recordings relating to court cases and personnel complaints that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the department's evidence retention policy.
- b) Recording caused by either testing or accidental activation may be deleted after 60 days.

450.7.2 REVIEW OF RECORDINGS BY A MEMBER

When preparing written reports, members should review their recordings as a resource, except as stated in subsections A and B below. However, members shall not retain personal copies of recordings. Members shall not use the fact that a recording was made as a reason to write a less detailed report.

A. Incidents that involve use of force.

A member involved in a use of force shall not review or receive an accounting of any related body camera video footage prior to completing any required initial reports and statements regarding the recorded event. An involved member will be given the opportunity to supplement his or her statement in a separate document, a separate section of the report, or in a separate version of the same document if the earlier document(s) can be easily accessed. In no case shall a member alter a report made prior to reviewing the recording.

B. Incidents that result in grave bodily injury.

1. In the event of an officer-involved incident that results in grave bodily injury, including an officer-involved shooting or an in-custody death, the BWC of the involved member(s) shall be taken from him or her and secured by a supervisor, commander, or appropriate investigator, as necessary. Involved members are not to access or obtain their footage of the incident. It will be the responsibility of the investigation team's supervisor to coordinate with the involved member's supervisor to obtain footage of the incident.
2. Personnel uploading secured BWC video files shall not view the files unless authorized.
3. No member involved in the incident may view any video recordings prior to being interviewed by the appropriate investigative unit and receiving command approval.
4. Once a member's report(s) has been submitted and approved and the member has been interviewed by the appropriate investigator, the involved member will have an opportunity to review the recordings prior to the conclusion of the interview process and to provide additional information to supplement his or her statement in a separate document or separate section of the report. In no case shall a member alter a report made prior to reviewing the recording.

C. Investigatory Review

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court or District Attorney personnel who are otherwise authorized to review evidence in a related case.

Personnel assigned to investigatory units are authorized to view any BWC video file associated to their active investigations, unless otherwise prohibited by policy.

Investigators conducting criminal or internal investigations shall:

1. Advise the coordinator to restrict public disclosure of the BWC file in criminal or internal investigations, as necessary.
2. Review the file to determine whether the BWC file is of evidentiary value and process it in accordance with established protocols.
3. Notify the coordinator to remove the access restriction when the criminal/internal investigation is closed.

D. Recorded files may also be reviewed by training staff regarding incidents that may serve as a learning or teaching tool.

450.8 RELEASE OF RECORDINGS

Recorded files will be released:

- (a) To the Police Review Commission in conjunction with the PRC's investigation of a civilian complaint.
- (b) In compliance with a public records request, as permitted under General Order R-23 (RELEASE OF PUBLIC RECORDS AND INFORMATION), R-23 does not authorize release of documents that would constitute an unwarranted invasion of privacy. Circumstances where this might arise in video include footage taken inside a home, a medical facility, the scene of a medical emergency, or where an individual recorded has a "reasonable expectation of privacy." However, all subjects of any footage or their next of kin may authorize its release unless prevented by other city policy, law or the courts.
- (c) To media personnel or the general public with permission of the Chief of Police or authorized designee, subject to privacy protections indicated in this policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy).

BPD may share video footage with law enforcement, national security, military, or other government agencies outside of Berkeley, when there is reasonable suspicion that criminal activity has occurred or is about to occur.

450.9 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for uploading, storing and security of recordings, including for video recordings made using personally-owned recording devices .
- (b) Designating persons responsible for uploading recorded data.
- (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

450.10 SURVEILLANCE

The use of facial recognition and other biometric technologies by BPD in conjunction with body camera images is prohibited until a BPD policy is adopted addressing the uses of such technologies.

A Commander's Guide to Crowd Management & Crowd Control

DRAFT

Table of Contents

1. Mission.....Page 3

2. Tactical Command.....Page 3

3. Communication.....Pages 4-5

 a. Law Enforcement.....Page 4

 b. Public.....Page 4

 c. Media.....Page 4

 d. Social Media.....Page 5

4. Pre-planned Event Checklist.....Pages 6-7

5. Spontaneous Event Checklist.....Pages 8-9

6. Tactical Considerations.....Pages 10-12

 a. Deployment.....Page 10

 b. Load Plans.....Page 10

 c. Maneuver.....Page 10

 d. BPD/BFD Scout Teams.....Page 10

 e. Force Protection.....Page 10

 f. Dispersal Orders.....Page 11

 g. Skirmish Lines.....Page 11

 h. CS Gas.....Pages 11-12

 i. Arrests.....Page 12

 j. Evidence.....Page 12

Appendix:

1. Staging Site Considerations.....Pages 13-14

2. Critical Infrastructure.....Page 15

3. Dispersal Order.....Page 16

4. Less Lethal Operator Rules of Engagement.....Pages 17-19

5. Crowd Management P.O.S.T. Guide.....Page 20

6. ICS 211 E Forms.....Page 20

7. Munitions Inventory Form.....Page 20

8. East Bay Regional Communications Systems Radio Guide...Page 20

Digital copies of appendices 5-8 are also available on the gDrive

Mission

The Mission of the Berkeley Police Department in crowd situations is to facilitate free expression, de-escalate violence, and resolve conflict peacefully with the overall goal of ensuring public safety and protecting First Amendment rights of free speech and assembly.

Establishing an Incident Command Structure and strong lines of communication are critical in ensuring a successful resolution to a crowd situation.

Tactical Command

In many instances, situational awareness begins with intelligence before the incident and continues to develop throughout. Command should be aware of the number of anticipated participants and the actual size of the crowd. Regular updates regarding the crowd's composition, movement, and actions should be provided for situational awareness.

The Chief's intent via the Incident Commander (IC) will be captured in the Incident Action Plan and briefed. Based on the needs of an incident, the IC has the discretion to delegate overall tactical control of an incident to one or more Field Commanders. That person(s) will be responsible for communicating with the Operations Section Chief to coordinate squad objectives that will fulfill that intent.

Command should provide clear and specific objectives to Field Commanders. For example, proceed to MLK and Addison and block all northbound traffic on MLK, reroute the crowd eastbound on Addison. Do not give vague directions, e.g., Go there and find somebody in charge to figure out what is needed.

Field Commanders should make redeployment decisions proactively based on known situational awareness. (If a task is accomplished or not needed by the time the Commander and his/her squad arrives, go back in service. Look for work).

Whenever possible, tactical command decision making should be made in the field (e.g., Responsibility for squad movements).

Opportunities for the police to deescalate from crowd control to crowd management tactics needs to be recognized and seized.

Communication

Law Enforcement

When working with Mutual Aid responders, use embedded BPD liaisons to communicate with the Department Operations Center (DOC) on an encrypted channel or have all involved agencies use a non-encrypted mutual aid channel.

Public

To enhance two-way communication and facilitate peaceful demonstrations, BPD will, whenever practical, communicate with crowd leadership before and during the event. SRT Negotiators, crisis intervention trained officers, or others with a similar skill set should be considered for this role first.

Look for opportunities to give clear directions to the crowd. Directions should include acceptable and unacceptable behavior that can potentially lead to a dispersal order. Record and document these public addresses.

Directions may also include a medical admonishment describing what to do if exposed to gas ("Get to fresh air and flush the skin and eyes with water") as well as the location of a first aid station or eye wash station (in the event one is established). Social media can also be used to accomplish this objective.

Consider using the mini-PA on the Polaris Ranger to communicate with the crowd (i.e. directions, dispersal orders). Caution – Giving prolonged dispersal orders without enforcement action may empower the crowd or cause the crowd to grow dramatically.

Limit the amount of radio traffic on the primary radio channel.

Media

Review pertinent parts of BPD General Order P-29 – Public/Media Relations during the briefings with officers, reminding them to attempt to identify members of the press in the crowd. Identified members of the press shall be allowed behind the skirmish lines.

The Press Information Officer (PIO) should be in the field, accessible to the media. The PIO should advise members of the press to wear their credentials, verbally identify themselves to officers but not get too close to them when on skirmish lines.

During large scale incidents the Press Information Officer should provide periodic press updates.

Social Media

When practical BPD will use social media proactively before and during the event to communicate with participants, clearly identifying all communications as coming from BPD.

Types of messages:

- *Communicate that we want protesters to have a safe event and give tips on how to express their views lawfully.
- * Attempt to affect behavior before it escalates to the level of disorder that requires a dispersal order.
- * Coordinate in the field press conferences to inform media of dangerous situations.
- * Advise the public regarding areas to avoid during protests.
- * Explain why police are issuing dispersal orders and that dispersal orders apply to everyone in earshot.
- *Explain potential consequences of failure to disperse, including exposure to CS gas (Get to fresh air and rinse skin and eyes).
- *Warn the public at large to shelter in place to avoid CS Gas exposure.

The following checklists may be used to prepare an Incident Commander for a pre-planned or spontaneous crowd situation.

Pre-Planned Events

- Write Incident Action Plan – (Designate Field Commander(s), Squads, Arrest Teams, Booking Teams, Videographers, PIO, PSB/Staging Security, Staging Liaison, Scouts, Tactical Dispatcher). Assign Sergeant to ensure all criminal reports are completed and reviewed.
- Staffing-Possibly cancel days off.
- Create contingency staffing plan for extended Operational Periods (12 on/off).
- Recognize the need for a potential regional response early and get the stakeholders together as soon as possible for planning. Alert the Alameda County Law Enforcement Mutual Aid Coordinator that a potential need exists. ACSO LEMA Coordinator: Daytime (925) 803-7800 / Night (925) 667-7721
If mutual aid is required, request how many and any specialized equipment and location of staging area.
- For large scale crowd management events, increase staffing of bicycle officers, motorcycle officers and parking enforcement officers, dispatchers and jailer positions.
- Designate Incident Command System (ICS) positions to prepare for event.
- If there is a strong likelihood of mass arrests, request ACSO prisoner transport vehicles.
- Designate a staging area and Mutual Aid Liaison Officer-Refer to Appendix 1.
- Contact crowd leadership if possible.
- Set up Department Operations Center (DOC) or Field Command Post (FCP).
If a DOC is used, have IT and Public Works staff on hand.
Ensure Tactical Channel is recorded.
Assign a Tactical Dispatcher.
If staffing allows, use social media to communicate with the crowd.
- Inventory munitions and ensure that sign in/out sheets are utilized.
- Conduct Briefing for all Law Enforcement (LE) participants.
Convey community concerns such as; use of armored vehicles and use of chemical agents to all personnel.
Review no baton strike areas on the human body.

Brief media policy.

If issued, outline use of body worn cameras.

- Inventory Mutual Aid munitions
- Review rules of engagement with Less Lethal (LL) operators prior to deployment.
- Use BPD liaisons if necessary.
- Consider deploying joint police and fire scout teams to manage small fires and scout medical calls.
- If IC changes, broadcast the change of command over the radio.
- At the end of the event, prior to releasing mutual aid, re-inventory their munitions. Mutual Aid should be released first followed by phased release of BPD squads.
- At the conclusion of the incident, have Squad Leaders submit use of force reports to the Incident Commander (IC).
- Have Logistics turn in munitions sign in/out sheets to the IC.
- The IC in charge when the incident ends has 72 hours to submit the After Action Report (AAR). If due to the length of the incident, i.e. multiple operational periods, the IC shall write a summary report. Use of less lethal and chemical munitions should be recorded in the AAR.

Spontaneous Events – Watch Commander is the IC

- Evaluate resources.
- Communicate current situation to BFD, making them aware of potential impacts.
- Request mutual aid if necessary.
If mutual aid is required, request how many of what you need and any specialized equipment and location of staging area.
Do not split up your mutual aid personnel.
Use BPD forces to contact the crowd whenever possible.
- Designate a staging area and Mutual Aid Liaison Officer. Refer to Appendix 1.
- Notify Chain of Command, PIO.
- Put officers in squads.
- Develop Incident Action Plan.
- Designate videographers and scribe.
- Broadcast initial objectives and update as the situation progresses.
- Brief Officers: Time permitting, convey community concerns such as; use of armored vehicles and use of chemical agents to all personnel.
Review no baton strike areas on the human body.
Brief media policy.
If issued, outline use of body worn cameras.
- Time permitting, review rules of engagement with Less Lethal Operators.
- Utilize munitions sign in/out sheet.
- Deploy officers to the field.
- Designate a FCP or depending on need/staffing, activate a DOC.
- Consider staffing contingency plan if operational period becomes extended.
- IC may command from the field or have Squad Leader(s) designated as Field Commander(s).

- If IC changes, broadcast the change of command over the radio.
- At the end of the incident, release mutual aid first followed by phased release of BPD squads.
- At the conclusion of the incident, have Squad Leaders submit use of force reports and munitions sign in/out sheets to IC for the After Action Report (AAR). If possible determine if Mutual Aid responders fired any munitions or chemical agents, quantity, location and circumstances. Use of less lethal and chemical munitions should be recorded in the after action report.
- The IC in charge when event ends has 72 hours to submit the AAR. If due to the length of the incident, i.e. multiple operational periods, the IC shall write a summary report.

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Tactical Considerations:

Deployment

Deploy resources at the beginning of an event in preventative crowd management roles designed to keep events peaceful. Examples-Bikes monitoring from the front, sides and rear of crowd. Officers walking with the crowd. Motors and PEOs to facilitate traffic control. If possible, additional resources should be held in reserve in case crowd control becomes necessary, e.g. Squads paralleling crowd on side streets.

Crowd Control strategies are used at events that have become unlawful or violent and may require arrests and/or the dispersal of the crowd. These strategies include but are not limited to: skirmish lines, mobile field force techniques, targeted and mass arrests and the use of force generally.

Load Plans

Use ICS 211E Forms and Munitions Inventory Forms to track equipment and personnel.

Maneuver

Have a contingent of officers to move with the crowd, so that violent elements in the crowd will see a continuous police presence.

Deploy squads with dedicated drivers who remain **in/with** the vehicles to increase squad mobility and facilitate vehicle security.

BPD/BFD Scout Teams

Unmarked vehicle with BPD officer, Paramedic and one other firefighter. Scout team responds to put out small fires in the streets. Also responds to incidents, conducts scene assessment and plans fire response to medical emergencies impacted by the crowd proximity.

Force Protection

Be prepared to combine officers and Fire/EMS to move into an area together to start casualty collection point and/or get medical aid started. Consider if the area is "hot" – no Fire/EMS, "warm" – Fire/EMS with cover officer(s), or "cold" – Fire/EMS without need for cover officer(s).

Dispersal Orders

A dispersal order can be declared in the case of a riot, rout or unlawful assembly. The Incident Commander at any crowd situation shall make the determination as to when or if a crowd whose behavior poses a clear and present danger of imminent violence will be declared an unlawful assembly. (General Order C-64)

Dispersal orders = potential use of force or CS gas.

If the IC is not ready to enforce such an order in a deliberate fashion, then he/she should consider not issuing the order until they are ready. Dispersal orders should not be given until officers are in a position to support crowd movement. A dispersal order should not be issued where arrests are not possible unless the IC is willing to disperse the crowd with reasonable and appropriate force.

Issue fewer dispersal orders and record evidence that the crowd was able to hear the orders. Give exit route(s) and reasonable time to comply. When the determined time has lapsed, officers need to be ready to enforce the order.

Give plain English explanations/instructions to make sure the message is understood. As dispersal orders are given over the loud speaker, social media will be used when practical to communicate more detailed information to the crowd.

Timing and strategy play a key role in deciding when and where to issue amplified dispersal orders.

If a crowd forms but their composition may have changed, reissue dispersal orders before making arrests for failure to disperse per California Penal Code Section 409.

Skirmish Lines

Skirmish lines should be deployed only in situations where the use of force that may be necessary to enforce the line is warranted by the objective of deploying the line.

Have enough officers in place to support isolated arrests. Keep in mind that the need for isolated arrests often originate from the rear and sides of the crowd.

Officers or Squad Leaders on a skirmish line should not get into a debate or argument with crowd members but may answer reasonable questions.

CS Gas

Only to be used as a last resort when other means have failed or are not possible. Per BPD GO U-2, CS gas shall not be used without the prior approval of the Chief of Police, or his/her designee, unless exigent circumstances prevent the request from

being made and the delay would likely risk injury to citizens or police personnel (e.g., rocks, bottles, or other projectiles are being thrown and immediate crowd dispersal is necessary).

In the event immediate use is necessary, notification to the Chief of Police, or his/her designee, should be made as soon as possible after the deployment.

If possible, give preparatory orders warning officers of the impending use of chemical agents over the radio prior to their use.

Prior to the planned deployment of CS Gas, medical aid should be on scene and available to respond to treat people who might be affected by CS Gas.

Give direction for every volley of gas, including the type of gas to be used, the quantity of gas to be used, and the intended location for release. For instance, two canisters of gas and two canisters of smoke released at the southwest corner of MLK and Addison. The commander may consider starting with one canister of gas and/or smoke to ascertain the wind direction and effect on the crowd. After each use of chemical agent and/or gas, the commander shall re-evaluate to determine if additional chemical agents and/or smoke are necessary. Efforts should be made to document each use of chemical agent and/or gas, including the crowd behavior necessitating its use, quantity, location, and time.

If a determination is made that the use of hand thrown chemical agents is necessary, the preferred method of delivery is to roll canisters.

Arrests

When possible make targeted arrests of law breakers before they coopt the event.

If Mobile Field Force tactics are used and bicyclists are obstructing police advancement, consider arresting for PC 148 and VC violations.

If a dispersal order will lead to mass arrests, [REDACTED] have officers and vehicles in place to receive arrestees.

Arresting officer needs to complete bottom of CAR and be photographed with arrestee prior to handing off arrestee to booking team.

Evidence

Have officers collect projectiles and book as evidence into the BPD property room

Appendix 1

Staging Area-Excerpted from BPD General Order U-4

STAGING SITE CONSIDERATIONS

1. Lengthy, large-scale events may require the establishment of additional staging sites, outside of the Public Safety Building and its secure parking lots.
2. Planners shall consider multiple sites not solely the 2100 block of McKinley Avenue when determining the most suitable location for staging resources and personnel through a lengthy event or series of events. When considering sites, planners shall consider the impact and effects of an anticipated prolonged presence on local residents, businesses, and institutions.
3. Planners shall consider the time and duration(s) of the scheduled events, and consider the availability and security of alternative sites including but not limited to City of Berkeley properties, parking lots, and city streets, Berkeley Unified School District sites, University of California sites, and other commercial sites and parking lots.
4. Planners shall consider likely negative impacts to any area selected as an alternative staging area, including the impacts to residents in or adjacent to the potential staging area. Planners shall consider mitigating impact through less-than full use of a street, e.g. using only one side of a street, and/or using the site for parking only, so that personnel activities and presence on site are minimized.
5. Planners shall establish a communication plan assigning specific personnel to provide information to residents of the affected area. For scheduled events, assigned personnel shall contact residents and provide information prior to the onset of the event. Information shall be provided to residents upon any posting of parking or site access restrictions, and where possible residents should be provided with information before restrictions are posted. Assigned personnel shall ensure information is also shared with the City Manager's Office. Information provided to residents and the City Manager's Office shall include, but not be limited to:
 - a) The reason for the need of a staging site;
 - b) Description of site selected
 - c) Discussion of alternative sites considered
 - d) The anticipated duration of the operation
 - e) The anticipated parking and street closure restrictions, including tow-away

zones if needed.

- f) A designated point-of-contact in BPD's Community Services Bureau, or other personnel as designated.
 - g) Establishment of a regular, daily, on-site meeting for residents and assigned staff.
 - h) Specific plans to provide access to residents, to be applied fairly and consistently to all residents.
 - i) An invitation to be added to an email contact list for updates
6. Planners shall establish a site-support plan, to include measures to mitigate negative impacts on residents, including traffic controls, placement of portable toilets, scheduling City clean-up crews, and inspecting the area post-event upon event conclusion and resource demobilization, and final debrief meeting for residents.
7. Planners shall establish a site-management plan assigning specific personnel to manage and staff the staging site during operational periods. A Sergeant or designee shall be responsible for supervising staff on scene, and providing liaison with non-agency personnel. Non-agency personnel shall be provided with information regarding the site, impacts to residents, and access to briefing sites, and restroom facilities.
- a. The BPD Site manager or designee shall be responsible for:
 - i. Oversight of BPD personnel assigned to traffic control and security.
 - ii. On-site liaison with affected residents, including daily meetings as scheduled.
 - iii. Supporting visiting non-agency personnel while in the staging area.
 - b. The BPD Site manager or designee(s) shall ensure all non-agency personnel are provided with information regarding the site, impacts to residents, and access to briefing locations and restroom facilities.

Appendix 2

Critical Infrastructure-Excerpted from City of Berkeley Emergency Operations Plan

<u>Facility Name</u>	<u>Location</u>	<u>Phone</u>	<u>Function</u>
Public Safety Building	2100 MLK	981-5900	Primary EOC
Civic Center Building	2180 Milvia	981-2489	Primary City Operations
Corporation Yard	1326 Allston	981-6620	Primary PW, Parks, DOC
Permit Service Center	2120 Milvia	981-7400	Primary Safety Assess.
Central Library	2090 Kittredge	981-6100	Volunteer Center
1947 Center	1947 Center		Primary City Operations
North Berk. Sr. Center	1901 Hearst	981-5190	HHS DOC
Firehouse #1	2442 Eighth		Fire OPS
Firehouse #2	2029 Berkeley Way		Fire OPS
Firehouse #3	2710 Russell		Fire OPS
Firehouse #4	1900 Marin		Fire OPS
Firehouse #5	2680 Shattuck		Fire OPS
Firehouse #6	999 Cedar		Fire OPS
Firehouse #7	2931 Shasta		Fire OPS

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Appendix 3

Dispersal Order-Excerpted from BPD General Order U-4

The Incident Commander at any crowd situation shall make the determination as to when or if a crowd, whose behavior poses a clear and present danger of imminent violence, will be declared an unlawful assembly.

Unless otherwise directed or required, the following dispersal order text shall be used by Berkeley Police Department personnel in crowd control situations:

"I am (*rank*) (*name*) with the Berkeley Police Department. I hereby declare this to be an unlawful assembly, and in the name of the people of the State of California, command all those assembled at (*location*) to leave the area immediately. If you do not leave, you are in violation of section 409 of the California Penal Code, and may be arrested or subject to other police action. Other police action may include the use of less lethal projectiles, baton strikes, or use of tear gas, which may pose a risk of serious injury. The following routes of dispersal are available: (*state options available*) You have (*state time expectation*) to leave the area."

Except when exigent circumstances exist and doing so would place officers or the public at risk, a dispersal order shall be issued prior to forcibly dispersing a crowd.

The Incident Commander, or his/her designee, shall issue a dispersal order:

- (a) As close to the crowd as practical;
- (b) In a manner clearly audible to persons in the crowd;
 - (1) Use sound amplification systems when necessary;
 - (2) When practical, shall record the dispersal order to establish that the orders were audible to the crowd.
 - (3) When practical, employ officers stationed around the perimeter of the crowd to ensure the dispersal order is clearly audible.
- (c) In more than one language if possible, depending on the needs of the crowd.

Additional dispersal orders may be given following a reasonable period of time to allow for crowd dispersal. (Ongoing dispersal orders should be avoided)

If after a dispersal order is given, a crowd is discovered in a different location, the new location should be evaluated to determine if it is an ongoing unlawful assembly.

Appendix 4

Less Lethal Operator Rules of Engagement

Less Lethal

Per General Order U-2 Less-than-lethal **force** shall only be used in the following situations, and, where feasible, **after** some warning has been given:

- (a) When an act of violence is occurring, or is about to occur;
- (b) To overcome the resistance of a physically combative person, or to gain compliance from a non-compliant person reasonably believed to be armed;
- (c) To deter a person who is reasonably believed to be armed and is threatening to harm him-/herself, another person, or an officer, or,
- (d) To resolve a potentially violent incident not otherwise described above, when deemed reasonable by the authorizing sergeant or commander.

Impact Rounds – recommended distance is no closer than 10 feet to max 100 feet for the 40mm CTS 4557 rounds or CTS 4550 marking rounds. Less Lethal Impact weapons are on the high end of the force model/continuum, higher than hands and below lethal force.

The target areas are the same as if using a straight baton or collapsible baton. Avoid areas such as the head/face, groin, spine and heart as intentional impact points as they may cause death or serious bodily injury to the subject, particularly at close range.

Deployment – The Less Lethal team member should alert other officers of the description of the person and reason for the detention. The LL operator should not fire from behind the line of officers unless they do so from an elevated position, or unless they can be certain no officer will be struck accidentally by the LL rounds. Individual warnings are only given if feasible in a tactical situation. For example, if the subject is preparing to throw projectile(s) at police officers with the intention of causing injury, a warning is not feasible.

Medical handling of persons after LL engagement – if a person was engaged with a LL impact round and was detained by police, a medical evaluation and clearance are necessary before jail booking or release on citation.

Documentation – complete a report and where possible, have photographs taken of the subject's impact areas. Rounds and casings do not have to be collected

after use if the tactical situation does not allow for it; however, if they are collected they should be photographed and booked as evidence related to the event. Also record LL engagements of subjects who are not detained by police, by noting the description and actions of the subject that led to the LL engagement.

Hand Held Smoke and Chemical Agent Munitions

Chemical agents shall not be used without prior approval of the Chief of Police, or his/her designee, unless exigent circumstances prevent the request from being made and the delay would likely risk injury to citizens or police personnel. Always consider that when CS/Smoke is deployed, it may flow into nearby homes, buildings, vehicles as an unintended consequence.

Recommended ratio is one smoke canister to one CS canister, or two smoke canisters to one CS canister. Consider deploying one smoke canister behind the skirmish line to check wind direction and the response from crowd before deploying CS. Continually assess the situation and adjust accordingly.

"Look before you throw" is required by law and is common sense during deployment. Rolling the canister is the preferred method of deployment. Once the pin is pulled, the fuse generally burns from 1 to 1.5 seconds (+/- .3 sec) before initiating.

Many smoke and CS canisters burn very hot and produce smoke, heat and flames in excess of 400 degrees. The canister will remain very hot to the touch well after it has burned out. Avoid picking up spent canisters with bare hands. Be aware that the canister may cause serious injury and burns.

Medical handling of persons – Medical aid should be staged nearby. Persons affected by CS should be directed to medical personnel for assistance and evaluation if requested.

Documentation – Use of CS/Smoke should be recorded as to time/location, quantity and reason. Deployed cartridges do not have to be collected after use if the tactical situation does not allow for it. If they are collected, photograph and then place in a chemical agent can and marked "used" and place in the chemical agent storage room.

Launchable CS/Smoke

CTS 4630 muzzle blast CS rounds can be launched via the 40 mm single launcher or multi- launcher. The recommended range is no closer than 10 feet to max 30 feet, while 15-20 feet is most effective. Do not aim/deploy into the face or head of a subject as it may cause injury.

Medical handling of persons – Medical aid should be staged and persons affected by muzzle blast CS should be directed to medical personnel for assistance and evaluation if requested.

Documentation – Use of muzzle blast CS should be recorded as to time/location, quantity and reason. Deployed canisters do not have to be collected after use if the tactical situation does not allow for it. If they are collected, photograph and then place in a chemical agent can marked "used" and place in the chemical agent storage room for later disposal.

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Appendix 5

Crowd Management P.O.S.T Guidelines

Crowd Management, Intervention, and Control

Appendix B, Page 51

2012 California Commission on Peace Officer Standards and Training.

See attached.

Appendix 6

ICS 211 E Forms

Check-In Lists for Personnel and Equipment

See attached.

Appendix 7

Munitions Inventory Form

See attached.

Appendix 8

East Bay Regional Communications Systems Radio Guide

See attached.

Digital copies of appendices 5-8 are available on the gDrive

Crowd Management Intervention and Control Strategies

Situation	Law Enforcement Response	
<p>Lawful Assembly</p> <p>Free Speech and assembly are protected First Amendment activities.:</p> <ul style="list-style-type: none"> ➔ Speeches ➔ Picketing ➔ Marches ➔ Public assemblies ➔ Demonstrations ➔ Protests ➔ Rallies ➔ Celebratory events 	<p>Use Crowd Management strategies</p> <ul style="list-style-type: none"> ➔ Meet with event organizers and stakeholders ➔ Determine the history and risk of the group ➔ Create a planning team ➔ Check permit limitations ➔ Develop Incident Action Plan and objectives ➔ Identify and assign resources ➔ Monitor and assess crowd behavior 	<ul style="list-style-type: none"> ➔ Separate opposing factions ➔ Maintain video log ➔ Provide direction and expectations at roll call/briefing ➔ Engender facilitation, not confrontation ➔ Interact with organizers and gain their cooperation
<p>Isolated Unlawful Behavior</p> <p>Isolated unlawful activity by individuals or small groups within a crowd should not automatically form the basis for declaring an assembly unlawful.</p> <ul style="list-style-type: none"> ➔ Isolated destruction of property ➔ Isolated acts of violence ➔ Isolated rock or bottle throwers ➔ Individual sit-down demonstrators 	<p>Use Crowd Intervention strategies</p> <ul style="list-style-type: none"> ➔ Use organizers and monitors to gain voluntary compliance ➔ Isolate, arrest and remove law violators as quickly as possible ➔ Video action of officers and law violators ➔ Use amplified sound to communicate intent or to gain compliance ➔ Use low-profile tactics when possible. Don't become the focus of the demonstration 	<ul style="list-style-type: none"> ➔ When it is not possible to make an immediate arrest, identify and track suspects using cameras, observation posts, an air unit or shadow teams ➔ Continue to assess, escalate and de-escalate as behavior changes ➔ Don't increase crowd tension or change crowd focus to law enforcement by unnecessary aggressive appearance or behavior
<p>Unlawful Assembly</p> <p>Assemblies may be dispersed when they are violent, or pose a clear and present danger of violence, or the group is breaking some other law in the process. If a crime is occurring, action may be taken to stop it prior to a Dispersal Order being given.</p> <p>Per Penal Code §407, two or more persons assemble to:</p> <ul style="list-style-type: none"> ➔ Commit an unlawful act or ➔ Commit a lawful act in a boisterous or tumultuous manner 	<p>Use Crowd Control strategies</p> <ul style="list-style-type: none"> ➔ Seek voluntary compliance ➔ Video action of officers and law violators ➔ Act quickly ➔ Request needed resources ➔ Put control forces in place ➔ Identify dispersal routes ➔ Consider a traffic plan ➔ Move media to protected area ➔ Use amplified sound to communicate intent to declare an unlawful assembly ➔ Disperse unlawful crowd 	<ul style="list-style-type: none"> ➔ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➔ Arrest individuals who fail to disperse or who are involved in illegal activity ➔ With proper approval, deploy appropriate less lethal munitions to defend officers or to disperse the crowd ➔ Ensure only reasonable force ➔ Report use of force ➔ Restore traffic flow
<p>Riot</p> <p>Penal Code §404: (a) Any use of force or violence, disturbing the public peace, or any threat to use force or violence, if accompanied by immediate power of execution, by two or more persons acting together, and without authority of law, is a riot.</p> <ul style="list-style-type: none"> ➔ Group violent behavior ➔ Group acts of property damage 	<p>Use Crowd Control strategies</p> <ul style="list-style-type: none"> ➔ Video action of officers and law violators ➔ Request needed resources ➔ Put control forces in place ➔ Stop the illegal activity ➔ Put a traffic plan in place ➔ Track and contain groups involved in illegal behavior using cameras, observation posts, shadow teams or air unit ➔ Arrest law violators ➔ With proper approval, deploy appropriate less lethal munitions to defend officers or to stop violent behavior or property damage 	<ul style="list-style-type: none"> ➔ Ensure only reasonable force ➔ Report use of force ➔ Restore and maintain order ➔ Restore traffic flow ➔ Discourage groups from forming ➔ Protect lives, property, and vital facilities ➔ Remain present ➔ Reassess the situation ➔ Return to normalcy ➔ Act quickly

Situation Severity

Note: This table is neither all-inclusive nor limiting.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

SUBJECT: FIRST AMENDMENT ASSEMBLIES

PURPOSE

- 1 - The purpose of this Order is to provide policy and procedural guidance to Berkeley Police Department personnel involved in the planning, response, and/or deployment of police personnel for crowd situations.

Mission Statement

- 2 - The mission of the Berkeley Police Department in crowd situations is to facilitate free expression, de-escalate violence, and resolve conflict peacefully with the overall goal of ensuring public safety and protecting First Amendment rights of free speech and assembly.
 - (a) Appropriate action will be determined by the Incident Commander in the field, and will be based on the behavior of the people in the crowd.
 - (b) Police action shall be reasonable, intended to prevent lawlessness or restore order, and may include responses ranging from no police action to full crowd control tactics.

POLICY

- 3 - In the event a crowd situation is determined to be a peaceful protest or demonstration, wherein participants are exercising their rights to free speech in a lawful manner, the policy of the Berkeley Police Department shall be to facilitate the event to the extent possible.
- 4 - The department shall make it a priority to establish lines of communication with the demonstrators both before and during the crowd situation. The department shall consider social media as one means of communication.
- 5 - In the event that a crowd situation is unlawful, and lack of immediate police action to may lead to the escalation of criminal behavior and violence, the Berkeley Police Department will take steps to restore order.
 - (a) Steps to restore order may include monitoring with minimal police presence, a strong police presence, selective arrest of those committing crimes, or a dispersal order.
 - (b) Prior to issuing a dispersal order, BPD shall make efforts to safely arrest those committing crimes while preserving the rights of citizens to demonstrate.
 - (c) Opportunities to de-escalate from crowd control to crowd management tactics should be continually evaluated by considering all available resources and deploying them flexibly.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

Use of Force

- 6 - Employees who employ force in a crowd control situation shall do so in conformance with policy set forth in General Order U-2.
- (a) Pain compliance techniques (e.g., gum nerve, buckle nerve pressure, etc.), impact weapons, and chemical agents should not be used on persons participating in a crowd situation who are committing an unlawful act with passive resistance (e.g., sitting or lying down to block a doorway) solely to effectuate a custodial arrest.
 - (1) Verbal commands to stand followed by control holds (e.g. wrist lock, twist lock, etc.) with reasonable pressure may be utilized to attempt to require an arrestee who is sitting or lying down to stand up to effectuate a custodial arrest.
 - (2) If an arrestee who is sitting or lying down continues to refuse to stand up in response to verbal commands followed by pressure applied from a control hold, the officer should use drag, carry, or roll techniques to effectuate the custodial arrest.
 - (3) Once an arrestee is standing in a self-supporting manner, the officer may counter an arrestee's lapse into passive resistance (e.g., attempting to fall or sit down) with control holds that would likely prevent such a movement.
 - (b) Officers attempting to move a crowd or individual should not strike anyone who is unable to move back for reasons out of their control (i.e., physical disability, crowd surge, being pinned against a fixed object, etc.).
 - (c) Sworn officers should employ particular applications of force (e.g., a specific baton strike, such as a "rake" or "jab") as may be directed by their chain of command, when its use is intended to accomplish a desired crowd control objective.
 - (1) Officers shall not intentionally strike a person with any baton to the head, neck, throat, kidneys, spine or groin except when the person's conduct is creating an immediate threat of serious bodily injury or death to an officer or any other person.
 - (2) Officers on a skirmish line shall not use batons to collectively push a crowd in a particular direction prior to dispersal orders being given unless exigent circumstances exist. This requirement does not apply to officers on a skirmish line who are protecting their safety zone, or who are trying to move the skirmish line to a new location.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

- (d) Officers are not precluded from using authorized force, as appropriate, to address the actions of a particular person(s).
 - (e) Less-lethal munitions shall only be fired at a specific target and may never be used indiscriminately against a crowd or group of people.
- 7 - Personnel deployments during demonstrations should include clear and specific objectives.
 - 8 - In squad or team movement, the type and scope of force used shall be at the discretion of the Incident Commander, Field Commander, Squad or Team Leader.
 - 9 - Less-than-lethal munitions, chemical agents (excluding OC spray), and/or smoke shall only be deployed in crowd situations as outlined in General Order U-2. For planned events, inventories shall be conducted before and at the conclusion of the incident. Outside agency inventories shall also be tracked.
 - 10 - The Field Commander shall determine the type and quantity of chemical agents to be used. After use of chemical agent, the Field Commander shall re-evaluate the scene to determine if additional chemical agents are needed.

Use of Vehicles

- 11 - BPD shall enhance mobility and flexibility by using police vehicles such as trained bicycle officers and motorcycle officers, in addition to foot patrols, to maintain peaceful crowd management. Parking Enforcement Officers will only be used for traffic control purposes.
- 12 - Specialized police vehicles (e.g., police motorcycles, off-road motorcycles, parking enforcement vehicles, mobile command vehicles, etc.) may be used in crowd situations at the discretion of the Incident Commander.
 - (a) Specialized police vehicles shall not be used to contact demonstrators for the purpose of physically pushing people back or forcibly dispersing them from an area.
 - (b) Specialized police vehicles may be in a MFF line with other marked vehicles as a visual deterrent.

DEFINITIONS

- 13 - Control Hold: Any Department approved hold, designed to allow an officer to control the movement of a subject (e.g., twist lock, rear wrist lock, finger lock, etc.).
- 14 - Counter Demonstration: An assembly of persons in conflict with a different demonstration at the same location.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

- 15 - Crowd Control: Law enforcement response to a pre-planned event or spontaneous event, activity or occurrence that has become unlawful or violent and may require arrests and/or the dispersal of the crowd. These strategies include but are not limited to skirmish lines, mobile field force techniques, targeted and mass arrests and the use of force generally.
- 16 - Crowd Management: Strategies and tactics employed before, during and after a gathering for the purpose of maintaining the event's lawful activities. These strategies include, but are not limited to: communication with leaders before and during the event, police presence and event participation, blocking traffic to facilitate a march, and bicycle officers monitoring the crowd.
- 17 - Demonstration: A public assembly of persons to exhibit thoughts, ideas, or opinion.
- 18 - Incident Commander: A sworn officer, usually a lieutenant or captain, responsible for all personnel assigned to an event.
 - (a) During the initial stages of a spontaneous event, the Incident Commander will be the highest ranking or senior officer available to take charge, until relieved of responsibilities by a higher ranking officer.
- 19 - Mobile Field Force (MFF): a statewide tactical concept that utilizes groups of trained officers with standard marked police vehicles and equipment, who have the capability to respond to crowd events that are highly mobile or that break up and quickly reform in other locations.
- 20 - Non-Permitted Event: Any demonstration, whether spontaneous or planned, wherein organizers have not obtained permits or licenses that are lawfully required under the circumstances.
- 21 - Operations Commander: A sworn officer, usually a lieutenant or sergeant, responsible for the movement and actions of a platoon, squad, or other identified group of officers at the scene of an event.
- 22 - Pain Compliance Technique: Any technique designed to inflict pain for the purpose of motivating a person to comply with verbal commands (e.g., buckle nerve, gum nerve, sternum rub).
- 23 - Passive Resistance: When an individual does not follow the lawful verbal commands of a police officer, but does not physically resist in any way (i.e., a person who goes completely limp, sits down and refuses to stand or walk, or who may stand with arms at their sides without attempting to strike at or physically resist officers.)
 - (a) Persons who lock arms, use lockdown devices, or physically resist officers in any other way are not considered "passive".

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

- 24 - Permitted Event: Any demonstration or event wherein organizers have obtained all applicable permits or licenses.
- 25 - Platoon: Any group of officers, usually 36 or more in number, organized into 3 or more squads. Each platoon will have a commander, usually a lieutenant, who is responsible for the actions of the platoon in the field.
- 26 - Protected First Amendment Activity: Various forms of expression including, but not limited to, speech, assembly, marching, holding signs, street theater, distribution of literature, or displaying banners.
 - (a) Freedom of speech and assembly are rights protected by the First Amendment of the United States Constitution, and Article 1 Sections 2 & 3 of the California Constitution subject to reasonable time, place and manner regulations, such as, compliance with lawful permit requirements and traffic regulations (ref. paragraph 34 of this Order).
- 27 - Riot: Any group of two or more people, acting together, who use force, violence, or the threat of force or violence, to disturb the public peace. (ref. Penal Code §405)
- 28 - Riot Gear: Police equipment visible to the public and generally associated with crowd control, such as, helmets, batons, flex-cuffs, special uniforms, specialized vehicles, etc.
- 29 - Spontaneous Event: Any unplanned event that develops, usually as a result of some catalyst, such as sporting events, parties, concerts, court rulings, festivals, major political events, major news events, or any combination thereof.
- 30 - Squad: A group of sworn officers, usually 12 in number, with an identified squad leader responsible for the actions of the squad.
- 31 - Squad Leader: A sworn officer, usually a sergeant, responsible for the movement and actions of a squad.
- 32 - Team: A group of four sworn officers within a squad, inclusive of an identified leader responsible for the actions of the team.
- 33 - Team Leader: A sworn officer, sometimes a sergeant, responsible for the movement and actions of a team of officers within a squad.
- 34 - Time, Place, or Manner Restrictions: Reasonable restrictions on protected activity imposed by law (e.g., an applicable permit) intended to serve a specific governmental interest (e.g., public safety), with regard to the time, location, or manner in which protected activity is to be conducted.
- 35 - Unlawful assembly: Two or more persons, assembled together to commit an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

(ref. PC §407)

- (a) The prohibition in PC §407 against persons in an assembly doing a lawful act in a violent, boisterous or tumultuous manner is limited only to situations where the conduct poses a clear and present danger of imminent violence. (ref. *In re Brown* (1973) 9 Cal. 3d 612, 623)

PROCEDURE

Planned Events

- 36 - At such time as a special event or crowd situation comes to the attention of police department personnel, the Patrol Division Captain or Patrol Watch Commander shall be notified, and forwarded all information regarding the event.
- 37 - The Incident Command System (ICS) shall be used for managing all crowd situations. ICS should include the appointment of an Incident Commander, and be structured to sufficiently distribute responsibilities allowing for all necessary tasks to be accomplished with a manageable span of control.
- 38 - The Incident Commander shall, whenever possible, establish a liaison with the group or groups involved, and other potential stakeholders.
- (a) Stakeholders may include event organizers, business owners or their employees, or private residents that may be affected by an event.
- (1) Stakeholder involvement is critical to the overall success of managing any crowd event, but may be especially helpful during planned demonstrations where civil disobedience is expected.
- (2) If a leader or cooperative event organizer is not identified, the Incident Commander shall ensure that attempts to communicate with the group and establish a liaison will continue to the extent reasonable.
- 39 - Once assigned to a preplanned event, the Incident Commander shall make an initial assessment of the personnel needed to appropriately manage the event based on the information available at the time.
- (a) Initial assessment may include on-duty personnel in the Patrol Division and other divisions within the department.
- (b) If available on-duty personnel will not be sufficient to manage an event, consideration should be given to calling in off duty personnel and requesting mutual aid resources from surrounding police agencies. (ref paragraphs 67-71 of this Order)
- 40 - Once sufficient details of the event are known to accurately estimate the scope of

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

response, and required personnel are identified, the Incident Commander shall work with Division Commanders to secure their participation.

- 41 - Once all personnel required to work the event are identified and committed to an event, the Incident Commander shall ensure a written Operations Plan is completed, time and circumstances permitting.
- (a) An Operations Plan shall contain sufficient detail to allow an uninvolved party who reads it to understand the nature of the event, department policy involved, planned response, and the department resources dedicated to it. (ref. General Order P-23)
 - (b) The Operations Plan shall include specific guidelines and priorities to consider when making deployment decisions and shall reflect the department's commitment to crowd management.
 - (c) Upon approval by the Patrol Captain and signed by the Chief of Police, the original Operations Plan shall be routed to the Bureau of Internal Controls in the Office of the Chief, and copies distributed to all appropriate personnel.

Spontaneous Events

- 42 - Sworn officers shall respond to a reported spontaneous crowd situation to assess immediate hazards to public safety.
- 43 - The ranking sworn officer, or senior officer, shall assume the role and responsibilities of Incident Commander, and take the following immediate actions:
- (a) Broadcast the type of event, if known, and estimated number of participants.
 - (b) Report known or imminent public safety hazards.
 - (c) Request sufficient on-duty personnel resources to address life-threatening public safety emergencies.
- 44 - The on-duty Patrol Division Watch Commander, or if absent or unavailable, the senior Patrol Division Sergeant, shall respond to the event scene and take the following actions:
- (a) Assume the role and responsibilities of Incident Commander.
 - (b) Assess the potential risks to public safety.
 - (c) Assess whether or not a static event has the potential to go mobile, either on foot in the form of a march, or in vehicles.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

- (d) Assess the number of officers and type of equipment required to maintain order and their manner of response.
 - (e) Assess the potential need for outside resources:
 - (1) On-duty personnel from other police agencies.
 - (2) Fire Department personnel and resources.
 - (3) Media relations personnel.
 - (f) Identify and broadcast the location of the Incident Command Post, operational staging areas, and routes to and from.
- 45 - The Incident Commander should consider the following factors when making decisions regarding the police response:
- (a) The number of people involved in the event and their behavior.
 - (b) The level of vehicular traffic.
 - (c) The level of disruption to those not involved in, but impacted by the event.
 - (d) The overall level of risk to both participants and the general public who may be inadvertently caught up in the event.
 - (e) The personnel and equipment available for the task.
- 46 - The Incident Commander may use on-duty personnel from other Divisions or units to assist in the police response to a spontaneous event.
- 47 - The Incident Commander shall direct necessary on-duty personnel to a static event and make response assignments as required, which may include, but are not limited to:
- (a) Assign personnel to monitor the event only.
 - (b) Use personnel to maintain order at the event and/or divert uninvolved, affected traffic away from the area.
- 48 - If the event is mobile, the Incident Commander should consider response actions appropriate to manage or control the behavior and activities of the crowd, options including, but not limited to:
- (a) Let the group proceed with no police presence.
 - (b) Assign officers to facilitate the mobile event by providing traffic control.
 - (c) Attempt to direct the path of the mobile event by denying access to certain

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

roadways.

- (d) Allow the mobile event to proceed, but deny access to certain locations that would create a public safety hazard, such as, roadways to bridge approaches and roadways in busy commercial districts.
- (e) Declare the event an unlawful assembly if circumstances qualify, and allow the group to disperse, make arrests, or use force to disperse the group for the purpose of restoring public order.

- 49 - There is no required order of response; the Incident Commander shall be responsible for continually assessing the event and adjusting the response strategies and tactics accordingly. Opportunities to de-escalate from crowd control to crowd management tactics should be continually evaluated by considering all available resources and deploying them flexibly.
- 50 - The Incident Commander shall remain responsible for the police response to a planned or spontaneous crowd event until relieved by a higher ranking officer, or the position is relinquished to another officer who officially assumes the responsibility.
 - (a) Any change of command shall be broadcast on the radio frequency used to manage the police response.

General Event Procedures

- 51 - Employees dispatched or pre-assigned to a crowd situation shall be in a department-approved uniform appropriate for their assignment.
 - (a) Employees shall ensure their name and badge number are visible upon their uniform, and badge number is visible on their helmet, if worn.
- 52 - Officers dispatched or pre-assigned to a crowd situation shall have immediately available relevant department-issued safety equipment, (i.e., helmet, chemical agent mask, etc.).
- 53 - Specialized weapons and equipment (i.e., patrol rifles, less-than-lethal munition launchers, chemical agent masks, etc.) shall be deployed at the discretion of the Incident Commander. The Incident Commander shall be responsible for assuring that there is an inventory of less-lethal munitions, CS gas, and/or smoke prior to deployment, including any outside agencies assisting BPD. Absent exigent circumstances, such less-lethal munitions, CS gas and smoke shall not be deployed prior to determination of an accurate inventory.
- 54 - The Incident Commander shall ensure personnel receive an operational briefing, whether in person or via radio, prior to their deployment.
 - (a) Information communicated in an operational briefing shall include, at

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

minimum:

- (1) The nature of the event.
 - (2) The mission and operational goal(s) of the department.
 - (3) The chain of command managing the event.
 - (4) The individual's assignment and any special equipment he/she may require to accomplish it.
 - (5) When possible, the identity and appearance of all undercover personnel involved in the police response.
 - (i) Undercover personnel should be present at operational briefings for planned events.
- 55 - Undercover personnel shall adhere to laws and policies governing information gathering by law enforcement.
- 56 - Verbal requests or commands should be used before and when advancing on a crowd.
 - (a) Commands should be simple and stated clearly, giving members of the crowd an opportunity to comply before force is used. (Examples: "Step back!" or "Move onto the sidewalk!")
- 57 - Employees in a crowd situation shall conduct themselves in a professional and courteous manner, answering questions when appropriate.
- 58 - When practical, as part of an implemented crowd control plan, police personnel should attempt to identify and separate from the crowd individuals who are violating the law.
 - (a) Efforts to take an offender into custody in a crowd situation should strive to minimize the risk to uninvolved persons, to the extent reasonably possible.
- 59 - In conformance with procedures set forth in General Order V-10, visual recording devices should be used to document the activities of police personnel and the people involved in a crowd situation.
 - (a) Activities that should be documented via visual recording device include, but are not limited to:
 - (1) Criminal activity (misdemeanor or felony);
 - (2) Violation of a Permit condition, City Ordinance, or traffic violation.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

- (3) Use of force by officers.
 - (4) Arrests by officers.
 - (5) Any person who, by words or action, is inciting violence.
 - (6) Dispersal orders issued by police.
- 60 - Employees shall adhere to information release and media liaison protocols set forth in General Orders R-23 and P-29, respectively.
- (a) The Incident Commander shall ensure legitimate "credentialed" members of the media are provided access to areas available to them by law.
 - (b) A person who claims to be a member of the media, but who does not possess a bona fide media credential, has no special privilege and shall be treated like any other citizen with regard to event area access.

Dispersal Orders

- 61 - The Incident Commander at any crowd situation shall make the determination as to when or if a crowd, whose behavior poses a clear and present danger of imminent violence, will be declared an unlawful assembly.
- 62 - Unless otherwise directed or required, the following dispersal order text shall be used by Berkeley Police Department personnel in crowd control situations:
- (a) "I am (*rank*) (*name*) with the Berkeley Police Department. I hereby declare this to be an unlawful assembly, and in the name of the people of the State of California, command all those assembled at (*location*) to leave the area immediately. If you do not leave, you are in violation of section 409 of the California Penal Code, and may be arrested or subject to other police action. Other police action may include the use of less lethal projectiles, baton strikes, or use of tear gas, which may pose a risk of serious injury. The following routes of dispersal are available: (*state options available*) You have (*state time expectation*) to leave the area."
- 63 - Except when exigent circumstances exist and doing so would place officers or the public at risk, a dispersal order shall be issued prior to forcibly dispersing a crowd.
- 64 - The Incident Commander, or his/her designee, shall issue a dispersal order:
- (a) As close to the crowd as practical;
 - (b) In a manner clearly audible to persons in the crowd;
 - (1) Use sound amplification systems when necessary;

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

- (2) When practical, shall record the dispersal order to establish that the orders were audible to the crowd.
- (3) When practical, employ officers stationed around the perimeter of the crowd to ensure the dispersal order is clearly audible.
- (c) In more than one language if possible, depending on the needs of the crowd.

Additional dispersal orders may be given following a reasonable period of time to allow for crowd dispersal. (Ongoing dispersal orders should be avoided.)

- 65 - If after a dispersal order is given, a crowd is discovered in a different location, the new location should be evaluated to determine if it is an ongoing unlawful assembly.

Mass Arrests

- 66 - When considering the arrest of multiple people at a crowd control event, the Incident Commander should evaluate preparedness of the following operational elements:
 - (a) Resource Availability: Sufficient personnel should be available to maintain order, accomplish intended arrests and subsequent processing, and maintain control of the arrestees through a booking process, if necessary.
 - (b) In-Field Arrest Processing: Equipment and logistics should be available to facilitate in-field processing of mass arrests.
 - (c) Transportation: In the event arrestees are not released in-field on citation, vehicles should be available to facilitate necessary transportation to a custodial facility.
 - (d) Booking/Jail Capacity: The custodial facility to which arrestees are transported should have the capacity to receive and maintain custody of persons not released on citation.
 - (e) Documentation: Arresting personnel must ensure arrestees are identified and photographed, arrests are effectively documented, and associated paperwork is properly directed for administrative processing.

Mutual Aid

- 67 - An official request for mutual aid resources shall adhere to procedures set forth in General Order M-2.
 - (a) Emergency requests for immediate assistance may be made directly to

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

local agencies.

- 68 - The Chief of Police or his/her designee shall contact the liaison from the Alameda County Sheriff's Department to coordinate a plan for mutual aid resources and response.
- (a) This plan should include the number of officers potentially needed, any special equipment requested, and an expected response time if called out.
 - (b) Absent exigent circumstances, responding mutual aid personnel shall be briefed prior to deployment and should be given clear and specific objectives.
- 69 - In preparation for mutual aid forces, the Incident Commander shall ensure that liaison officers from BPD are assigned to work with the outside agency to assist with response routes into the staging area, parking vehicles, checking in with the staging area supervisor, communications, and response to event location.
- 70 - MFF organization should be employed when integrating mutual aid personnel into local crowd event response, or when responding to another jurisdiction as a mutual aid unit.
- (a) Personnel should be formed into squads or teams that are easily integrated into squads and platoons.
- 71 - When responding to another jurisdiction as a mutual aid unit, personnel will have with them enough vehicles and equipment to allow the deployed team or squad to patrol a designated area, use less-than-lethal munitions or authorized chemical agents, if necessary, and have enough food and water to last for a reasonable operational period until relieved.

Post-Event

- 72 - At the conclusion of an event the Incident Commander shall ensure that an After Action Report is prepared within 72 hours.
- (a) An After Action Report shall document arrests, injuries, property damage, personnel costs, inventories of less lethal munitions, CS gas and smoke and an overall critique of the police preparation and response.
 - (b) An After Action Report should include information in sufficient detail to help others prepare for the event if it, or a similar event, should occur in the future.

Training

- 73 - When possible, training in crowd management and crowd control shall be incorporated into general departmental in-service training.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: Draft 11/22/16

GENERAL ORDER C-64

74 - When possible prior to a major pre-planned event, update training should be provided to all assigned officers.

References: *In re Brown* (1973) 9 Cal. 3d 612, 623
Penal Code §§405, 407, 409 and 830.10
General Orders C-1, C-10, M-2, P-23, P-29, R-23, U-2, V-10 and X-1
Police Regulations 225, 226, 249 and 250

[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]

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 November 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!

[REDACTED]
[REDACTED]

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 year, always!
Sergeant Durbin I received a beautiful New Car
(Hyundai) from God (in Faith). Blessings [redacted]

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]
it: 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]

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 address 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] [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

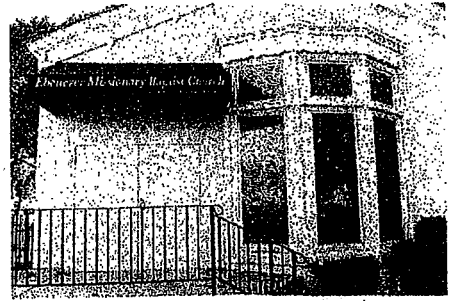
[REDACTED]

[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 FEARFUL 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.

"RISE, 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]



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

[Redacted signature]

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

om: 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]

3/18/16

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 Uilma,

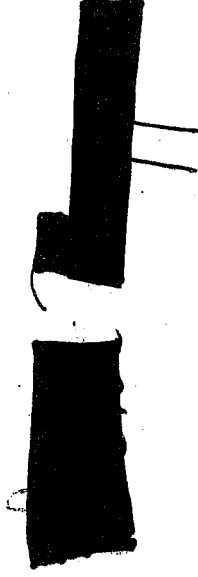
God created every Person with a Purpose. It is the little things that you say, and do as you go your way. Time is not measured by how long you live, but by the Deeds you do and the joy that you give.

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. <DRreece@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 HORN

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

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]



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,

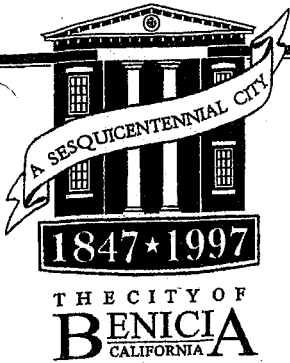
Timothy Anderson
Chief of Police

RECEIVED
MAY 02 2016
OFFICE OF THE CHIEF

Board of Directors

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CFM



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 Cadwell, Acting CM
for Brad Kilger
City Manager

RECEIVED
MAY 09 2016
OFFICE OF THE CHIEF

Cc Chief Erik Upson
Kim Imboden, Human Resources Dept. *[Signature]*

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]

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 grateful!!! 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

m: [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, Jessee

From: Macapagal, Jessee
Sent: Wednesday, June 08, 2016 1:09 PM
To: Macapagal, Jessee
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!

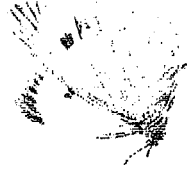
Great Job Berkeley Police!

Five Star Strickers For You!

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



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

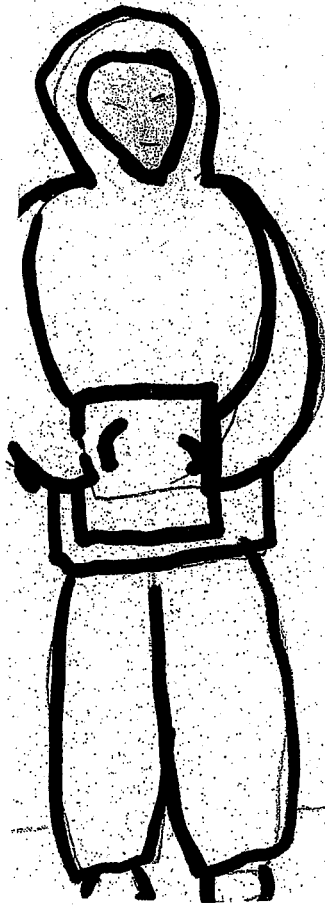


For everything you do

Dear Officer Turner:

I thank you for offering to
help and then pulling out of
yanking the matters out of
my Honda's wheel lock.

The matters had been lying
in the way you drove by
next to the dumpster at
2409 College I got caught
as I drove over it.
It got wound around the
wheel completely and my Honda
came to a stop in the middle
of class.



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.

~~ALLEN~~



PERSONNEL INVOLVED

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

Gonzalez, Manuel

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

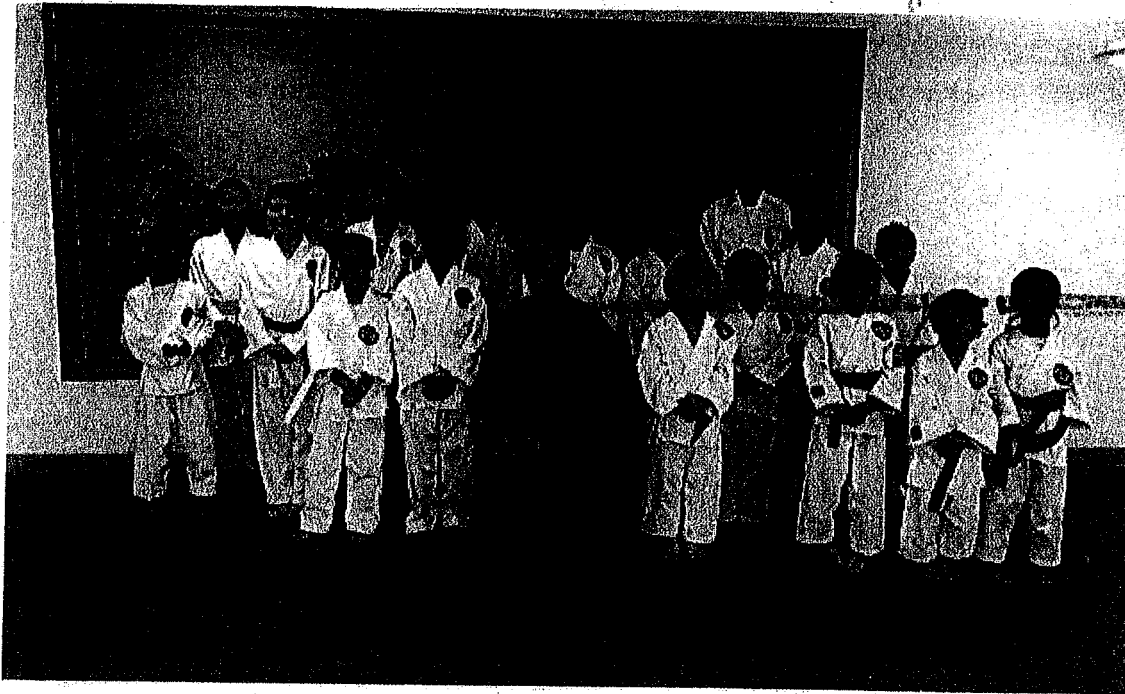
From: [REDACTED] [mailto: [REDACTED]]
Sent: Thursday, June 02, 2016 1:25 PM
To: Scott, Christopher <CScott@ci.berkeley.ca.us>
Subject: Fw: National Missing Children's Day Follow Up

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: [REDACTED] > on behalf of [REDACTED]
[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 ~~M. P. [redacted]~~ for dedicating a tremendous amount of effort to coordinate this great event.

And to ~~M. [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!

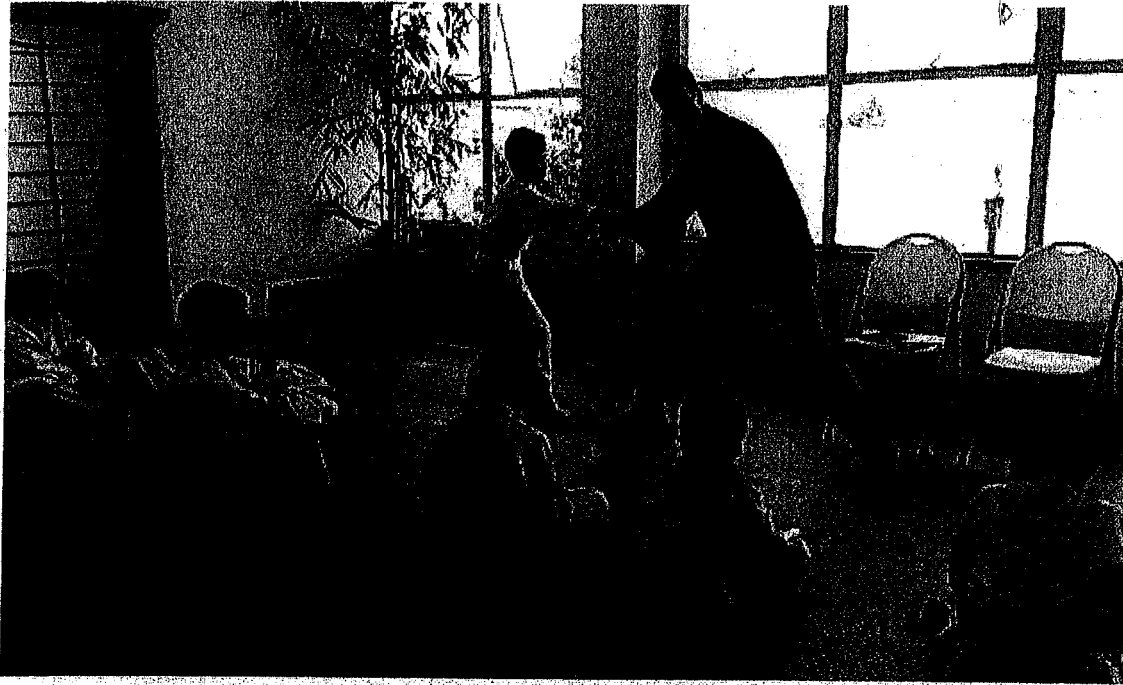


Detective Kelly and Officer Scott
discussing the importance of
awareness at the Berkeley Dojo.



Mr. [Name] 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](#).

