

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, May 24, 2017
7:00 P.M.**

North Berkeley Senior Center
1901 Hearst Avenue, 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 10, 2017
- 5. CHAIR'S REPORT**
Certification of Appreciation to former Commissioner William White; other items.
- 6. PRC OFFICER'S REPORT**
Status of complaints; other items.
- 7. CHIEF OF POLICE'S REPORT**
Crime, budget, staffing, training updates, and other items.
- 8. SUBCOMMITTEE REPORTS (discussion & action)**
Report of activities and meeting scheduling for all Subcommittees, and additional discussion and action as noted for specific Subcommittees:
 - a. Fair & Impartial Policing Subcommittee
 - b. Surveillance and Community Safety Ordinance Subcommittee
Possible appointment of new members to Subcommittee

- c. General Orders C-64, etc. Subcommittee
- d. Outreach Subcommittee

Save the date and request for volunteers for Juneteenth, Sunday, June 18th.

- e. Homeless Encampment Subcommittee

9. OLD BUSINESS (discussion & action)

- a. Policy Complaint #2415: Decide whether to open a policy review, and if so, how to proceed.
- b. Amending PRC Regulations for Handling Complaints Against Members of the Police Department.
 - i) Review draft language regarding Challenge of BOI Commissioner (Section VI.C.) based on concepts tentatively agreed upon at April 26, 2017 meeting, and correct clerical error in Section VI.B.2. on unavailability due to Commissioner challenge.
From: PRC staff
(See materials attached to May 10, 2017 agenda packet.)
 - ii) Consider deleting provisions for Summary Affirmation (Section VII.C.3.b.)
From: PRC staff
- c. Policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy.
From: Commissioner Prichett
- d. Discussion and potential action regarding failure of BPD to communicate with the PRC about planned police training using blank firing ammunition within city limits and that result in road closures.
From: Commissioner Perezvelez
- e. Consider further amendment to PRC regulations allowing the PRC to take action against any party who knowingly submits false or misleading information to the PRC in support of a challenge to a commissioner seated on a BOI.
From: Commissioner Prichett
- f. BPD budget: Review Chief's answers to Commission's questions, and discuss timing of and resources needed to address remaining questions.
From: Commission
(To be delivered.)

10. NEW BUSINESS (discussion & action)

- a. Proposal to ask the City Manager and/or City Council to seek to change the 120-day limit on imposition of discipline in the ongoing contract negotiations with the Berkeley Police Association.
From: Commissioner Bernstein

- b. Discussion and possible policy review of BPD's policy regarding recommendation to the Berkeley Unified School District that schools shelter in place.
From: Commissioner Pritchett
- c. Whether to review Commander's Guide in light of recent events requiring crowd management and crowd control.
From: Commissioner Bernstein
- d. Approval of questions to the City Attorney in advance of her appearance to discuss the scope of confidentiality requirements as to a challenge alleging bias to a PRC commissioner.
From: Commission
(To be delivered.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

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

13. ADJOURNMENT

Communications Disclaimer

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



Communication Access Information (A.R.1.12)

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

SB 343 Disclaimer

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

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

PRC REGULAR MEETING ATTACHMENTS

May 24, 2017

MINUTES

May 10, 2017 *Regular Meeting Minutes* Page 7

AGENDA-RELATED

Item 9.a. – PRC Policy Complaint #2415. Page 13

Item 9.b.ii – Summary Affirmation, PRC Regulations – section VII.C.3.b. Page 15

Item 9.c. – The Right to Watch, Proposal to Revise: General Order W-01. Page 17

Item 9.c. – San Francisco Police Department General Order 5.07, Rights of Onlookers, Rev. 2-22-95. Page 19

Item 9.c. – Berkeley Police Department General Order W-1, Public Recording of Law Enforcement Activity, issued 11-10-16. Page 21

Item 9.c. – Berkeley Police Department General Order W-01, The Right to Watch, issued 7-21-15. Page 25

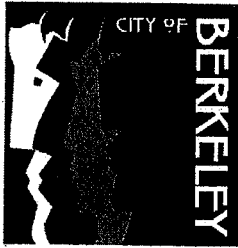
Item 11.a. – Memorandum of Understanding between City of Berkeley and Berkeley Police Association, section 37.4. Page 27

COMMUNICATION(S)

Email dated May 5, 2017, from the BPD Chief re External Vest Carrier Approved; Specs and Direction. Page 29

Email dated May 8, 2017, from a PRC Commissioner re BART Use of Force Policy change. Page 39

Emails dated May 4–16, 2017, from Blair Beekman re NCRIC, Urban Shield, Mutual Aid, and Armored Van. Page 41



Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(unapproved)

Wednesday, May 10, 2017
7:00 P.M.

North Berkeley Senior Center
1901 Hearst Avenue, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:32 P.M.

Present: Commissioner Alison Bernstein (Chair)
Commissioner Kimberly DaSilva (Vice Chair)
Commissioner George Lippman
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Bulmaro Vicente (arrived 7:44 p.m.; left 10:05 p.m.)

Absent: Commissioners: George Perezvelez, Ari Yampolsky

PRC Staff: Byron Norris, PRC Investigator

BPD Staff: Captain David Reece, Sergeant Benjamin Cardoza, Sergeant Sean Ross

2. APPROVAL OF AGENDA

The agenda was approved by general consent with the following change:

The Recommendation for Administrative Closure was moved immediately before Adjournment.

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

Mr. Norris requested the following correction: to add "can view motions in writing before voting" to the end of the title of Agenda Item 9.g., which currently reads: "Amendment of Standing Rules to provide a mechanism whereby Commissioners".

Motion to approve Regular Meeting Minutes of April 26, 2017 with the above correction.

Moved/Seconded (DaSilva/Prichett) **Motion Carried Unanimously**
Ayes: Bernstein, DaSilva, Lippman, Prichett, Roberts, and Vicente.
Noes: None Abstain: None Absent: Perezvelez, Yampolsky

5. CHAIR'S REPORT

Chair Bernstein announced that Councilmember Bartlett informed her that he intends to replace her on the PRC, and that she advised him to make the new appointment as soon as possible so that the new appointee is included in the initial discussions on the Center for Police Equity (CPE)'s report analyzing BPD stop data.

The Chair and PRC Officer Katherine Lee agreed that PRC staff will draft the Commission's Work Plan for its approval.

PRC staff is working to complete the 2016 Annual Report.

6. PRC OFFICER'S REPORT

Mr. Norris reported that there were 2 new filed complaints; a Board of Inquiry hearing is scheduled for June 23rd; the Commission will resume meeting in the South Berkeley Senior Center in June; and PRC Officer Lee will return from vacation on May 17th.

7. CHIEF OF POLICE'S REPORT

Per Captain Reece, there was no Chief's report.

In response to Commissioners' questions, Captain Reece reported that Chief Greenwood received the CPE's interim report analyzing BPD stop data, and that the Chief is seeking a revision to the report that distinguishes between officer-initiated stops and service-call related stops. Commissioners asked Captain Reece to communicate to the Chief its desire to receive the CPE report as soon as possible and for the Chief to communicate through the PRC Officer his timeline for doing so.

8. SUBCOMMITTEE REPORTS (discussion & action)

Report of activities and meeting scheduling for all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

- a. Fair & Impartial Policing Subcommittee – no new updates

- b. Surveillance and Community Safety Ordinance Subcommittee – next meeting is scheduled for May 16, 2017.
- c. General Orders C-64, etc. Subcommittee – no new updates
- d. Outreach Subcommittee
 - Report on the Summer of Love 50th Anniversary event, April 29; save the date for Juneteenth, Sunday, June 18th.
 - Commissioners DaSilva and Bernstein reported on their outreach activities at the Summer of Love event.
- e. Homeless Encampment Subcommittee - no new updates

9. OLD BUSINESS (discussion & action)

- a. Policy Complaint #2415: Decide whether to open a policy review, and if so, how to proceed.

By consensus, this item was continued to the next meeting to allow the Complainant another opportunity to attend and answer Commissioners' questions about the complaint.

- b. Amending PRC Regulations for Handling Complaints Against Members of the Police Department.
 - i) Review draft language regarding Challenge of BOI Commissioner (Section VI.C.) based on concepts tentatively agreed upon at April 26, 2017 meeting, and correct clerical error in Section VI.B.2. on unavailability due to Commissioner challenge.

This item was postponed to the next meeting.

- ii) Review draft language regarding Summary Dismissal (Section VII.C.3.a.) and consider deleting provision for Summary Affirmation (Section VII.C.3.b.).

Motion to revise the PRC Regulations by adopting staff's draft language for Summary Dismissal.

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

Ayes: Bernstein, DaSilva, Lippman, Roberts, and Vicente.

Noes: Prichett Abstain: None Absent: Perezvelez, Yampolsky

[Note: The consideration to delete the provision for Summary Affirmation was not addressed.]

- c. Policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy; assess propriety of BPD's establishment of a perimeter around homeless encampments during enforcement actions.

By consensus, the Commissioners continued this item to its first meeting in June 2017, and requested that PRC staff provide Commissioners with the San Francisco general order/policy, the original Training & Information Bulletin, and the two versions of BPD's W-1 General Order, and Commissioner Prichett's proposed order.

- d. Discussion and potential action regarding failure of BPD to communicate with the PRC about planned police training using blank firing ammunition within city limits and that result in road closures.

This item was postponed to the next meeting.

10. NEW BUSINESS (discussion & action)

- a. Consider PRC's role in selection and evaluation of Chief of Police.

Motion to send letter to the City Manager requesting that she 1) explain the current process for evaluating the Chief of Police 2) explain how and when she would like to receive PRC's input on the Chief, and 3) ask if she intends to receive input from the public and how the PRC might assist her with that.

At Commissioner Prichett's request, the Chair divided the motion into 2 parts, by having commissioners take up and 1) and 2) as one question and 3) as a separate question:

On parts 1) and 2) of the motion:

Moved/Seconded (Prichett/Lippman) **Motion Carried Unanimously**
Ayes: Bernstein, DaSilva, Lippman, Prichett, Roberts, and Vicente.
Noes: None Abstain: None Absent: Perezvelez, Yampolsky

On part 3) of the motion:

Moved/Seconded (Prichett/Lippman) **Motion Carried Unanimously**
Ayes: Bernstein, DaSilva, Lippman, Prichett, Roberts, and Vicente.
Noes: None Abstain: None Absent: Perezvelez, Yampolsky

- b. Certificate of appreciation for former Commissioner William White.

Motion to approve a Certificate of Appreciation for former Commissioner William White with language submitted by Commissioner Perezvelez and Mr. Norris for presentation at the next PRC meeting; invitation to Mr. White to attend the May 24th meeting.

Moved/Seconded (Bernstein/Prichett) **Motion Carried Unanimously**
Ayes: Bernstein, DaSilva, Lippman, Prichett, Roberts, and Vicente.
Noes: None Abstain: None Absent: Perezvelez, Yampolsky

- c. Consider further amendment to PRC regulations allowing the PRC to take action against any party who knowingly submits false or misleading information to the PRC in support of a challenge to a commissioner seated on a BOI.

This item was postponed to the next meeting.

- d. Discussion of PRC response to scope of confidentiality requirement as to challenge alleging bias as to a PRC commissioner.

Motion to ask the City Attorney, or his/her designee, to attend its next meeting, or as soon as he/she can, to discuss the basis for making confidential a challenge to a commissioner that does not involve the identity of the subject officer or the events of the challenge.

Moved/Seconded (Bernstein/DaSilva) **Motion Carried Unanimously**

Ayes: Bernstein, DaSilva, Lippman, Prichett, Roberts, and Vicente.

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Commissioner Vicente announced that he has graduated from the U.C. California this past weekend and that he will soon be moving out of Berkeley.

12. PUBLIC COMMENT

There were 3 speakers.

Closed Session

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

13. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

Motion to approve Complaint #2414 for administrative closure.

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

Ayes: Bernstein, DaSilva, Lippman, and Roberts

Noes: Prichett Abstain: None Absent: Perezvelez, Vicente, Yampolsky

End of Closed Session

14. REPORT OF ACTION TAKEN IN CLOSED SESSION

The recommendation for administrative closure was approved.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 10:15 p.m.



POLICY COMPLAINT FORM

Police Review Commission (PRC)
 1947 Center Street, 1st Floor, Berkeley, CA 94704
 Website: www.ci.berkeley.ca.us/prc/
 E-mail: prc@ci.berkeley.ca.us
 Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955

Date Received:

4-4-17

PRC CASE #

2415

1 Name of Complainant: GOTTSCHALK KARLA
Last First Middle
 Mailing Address: 520 Frederick St 13 SF CA 94117
Street City State Zip
 Primary Phone: 808 238-4287 Alt Phone: ()
 E-mail address: counsel@unseen.is
 Occupation: Trustee Gender: NONE Age: 67
But I have a Sex
 Ethnicity: Asian Black/African-American Caucasian
 Latino/Hispanic Multiethnic: Other:

2 Identify the Berkeley Police Department (BPD) policy or practice you consider to be improper or would like the Commission to review.

TARGETING INDIVIDUALS BY LOOK — AGE taken for poor; race, Gender, Sex, CLOTHING and other physically observable look not necessarily even behavior but which puts an individual in the victim position for violation of civil rights without legal justification and under color of Law

3 Location of Incident (if applicable) Parking across from closed business
 Date & Time of Incident (if applicable) See IA 17-0014

Provide a factual description of the incident that forms the basis of your complaint. Be specific and include what transpired, and how the incident ended.

IN IA 17-0014

4

What changes to BPD policy, practice, or procedure do you propose?

To STOP TARGETING OF INDIVIDUALS BY the way they look and the abuse of discretion under color of law by making up facts and or laws - not misquoting - knowingly in order to violate CIVIL RIGHTS of people who are not the officers color, age, sex, orientation, gender or any other non-legal reasons

5

Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Commission in evaluating your complaint.)

I expect to file suit after notice of intent to sue if I cannot get these unlawful policies, procedures or lack of discipline and cover-ups of unlawful acts of abuse of discretion under color of law by Berkeley Police Officers

6

CERTIFICATION

I hereby certify that, to the best of my knowledge, the statements made on this complaint are true.

Karla Jathachal

Signature of Complainant

8/31/17

Date

7

How did you hear about Berkeley's Police Review Commission?

- Internet
- Publication: _____
- Referral: _____
- Other: _____

Eileen Luna, a colleague in the Bar of California & former PRC investigator.

SUMMARY AFFIRMATION
-- PRC Regulations, section VII.C.

3. Summary Disposition

b. Summary Affirmation

After reviewing the Hearing Packet, the BOI may summarily sustain any or all of the allegations that it finds clearly meritorious, by unanimous vote, on the recommendation of the PRC Officer or Investigator, or its own motion. The subject officer shall be notified of the summary affirmation, and may appear to object to the summary affirmation, which shall not occur over the subject officer's objection.

THE RIGHT TO WATCH

PROPOSAL TO REVISE: GENERAL ORDER W-01

In recent years, the U.S. Supreme Court has ruled that , “the First Amendment protects a program of advancing police accountability by openly audio recording public actions of on-duty police officers without their consent.” The purpose of this General Order is to adopt policies and procedures regarding a citizen’s right to observe, photograph or video record officers during the course of the officers’ public duties that reflect these clarifications.

POLICY

It shall be the policy of the Berkeley Police Department to place the least possible restriction on public observation, photographing or video recording of police officers’ performance of their duties, while ensuring the safety of the public and the officers. The “least possible restriction” means that the officer’s mindset should be to only limit observation if necessary for law enforcement purposes. In terms of witnessing, this order is a time, place and manner restriction on speech.

It is Departmental policy that any restriction an officer imposes on public observation of police officer conduct should be narrowly tailored to meet legitimate law enforcement purposes.

In all instances, it is expected that officers will conduct themselves in a professional manner, exercising good judgment and treating all persons courteously. Officers should restrict the practice of requesting that onlookers withdraw only to those instances where a potential threat to safety is involved.

PROCEDURES

It is the policy of this Department that persons not involved in an incident be allowed to remain **in the immediate vicinity** to witness stops, detentions and arrests of suspects occurring in public areas, except under the following circumstances:

1. When the safety of the officer or the suspect is jeopardized.
2. When persons interfere or violate law.
3. When persons threaten by words or action, or attempt to incite others to violate the law.

Citizens also have the right to communicate with the detained person, provided, however:

1. that the observer does not interfere physically or verbally with the investigation being conducted by the officer. Penal Code Section 148 prohibits delaying or obstructing any peace officer engaged in the duties of his/her office.

2. that the observer's actions or communications do not jeopardize the safety of the officer conducting the inquiry nor the safety of the person who is the subject of the officer's attention. An officer may instruct an observer to maintain a safe distance from the scene, with the understanding that what constitutes a "safe" distance may vary depending on the circumstances.
3. If the conditions at the scene are peaceful and sufficiently quiet, and the officer has stabilized the situation, persons shall be allowed to approach close enough to overhear the conversation between the suspect and the officer, except when:
 - i. **The suspect** objects to persons overhearing the conversation.
 - ii. There is a specific and articulable need for confidential conversation for the purpose of police interrogation.

RIGHTS OF ONLOOKERS

This order establishes policies regarding when persons are permitted to remain as onlookers, their right to overhear conversations between the officer and suspect, and their right to act as a witness.

I. POLICY

A. WITNESSING STOPS, DETENTIONS, ARRESTS. It is the policy of this Department that persons not involved in an incident be allowed to remain in the immediate vicinity to witness stops, detentions and arrests of suspects occurring in public areas, except under the following circumstances:

1. When the safety of the officer or the suspect is jeopardized.
2. When persons interfere or violate law.
3. When persons threaten by words or action, or attempt to incite others to violate the law.

B. OVERHEARING CONVERSATION. If the conditions at the scene are peaceful and sufficiently quiet, and the officer has stabilized the situation, persons shall be allowed to approach close enough to overhear the conversation between the suspect and the officer, except when:

1. The suspect objects to persons overhearing the conversation.
2. There is a specific and articulable need for confidential conversation for the purpose of police interrogation.

C. INQUIRIES

1. Persons shall be permitted to make a short, direct inquiry as to the suspect's name and whether the officer or the suspect wishes a witness. The suspect shall be allowed to respond to the inquiry.
2. If a citizen is a witness to the activity for which the suspect was detained or arrested, the officer may request his/her name; however, the citizen is not compelled to disclose such information.

D. BYSTANDER FILMING OF OFFICER-SUSPECT CONTACTS. It is increasingly common for bystanders, who are not involved in any criminal

activity, to record contacts between officers and citizens, during which officers are detaining, citing or arresting a suspect or engaging in crowd control at a demonstration. Bystanders have the right to record police officer enforcement activities by camera, video recorder, or other means (except under certain narrow circumstances as set forth in Sections A and B above).

1. An officer shall not seize, compel or otherwise coerce production of these bystander recordings by any means without first obtaining a warrant. Without a warrant, an officer may only request, in a non-coercive manner, that a bystander voluntarily provide the film or other recording. These requests should be made only if the officer has probable cause to believe that a recording has captured evidence of a crime and that the evidence will be important to prosecution of that crime. If a bystander refuses to voluntarily provide the recording, an officer may request the person's identity as provided in Section C., 2., above.

2. If a bystander voluntarily provides his or her recording and/or equipment, the officer shall provide the bystander with a receipt (SFPD 315). The receipt shall contain a written statement verifying that the recording and/or equipment has been voluntarily provided to the Department and shall be signed by the bystander.

E. VIOLATIONS/COMPLIANCE. As an alternative to arresting an onlooker who is in violation of Penal Code Section 148 or other related offenses (e.g., 647 c P.C., 22 Municipal Police Code) officers may order onlookers to "move on"; however, the person shall not be ordered to move any farther distance than is necessary to end a violation (see DGO 5.03, Investigative Detentions and DGO 6.11, Obstruction of Streets and Sidewalks). Persons who believe that an officer did not comply with the provisions of this order shall be referred to an appropriate supervisor or to the Office of Citizen Complaints.

References

- DGO 5.03, Investigative Detentions
- DGO 6.02, Physical Evidence
- DGO 6.11, Obstruction of Streets and Sidewalks
- DGO 6.15, Property Processing

Finally, we strongly recommend you carefully review the relevant San Francisco Police Department General Order 5.07, "Rights of Onlookers," which can be found at <http://www.scorcher.org/screed/pdf/copwatching.pdf>.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: November 10, 2016

GENERAL ORDER W-1

SUBJECT: PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY

PURPOSE AND SCOPE

- 1- This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

POLICY

- 2- The Berkeley Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.
- 3- Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

RECORDING LAW ENFORCEMENT ACTIVITY

- 4- Members of the public who wish to observe and / or record law enforcement activities are limited only in certain aspects.
 - (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).
 - (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
 1. Tampering with a witness or suspect.
 2. Inciting others to violate the law.
 3. Being so close to the activity as to present a clear safety hazard to the officers.
 4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.
 - (c) The individual may not present an undue safety risk to the officers, him/herself or others.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: November 10, 2016

GENERAL ORDER W-1

OFFICER RESPONSE

- 5- Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.
- 6- Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.
- 7- If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

SUPERVISOR RESPONSIBILITIES

- 8- A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior. The supervisor should review the situation with the officer and:
 - (a) Request any additional assistance as needed to ensure a safe environment.
 - (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
 - (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
 - (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
 - (e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

SEIZING RECORDINGS AS EVIDENCE

- 9- Officers should not seize recording devices or media unless (42 USC § 2000aa):
 - (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably

BERKELEY POLICE DEPARTMENT

DATE ISSUED: November 10, 2016

GENERAL ORDER W-1

necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.
1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
 2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: July 21, 2015

GENERAL ORDER W-01

SUBJECT: THE RIGHT TO WATCH

PURPOSE

- 1 - The purpose of this General Order is to adopt policies and procedures regarding a citizen's right to observe, photograph or video record officers during the course of the officers' public duties.

POLICY

- 2 - It shall be the policy of the Berkeley Police Department to minimize restrictions on public observation, photographing or video recording of police officers' performance of their duties, while ensuring the safety of the public and the officers.

In all instances, it is expected that officers will conduct themselves in a professional manner, exercising good judgment and treating all persons courteously. Officers should restrict the practice of requesting that onlookers withdraw only to those instances where a potential threat to safety is involved.

PROCEDURES

- 3 - At the scene of an arrest or other inquiry being conducted by police officers in public, citizens have the right to observe; photograph and video record the officers from a safe distance. Citizens also have the right to communicate with the detained person, provided, however:
 - a. that the observer does not interfere physically or verbally with the investigation being conducted by the officer. Penal Code Section 148 prohibits delaying or obstructing any peace officer engaged in the duties of his/her office.
 - b. that the observer's actions or communications do not jeopardize the safety of the officer conducting the inquiry nor the safety of the person who is the subject of the officer's attention. An officer may instruct an observer to maintain a safe distance from the scene, with the understanding that what constitutes a "safe" distance may vary depending on the circumstances.
 - c. that the confidentiality of the matter being discussed with a suspect, victim, witness, or reporting party is not compromised except with concurrence of the citizen and the officer involved.

Memorandum of Understanding between City of Berkeley and Berkeley Police Association, section 37.4:

37.4 120 Day Limit on Imposition of Discipline

The City agrees that no disciplinary action against an employee covered by this Understanding, which action involves a loss or reduction of pay or discharge, shall be imposed unless such action is taken within one hundred twenty (120) calendar days after the date of the incident giving rise to the disciplinary action or within one hundred twenty (120) calendar days of the date the City has knowledge of the incident giving rise to the disciplinary action.

If a letter of advice or written reprimand is issued by the Department, neither the document nor any testimony offered by the Department or the City in an appeal process shall reference any time restrictions set forth in this section, nor reference any other discipline

Lee, Katherine

From: Greenwood, Andrew
Sent: Friday, May 05, 2017 4:10 PM
To: Lee, Katherine
Subject: FW: BPD External Vest Carrier Approved; Specs and Direction
Attachments: External Vest Carrier Specifications.pdf; External Ballistic Panel Carriers Proposal.pdf

Hi Kathy,

Please share this with the PRC, regarding our approving external vest carriers for our folks. These will increase employee health around the cumulative back issues that crop up over a career's worth of service, while maintaining a professional appearance.

It is an option available at each employee's individual expense.

They are custom-manufactured; once we get a few in service, we'll do a community announcement and let folks know about this new equipment.

Cheers,

Andrew Greenwood
Chief of Police
Berkeley Police Department
(510) 981-5700

From: Greenwood, Andrew
Sent: Friday, May 05, 2017 4:08 PM
To: All Police <dlPolice@cityofberkeley.info>
Subject: BPD External Vest Carrier Approved; Specs and Direction

Greetings,

I am pleased to announce Berkeley Police Department is adding an external ballistic vest carrier as an approved uniform option. The external vest carrier provides a number of benefits to our uniformed staff. This equipment will enhance officer wellness by removing weight from the lower back and redistributing it more evenly throughout the body while placing equipment in a way that allows officers to sit more naturally. An additional benefit of the external vest carrier is that it can be removed while in the station allowing officers to more easily regulate their body temperature on hot days.

The Safety Committee spearheaded this project with substantial help and input from Sergeants Cummings and Turner, and recommended a carrier made by BPS Tactical based on its functionality, appearance, and successful deployment at other agencies. The Safety Committee's recommendation was unanimously approved by Command Staff several weeks ago, and we are now prepared to move forward for those who are interested.

Carriers will be available for individual officer purchase, will cost approximately \$400, and must be consistent with the specifications outlined in the attached sheet. If you are planning to purchase a vest, email Lt. Okies, who's going to compile a list and who will then work with Sgt. Turner, who will schedule the vendor fittings at the Department in the coming weeks. Each vest is custom made and designed to

fit with an individual officer's body armor. Turnaround time from fitting to delivery is typically several weeks.

Contact Lt. Okies if you would like to see a sample vest or if you have any questions about this project.

My thanks to Sgt. Cummings, Sgt. Turner, and those who supported and guided the development of this proposal to its successful approval. Among the key considerations for me were that the product design effectively addresses our health and resilience goals, and that the product is professional in appearance, consistent with our standard uniform.

Attached FYI are the specifications, and the proposal.

Have a good and safe weekend,

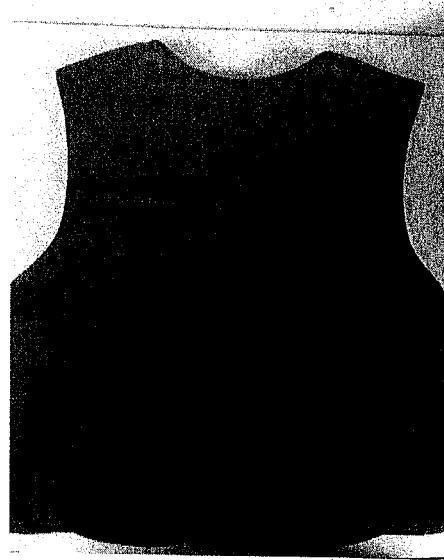
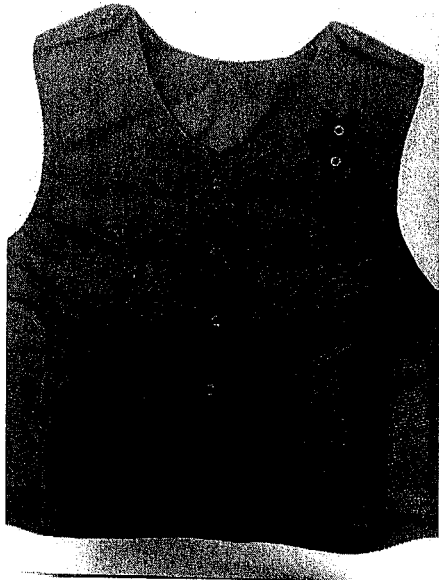
With respect,

Andrew Greenwood
Chief of Police
Berkeley Police Department
(510) 981-5700

External Vest Carrier Specifications:

The external vest carrier authorized for the Berkeley Police Department is the BPS Tactical vest carrier in LAPD Blue or their color that most closely matches it. The carrier shall have the following features placed in the manner described below and illustrated in the attached photographs. The exact placement of pockets 8 and 9 will be determined by the officers during fitting, but must fall within the guidelines below:

- 1- An epaulette over each shoulder.
- 2- A row of buttons that runs down the center of the vest that resembles a uniform shirt.
- 3- (2) pockets on the upper chest similar in size and appearance to a uniform shirt.
- 4- (1) Velcro strip above the right upper chest pocket that accommodates nametape and an attachment for a metal name bar.
- 5- (1) Velcro attachment above the left upper chest pocket with anchor points that accommodate a badge patch and badge.
 - a. Name tape and badge patches will be the same specifications as the Class C Uniform
- 6- (1) Nylon strip that matches the vest color that runs across the centerline and is aligned with the top of the chest pockets to accommodate a paddle mike.
- 7- (1) medium size pocket on the lower right side of the vest directly below the upper right pocket.*
- 8- (1) radio holder on the lower left side of the vest.*
- 9- (1) flashlight or OC pouch on the left side of the vest, outside the radio holder*
- 10- (2) low profile handcuff cases; 1 on the lower left, and 1 on the lower right rear portion of the vest
- 11- (1) concealable "POLICE" patch on the upper back of the vest



*These items can be placed on the opposite side of the vest for left handed officers.



BERKELEY POLICE DEPARTMENT MEMORANDUM



To Chief Greenwood via the Date February 17, 2017
Safety Committee
From Lieutenant Joe Okies
Subject **External Ballistic Panel Carrier**

Summary:

Many departments throughout the country have adopted external ballistic panel carriers (external carriers) as part of their patrol uniform. This equipment effectively manages the increased weight police officers carry on their duty belts as well as the pressure and associated injuries that this weight causes over the course of a career. Allowing officers to purchase and wear this industry standard uniform will enhance officer wellness, reduce worker's compensation claims, improve comfort by allowing officers to remove their equipment when in the station, and raise morale. After reviewing a variety of products and talking to allied agencies I recommend providing this as an option to our officers. Based on its appearance, durability, and functionality I recommend a version of the Blankenship Tactical (BPS Tactical) external carrier designed for the San Mateo Police Department.

Background:

Over the last several years officers have expressed an interest in adding an external carrier as a uniform option. Recently Sgt. Cummings researched this topic and submitted a request through the Uniform Committee asking the department consider adding the external carrier to our uniform. While reviewing Sgt. Cummings' request I learned external carriers significantly increase officer comfort and reduce the risk of back injuries by taking weight off of officer's hips, allowing officers to better place equipment in a way that allows them to maintain correct posture, and by evenly distributing weight throughout the body.

Kevin Walker, Berkeley's Occupational Health and Safety Officer, recently evaluated the benefits of external carriers and wrote a memo outlining his findings (attached). In the background section of his memo he states, "At this point and for the next decade, the vest is proving to be the most effective and best cost option for departments. So, reducing weight and distributing weight to the larger muscles of the back and shoulders is the most promising method of decreasing the negative cumulative effect of the duty belt." As part of his analysis Walker conducted a review of police officer injuries for the period between January 1, 2013 and December 31st 2016 and identified 24 incidents involving mid or lower back injuries that occurred during patrol activities. He states, "These injuries represent some of the most expensive and the most severe injuries during the selected time period." He goes on to say, "Utilization of the carrier vest and a comprehensive wellness program are targeted safety improvements that will positively affect future losses.



BERKELEY POLICE DEPARTMENT MEMORANDUM



There are a number of articles that support Kevin Walker's findings. One example is an article entitled *Ergonomics and Police Duty Belts, Easing Their Load* (by Kathy Espinosa in Government Product News Feb 5th 2010). This article outlines the stresses and strain that weighted duty belts place on officers' backs and suggests external carriers as an option to reduce this issue.

Members of the medical field, including Dr. Stewart Shanfield have also seen the value of using external carriers to redistribute the weight of officers' equipment. Dr. Shanfield is the former Chief of Surgery and Chief of Staff, at St. Jude's Hospital in Fullerton and has studied the negative effects of wearing heavy duty belts by officers. While consulting Fullerton Police Department he wrote, "The use of a load-bearing vest that transfers some of the items off the service belt to the vest carrier while distributing some of the weight to the officer's shoulders and not solely concentrating the weight on the lower levels of the spine will help prevent this work related cumulative trauma in the lumbar spine for public safety officers."

In summary, external carriers are the most effective option to improve back health because they take the weight off officer's hips and redistribute it while configuring equipment in a way that allows officers to sit in a more natural position. The external carrier has the added benefit being easily removable which allows officers to write reports in the station without carrying the weight of their equipment and makes it easier for them regulate their body temperature on hot days.

Product Research:

Sergeants Cummings and Turner assisted me in researching external carriers for this project. We contacted distributors and vendors, identified and contacted allied agencies that use these products, gauged officers' and management's level of satisfaction with them, and identified specific brands to consider based on function, durability, and appearance.

Departments: Many police departments have seen the value in adopting external carriers into their duty uniform and as of this writing 70% of Alameda County agencies have an external carrier as part of their uniform. The following list identifies agencies that are currently using external carriers and the approximate length of use:

- Albany Police Department (3 years)
- East Bay Regional Parks Police Department (6 years)
- Emeryville Police Department (5 years)
- Fremont Police Department (10 years)
- Hayward Police Department (3 years)
- Livermore Police Department (6 years)
- Newark Police Department (10 years)
- Piedmont Police Department (1 year)
- San Leandro Police Department (1.5 years)
- Union City Police Department (4 years)



BERKELEY POLICE DEPARTMENT MEMORANDUM



While researching this project Sergeants Cummings, Turner, and myself contacted a number of allied agencies that currently deploy external carriers including, Benicia, Fremont, Fairfield, Vacaville, and San Mateo Police Departments. Sgt. Turner also obtained information from a number of her contacts in ACLETMA. Each of these agencies reported that the external carriers were extremely popular among the rank-and-file, as well as staff. No agencies that were contacted related that they had encountered any pushback from the community when transitioning to external carriers.

It is worth noting that the San Mateo Police Department initially evaluated the external vests as an option that employees could purchase. During the review process their Chief felt that adopting external carriers was such a significant wellness issue that she directed the department to purchase the vests for the entire staff.

Vendors: Over the course of this project we contacted Galls, the Vestman, and BPS Tactical. Galls supplies a number of mass produced vests, while the Vestman and BPS Tactical produce customized vests.

Findings:

Compatibility: In talking to vendors and manufacturers I learned there are a number of important factors that need to be considered when evaluating vests. First the external carrier must be compatible with the ballistic panels used in order for them to function properly, and for the ballistic panel manufacturer to stand by their warranty. For the Berkeley Police Department, Safariland products are the only mass produced external carriers that are compatible with our vests (Safariland manufacturers our body armor under the brand Second Chance).

Custom products are another option for external carriers. Companies such as the Vestman and BPS Tactical have letters on file from Second Chance attesting to the fact that their products are warranted when used in conjunction with their external carriers.

Materials: It is important that vests are made out of the right material to ensure durability, and maintain a professional appearance. Some vests are made from wool, however these products are not as durable as Cordura products. The manufacturers and suppliers that I spoke with unanimously recommended the Cordura products. Wool vests tear easily, and typically need to be replaced annually due to wear and color fade, while nylon will outlast the life of the ballistic panels. All of the police departments that we contacted used Cordura products, as did both custom manufacturers.

Appearance: One of the biggest challenges to incorporating vests into a police uniform relates to concerns about appearance, and the fact that some external carriers appear similar to raid vests. This is a valid concern as this is not the image that our department wants to portray to the community.

A recent Force Science Institute study supports these concerns. The study showed that vests with more external attachments were rated as more militarized and intimidating and less



BERKELEY POLICE DEPARTMENT MEMORANDUM



approachable. Interestingly, these same vests were rated as "more organized, professional, recognizable as law enforcement, and as inspiring more confidence in the officer and public"

The study concluded that educating the public about the function of the vest might decrease any negative perceptions that exist and, "help the public feel safer, more connected, and trusting of their local law enforcement personnel." This study was featured in Force Science News #328

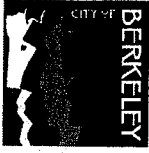
Researching different vest options and talking to officers from other departments, I have learned that there are a number of product features that provide functionality and avoid the appearance of raid style vests. I have identified the following key product features that will help integrate an external vest into our police uniform:

- The vest color should match the uniform shirt
- The centerline should be clear of pockets and pouches and include buttons similar to a uniform shirt.
- Any pockets or pouches that are on the vest should be small
- The vest should not include magazine pouches or a Molle attachment system.

Proposed External Carrier:

After considering the feedback from police departments, manufacturers, and vendors I concluded that a version of BPS Tactical external carrier that is used by the San Mateo Police Department would be the best match for our agency. This recommendation is based on the input from a number of law enforcement agencies including San Mateo, Piedmont, and Vacaville Police Departments. Each of the agencies had tried other products and found that the BPS vests were better constructed, and held their color better than other brands. San Mateo Police Department's model is able to provide a high level of functionality while maintaining an appearance consistent with what we want to project to the community. It has the following features:

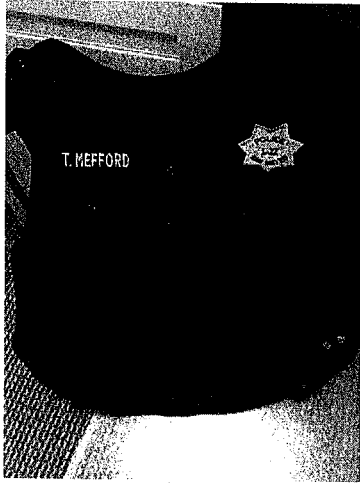
- A clear centerline with buttons to give it the appearance of a uniform shirt
- Two pockets at on the upper chest level that are consistent with a uniform shirt
- One pocket below the right upper chest pockets designed to carry small items
- One radio pouch attached to the left side of the vest (this will be on the right side for left handed officers)
- One pouch for a flashlight on the left side (right side for left handed officers)
- Two low profile handcuff pouches incorporated into the back.
- Removable attachments that accommodate a metal badge and name plate or patches depending on the uniform the officer is wearing (Class B or C).
- Deployable "POLICE" patch on the back for higher visibility when needed



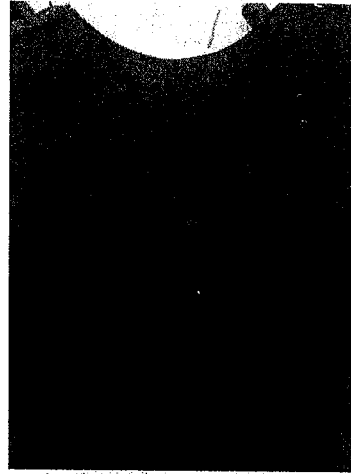
BERKELEY POLICE DEPARTMENT MEMORANDUM



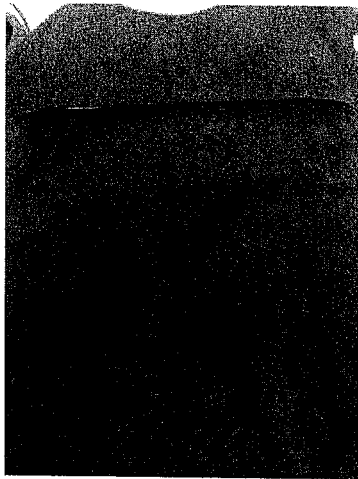
Here are photographs of San Mateo Police Department's current external vest carrier that is designed by BPS Tactical:



Class C Configuration



Class B Configuration



Vest back with patch concealed



Vest back with patch displayed

Deployment:

The external ballistic panel carrier will be considered a part of an employee's uniform. Employees who wear an external ballistic panel carrier will be required to maintain it in accordance with the upcoming Lexipol Uniform Regulation Policy 1024 which states in part:



BERKELEY POLICE DEPARTMENT MEMORANDUM



Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

- (a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.*
- (b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.*

Officers would be allowed to use the same embroidery and patches that are used on the front of the Class C uniform. Officers would be responsible for the maintenance of the carrier to ensure proper function, protection, and professional appearance.

Cost:

The proposed vest costs approximately \$400. The current proposal would allow employees to purchase this equipment themselves. The department would not incur any expenses.

Conclusion:

Adapting the BPS external carrier as part of the Berkeley Police Department Patrol uniform is a positive step for our officers and the department. This equipment enhances officer health and safety, increases career longevity, and raises morale at no cost to the department. The carrier design ensures that officers wearing this vest remain approachable and project an image consistent with the department values.

Lee, Katherine

From: Norris, Byron
Sent: Monday, May 08, 2017 12:34 PM
To: Norris, Byron
Cc: Lee, Katherine
Subject: FW: BART Use of Force Policy change

FYI

From: George Perezvelez [mailto:georgeperezvelez@gmail.com]
Sent: Monday, May 08, 2017 12:30 PM
To: Norris, Byron <BNorris@cityofberkeley.info>
Subject: BART Use of Force Policy change

Byron,

Could you please forward this email to the rest of the Commissioners? Thank you

Fellow Commissioners,

The BART Oversight Board will be discussing today the referral for implementation of a brand new GO addressing Use of Force. The reason the discussion might be pertinent to the PRC, is rooted in the changes from "Reasonable Force" as defined by *Graham v. Connor* to "Minimal Force" as per the PERF and COPS recommendation. This change is already in place in Seattle and San Francisco.

The discussion will surely prove lively as there will be presentations/comments from the Command staff, the Union, the ACLU, the Homeless Coalition and members of the public in addition to the presence of some BART Board members.

The pros and cons discussed will help with the possible hurdles ahead if the PRC in Berkeley decides to make the same recommendations when the Use of Force GO comes up for revision.

All in all a good meeting to attend. It will take place at the Kaiser Building BART Board of Directors Board Room 4pm-6pm. Access entrance between the Pharmacy and the 24 fitness gym via elevator to the 3rd floor. I hope I see some of you there

Best,

George

Norris, Byron

From: Martinez, Maritza
Sent: Tuesday, May 16, 2017 4:45 PM
To: Norris, Byron
Subject: FW: a letter from Blair Beekman. Tuesday May 16, 2017. _____ for important Berkeley city council meeting, May 16, 2017.

From: bob tom [mailto:cranberrysauce23@gmail.com]
Sent: Tuesday, May 16, 2017 1:29 PM
Subject: a letter from Blair Beekman. Tuesday May 16, 2017. _____ for important Berkeley city council meeting, May 16, 2017.

Dear city government of Berkeley, and community,

I sent you something of this letter yesterday. I figured I better re-work it a bit.

This version, is beginning to state much better, the everyday public, can be of help,

but that they, just simply need good information, as well.

Good luck with your city council session, tonight.

I hope it can be, the beginning of a beginning.

Item 2

Unfortunately, the same practice, in how a government controls its information, from its people, is also happening literally, within the city of Berkeley and its BPD, and questions around NCRIC.

All three entities, may be having some basic trouble, sharing with each other, at this time.

This is creating, some frustration and confusion, between them.

There are sometimes, some very difficult, and somewhat restricted questions, about federal national security projects, we are just starting to learn, how to talk about more openly, in Berkeley.

Although sometimes related, I am guessing the level of questioning, that I am trying to write about, here, should not be as difficult to talk about, for city government, BPD, and federal agencies, like NCRIC.

This is not the confused time, of 2003-4. We are learning ideas, with some more open, better thinking, at this time. Things should be able, to be more easily talked about, and understood.

Finding simple, logical, accountable, and accessible ideas, in communicating,

and an honest passing along, of good information, about difficult national security subjects, seems a very possible and achievable goal, at this time.

This needs to happen, between government agencies at this time, in Berkeley, and with its entire community, as well.

We are working toward, more open and more accountable local communities. We should respect, all the good things, that can be built, with making good information, less taboo.

And instead, more easily understood and accessible, to everyone within a community.

It is a new to add, that those within city government itself, may be suffering, from simply not being able, to better communicate simple ideas, that they should be able to.

As it is presently, the city government of Berkeley, and the BPD, may possibly be lost, in morass of some child-like worries, and miscommunication, that could eventually create some harmful mistakes.

The city of San Jose, is paying a price at this time, for some basic miscommunication, around the flood situation, it has had.

I hope in the least, people within city government and the BPD, can have a few, meaningful conversations, at this time,

to try to fix, whatever problems and snafu's, that can be possible to fix, in the short term.

From there, I hope a larger conversation, can begin to develop, about what can be an easier way, of information sharing, for everyone in the community.

We are learning to leave the idea, of this country being in a state of war. Lets look for ways, that we know are good examples, of better reasoning, good democratic ideas, and peace, on the issue of information sharing.

Sincerely,
Blair Beekman

p.s. The city of San Jose, is paying a price at this time, for some basic miscommunication, around the flood situation, it has had.

Lets hope the same does not happen, in the city of Berkeley.

Norris, Byron

From: PRC (Police Review Commission)
Sent: Monday, May 15, 2017 4:47 PM
To: Norris, Byron; Lee, Katherine
Subject: FW: a letter from Blair Beekman-2. Monday May 15, 2017. _____ A letter in how to prepare for, Berkeley city council meeting, Tuesday May 16, 2017.

From: bob tom [mailto:cranberrysauce23@gmail.com]
Sent: Monday, May 15, 2017 4:25 PM
Subject: a letter from Blair Beekman-2. Monday May 15, 2017. _____ A letter in how to prepare for, Berkeley city council meeting, Tuesday May 16, 2017.

Dear city of Berkeley,

I originally thought April 25, and this Tuesday, with the help of the new mayor, was going to be about, the official, beginning of the end, for some NCIC ideas, in the city of Berkeley.

I have heard, the mayor, and the new progressive council, in their first months in office, are wanting to do good, and can be fairly familiar, in understanding nexus of terrorism ideas.

But they are probably pretty worried, and a bit overwhelmed, about the ideas of national security. in the newness of their job.

And a bit unfamiliar, with the ideas of more community managed ideas, for the future of local national security issues.

But words and ideas, can become hopeful, and things can happen, in a live city council meeting.

I hope the mayor and city council, can be open, and want to make good connections. at the city council meeting, on Tuesday May 16.

I feel what the mayor will mainly be looking for, at the city council meeting, this Tuesday,

is a not make, 'the big score', many, including the mayor, have been working towards, in ending some MOU agreements, on the spot,

But a way to create, some overall community goals, we can all work on, for the future of Berkeley.

'Another re-building year'.

But how are we going to go about this?

I hope the city council and the mayor, can be open and thoughtful, to all of our ideas.

I hope he can talk in ways, to help organize our thinking,

and a philosophy, in how to think of national security, in Berkeley,

for the next six months, and for the next few years.

a short list,

- We can make the idea, of new, local, Mutual Aid Pacts, simple and pleasant, easily and accessible, to talk about, and work with, as a more commonsense approach, and to now be used, most often, in city emergency and riot incidents.

- It is a time, where we can begin to talk about, a more open, direct, and local legal language, for the dense MOU agreements, between NCRIC and the city of Berkeley.

- We have to better understand, and in a slightly difficult way, to help re-define, the future of SARS reporting.

- To also note, there is problem developing, within Berkeley city government itself, not having good communication, with BPD, about some basic ideas and concepts, around federal national security agencies, and data collecting agencies, such as NCRIC

Lets make things good.

If we offer each other a good logic, I think it can be, a good city council meeting, on Tuesday.

And, set a good course, and a good narrative, on how the community of Berkeley, all together, can talk about these issues, for the next six months, and for the next few years.

Good cooperative work now, and into the summer, can make for a good fall, and for a good, next few years.

sincerely,
blair

Norris, Byron

From: Martinez, Maritza
Sent: Thursday, May 11, 2017 4:59 PM
To: Norris, Byron
Subject: FW: a letter from Blair Beekman-2 Thursday May 11, 2017. _____ 2 items, for important Berkeley city council meeting, May 16, 2017.

From: bob tom [mailto:cranberrysauce23@gmail.com]
Sent: Thursday, May 11, 2017 4:51 PM
Subject: a letter from Blair Beekman-2 Thursday May 11, 2017. _____ 2 items, for important Berkeley city council meeting, May 16, 2017.

Dear mayor, city council, city government, and community of Berkeley,

Item 1

I am developing how to better question, the armored van issue.

It is a symbol, of why we are talking about things, the way we are now. I think we are too easily dismissing it, as just a symbol, and that we all have to be practical.

Thank you, city of Berkeley, for putting this item again, on your agenda, possibly for a bit more public question.

The city of San Jose, in April 2015, has basically had, something of this same question and issues. Among a few grants, they were awarded a grant, from Ca State, COPS funding.

Interestingly, as of the night before, this item was not on, a public city council agenda, as the Brown Act requires.

Overall, lets look for less cynical ways, and lets re-learn, and try to work towards, our more respected liberal reasoning, in defining our needs, for a city.

Item 2

The Berkeley city government, and its police dept, are having their own internal problems, in how to share, simple and basic information, about NCRIC data collecting, and other federal government concepts and projects, around national security, surveillance, and technology, at this time

A bit of maturity, is needed within city government and police, to learn to look for, and work towards, what is already accepted language, throughout many communities, across Alameda co. the Bay Area, the state, and the country.

Working and openly asking, the everyday public, can help a lot, to get a grasp on, how to build, simple, basic bridges, and different departments, around a city government, can relax outdated protocols and standards.

What was once considered, somewhat classified information, often becomes, fairly common knowledge

The city of San Jose, is paying a price at this time, for some basic miscommunication, around the flood situation, it has had.

This is what the city of Berkeley, may be facing, if they do not work on the issues, I have mentioned.

There are sometimes, some very difficult, and somewhat restricted questions, about federal national security projects, in Berkeley.

The level of questioning, of national security issues, I am trying to write about here, and between city government depts., simply should not be that difficult to talk about or address.

This is not the confused time, of 2003-4. We are learning ideas, with some better thinking, at this time.

Finding simple solutions, for both city government, and the BPD, among other things, I think would offer some great ideas and examples, for the everyday people, city government, and the entire community, of Berkeley.

This could create a health, a happiness, and a good reasoning, among the community, and ideas for a local democracy.

It can be a part of, some very good ways, being worked on, at this time, to work for peace, and ask for an end to war.

Sincerely,
Blair Beekman

Norris, Byron

From: PRC (Police Review Commission)
Sent: Thursday, May 04, 2017 5:09 PM
To: Norris, Byron
Subject: FW: a letter from Blair Beekman-1. Thursday May 4, 2017. _____ To create an open and caring process.

From: bob tom [mailto:cranberrysauce23@gmail.com]
Sent: Thursday, May 04, 2017 5:06 PM
Subject: Re: a letter from Blair Beekman-1. Thursday May 4, 2017. _____ To create an open and caring process.

I just mailed a letter, that was a bit of a rough draft still, sorry about that.

Please accept this version, labeled letter-1, on May 4, as my official copy.

Again, sorry about that.

-Blair Beekman.

I am respecting how your city government, must feel about things, at this time.

In the newness of government administrations, at both the local and the federal level, your city may have had, a few worries and reservations, and may have to do some waiting at this time, to let the dust settle a bit.

With this, your city government, has possibly come up with, some very good ideas, in local government responsibility, and in learning how to build, toward a community whole.

But to admit, people within your city government, advocacy groups, and everyday people, have been practicing peaceful ideas, and learning good legal examples and precedents, for a while now.

Along with new ideas in accountability and transparency, that are beginning to go to work.

So there are many choices, of what can be worked on, at this time. It is a question, of how to move forward at this time. This can make, everyone, a little ancey at this time.

I hope what you hear, from everyday people, besides your local city government reports and insight, can set an overall good course, for yourselves.

And, you can make, good connections and changes, to your own ideas, when needed.

As plans can change a lot, and on all sorts of levels, in the next six months, and in the next few years,

I hope you can respect the gravity, of this situation, and for all that is possible, in the next few years, for the city of Berkeley.

In some form, we are all working towards, the ideas and good examples, of good local government, good local community democracy, and the ideas of peace, at this time. And how to address, the obvious problems our federal government, has been a part of, with its part in 9/11/01, and the ensuing, irrational concepts, for national security, that have followed.

From this, I hope we can all be, open and caring with each other, in what we can work on and build together, at this time, in terms of a local city's, national security questions, and this relation, to local law enforcement.

All ideas about this process, may not weigh equally, at this time.

Yet, I hope all ideas, can be treated openly and equally.

Sincerely,
Blair Beekman

Norris, Byron

From: Martinez, Maritza
Sent: Thursday, May 04, 2017 4:53 PM
To: Lee, Katherine
Cc: Norris, Byron
Subject: FW: a letter from Blair Beekman-2 Thursday May 4, 2017. _____ 2 items, for important Berkeley city council meeting, May 16, 2017.

From: bob tom [mailto:cranberrysauce23@gmail.com]
Sent: Thursday, May 04, 2017 4:42 PM
Subject: a letter from Blair Beekman-2 Thursday May 4, 2017. _____ 2 items, for important Berkeley city council meeting, May 16, 2017.

Dear mayor, city council, city government, and community of Berkeley,

Item 1

I am developing how to better question, the armored van issue.

It is a symbol, of why we are talking about things, the way we are now. I think we are too easily dismissing it, as just a symbol, and that we all have to be practical.

Thank you, city of Berkeley, for putting this item again, on your agenda, possibly for a bit more public question.

The city of San Jose, in April 2015, has basically had, something of this same question and issues. Among a few grants, they were awarded a grant, from Ca State, COPS funding.

Interestingly, as of the night before, this item was not on, a public city council agenda, as the Brown Act requires.

Please look into this.

Overall, lets look for less cynical ways, and lets re-learn, and try to work towards, our more respected liberal reasoning, in defining our needs, for a city.

Item 2,

The Berkeley city government, and its police dept, are having their own internal problems, in how to share, simple and basic information, about NCRIC data collecting, and other federal government concepts and projects, around national security, surveillance, and technology, at this time

A bit of maturity, is needed within city government and police, to learn to look for, and work towards, what is already accepted language, throughout many communities, across Alameda co. the Bay Area, the state, and the country.

Working and openly asking, the everyday public, can help a lot, to get a grasp on, how to build, simple, basic bridges, and different departments, around a city government, can relax outdated protocols and standards.

What was once considered, somewhat classified information, often becomes, fairly common knowledge

The city of San Jose, is paying a price at this time, for some basic miscommunication, around the flood situation, it has had.

This is what the city of Berkeley, may be facing, if they do not work on the issues, I have mentioned.

There are sometimes, some very difficult, and somewhat restricted questions, about federal national security projects, in Berkeley.

The level of questioning, of national security issues, I am trying to write about here, and between city government depts., simply should not be that difficult to talk about or address.

This is not the confused time, of 2003-4. We are learning ideas, with some better thinking, at this time.

Finding simple solutions, for both city government, and the BPD, among other things, I think would offer some great ideas and examples, for the everyday people, and the entire community, of Berkeley.

Making for interesting ideas, in health, happiness, and good reasoning, to address the better ideas of a local democracy, while at the same time, still respecting, formal, local, national security needs.

Sincerely,
Blair Beekman