

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, May 25, 2016
7:00 P.M.**

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

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT**
(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers. They may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)
- 4. APPROVAL OF MINUTES**
Regular Meeting of May 11, 2016
- 5. CHIEF OF POLICE'S REPORT**
Crime, budget, staffing, training updates, and other items.
- 6. CHAIR'S REPORT**
- 7. PRC OFFICER'S REPORT**
Status of complaints; announcements.
- 8. NEW BUSINESS (discussion & action)**
 - a. Proposed new General Order: Body-Worn Cameras
From: Body-Worn Cameras Subcommittee
 - b. Scope of work of December 7 & 8 Investigation Subcommittee
From: Commission Bernstein
 - c. Staffing of PRC table at Berkeley Juneteenth Celebration (June 19, 2016)
From: PRC Officer
 - d. Formation of Mutual Aid Subcommittee
From: PRC Officer

9. SUBCOMMITTEE ACTIVATION, REPORTS, AND RECOMMENDATIONS (DISCUSSION & ACTION)

- a. Fair & Impartial Subcommittee and Media Credentialing Subcommittee
Decide whether to schedule meetings for these subcommittees.
- b. General Orders C-64, etc. Subcommittee
Update; schedule next meeting date

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

11. PUBLIC COMMENT

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

12. ADJOURNMENT

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SB 343 Disclaimer

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

PRC REGULAR MEETING ATTACHMENTS

May 25, 2016

MINUTES

May 11, 2016 Regular Meeting Page 5

AGENDA-RELATED

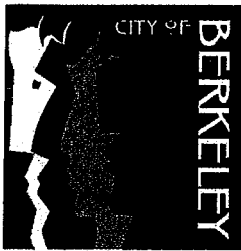
Item 8.a – Proposed Berkeley Police Department General Order:
Body Worn Cameras. Page 9

Item 8.b –December 7, 2014 Timeline of Critical Events. Page 19

COMMUNICATIONS

- PRC Subcommittees list, updated 5-16-16 Page 35
- List of PRC requests to BPD prioritized, updated 5-11-16. Page 37
- Email dated May 9, 2016 re Sign if you agree: Californians have the right to know about police misconduct in relation to article from *The Los Angeles Times*. Page 39
- Email dated May 11, 2016 re Documentary about Tasers – Killing Them Safely – May 31 in San Francisco. Page 41

KJL:mgm



Police Review Commission (PRC)

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

**Wednesday, May 11, 2016
7:00 P.M.**

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

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:11 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Terry Roberts (Vice Chair)
Commissioner Alison Bernstein
Commissioner Jerry Javier (left 9:30 p.m.)
Commissioner George Lippman
Commissioner Michael Sherman
Commissioner Kad Smith
Commissioner Ayelet Waldman (left 8:45 p.m.)
Commissioner Ari Yampolsky

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Andy Greenwood (left 8:40 p.m.), Lt. Dan Montgomery, Sgt. Benjamin Cardoza, Sgt. Todd Sabins, Ofc. Marcus Dinkins

2. APPROVAL OF AGENDA

Commissioner Bernstein asked to withdraw Item 8.d. from the agenda.

With the removal of Item 8.d., the agenda was approved by general consent.

3. PUBLIC COMMENT

There were four speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of April 27, 2016

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

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Sherman, Smith, Waldman, and Yampolsky.

Noes: None

Abstain: None

Absent: None

5. CHIEF OF POLICE'S REPORT

Capt. Greenwood reported on behalf of Chief Meehan:

- The budget is balanced this fiscal year but probably won't be the FY after that.
- Currently 169 sworn officers. Sending several to academy mid-summer.
- [Responding to a public commenter:] Pretty sure mobile crisis team has a number they give to consumers, so they can be reached directly. Re training: issue with CIT is access to spots in the 40-hour class. Ofc. Shannon always has a pool of officers ready to go to when spots open up. Shorter training in order to get everyone exposed. About 30% of dispatchers have attended a 2-day CIT training, and more will be sent as spots are available.

Questions/Remarks

- Thanks to the Chief for memo answering PRC's questions [4/4/16 memo; p. 23 of packet]. Also applaud BPD taking advantage of procedural justice training.
- [Responding to several comment/questions:] Yes, there has been a collapse in our mental health system; a huge issue for everyone, not just police. BPD is continuing to respond to calls and doing their part – making it safe. Trying to have as many officers as possible trained, so they can handle properly, but they are not care providers. City's Mental Health division will be adding staff, which will increase Mobile Crisis Team operating hours, but not sure it will be 24-hour coverage.

6. HEARING: BPD INVOLVEMENT IN OLD CITY HALL (LIBERTY CITY) ENCAMPMENT – DECEMBER 2015

- a. Presentation by Capt. Greenwood
- b. Statements by Liberty City participants and supporters
- c. Commissioner discussion and possible action

Following a presentation by Capt. Greenwood and a statement from a Liberty City advocate, the rules were suspended by general consent for questions and answers. No action taken.

7. OLD BUSINESS (discussion & action)

- a. Letter to District Attorney regarding prosecution of Liberty City protesters.

Motion to withdraw the letter to City Council, as the issue is moot.

Moved/Seconded (Bernstein/Waldman) **Motion Carried**

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Sherman, Smith, Waldman, and Yampolsky.

Noes: None

Abstain: None

Absent: None

8. NEW BUSINESS (discussion & action)

- a. Proposed new General Order: Interactions With Individuals Identifying As Transgender

Motion to accept the proposed General Order for the Berkeley Police Department regarding Interactions with Individuals Identifying as Transgender

Moved/Seconded (Waldman/Smith) **Motion Carried**

Ayes: Bernstein, Javier, Lippman, Perezvelez, Roberts, Sherman, Smith, Waldman, and Yampolsky.

Noes: None

Abstain: None

Absent: None

- b. Proposed new General Order: Body-worn Cameras
(No proposal yet; see Subcommittee Report.)
- c. Evaluation of "Protest 101" guide on BPD website.
The Commission discussed Commissioner Smith's evaluation and generally supported the protest guide; no formal action taken.
- d. Formal designation of law enforcement and union representatives at PRC meetings.
(Item withdrawn.)
- e. Prioritization of requests to BPD from PRC

Motion to make the Right to Watch G.O. and the statistics from Internal Affairs in priority Group I, and the revisions to G.O. U-4 in priority Group II.

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

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

Noes: None

Abstain: None

Absent: Waldman

9. CHAIR'S REPORT

Chair Perezvelez said the BART Citizen Police Review Board be funding his attendance at the NACOLE Conference Sept. 25 – 29 in Albuquerque, NM.

10. PRC OFFICER'S REPORT

- Screening of "Peace Officer" occurring now; former PRC Commissioner William White may be on the panel.
- Reminder: Juneteenth is Sunday, June 19th.
- Save the date: National Night out this year will be Tuesday, August 2nd.
- No new complaints filed since last meeting.

11. SUBCOMMITTEE REPORTS AND RECOMMENDATIONS (discussion & action)

- a. Body-Worn and Dash Cameras Subcommittee
(Heard following Item #11.d.)

Subcommittee close to wrapping up. Will meet May 16, and no need for full Commission meeting that date.

- b. General Orders C-64, etc. Subcommittee

Subcommittee is moving along and may be done before the August break. Next meeting May 25 at 5:30 p.m.

- c. December 7 & 8 Investigation Subcommittee

Today's meeting had to be canceled; need to reschedule. Will agendaize for full Commission how deeply it wants this Subcommittee to go.

- d. Transgender G.O. Subcommittee
Consider dissolution of subcommittee
(Heard following Item #10.)

Motion to dissolve the Transgender General Order Subcommittee

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

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

Noes: None

Abstain: None

Absent: Waldman

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

13. PUBLIC COMMENT

There were no speakers.

14. ADJOURNMENT

The meeting was adjourned at 9:42 p.m. by general consent.

Proposed Berkeley Police Department General Order:

Body Worn Cameras

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices, or Body Worn Cameras (BWC) by members of this department while in the performance of their duties. This policy covers all recording systems whether body-worn, hand held or otherwise.

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. 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.¹

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. Officers shall comply with all applicable laws and policies regarding confidential information. Unauthorized use or release of BWC recordings may compromise ongoing criminal and administrative investigations or violate the privacy rights of those recorded.

Any unauthorized use or release of recordings or other violation of confidentiality laws or Department policies are considered serious misconduct and subject to disciplinary action.

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.

¹ One commissioner felt the last two sentences of this paragraph were unnecessary.

39 As part of a continual improvement process, regular review should be conducted by BPD staff of the
40 training on this policy and the related use of BWC's under this policy. BPD shall develop a training
41 curriculum that shall be reviewed by the PRC periodically.²

42

43 **450.3 MEMBER PRIVACY EXPECTATION**

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

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48 **450.4 MEMBER RESPONSIBILITIES**

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

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

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

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

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

69 **450.4.1 SUPERVISOR RESPONSIBILITIES**

70

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

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

² Question: Sgt. Okies asked if there are other training curricula that are shared with the PRC as required by policy.

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450.5 ACTIVATION OF THE BWC

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) 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.
- (g) Transporting any detained or arrested person, with the member in close physical proximity to the civilian.
- (h) As directed by the police chief or his/her designee

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) and provide the orders to all personnel.

BPD General Order C-1, Intelligence Procedures for First Amendment Activities, prohibits intelligence gathering on "political, religious, or social views or activities of individuals or groups, unless such views or activities directly relate to criminal conduct," and applies to the use of BWC's and other recording devices.

116 **450.5.2 DISCRETIONARY ACTIVATION**

117

118 Recording is permitted but not required under certain circumstances, including but not limited to the
119 following:³

- 120 1. Members taking a report when the information available to them indicates the suspect is not on
121 the scene.
- 122 2. During a preliminary investigation with a child abuse victim or a victim of a sexual assault.
- 123 3. Members meeting with a Confidential Informant.
- 124 4. Members on guard assignment on police, medical, psychiatric, jail or detention facility.
125 Members shall assess the circumstances (e.g., suspect's demeanor/actions, spontaneous
126 statements, etc.) of each guard assignment, on a continuing basis, to determine whether to
127 activate or de-activate their recorder.

128

129 Members are authorized to use the BWC's to record statements in lieu of taking a written statement.
130 Members shall advise or obtain consent from victims or witnesses when taking a recorded statement.
131 Members shall advise and obtain consent from child abuse or sexual assault victims or their guardians
132 before taking a recorded statement.

133

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

140

141 Informal community interactions differ from "consensual encounters" in which officers make in an effort
142 to develop reasonable suspicion to detain or probable cause to arrest. To strengthen relationships
143 between police and citizens, officers may use discretion regarding the recording of informal, non-
144 enforcement related interactions with members of the community, but in no case will recordings be
145 made that are in conflict with the provisions of this policy.

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

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151 **450.5.3 SURREPTITIOUS USE OF THE PORTABLE RECORDER**

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153 Members of the Department may surreptitiously record any conversation during the course of a criminal
154 investigation in which the member reasonably believes that such a recording will be lawful and
155 beneficial to the investigation.⁴

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³ NOTE: This list was adapted from the OPD policy. Sgt. Okies expressed the perspective that Lexipol's more general language, rather than the itemized list, better expressed the intent of the policy. Officers use discretion regularly and a general direction to use discretion would be more helpful.

⁴ Penal Code § 633

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

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161 **450.5.4 CESSATION OF RECORDING**

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

167

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

171

172 **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

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

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

179 Members are prohibited from using personally owned devices for video recording while on duty.⁶

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

181

182 **450.7 PROCESSING AND HANDLING OF RECORDINGS**

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

⁵ Penal Code § 636

⁶ Note: Sgt. Okies expressed concern about not allowing exceptions for personal devices if there is no other way to get the evidence. Other agencies allow such exceptions with watch commander approval.

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

194 Members are prohibited from intentionally erasing, altering, reusing, modifying, or tampering with
195 audio video recordings—Findings that a member intentionally or repeatedly destroyed or did not
196 capture required video recordings will result in disciplinary action.

197

198 **450.7.1 RETENTION REQUIREMENTS**

199 This policy requires that all video and audio recordings from BPD body cameras be retained for two
200 years and one month (twenty-five months), prior to being erased, deleted, destroyed, or recycled with
201 the following exceptions:⁷

- 202 a) If evidence that may be relevant to a criminal prosecution is obtained from a recording made by
203 a body-worn camera under this section, BPD shall retain the recording in the same manner as is
204 required by law for other evidence that may be relevant to a criminal prosecution.
205 b) Recording caused by either testing or accidental activation may be deleted after 60 days.
206

207 **450.7.2 REVIEW OF RECORDINGS BY A MEMBER**

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

212 **A. Incidents that involve use of force.**

213 A member involved in a use of force shall not review or receive an accounting of any related
214 body camera video footage prior to completing any required initial reports and statements
215 regarding the recorded event. An involved member will be given the opportunity to supplement
216 his or her statement in a separate document, a separate section of the report, or in a separate
217 version of the same document if the earlier document(s) can be easily accessed. In no case shall
218 a member alter a report made prior to reviewing the recording.⁸

219 **B. Incidents that result in grave bodily injury.**

220 1. In the event of an officer-involved incident that results in grave bodily injury, including an
221 officer-involved shooting or an in-custody death, the BWC of the involved member(s) shall be
222 taken from him or her and secured by a supervisor, commander, or appropriate investigator, as
223 necessary. Involved members are not to access or obtain their footage of the incident. It will be
224 the responsibility of the investigation team's supervisor to coordinate with the involved
225 member's supervisor to obtain footage of the incident.

⁷ California law section 832.18 gives basic retention requirements for video and audio recordings from body worn cameras used by police officers in the line of duty.

⁸ Note: Sgt. Okies advocated that prohibition of review prior to writing the initial police report should be limited to officer-involved shootings, in-custody death, and use of force consistent with what some agencies refer to as Level 1 or categorical use of force. This perspective mirrors policies reviewed by the subcommittee including Los Angeles, Oakland, BART and Richmond.

One commissioner supported also applying the rule in Schedule A to arrests.

- 226 2. Personnel uploading secured BWC video files shall not view the files unless authorized.
- 227 3. No member involved in the incident may view any video recordings prior to being interviewed
- 228 by the appropriate investigative unit and receiving command approval.
- 229 4. Once a member's report(s) has been submitted and approved and the member has been
- 230 interviewed by the appropriate investigator, the involved member will have an opportunity to
- 231 review the recordings prior to the conclusion of the interview process and to provide additional
- 232 information to supplement his or her statement in a separate document or separate section of
- 233 the report. In no case shall a member alter a report made prior to reviewing the recording.

234 C. Access by a Member under Investigation

- 235 1. Criminal - Personnel who are the subject of a criminal investigation may not view any
- 236 audio/video recordings related to the incident except upon approval, as specified below, by the
- 237 lead investigator or IAB.
- 238 2. Administrative - In instances where a complaint has been filed and administrative
- 239 investigations are undertaken and video recordings of the incident exist, the initial interview of
- 240 the member shall occur before the member has reviewed the recordings. An involved officer will
- 241 have an opportunity to review recordings after the initial statement has been taken, and he or
- 242 she can be re-interviewed if either the officer or the investigators believe it necessary.
- 243 3. Subject or witness personnel wanting to view any of the audio/video recordings related to the
- 244 incident shall make a request to do so in writing or via email, to the IAD Commander, as
- 245 appropriate.
- 246 4. The IAD Commander receiving the above request shall notify the member, in writing or via
- 247 email, of the approval or denial to view the recordings. The IAD Commander shall document the
- 248 approval or denial in the case file notes/log or include a copy of the approval or denial
- 249 correspondence in the case file. Approval to view the audio/video recordings may be made by
- 250 the IAD Commander as long as he or she has determined that allowing the recordings to be
- 251 viewed will not be detrimental to the investigation.

252 D. Investigatory Review

253 Supervisors are authorized to review relevant recordings any time they are investigating alleged

254 misconduct or reports of meritorious conduct or whenever such recordings would be beneficial

255 in reviewing the member's performance.

256 Recorded files may also be reviewed:

257 (a) Upon approval by a supervisor, by any member of the Department who is participating in an

258 official investigation such as a personnel complaint, administrative investigation or criminal

259 investigation.

260 (b) Pursuant to lawful process or by court or District Attorney personnel who are otherwise

261 authorized to review evidence in a related case.

262 Personnel assigned to investigatory units are authorized to view any BWC video file associated

263 to their active investigations, unless otherwise prohibited by policy.

264 Investigators conducting criminal or internal investigations shall:

- 265 a. Advise the coordinator to restrict public disclosure of the BWC file in criminal or
- 266 internal investigations, as necessary.

- 267 b. Review the file to determine whether the BWC file is of evidentiary value and process
268 it in accordance with established protocols.
- 269 c. Notify the coordinator to remove the access restriction when the criminal/internal
270 investigation is closed.
- 271 E. Recorded files may also be reviewed by training staff regarding incidents that may serve as a learning
272 or teaching tool.

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274 **450.8 RELEASE OF RECORDINGS**

275 Recorded files will be released:

276 (a) To the Police Review Commission in conjunction with the PRC's investigation of a civilian complaint.

277 (b) In compliance with a public records request, as permitted under General Order R-23 (RELEASE OF
278 PUBLIC RECORDS AND INFORMATION), R-23 does not authorize release of documents that would
279 constitute an unwarranted invasion of privacy. Circumstances where this might arise in video include
280 footage taken inside a home, a medical facility, the scene of a medical emergency, or where an
281 individual recorded has a "reasonable expectation of privacy." However, all subjects of any footage or
282 their next of kin may authorize its release unless prevented by other city policy, law or the courts.

283 (c) To media personnel or the general public with permission of the Chief of Police or authorized
284 designee, subject to privacy protections indicated in this policy.

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

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

290

⁹ Refer to General order N-17 "Suspicious Activity Reporting": "The standard by which the determination as to whether information may be used to create a SAR is made in circumstances involving a named or identified individual or group. It means that there exists a "reasonable suspicion" based on the analysis of legally obtained information that the subject of the information is or may be involved in definable criminal conduct and/or activity that supports, encourages, or otherwise aids definable criminal conduct. For the purposes of this order, infraction violations will not be considered sufficient to establish a criminal predicate. The underlying offense must amount to a misdemeanor or felony.... Non-violent civil disobedience is specifically exempted from SARs reporting, and such activities shall not be reported as SARs.... Race, ethnicity, national origin, or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions)." http://www.ci.berkeley.ca.us/uploadedFiles/Police/Level_3_-_General/GO%20N-17_18Sept12.pdf

291 **450.9 COORDINATOR**

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

295 (a) Establishing a system for uploading, storing and security of recordings.

296 (b) Designating persons responsible for uploading recorded data.

297 (c) Establishing a maintenance system to ensure availability of operable portable audio/video recording
298 devices.

299 (d) Establishing a system for tagging and categorizing data according to the type of incident captured.

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

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

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

305

306 **450.10 SURVEILLANCE**

307

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

DRAFT

December 7, 2014 -- TIMELINE OF CRITICAL EVENTS

- 1055 Frankel request assistance to borrow CS gas and less lethal ammo from surrounding agencies.¹
- 1430 Incident Briefing prepared²
- 1530 Briefing³
- 1530 Initial Deployment - readiness⁴
Citywide - Patrol on 9 beat configuration
Patrol T5 - PSB security
Patrol 6a is committed to event, not on citywide patrol
Patrol T 7 is on citywide coverage, along with 6b, 6b may be pulled off to cover event.
- 1642 Group of 50 people in silent prayer at Sproul Plaza⁵
- 1645 Deployment⁶
SRT blue gold squads deploy as directed
Bike patrol to Bancroft and Telegraph
Motor stage - Bowditch/Tel and Durant/Tel to shut off vehicle traffic
Mutual aid buses on order, will be assigned to BPD pathfinders
- 1652 Crowd at Sproul Plaza now 100-150.⁷
- 1700 Event begins, bike patrol to monitor⁸
- 1704 Information that Occupy Oakland says coming to Berkeley, more of the same⁹
- 1709 Information received that crowd at Sproul Plaza unrelated to protests¹⁰
- 1730 Crowd meets at Bancroft and Telegraph¹¹; about 100 protesters in group.¹²

¹ Email D. Frankel

² Incident Action Plan (IAP)

³ IAP

⁴ IAP

⁵ Detail Call for Service Report 2014-00072027

⁶ IAP

⁷ Detail Call for Service Report 2014-00072027

⁸ IAP

⁹ Detail Call for Service Report 2014-00072027

¹⁰ Detail Call for Service Report 2014-00072027

¹¹ UCPD email tcwing@berkeley.edu

¹² Detail Call for Service Report 2014-00072027

- 1739 Portion of crowd starts moving SB on Telegraph, but main group of 200 still at B/T¹³
- 1744 Social media intel - more people coming to Bancroft/Telegraph (Bancroft/Telegraph)¹⁴
- 1746 200 people at Bancroft/Telegraph
- 1752 Two UCPD officers monitoring crowd - one on bike, one on foot.¹⁵
- 1754 Members of crowd at Bancroft/Telegraph observed to have scarves, goggles and dust masks¹⁶
- 1755 **Confidential Reliable Informant:** Blackbloc group is in crowd, carrying backpacks have hammers and gasoline.¹⁷
- 1802 crowd is 300, blocking Bancroft/Telegraph. Initiate traffic plans¹⁸
- 1802 disturbance (415) with AC Transit Bus at Bancroft/Telegraph - instigators noted
- 1805 Incendiary devices being thrown at officers¹⁹
- 1805 Crowd marching SB Telegraph²⁰
- 1807 crowd stopped at Telegraph/Durant²¹
- 1808 ACSO informed of 415 with AC Transit²²
- 1808 BPD informed to trail crowd from the rear as March SB on Telegraph, in traffic²³
- 1808 AC Transit reports that bus being blocked at Bancroft/Telegraph by people lying in the street²⁴
- 1809 Crowd moving EB on Durant, 400-500 now.²⁵

¹³ Detail Call for Service Report 2014-00072027

¹⁴ Detail Call for Service Report 2014-00072027

¹⁵ Bancroft/Telegraph

¹⁶ Detail call for service report, incident number 2014-00072043

¹⁷ Detail call for service report, incident number 2014-00072043

¹⁸ Detail call for service report, incident number 2014-00072043

¹⁹ Detail call for service report, incident number 2014-00072043

²⁰ Detail call for service report, incident number 2014-00072043

²¹ Detail call for service report, incident number 2014-00072043

²² Detail call for service report, incident number 2014-00072043

²³ Detail call for service report, incident number 2014-00072043

²⁴ Detail call for service report, incident number 2014-00072043

²⁵ Detail call for service report, incident number 2014-00072043

- 1810 AC Transit reports that can now move.²⁶
- 1811 Crowd EB Durant, passing Bowditch²⁷
- 1813 Portion of Crowd at College and Durant
- 1815 BPD observing vandalism to buildings on Durant, spray-painting of building -- info from chopper feed.
- 1817 AC Transit reports that coaches still being blocked, crowd moving up Durant to College²⁸
- 1818 Portion of group, 500 strong, heading SB on College, then WB Channing.²⁹
- 1823 Group WB Channing reaching Telegraph, 600 strong. Continuing WB Channing.³⁰
- 1825 Two bikes monitoring crowd from rear as heads WB Channing from Telegraph. Traffic plan NOT initiated. **Mutual Aid on order**, will take an hour to hour and half to arrive. BPD ordered to sit tight, will continue to monitor³¹
- 1828 Group continuing to grow in size, Channing/Dana³²
- 1829 Erecting barrier at MLK between Center and Addison, will be shut off to all pedestrian and vehicle traffic.³³
- 1831 unit S27 providing traffic control³⁴
- 1832 Crowd approaching Fulton on Channing, BART notified.³⁵
- 1833 Crowd at Shattuck, taking over intersection Channing and Shattuck³⁶
- 1836 Crowd heading NB Shattuck - unit ordered to PSB³⁷

²⁶ Detail call for service report, incident number 2014-00072043

²⁷ Detail call for service report, incident number 2014-00072027

²⁸ Detail call for service report, incident number 2014-00072027

²⁹ Detail call for service report, incident number 2014-00072027

³⁰ Detail call for service report, incident number 2014-00072027

³¹ Detail call for service report, incident number 2014-00072027

³² Detail call for service report, incident number 2014-00072027

³³ Detail call for service report, incident number 2014-00072027

³⁴ Detail call for service report, incident number 2014-00072027

³⁵ Detail call for service report, incident number 2014-00072027

³⁶ Detail call for service report, incident number 2014-00072027

³⁷ Detail call for service report, incident number 2014-00072027

- 1837 Crowd at Shattuck and Durant, blocking all four lanes of traffic, heading NB³⁸
- 1838 All available units ordered to PSB³⁹
- 1842 Crowd stopped at Shattuck/Allston, 400 strong, chanting. Red flag with white stripe observed (relates to Blackbloc)⁴⁰
- 1844 BPD: We are ready to deploy, assembling in rear lot⁴¹
- 1851 Group moving, NB on Shattuck, approaching Center.⁴²
- 1853 NB, passing Addison, 800 strong.⁴³
- 1855 WB University from Shattuck, chanting anti-police rants, taking all four lanes. Crews are now masking up⁴⁴
- 1859 BPD staging west of TJ's.⁴⁵
- 1900 Crowd in intersection MLK and University, stationary blocking all lanes.⁴⁶
- 1902 Crowd SB on MLK⁴⁷. Calls for reinforcements to PSB⁴⁸
- 1903 Crowd at PSB⁴⁹
- 1904 Two or three people are behind the fence "we should own this area"⁵⁰
- 1906 Crowd of about 400-500 protesters stopped at MLK and Shattuck⁵¹
- 1917 First bottle thrown at police⁵²

³⁸ Detail call for service report, incident number 2014-00072027

³⁹ Detail call for service report, incident number 2014-00072027

⁴⁰ Detail call for service report, incident number 2014-00072027

⁴¹ Detail call for service report, incident number 2014-00072027

⁴² Detail call for service report, incident number 2014-00072027

⁴³ Detail call for service report, incident number 2014-00072027

⁴⁴ Detail call for service report, incident number 2014-00072027

⁴⁵ Detail call for service report, incident number 2014-00072027

⁴⁶ Detail call for service report, incident number 2014-00072027

⁴⁷ Detail call for service report, incident number 2014-00072027

⁴⁸ Detail call for service report, incident number 2014-00072027

⁴⁹ Detail call for service report, incident number 2014-00072027

⁵⁰ Detail call for service report, incident number 2014-00072027

⁵¹ UCPD email, Nsanchez@berkeley.edu

⁵² Detail call for service report, incident number 2014-00072027

- 1917 Group moves EB Addison⁵³
- 1918 BART contacted⁵⁴
- 1919 Group moving SB Milvia from Addison⁵⁵
- 1919 BFD working with coded man at 2175 Kittredge⁵⁶
- 1920 Crowd SB Milvia at Center⁵⁷
- 1922 Crowd stationary at City Hall⁵⁸
- 1924 Crowd massed against front doors City Hall, unknown why, can't see what they are doing, trying to watch through open source video - executive staff on 5th floor.⁵⁹
- 1929 Crowd SB on Milvia⁶⁰
- 1930 Crowd EB Allston, approaching Harold⁶¹
- 1932 Shattuck/Allston, smoke reported, not sure what on fire, perhaps fireworks?⁶²
- 1934 Crowd southbound, passing Kittredge
- 1935 Request from BPD to break traffic control for PSB -granted. All motors PEOs to available and stay mobile.⁶³
- 1940 Crowd continuing SB on Shattuck, at Dwight⁶⁴
- 1940 Crowd breaking windows at Radio Shack, BPD moving in from South - prepared to maneuver.⁶⁵

⁵³ Detail call for service report, incident number 2014-00072027

⁵⁴ Detail call for service report, incident number 2014-00072027

⁵⁵ Detail call for service report, incident number 2014-00072027

⁵⁶ Detail call for service report, incident number 2014-00072027

⁵⁷ Detail call for service report, incident number 2014-00072027

⁵⁸ Detail call for service report, incident number 2014-00072027

⁵⁹ Detail call for service report, incident number 2014-00072027

⁶⁰ Detail call for service report, incident number 2014-00072027

⁶¹ Detail call for service report, incident number 2014-00072027

⁶² Detail call for service report, incident number 2014-00072027

⁶³ Detail call for service report, incident number 2014-00072027

⁶⁴ Detail call for service report, incident number 2014-00072027

⁶⁵ Detail call for service report, incident number 2014-00072027

- 1942 Large group still in front of Radio Shack, can't see if they are entering store.⁶⁶
- 1942 Herrick and Station 5 notified.⁶⁷
- 1943 Group Shattuck and Parker, heading Southbound, blocking all four lanes.
- 1943 Man hit with hammer at Radio Shack, Dwight/Shattuck⁶⁸
- 1946 L8 to secure Dwight Shattuck, critical incident trying to get ambulance in.⁶⁹
- 1948 If can locate the patient, exit him to secure location.⁷⁰
- 1949 Clear for BFD to get in to injured man⁷¹
- 1950 Scene still not secure at Radio Shack⁷²
- 1950 Group heading SB on Shattuck⁷³
- 1951 request from BPD for additional traffic control at Dwight/Milvia, trying to get BFD through.⁷⁴
- 1952 (approx..) Radio shack, 2500 Shattuck, burglarized and vandalized⁷⁵
- 1952 OPD notified about protest⁷⁶
- 1952 Group stationary at ward/Shattuck. Some may be heading EB Ward, some static. Chants of Freeway.⁷⁷
- 1956 Portion of group heading EB Ward, some SB Shattuck
- 1957 Group of 200-300 heading SB Shattuck towards Freeway⁷⁸

⁶⁶ Detail call for service report, incident number 2014-00072027

⁶⁷ Detail call for service report, incident number 2014-00072027

⁶⁸ Detail call for service report, incident number 2014-00072027; 2014-00072043

⁶⁹ Detail call for service report, incident number 2014-00072027

⁷⁰ Detail call for service report, incident number 2014-00072027

⁷¹ Detail call for service report, incident number 2014-00072027

⁷² Detail call for service report, incident number 2014-00072043

⁷³ Detail call for service report, incident number 2014-00072027

⁷⁴ Detail call for service report, incident number 2014-00072027

⁷⁵ Detail call for service report, incident number 2014-00072044

⁷⁶ Detail call for service report, incident number 2014-00072027

⁷⁷ Detail call for service report, incident number 2014-00072027

⁷⁸ Detail call for service report, incident number 2014-00072027

- 2001 Part of protest SB on Adeline⁷⁹
- 2002 Portion crowd EB Ward/Fulton⁸⁰
- 2003 BFD reports another group Telegraph/Ward⁸¹
- 2007 Group at Ward/Dana 200-300 strong, blocking all lanes at intersection⁸²
- 2010 Group at Ward/Dana now mobile heading southbound toward Telegraph, heading toward freeway, going to merge with other group per live feed⁸³
- 2010 BFD has transported injured man⁸⁴
- 2012 Notify OPD⁸⁵
- 2013 Group heading SB Telegraph, passing Russell⁸⁶
- 2014 Call from Radio Shack, 2500 Shattuck, -- windows broken.⁸⁷
- 2018 Last of group at Ashby/Telegraph⁸⁸
- 2019 Residual group at Carleton/Shattuck⁸⁹
- 2022 Last of group passed 66th/Telegraph, into Oakland⁹⁰
- 2025 Group continuing SB Telegraph, cleared Alcatraz, see OPD lights ahead⁹¹
- 2035 Concern that group may go to Mayor Bates's house, per Twitter feed. Unit dispatched⁹²
- 2058 Scene at Radio Shack now secure, patrol to handle call.⁹³

⁷⁹ Detail call for service report, incident number 2014-00072043

⁸⁰ Detail call for service report, incident number 2014-00072027

⁸¹ Detail call for service report, incident number 2014-00072027

⁸² Detail call for service report, incident number 2014-00072027

⁸³ Detail call for service report, incident number 2014-00072027

⁸⁴ Detail call for service report, incident number 2014-00072043

⁸⁵ Detail call for service report, incident number 2014-00072027

⁸⁶ Detail call for service report, incident number 2014-00072027

⁸⁷ Detail call for service report, incident number 2014-00072027

⁸⁸ Detail call for service report, incident number 2014-00072027

⁸⁹ Detail call for service report, incident number 2014-00072027

⁹⁰ Detail call for service report, incident number 2014-00072027

⁹¹ Detail call for service report, incident number 2014-00072027

⁹² Detail call for service report, incident number 2014-00072027

⁹³ Detail call for service report, incident number 2014-00072027

2100 Fremont responds to call for Mutual Aid - Incident Commander, T/C, video officer and video officer/scribe. Two teams: Team 1 has 2 Sgts and four officers, team 2 has one Sgt and four officers. Fremont team upon arrival deployed to protect PD vehicles staged on McKinley Ave.⁹⁴

2103 Per Twitter feed, group going NE on Claremont, East on 52nd⁹⁵

2108 SRT blue/gold doing initial monitoring, Claremont/College/Telegraph⁹⁶

2126 Group waiting at Claremont off ramp, waiting to link up, trying to come back into Berkeley⁹⁷

2159 Briefing of Alameda PD completed⁹⁸ Fremont and ACSO with path finders⁹⁹

2200 Units searching for suspect who hit other protester with hammer in area near Rockridge BART¹⁰⁰

2200 Crowd of protesters heading towards Public Safety Building, chanting "Fuck the Police"¹⁰¹

2207 CHP asking for Code 3 cover area of Aileen and Telegraph¹⁰²

2209 Car being flipped under overpass¹⁰³ Group heading northbound approaching 59 on Telegraph¹⁰⁴

2210 Alameda PD leaving PSB with pathfinder¹⁰⁵

2217 Group at Telegraph/63rd, 800 strong¹⁰⁶

2223 Heading NB Telegraph, at 66th¹⁰⁷

⁹⁴ Fremont PD report No. 141208001

⁹⁵ Detail call for service report, incident number 2014-00072027

⁹⁶ Detail call for service report, incident number 2014-00072027

⁹⁷ Detail call for service report, incident number 2014-00072027

⁹⁸ Detail call for service report, incident number 2014-00072027

⁹⁹ Detail call for service report, incident number 2014-00072027

¹⁰⁰ Detail call for service report, incident number 2014-00072043

¹⁰¹ BPD Case Report No. 2014-00072027

¹⁰² Detail call for service report, incident number 2014-00072027

¹⁰³ Detail call for service report, incident number 2014-00072027

¹⁰⁴ Detail call for service report, incident number 2014-00072027

¹⁰⁵ Detail call for service report, incident number 2014-00072027

¹⁰⁶ Detail call for service report, incident number 2014-00072027

¹⁰⁷ Detail call for service report, incident number 2014-00072027

- 2229 At Telegraph/Russell, 500 people, can't see end of line¹⁰⁸
- 2238 Unit heading en route to 2400 block Derby for aid to BFD, medical ¹⁰⁹
- 2241 UCPD only sending one unit, need crew to block Durant/Dana, get scene secure and will bring BFD in behind you, turn on Dana¹¹⁰
- 2244 Group heading NB on Telegraph from haste. Tightening up¹¹¹
- 2246 NB Telegraph, at Durant.¹¹²
- 2247 Looking for patient¹¹³
- 2248 IFO Cream, battery occurring, dumpster in the street, vandalism to building¹¹⁴
- 2249 SRT Takes position Bowditch/Channing, prepare for action at Tele/Channing¹¹⁵
- 2249 Crowd moving NB Telegraph past Durant¹¹⁶
- 2250 Spray paint to B of A¹¹⁷
- 2252 Black Rider liberation party members staging in the area, telling peaceful protesters to go home¹¹⁸
- 2253 Group moving WB on Bancroft¹¹⁹
- 2254 BPD erecting barricades at McKinley/Allston¹²⁰
- 2255 Wells Fargo vandalized¹²¹

¹⁰⁸ Detail call for service report, incident number 2014-00072027

¹⁰⁹ Detail call for service report, incident number 2014-00072027

¹¹⁰ Detail call for service report, incident number 2014-00072027

¹¹¹ Detail call for service report, incident number 2014-00072027

¹¹² Detail call for service report, incident number 2014-00072027

¹¹³ Detail call for service report, incident number 2014-00072027

¹¹⁴ Detail call for service report, incident number 2014-00072027

¹¹⁵ Id.

¹¹⁶ Id.

¹¹⁷ Id.

¹¹⁸ Id.

¹¹⁹ Id.

¹²⁰ Id.

¹²¹ Id.

- 2255 Crowd chanting to the police station¹²²
- 2256 Crowd heading WB on Bancroft at Dana¹²³
- 2300 Alameda PD officer Foster hit with hammer by protester - hammer thrown at skirmish line
- 2301 Crowd WB Bancroft, believe heading to PSB, stretched out for multiple blocks¹²⁴
- 2302 2460 Bancroft, wells building vandalized, windows broken.¹²⁵
- 2303 Mechanics Bank hit, glass shattered.¹²⁶
- 2306 Units told to prepare for dispersal orders in front of PSB¹²⁷
- 2307 Loots of vandalism on Shattuck Ave, front of group at Shattuck and Allston¹²⁸
- 2309 Looting in progress at Sprint¹²⁹
- 2309 Group heading WB on Center¹³⁰
- 2311 Group at Center and Shattuck, stagnant, vandalism¹³¹
- 2313 Group slowly moving NB on Shattuck
- 2316 Multiple trash can fires on Shattuck¹³²
- 2316 Windows smashed at McDonalds¹³³
- 2315 Glass smashed at 2000 Shattuck Ave, Citibank.¹³⁴

122 Id.

123 Id.

124 Id.

125 Id.

126 Id.

127 Id.

128 Id.

129 Id.

130 Id.

131 Id.

132 Id.

133 Id.

134 BPD Case Report No. 2014-00073430

- 2319 Multiple trash can fires at Center/Shattuck¹³⁵
- 2322 BPD attempts to arrest man with red pants
- 2322 Taking missiles¹³⁶
- 2327 L2 injured¹³⁷
- 2330 Protesters WB Allston approaching MLK - 350 people. Alameda PD (Mutual Aid) forms skirmish line at Allston and MLK -- less than 20 officers. Fremont PD joins line.¹³⁸¹³⁹
- 2332 Unit ordered to have crew double back and form scrimmage line at Addison/MLK, stop crowd from coming SB on MLK¹⁴⁰
- 2333 hooded man enters Citibank at 2000 Shattuck¹⁴¹
- 2334 Front of group at Center and Milvia, looking to head WB on Center¹⁴²
- 2335 MLK/University, facing SB - hundreds of people, keep it slow, goal is to drive them South on Milvia¹⁴³
- 2337 Call that doors on City Hall being broken¹⁴⁴
- 2340 Group is dispersing in all directions, trying to keep them on the move¹⁴⁵
- 2342 Bottles being thrown¹⁴⁶
- 2342 Another sighting of red pants¹⁴⁷
- 2344 Group approaching southern barricades¹⁴⁸

¹³⁵ Detail call for service report, incident number 2014-00072027

¹³⁶ Id.

¹³⁷ Id.

¹³⁸ Fremont PD report No. 141208001

¹³⁹ BPD Case report No. 2014-00072027

¹⁴⁰ Detail call for service report, incident number 2014-00072027

¹⁴¹ BPD Case Report No. 2014-00073430

¹⁴² Detail call for service report, incident number 2014-00072027

¹⁴³ Detail call for service report, incident number 2014-00072027

¹⁴⁴ Detail call for service report, incident number 2014-00072027

¹⁴⁵ Detail call for service report, incident number 2014-00072027

¹⁴⁶ Detail call for service report, incident number 2014-00072027

¹⁴⁷ Detail call for service report, incident number 2014-00072027

¹⁴⁸ Detail call for service report, incident number 2014-00072027

- 2348 Keep group moving SB on MLK, prevent them from coming back up Shattuck¹⁴⁹
- 2351 Hold the line, have 100 CHP coming to staging area¹⁵⁰
- 2351 Group is moving slowly, heading SB on MLK at Channing, in all lanes¹⁵¹
- 2356 Taking bottles, guy with skateboard, red scarf¹⁵²
- 2359 Making arrest at MLK/Haste¹⁵³
- 2359 Swept MLK Allston to Haste, pretty dispersed¹⁵⁴
- 2359 Crowd on Dwight Crossing Shattuck - need to prevent them from heading NB on Shattuck¹⁵⁵
- 0000 Crowd stationary at Shattuck and Dwight¹⁵⁶
- 0000 Vandalism at Radio shack, start moving them south and making arrests¹⁵⁷
- 0000 Window at Sahara Imports, 2110 Ashby Ave, smashed.¹⁵⁸
- 0003 Radio Shack revandalized and robbed.¹⁵⁹
- 0007 Heading SB on Shattuck, approaching Blake - slow it down¹⁶⁰
- 0007 Multiple vandalisms along Shattuck¹⁶¹
- 0009 Less than Lethal¹⁶²
- 0011 Continuing SB Shattuck/Ward all four lanes¹⁶³

¹⁴⁹ Detail call for service report, incident number 2014-00072027

¹⁵⁰ Detail call for service report, incident number 2014-00072027

¹⁵¹ Detail call for service report, incident number 2014-00072027

¹⁵² Detail call for service report, incident number 2014-00072027

¹⁵³ Detail call for service report, incident number 2014-00072027

¹⁵⁴ Detail call for service report, incident number 2014-00072027

¹⁵⁵ Detail call for service report, incident number 2014-00072027

¹⁵⁶ Detail call for service report, incident number 2014-00072027

¹⁵⁷ Detail call for service report, incident number 2014-00072027

¹⁵⁸ BPD Case Report No. 2015-00001506

¹⁵⁹ BPD Case Report No. 2014-00072510

¹⁶⁰ Detail call for service report, incident number 2014-00072027

¹⁶¹ Detail call for service report, incident number 2014-00072027

¹⁶² Detail call for service report, incident number 2014-00072027

¹⁶³ Detail call for service report, incident number 2014-00072027

- 0013 someone shoots into residence at 1824 Carleton¹⁶⁴
- 0013 Vandalism at Any Mountain¹⁶⁵ Detail call for service report, incident number 2014-00072027
- 0014 Battery at Radio Shack¹⁶⁶
- 0016 Vandalism at Walgreens at Adeline¹⁶⁷
- 0019 Approaching Shattuck/Ashby¹⁶⁸
- 0023 OPD notified re protest moving southbound¹⁶⁹ Protesters are spread out¹⁷⁰
- 0023 Maneuver back north¹⁷¹
- 0024 Dumpster on fire 2130 Ashby¹⁷²
- 0027 EB Ashby approaching Telegraph¹⁷³
- 0029 Vandalism and looting of Whole Foods¹⁷⁴
- 0032 Vandalism to True Value Hardware Shattuck/Russell¹⁷⁵
- 0033 Vandalism to Sahara Moroccan decor¹⁷⁶
- 0039 Group is SB Telegraph/Alcatraz¹⁷⁷
- 0040 Large portion heading WB on Alcatraz¹⁷⁸

¹⁶⁴ Detail call for service report, Incident 2014 - 00072057
¹⁶⁵ Detail call for service report, incident number 2014-00072027
¹⁶⁶ Detail call for service report, incident number 2014-00072027
¹⁶⁷ Detail call for service report, incident number 2014-00072027
¹⁶⁸ Detail call for service report, incident number 2014-00072027
¹⁶⁹ Detail call for service report, incident number 2014-00072027
¹⁷⁰ Detail call for service report, incident number 2014-00072027
¹⁷¹ Detail call for service report, incident number 2014-00072027
¹⁷² Detail call for service report, incident number 2014-00072027
¹⁷³ Detail call for service report, incident number 2014-00072027
¹⁷⁴ Detail call for service report, incident number 2014-00072027
¹⁷⁵ Detail call for service report, incident number 2014-00072027
¹⁷⁶ Detail call for service report, incident number 2014-00072027
¹⁷⁷ Detail call for service report, incident number 2014-00072027
¹⁷⁸ Detail call for service report, incident number 2014-00072027

- 0042. SRT trying to maneuver out, SB at Shattuck approaching Alcatraz, trying to set up mobile field force line¹⁷⁹
- 0044 We are Shattuck facing SB, see group ahead of us, moving towards group slowly to discourage them¹⁸⁰
- 0045 Large group decides not to come NB toward BPD line¹⁸¹
- 0048 BPD engaging crowd.¹⁸²
- 0051 BPD shows less than lethal to crowd¹⁸³
- 0053 Group continuing to move SB, south of Alcatraz¹⁸⁴
- 0057 Lulu's bike shop, front door smashed in¹⁸⁵
- 0107 200 plus moving on 54th ¹⁸⁶
- 0110 Group heading NB looking to get onto ramp at 24¹⁸⁷
- 0111 BPD needs traffic support to shut down cars coming NB on Telegraph, will give dispersal order and do any arrests that we can.¹⁸⁸
- 0112 Group continuing NB on Telegraph - BPD tasked to protect on ramp¹⁸⁹
- 0137 at 56th, setting up perimeter to box them in¹⁹⁰
- 0139 Smoke seen in middle of street at Telegraph and 66th¹⁹¹
- 0200 Moving to south or intersection, making dispersal orders¹⁹² Tele/Alcatraz

¹⁷⁹ Detail call for service report, incident number 2014-00072027
¹⁸⁰ Detail call for service report, incident number 2014-00072027
¹⁸¹ Detail call for service report, incident number 2014-00072027
¹⁸² Detail call for service report, incident number 2014-00072027
¹⁸³ Detail call for service report, incident number 2014-00072027
¹⁸⁴ Detail call for service report, incident number 2014-00072027
¹⁸⁵ Detail call for service report, incident number 2014-00072027
¹⁸⁶ Detail call for service report, incident number 2014-00072027
¹⁸⁷ Detail call for service report, incident number 2014-00072027
¹⁸⁸ Detail call for service report, incident number 2014-00072027
¹⁸⁹ Detail call for service report, incident number 2014-00072027
¹⁹⁰ Detail call for service report, incident number 2014-00072027
¹⁹¹ Detail call for service report, incident number 2014-00072027
¹⁹² Detail call for service report, incident number 2014-00072027

- 0209 Crowd dissipated, only real crowd is 20 people.¹⁹³
- 0228 Multiple passes on Tele, very calm.¹⁹⁴
- 0229 OPD asking for mutual aid Tele/66th¹⁹⁵
- 0230 OPD takes rocks at Telegraph/66th¹⁹⁶
- 0234 Crowd is hostile taking rocks, trying to assist in putting out fire¹⁹⁷
- 0300 BPD demobilizes mutual aid teams

¹⁹³ Detail call for service report, incident number 2014-00072027

¹⁹⁴ Detail call for service report, incident number 2014-00072027

¹⁹⁵ Detail call for service report, incident number 2014-00072027

¹⁹⁶ UCPD email, tcwing@berkeley.edu

¹⁹⁷ Detail call for service report, incident number 2014-00072027

LOCATIONS VANDALIZED ON 12/7 [see map]

Missing Link, 1998 Shattuck Ave. (\$1,300)

Cream, 2399 Telegraph (\$900)

True Value Hardware, 2900 Shattuck (\$3200, no insurance claim filed)

Radio Shack, 2500 Shattuck (\$14,000)

Vehicles at 650 University lot damaged (\$9,000)

Whole Foods Market, 3000 Telegraph (\$15,000)

Chevron, 2996 Shattuck Ave (\$300)

Lulus Cyclery, 3089 Telegraph (\$300)

Moran Engineering, 1930 Shattuck Ave -- graffiti

Chase Bank, 2150 Shattuck Ave.

At&T, 2180 Shattuck Ave (\$42,000)

Any Mountain, 2777 Shattuck (\$525)

McDonalds, 1998 Shattuck

Student Store, 2470 Bancroft way

T-Mobile, 2257 Shattuck

Mechanics Bank, 2301 Shattuck (\$7042)

Sahara Imports, 2110 Ashby (\$1920)

Walgreens, 2801 Adeline

City Hall (\$2356)

**POLICE REVIEW COMMISSION
SUBCOMMITTEES LIST
Updated 5-16-16**

Subcommittee	Commissioners	Chair	BPD Reps / Others
Body-worn & Dash Cameras Formed 12-9-15	Lippman Roberts Yampolsky	Lippman	Capt. Cynthia Harris Sgt. Joseph Okies
December 7 & 8 Investigation Formed 1-13-16	Bernstein Sherman	Bernstein	PRC Officer Kathy Lee (Capt. Harris)
General Orders on Crowd Control C-64, U-2, M-2 Formed 1-13-16	Bernstein Lippman Perezvelez Waldman	Bernstein	Capt. Dave Frankel Sgt. Michael Durbin
Fair & Impartial Policing Formed 1-13-16	Javier Lippman Roberts Smith		Capt. Cynthia Harris
Media Credentialing Formed 1-13-16	Perezvelez Sherman Smith		

PRC requests to BPD prioritized
 Updated May 11, 2016

Date/form of request	Request	Status/Notes
GROUP I		
12.9.15 oral	Center for Policing Equity analysis of stop data – when?	At 2.24.16 meeting, Capt. Harris said CPE analysis should be ready in July.
3.31.16 letter	Consider adopting SFPD G.O. 5.07, Rights of Onlookers, as the BPD's Right to Watch G.O.	
4.27.16 Oral	Statistics from IA: complaints they receive from PRC v. received from other sources; allegations; disposition	At 5.11 meeting, Sgt. Cardoza said will be ready in one or two more meetings, with most, but not all, of info requested.
GROUP II		
12.9.15 oral	Analysis of new beat plan – when?	At 12.9.15 meeting, Chief said would be another 4 – 6 months.
1.5.16 letter	3 new ordinances to “improve conditions on community sidewalks”: any plan to issue G.O., T&I Bulletin, or Captain’s Instructions?	
4.13.16 meeting	Provide Revised G.O. U-4, Unusual Occurrences, for review.	
GROUP III		
8.27.15 letter	Smoking Ordinance/dissemination of info to officers re new ordinances.	At 12.9.15 meeting, PRC did not include in top 10 priorities.
1.13.16 oral	Cost analysis to carry out recommendations in Dec. 2014 post-incident review?	
<p><i>Note: This list does not include requests related to Council directive to PRC and BPD to work on recommendations following review of December 6, 2014 response; assume high priority.</i></p>		

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

From: Laura Leavitt, Courage Campaign <info@couragecampaign.org>

To: michael sherman <shrmimi@aol.com>

Sent: Mon, May 9, 2016 2:06 pm

Subject: Sign if you agree: Californians have the right to know about police misconduct

Michael,

As said in *The Los Angeles Times*, California is the nation's "information black hole" when it comes to police oversight.⁽¹⁾

Despite the fact that we lead the country on so many progressive issues, **we have the highest number of police killings of civilians and some of the worst police transparency laws in the country.**⁽²⁾ And the level of community mistrust in law enforcement is higher than it's been in years.⁽³⁾

But a landmark bill (Senate Bill 1286) was just introduced in Sacramento that would be a **tremendous step toward improving the relationships and trust between California's communities and peace officers by cracking open police misconduct and use of force records for the public.**⁽⁴⁾ And we need your help to overcome the powerful law enforcement lobbyists who are doing everything in their power to stop this bill in its tracks and keep their misconduct hidden.

Join Courage Campaign to urge your state leaders to support SB 1286 to make California police transparent and accountable to the communities they serve.

Police officers are entrusted to serve and protect us. They work hard and risk their lives every day. They have the power to stop, arrest and use force on people, including lethal force. And *if they abuse these immense powers or make fatal mistakes, we have a right to know what happened*, and if or how their departments held them accountable.

But current California law claims that information on police officer misconduct or use of force is none of the public's business.⁽⁵⁾ That when a police officer fires a weapon that results in the death of an innocent civilian, we have no right to access information about the investigations or disciplinary proceedings. So **if a mother's unarmed, innocent teenage son is shot and killed by police in the street, she and her family are legally barred from finding out what happened to the officers involved.** If it's proven that a cop is guilty of committing sexual misconduct while on the job or planted evidence at a crime scene, you and I don't have the right to know if any steps were taken to hold the officer accountable or help prevent another offense. And stories like this happen ALL THE TIME.⁽⁶⁾

In other words, officers who have unjustly killed, harassed, or incriminated Californians may still be policing our neighborhoods, and we are none the wiser.

SIGN THE PETITION to demand our state leaders support SB 1286 to lift the veil on police misconduct and use of force records.

Since the police killings of Mike Brown, Eric Garner, Ezell Ford, and more, the Black Lives Matter movement has captivated the world and shined a bright light on the desperate need for systemic changes to how police are held accountable nationwide. And **California is way behind the times.**

Overwhelming data shows that keeping police records secret hurts public trust in law enforcement, especially in communities of color that suffer most from police harassment and brutality.⁽⁷⁾ And **nearly 80% of Californians believe the public should have access to the findings of officer misconduct.**⁽⁸⁾

SB 1286 allows this oversight, while still protecting officers' privacy and safety. Courts are permitted to withhold records if there is a risk or danger to an officer or someone else, or if disclosure would be an unwarranted invasion of officers' privacy.

By balancing privacy and safety with the public's right to know, SB 1286 will help restore trust between local law enforcement and the community -- which would greatly improve public safety and help police officers do their jobs more effectively!

As one of the most progressive and diverse states in the U.S., it is time that we catch up to states like Texas, Florida, Kentucky, Utah, and dozens of others and pass legislation to enhance police transparency and accountability.

[CLICK HERE to send a message to your state legislators saying: "Investigations of police abuse and violence against members of the public should NOT be hidden from us!"](#)

Thank you for your courage,

Laura, along with Annie, Eddie, Emma, Ernesto, Kelsey, Lindsay, Moonyoung, Scottie, and Tim (the Courage team)

1. <http://act.couragecampaign.org/go/3045?t=6&akid=2742.8660.utOlfG>
2. <https://couragecampaign.actionkit.com/go/3046?t=8&akid=2742.8660.utOlfG> and <http://act.couragecampaign.org/go/3094?t=10&akid=2742.8660.utOlfG>
3. <https://couragecampaign.actionkit.com/go/3047?t=12&akid=2742.8660.utOlfG>
4. <http://act.couragecampaign.org/go/3048?t=13&akid=2742.8660.utOlfG>, <http://act.couragecampaign.org/go/3049?t=15&akid=2742.8660.utOlfG> and <https://couragecampaign.actionkit.com/go/3087?t=17&akid=2742.8660.utOlfG>
5. <http://act.couragecampaign.org/go/3045?t=19&akid=2742.8660.utOlfG>
6. <http://act.couragecampaign.org/go/3091?t=21&akid=2742.8660.utOlfG>, <http://act.couragecampaign.org/go/3089?t=23&akid=2742.8660.utOlfG> and <http://act.couragecampaign.org/go/3090?t=25&akid=2742.8660.utOlfG>
7. <http://act.couragecampaign.org/go/3048?t=27&akid=2742.8660.utOlfG> and <https://couragecampaign.actionkit.com/go/3047?t=29&akid=2742.8660.utOlfG>
8. <https://couragecampaign.actionkit.com/go/3047?t=31&akid=2742.8660.utOlfG>

Like what we do? Chip in to help fund the fight for a more progressive nation. Or find us on Facebook or Twitter.

Courage Campaign fights for a more progressive California and country. We are an online community powered by more than 1.3 million members. <http://www.couragecampaign.org?akid=2742.8660.utOlfG>

Lee, Katherine

From: Jayson Wechter <jayson@well.com>
Sent: Wednesday, May 11, 2016 10:44 PM
To: Norris, Byron; Lee, Katherine; Finnell, Anthony; oipa@bart.gov; Sharon Kidd
Subject: Documentary about Tasers - Killing Them Safely - May 31 in San Francisco

Dear oversight colleagues,

This documentary about Tasers and the discussion after the film about their possible use by the SFPD should be interesting. It screens on May 31, 6:30 p.m. at the Roxie Theater in San Francisco. Please feel free to circulate to anyone you think might be interested. Thanks.

KILLING THEM SAFELY

Tuesday, May 31, 6:30 p.m. at the Roxie Theater, 3117 16th Street (off Valencia, 1 and ½ blocks from the 16th Street BART Station) in San Francisco

Hundreds of deaths. Zero oversight. In the early 2000s, brothers Tom and Rick Smith revolutionized policing by marketing the Taser to law enforcement agencies. This supposedly safe alternative to handguns was supposed to curb the use of deadly force—so why have over 500 people died from Taser-related injuries since? At a time when questions about police methods are at the forefront of the national dialogue, *Killing Them Safely* brings together startling archival footage and eye-opening interviews with experts on both sides of the debate to shed much-needed light on an urgent issue.

Directed by Nick Berardini. 2015. USA. 100 min.

Join us for the San Francisco theatrical premiere of *Killing Them Safely*, an explosive 2015 Tribeca Film Festival documentary selection on the controversy over police use and misuse of Tasers.

Following the screening, stay for an important discussion featuring filmmaker, Nick Berardini, and San Francisco Public Defender Jeff Adachi about the film and its implications for the upcoming decision of the San Francisco Police Commission to possibly start outfitting SFPD officers with Tasers.

For information & tickets:

http://www.roxie.com/ailec_event/killing-them-safely/?instance_id=

Tuesday, May 31, 6:30 p.m. at the Roxie Theater, 3117 16th Street (off Valencia, 1 and ½ blocks from the 16th Street BART Station) in San Francisco

Co-sponsored by ACLU of Northern California, San Francisco Co-sponsored by ACLU of Northern California, San Francisco Public Defender's Racial Justice Committee, Coalition on Homelessness, Asian Americans Advancing Justice-Asian

**Law Caucus, National Lawyers Guild SF Bay Area Defender's Racial Justice
Committee, Coalition on Homelessness, Asian Americans Advancing Justice-Asian
Law Caucus, National Lawyers Guild SF Bay Area Chapter, 48 Hills.**

Jayson Wechter
jayson@well.com