

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, September 6, 2017
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 July 26, 2017.
- 5. CHAIR'S REPORT**
Certificate of appreciation for former Chairperson; 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. ELECTION OF VICE-CHAIRPERSON OF COMMISSION**
- 9. SUBCOMMITTEE REPORTS (discussion & action)**
Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:
 - a. Fair & Impartial Policing Subcommittee
 - b. General Orders C-64, etc. Subcommittee

- c. Homeless Encampment Subcommittee
- d. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting)
- e. Outreach Subcommittee
Whether to renew or discontinue
- f. Re-establish Mutual Aid Subcommittee and appoint members
- g. Whether to reinstate Media Credentialing Subcommittee; if so establish scope of work

10. OLD BUSINESS (discussion & action)

- a. Review of and response to draft CPE report.
(See materials from July 26, 2017 packet.)
- b. Prioritization of Commission tasks
From: PRC Officer
- c. Continue 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. BPD budget: Review Chief's answers to Commission's questions, and discuss timing of and resources needed to address remaining questions.
From: Commission
- e. Consider amendments to PRC regulations regarding challenge to a commissioner seated on a BOI.
From: Commissioners Prichett and Lippman
- f. Support for Council Committee on Urban Shield participation and NCRIC relationship.
From: Commissioner Lippman

11. NEW BUSINESS (discussion & action)

- a. Proposal for plan for professional development/training of BPD officers
From: Commissioner Prichett
- b. Review "Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits," passed by City Council August 18, 2017, and its application the weekend of August 26-27.
From: Commissioner Lippman
- c. Consider action regarding Item [tentatively #48] on City Council's September 12, 2017 agenda regarding Police Accountability Reform
From: Commissioner Lippman

12. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

13. PUBLIC COMMENT

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

Closed Session

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

14. STATUS OF REPORT OF INVESTIGATION IN CASE #2419


End of Closed Session

15. ANNOUNCEMENT OF CLOSED SESSION ACTION

16. ADJOURNMENT

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 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 981-6418 (V) or 981-6347 (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

September 6, 2017

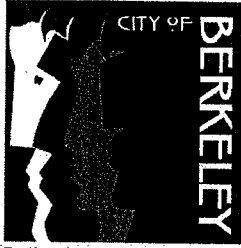
MINUTES

July 26, 2017 *Regular Meeting Minutes* Page 7

AGENDA-RELATED

- Item 9.** – PRC Subcommittees List, updated 8-31-17. Page 13
(no pp 15-16)
- Item 9.g.** – PRC Officer's October 6, 2016 memo to Media
Credentialing Subcommittee, with background materials attached. Page 17
- Item 10.b.** – PRC Task List for prioritization. Page 38a
- Item 10.c.** – The Right to Watch Proposal to Revise General Order W-
01 (draft revised 7-20-17). Page 39
- Item 10.c.** – San Francisco Police Department General Order 5.07,
Rights of Onlookers, Rev. 02-22-95. Page 43
- Item 10.c.** – Berkeley Police Department General Order W-1, Public
Recording of Law Enforcement Activity, issued 11-10-16. Page 45
- Item 10.c.** – Berkeley Police Department General Order W-01, The
Right to Watch, issued 7-21-15. Page 49
- Item 10.d.** – Memo from Police Chief to PRC Officer, dated June 8,
2017, re Response to Commission Budget Questions, and 3
attachments. Page 51
- Item 10.d.** – Additional info re BPD budget info supplied in Chief
Greenwood's June 8, 2017 memo and attachments. Page 83
- Item 10.d.** – List of City Auditor's Reports re BPD Page 85
- Item 10.d.** – Email from City Auditor, dated 6-19-17, re Copwatch
communication: Information about audits, attaching Information Report
on Asset Forfeiture. Page 87
- Item 10.e.** – Proposed amendment to PRC Regulations from
Commissioner Lippman. Page 93
- Item 10.e.** – Revised PRC Regulations approved by Commission May
24, 2017 (original, strikeout, and clean versions) and transmitted to
City Manager May 31, 2017 Page 95
- Item 11.b.** – Action Calendar Item dated August 18, 2017, from the
Deputy City Manager to the Mayor and City Council Members, re
Urgency Ordinance to Authorize the City Manager to Issue Rules for
Street Events without Permits. Page 103

Item 11.b. – Annotated Agenda, Special Meeting of the Berkeley City Council, dated August 18, 2017.	Page 109
Item 11.b. – Administrative Rule. Subject: Restrictions and Prohibitions in Civic Center Park and in Civic Center Area City Buildings for August 27, 2017.	Page 113
Item 11.b. – Administrative Rule. Subject: Restrictions and Prohibitions in Defined Area of Downtown Berkeley for August 27, 2017.	Page 117
Item 11.b. – Draft PRC letter to City Council re ban on masks	Page 121
Item 11.c. – Action Calendar Item dated September 12, 2017 (Continued from July 25, 2017), from Council Member Kriss Worthington to the Mayor and City Council Members, re Referral to the City Manager, City Attorney, and Police Review Commission for Police Accountability Reform.	Page 123
<u>COMMUNICATION(S)</u>	
Surveillance Technology Use & Community Safety Ordinance PRC is recommending that Council adopt, as passed at PRC's July 26, 2017 meeting.	Page 125
Email dated July 27, 2017, from BPD Police Chief, re Berkeley-related Terrorism Suspect Arrested.	Page 135
Letter to the Chief of Police, dated July 28, 2017, re Request for records related to police action at and after June 20, 2017, City Council meeting.	Page 139
Chief Greenwood's August 30, 2017 email to George Lippman re Use of Force.	Page 141
Email dated August 4, 2017, from PRC Officer, forwarding email dated August 2, 2017, from Berkeley Council Member Kriss Worthington, re Opportunity for Berkeley Policing Reform!	Page 143
Email dated August 7, 2017, re Hayward officials raise questions about recent ICE arrests, attaching Mercury News article.	Page 145
Email dated August 24, 2017, Regarding BPD Jurisdiction over outside agencies, forwarding emails between Commissioner Prichett and Chief Greenwood, and attaching 1992 Council Resolution.	Page 149
Series of emails from the public in advance of August 27 2017 rally and protests.	Page 159
Emails from the public following August 27, 2017 events.	Page 165
News article dated July 19, 2017, from www.dailycal.org , re BPD report indicates racial disparities in policing.	Page 179
Article from BPD, August 10, 2017, re BPD Has a New Look for Fall.	Page 183
Email dated August 7, 2017, from Oakland Citizen's Police Review Board, re Meeting Agenda Packet – August 8, 9, 10 (Police Commission Selection Panel).	Page 185



Police Review Commission (PRC)

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

**Wednesday, July 26, 2017
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

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

Present: Commissioner George Lippman (Chair)
Commissioner Gwen Allamby
Commissioner Cooper Price
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Ari Yampolsky
Commissioner Elliot Halpern (*temporary*)

Absent: Commissioners Clarence Ford, Kimberly DaSilva, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Sgt. Sean Ross (BPA)

2. APPROVAL OF AGENDA

By general consent, the Commission agreed to re-order the agenda by first taking Items 9.c., 9.d., 10.b. (depending on arrival of Assistant City Attorney), 10.c., and 10.a.

3. PUBLIC COMMENT

There were 4 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of July 12, 2017.

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

Ayes: Allamby, Lippman, Price, Prichett, Roberts, Yampolsky, and Halpern

Noes: None Abstain: None Absent: DaSilva, Ford, Perezvelez

5. CHAIR'S REPORT

No report.

6. PRC OFFICER'S REPORT

- Complaint status: no new complaints filed since the last meeting. A BOI has been scheduled for August 17.
- A preliminary list of neighborhood groups participating in National Night Out has been distributed. Brochures available here tonight for those who want them.
- Reminder about the remaining BPD community forums: Aug. 8, Aug. 24, and Sept. 7 (see p. 133 of packet); PRC Chair and BPD Chief encourage commissioners to attend one of them.
- Not all Commissioners have responded to the Doodle poll for the jail and property room tours.
- Note the memo on friendly amendments and substitute motions in p. 139 of the packet.
- Next regular PRC meeting will be Sept. 6., *first* Weds. in September.

7. CHIEF OF POLICE'S REPORT

- Chief Greenwood reported on current staffing levels and recruitment efforts.
- Officers Rafferty and Parsons have been promoted to Sergeant.
- Recent crime activity includes a triple shooting at Bowditch and Durant; and two parties shooting at each other from cars near San Pablo Park.
- National Night Out Aug. 1. Will kick off at BPD with City staff and then go out into neighborhoods.
- BPD Community Forums. Next one Aug. 8, Tarea Hall Pittman So. Berkeley Library. Berkeleyside streamed and posted video of the 1st forum.
- Supporting school supplies event at San Pablo Park Sept. 9.
- Reiterate invitation to a Commissioner to attend the IACP conference.
- Substantial support provided for family of Ofc. Roberds as well as officers, including visits from counselors, chaplain and rabbi; peer crisis team, clinicians.
- Staff putting together a Principled Policing class, which will be part of state POST curriculum. Original target date of two weeks from now has been postponed; resources being shifted to focus to mental health of officers, in wake of recent event.

8. SUBCOMMITTEE REPORTS (discussion & action)

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

- a. Fair & Impartial Policing Subcommittee
Met earlier this month; next meeting Aug. 3; will address draft CPE report.
- b. General Orders C-64, etc. Subcommittee
PRC Officer to schedule next meeting for Aug. 10, sometime bt. 1 – 5 p.m.
- c. Homeless Encampment Subcommittee
Met alongside Homeless Encampment Subcommittee of Homeless Commission on June 20, and next meeting of both groups will be Aug. 8 at 7:00 p.m.
- d. June 20, 2017 Subcommittee
Next meeting will be Aug. 9 at 1:00 p.m.

9. OLD BUSINESS (discussion & action)

- a. Release of Draft Interim Report from the Center for Policing Equity.
(Item postponed to the next meeting.)
- b. Prioritization of Commission tasks: Report results of Commissioners' rankings.
(Item postponed to the next meeting.)
- c. Possible participation in National Night Out, August 1, 2017.
(Heard following Item #10.b.)
Discussion; no action taken.
- d. Observing 2017 Urban Shield exercise.
Logistics of Chief taking interested commissioners to view tactical scenarios discussed. PRC Officer to help coordinate.
- e. Continue policy review of General Order W-1, Public Recording of Law Enforcement Activity (Right to Watch): consider draft of new policy.
(Item postponed to the next meeting.)

10. NEW BUSINESS (discussion & action)

- a. Message of sympathy to family of Ofc. Roberds and to BPD.
(Heard following Item #9.d.)

By general consent, the Commission approved the PRC Officer's suggested messages of sympathy to the family of Ofc. Alan Roberds and to the Berkeley Police Department.

- b. City Attorney's Office response to Commission's questions regarding requirements of confidentiality applied to challenges of commissioners selected to Board of Inquiry hearings.
(Heard following Item #8.)

Assistant City Attorney Kristy van Herick elaborated on her memo to the Commissioners and answered questions. Additional, related to be agendized.
No action taken.

- c. Approval of recommended draft Surveillance & Community Safety Ordinance; possible dissolution of Subcommittee.
(*Heard following Item #10.a.*)

Presentation by Subcommittee members. Public comment opened. (No speakers.)

Motion to recommend to the City Council that it enact the Surveillance and Community Safety Ordinance propose by the Surveillance & Community Safety Ordinance Subcommittee.

Moved/Seconded (Yampolsky/Halpern)

Motion to amend the main motion by deleting from the proposed Ordinance subpart 4, providing for criminal penalties, of Section 10 (Enforcement).

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

Ayes: Allamby, Halpern, Roberts, and Yampolsky

Noes: Lippman, Price, Prichett Abstain: None

Absent: DaSilva, Ford, Perezvelez

Motion to amend the main motion by deleting from the proposed Ordinance subpart 1) i), concerning information about public records act requests, of Section 3 (Definitions).

Moved (Roberts). **Motion failed for lack of a second.**

Motion to amend the main motion by changing the title of the Ordinance to "Surveillance Technology Use and Community Surveillance Ordinance"; and by deleting, in Section 11 (Secrecy of Surveillance Technology) "future" in the first paragraph and "existing and future" in the second paragraph.

Moved/Seconded (Prichett/Price) **Motion Carried**

Ayes: Allamby, Lippman, Price, Prichett, Roberts, Yampolsky, and Halpern.

Noes: None Abstain: None Absent: DaSilva, Ford, Perezvelez

Motion to recommend to the City Council that it enact the Surveillance and Community Safety Ordinance proposed by the Surveillance & Community Safety Ordinance Subcommittee, as amended above.

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

Ayes: Allamby, Lippman, Price, Prichett, Roberts, Yampolsky, and Halpern.

Noes: None Abstain: None Absent: DaSilva, Ford, Perezvelez

By general consent, the Commission dissolved the Surveillance & Community Safety Ordinance Subcommittee.

- d. Support for Council Committee on Urban Shield participation and NCRIC relationship.
(*Item postponed to the next meeting.*)

- e. How to proceed on City Council referral regarding police accountability reform measures.
(*Item postponed to the next meeting.*)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 2 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 matter(s):

13. STAFF RECOMMENDATION FOR ADMINISTRATIVE CLOSURE – COMPLAINT #2421

Motion to approve Complaint #2421 for administrative closure.

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

Ayes: Allamby, Lippman, Price, Roberts, Yampolsky, and Halpern.

Noes: None Abstain: Prichett Absent: DaSilva, Ford, Perezvelez

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION VOTE

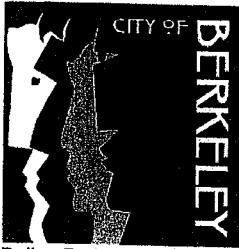
The vote to administratively close Complaint #2421 was announced.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 10:18 p.m.

**POLICE REVIEW COMMISSION
SUBCOMMITTEES LIST
Updated 8-31-17**


Subcommittee	Commissioners	Chair	BPD Reps / Others
General Orders on Crowd Control C-64, U-2, M-2 Formed 1-13-16 Renewed 3-22-17	Lippman Perezvelez Prichett	Perezvelez	Lt. Michael Durbin
Fair & Impartial Policing Formed 1-13-16 Renewed 3-22-17	Allamby Lippman Roberts <i>Public members:</i> Christina Murphy Paul Kealoha-Blake	Lippman	Lt. Michael Durbin
Outreach Formed 9-21-16			Review status of subcommittee at 9-6-17 meeting.
Homeless Encampments Formed 2-1-17	Prichett Yampolsky	Prichett	
June 20, 2017 (Review of BPD Response at City Council Meeting) Formed 7-12-17	Prichett Roberts	Roberts	Chief Andrew Greenwood



Police Review Commission (PRC)

October 6, 2016

To: Media Credentialing Subcommittee

From: Katherine J. Lee, PRC Officer 

Re: Background Information and Materials for Subcommittee Work

In its post-incident review of the BPD's response to the December 6, 2014 protests, the Department made the following recommendations under the heading of "Media":

• **Recommendation #29**

We recommend the BPD Public Information Officer investigate the viability of establishing a regional media credentialing system.

• **Recommendation #30**

We recommend the Department develop a collaborative training for press to enhance their safety and safeguard the First Amendment right of a free press.

The PRC responded to both recommendations as follows:

This is a complicated issue that requires input from all stakeholders. It is the PRC's position that no policy should be implemented until the matter has been referred back to the PRC to establish a subcommittee to allow for a full discussion and formulation of a policy.

The Commission adopted this recommendation at its October 8, 2015 meeting. It received written comment from representatives of the Media Alliance and the National Lawyers Guild; then-Commissioner Ann Rogers submitted a response; they are enclosed in this packet for your information.

Finally, I am enclosing BPD General Order P-29 Public/Media Relations, for your reference.

From BPD Review of Its Actions and Events
of Dec 6 & 7, 2014 (Lessons Learned section)

- Ensuring residents are respectfully treated, through creation of a uniform protocol for allowing access when the street is blocked.
- Provide Portable Toilets if the street is used.
- Ensure Public Works post-incident clean up to remove any garbage left behind.
- Excuse citations and reimburse affected neighbors for tows off of McKinley Ave, if insufficient notice is given.
- Consider disruption to the neighborhood and quality of life, and seek to identify measures to mitigate and reduce negative impacts.

The department is in the process of revising General Order U-4 – Unusual Occurrences to incorporate these suggestions.

W. Media Perspective

The Review Team met with several members of the Media including; Berkeleyside, the Daily Californian, San Francisco Chronicle, KTVU, and freelance journalists to listen to their perspectives. One member believed the police started out in a crowd control mode instead of crowd management. One person felt that the police response was "awesome overall" with the exception of a few officers who were "overly aggressive." Three members reported having batons used against them by police officers while being in front of police skirmish lines.

It was also suggested that the police press officer should be in the field accessible to the media. One press person felt the Berkeley Police Department was too slow to release information compared to other departments. Media representatives were very vocal in their disapproval of Berkeley's extremely minimal use of social media. Another requested that during large scale incidents that BPD give periodic press updates.

BPD General Order P-29 – Public/Media Relations regulates officers' behavior when it comes to interacting with members of the media. Pertinent parts of that General Order were covered during the pre-protest briefings provided to BPD officers.

Members of the press were present covering stories on both nights. It was often not readily apparent who was press and who was not, as many in the crowd carried professional level equipment, and some press reported with smart phones. We did have incidents where journalists in the crowd were pushed or hit with a baton. This was because they were too close to officers and failed to heed verbal directives despite repeated verbal warnings. Officers reported that the press did not always identify themselves as members of the press. After December 6th, when we received complaints from the media, officers were advised, during each subsequent briefing, to be more aware and attempt to identify members of the press in the crowd. Officers

were instructed to allow identified members of the press to pass through the line for their safety.

Based on our interviews with the media, we learned that there is not a press credentialing system in place for members of the East Bay media. BPD participates in the Law Enforcement Alliance of Public Information Professionals, an organization of law enforcement public information officers in northern California. We recommend BPD Public Information Officer investigate the viability of establishing a regional media credentialing system through this organization. Such a system would allow press greater access and make it easier to identify themselves to officers at the line.

The members of the press we met with were interested in receiving training on how to safely report on protests and incidents of civil unrest. We recommend the Department develop a collaborative training to help ensure we adequately safeguard the First Amendment right to a free press.

X. Equipment

Review of BPD videos revealed that the video cameras used were not appropriate for the task and that video operators required training for use in crowd situations. Within a week of the demonstrations, five new cameras were purchased as a first step. To best facilitate Command's situational awareness, we believe that the Department should invest in additional quality video cameras with the ability to live stream updates back to the DOC. Specific training should be provided to personnel tasked with videotaping during crowd management and control situations.

For future review and transparency of police-protester interactions, a video capture solution for helicopter, news, or protest video should be purchased.

To enhance BPD's ability to communicate with future crowds i.e. give direction, admonishments, dispersal orders, we believe that a small vehicle with a mounted public address system, similar to what the Oakland Police Department's crowd negotiators use, should be purchased.

To best protect officers from projectiles while minimizing the projection of force to protestors, the Department should purchase body armor to be worn underneath a uniform of the day.

From PRC Report of Investigation into BPD Response
of Dec 6, 2014 (Discussion section)

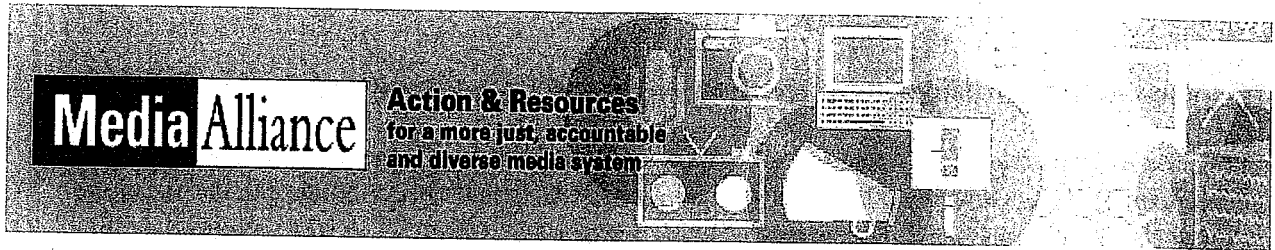
images. BPD's broadcast communication system was also inadequate and limited the efficacy of the crowd dispersal orders.

BPD must revise its policies, practices, and training to ensure these issues are corrected and will not reoccur in the future.

Mutual Aid: BPD needs to increase accountability to better ensure that the conduct of mutual aid responders is in keeping with Berkeley's values and rules of engagement.

The role of mutual aid responders was an area of major concern for the PRC. The PRC recognized that mutual aid responders are accountable to their own policies and procedures regarding the use of force. However, more clearly needs to be done to establish and communicate the values of the City of Berkeley and the rules of engagement that BPD intends to follow, and to emphasize the focus on crowd management, and de-escalation. The PRC believes that establishing a policy of accounting for less-lethal munitions before and after the incident, whenever practicable, will help increase accountability.

Media: BPD needs to establish better policies and practices to avoid limitations on media access and better ensure the safety of members of the media, especially in crowd control situations. The PRC is requesting that the City Council refer the matter of media access back to the PRC to form a subcommittee to address the issue.



Comments to the Berkeley Police Review Commission on Press Pass Credentialing

October 7, 2015

Thank you for this opportunity to address you. I regret being unable to attend the October 8th meeting in person. As a brief introduction, Media Alliance is a Northern California-based democratic communications advocate which began as a journalists association in 1976. We have a long history of legal and policy interventions on behalf of journalist rights. You can find out more at www.media-alliance.org.

With regard to the parameters for a policy for the BPD, there are a few foundational statements to be made. The first is that regardless of existing credentialing policy, the events of December conclusively demonstrate that a problem exists and corrective action needs to be taken to prevent the mauling of journalists by police officers during heated protests.

The second is the fairly crucial observation that journalism is a verb, not a noun. The indicator for journalism is the role an individual is playing in a particular scenario. Much like the provided example of a National Lawyers Guild legal observer, who dons identifying gear and attends a protest in a particular capacity to fill a specific role. An individual serving as a legal observer at a particular event may not be and often is not a legal observer at every event they attend. They make a decision to participate in a certain way, identify themselves clearly as such, and generally observe the characteristics of the role while identifying as such. In this day and age, we need to define the act of journalism similarly.

The role of a journalist at a public protest event or in a public event with a law enforcement presence is fairly straightforward. It is to observe events, document or record them without actively playing a role in determining what occurs, and to release those observations and documentations over a channel to an audience that is not themselves present at the event. In return for providing these information services to the public, the journalist expects access to public events and not to be manhandled, detained, gassed, beat up or injured in such a way as to prevent the delivery of their information to the public in a timely way.

The simple provision of press passes defines that basic exchange, but hasn't always worked. This happens for several reasons, which we will list below and suggest possible remedies:

The press pass is not visible or not made visible quickly enough to prevent an injurious action

We would recommend the provision of a clearly identifying band or sticker to any individual registering with the department. Some may not choose to utilize it, but in a situation that becomes heated, it provides an option to prevent incidents of the kind we saw in December, as well as to clearly establish fault when identification is demonstrably visible.

“Class issues” in journalism are subjectively interpreted by individual police officers

In every case, it is a losing proposition to leave it to the individual judgments of officers who is and isn't a journalist. It is understandable that a single reporter from an obscure outlet will be far more vulnerable to an erroneous police judgment than a 4-person team from KTVU-TV complete with elaborate camera equipment or a nattily dressed reporter from the *Wall Street Journal*. However freedom of the press extends to the full range of outlets and journalistic activity, not merely the most recognizable. Students from the Daily Californian are reporters extended constitutional protections even though they may look just like all the other protesters and carry nothing more exciting than a pencil and an iPhone.

Suggesting two “levels” of press passes is essentially creating a two-tier system that guts constitutional protections offered to the media based on economics. It is also an outdated model as the percentage of full-time workers in journalism has been steadily dropping and virtually all media outlets depend heavily on volunteer journalists and/or stringers to a significant extent. So I would encourage you to dismiss any idea of “levels” of press passes and focus on a workable system to maintain adequate levels of access and insulation from detainment and injury for any individual who is filling the role of a journalist.

Training and Accountability is Crucial

Whatever identifying material is provided to registered journalists by the BPD (and I'd suggest an annual or biannual credentialing process that leaves it to the individual whether to don their identifying regalia at a given event), it is important that all BPD officers and outside forces used to assist be aware of the journalistic regalia and the set of actions that is off-limits with regards to journalistic practitioners. The suggestion of a subcommittee to develop that set of “what not to do to an identified journalist at a protest” is a good one and a clear 5 or 10 point list of prohibited actions would serve a clear purpose.

The final piece to put into place is disciplinary responses to violations of the constitutional rights of an identified journalist. Given the amount of cameras generally available at heated protests, evidence is likely to be available to support or document problems, and it is incumbent upon BPD and the PRC to have disciplinary remedies in place that address both police mistakes and deliberate flouting of the press treatment rules, both to indicate low tolerance for journalist abuse and to retrain officers who for whatever set of reasons take incorrect actions so the problems do not recur.

Media Alliance would be pleased to follow up on these general comments in any way that would be helpful to the PRC and thanks you for your time and consideration of public input.

Sincerely,

Tracy Rosenberg
Executive Director, Media Alliance
2830 20th Street, Suite 102
San Francisco CA 94110
<http://www.media-alliance.org>

Martinez, Maritza

Subject: For tonight's PRC meeting 10-8-15

From: Rachel Lederman [rlederman@beachledermanlaw.com]
Sent: Thursday, October 08, 2015 8:45 AM
To: Lee, Katherine; Martinez, Maritza; Alison Bernstein
Subject: For tonight's PRC meeting

I am writing to provide some information relevant to Commissioner Bernstein's proposals regarding journalist credentialing and Legal Observers as I am unable to attend the meeting tonight, can you please see that this gets to the rest of the commission?

On media credentialing: First of all it is not quite correct that OPD and SFPD do not give press passes to independent journalists. They have discretion to do so and in practice that is applied liberally. But more importantly, OPD's News Media Relations policy states that "Local media representatives carry OPD press cards (see Figure 1), but press credentials issued by other law enforcement agencies or by a newspaper, magazine, television, or radio station should also be recognized". In fact the standard OPD crowd event operations briefing instructs officers "when in doubt, let them film." This is a sound policy that should be emulated since whether BPD has credentialed a journalist or not has no legal significance in terms of the journalist's constitutional right to observe and report. OPD's Crowd Control Policy (Training Bulletin III-G) makes clear that "The media shall be permitted to observe and shall be permitted close enough access to the arrestees to record their names. Even after a dispersal order has been given, clearly identified media shall be permitted to carry out their professional duties in any area where arrests are being made unless their presence would unduly interfere with the enforcement action."

On Legal Observers: The National Lawyers Guild sends Legal Observers to Berkeley protests and virtually all Bay Area protests on an ongoing basis. They are identified by neon green hats with the NLG logo. The National Lawyers Guild Legal Observer program, established in 1968, is nationwide in scope, and is part of a comprehensive system of legal support designed to enable people to express their political views as fully as possible without unconstitutional disruption or interference by the police. Legal Observers are trained and directed by Guild attorneys and the term "Legal Observer" is a registered trademark of the NLG. We would be happy to meet with police and/or city officials regarding protecting the rights of Legal Observers to observe police actions and to gather information concerning arrests at Berkeley protests.

Rachel Lederman
President, National Lawyers Guild, San Francisco Bay Area Chapter ph 415-282-9300

Lee, Katherine

From: Ann Rogers <annrogersplus2@gmail.com>
Sent: Friday, October 09, 2015 10:52 AM
To: Lee, Katherine

Hi Kathy,
I hope you get rested this weekend!

The website re: media is AMERICANPRESSINSTITUTE.ORG, they've been around since 1946. The article "What is Journalism" in particular might be helpful to a subcommittee.

Contrary to the email you forwarded to us all, in my opinion journalism IS a noun! The website defines roles and purpose including that the techniques of journalism are a *method* for gathering information, fact finding and verification, and then setting it in context. It's the verification & fact finding process that helps to ensure unbiased reporting, not the views of the reporter.

This Institute says "journalist" is the broad category that includes editors, etc., and that a reporter or correspondent is a subset, an area of specialization of "journalist." What we've been dealing with is the ability to gather information, via filming or not - e.g., reporters' access to gathering info. BPD seems to be concerned w/ the lack of the journalistic process - fact finding & verification and setting it in context - e.g., they are concerned about the "reports" produced by those unschooled in the journalistic process and which get treated as balanced reporting that's factual and verified. The reaction is to restrict everyone, not waste time sorting it out.

Sorry, getting carried away - I shall save my thoughts for a subcommittee!

Best,
Ann Rogers

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

SUBJECT: PUBLIC / MEDIA RELATIONS

PURPOSE

- 1 - The purpose of this General Order is to establish policies and procedures regarding contacts and relations with media organizations and their representatives, and responsibilities for the release of information by the Public Information Officer (PIO) and other authorized department representatives.

POLICY

- 2 - It is the policy of this department to provide accurate and timely information about crime, public safety and departmental activities to the news media and public.
 - (a) Within the confines of practicality and in accordance with law, it is the Department's intention to keep the community informed of and engaged in public safety issues relevant to their lives.
 - (b) In accordance with information release policy set forth in General Order R-23, consideration shall be given to the confidentiality, integrity and security of investigations (e.g., reference to/discussion of suspect statements), compliance with applicable law, and the privacy rights of victims, witnesses and suspects prior to release of any information.
- 3 - As used in this Order, "Media" shall mean entities, their employees and official agents, whose primary service and professional purpose is the communication of news and information to the general public via print, radio, television or digital/electronic means.

PROCEDURES

Categories of Information

- 4 - Categories of information that may be released to the media are:
 - (a) Routine: These are reports of incidents of human interest which would not affect normal police operations, and information about available police services.
 - (b) Major: These are reports of incidents that impact normal police operations and create a large volume of media interest, information about which is disseminated via the department's PIO, in conjunction with involved investigators.
 - (c) Policy News Release: These are reports about the internal operations of the Police Department, which originate from the Office of the Chief.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

- (d) Publicity Releases: These are reports about incidents and programs designed to arouse public interest, understanding, or involvement, dissemination of which are coordinated by the PIO upon the approval of the Chief of Police.
- (e) Newsworthy Events: These are reports of major crimes, arrests, disasters, unusual occurrences, or traffic accidents which would be of interest to the media, including, but not limited to:
 - (1) Any information necessary to obtain public assistance in the investigation of a crime or apprehension of a criminal suspect.
 - (2) Any information warning the public of danger, or of the nature and frequency of crime in the community.

General

- 4 - Cooperation: As authorized by Police Regulation 226, and within the parameters of relevant General Orders, employees shall cooperate with members of the media.
 - (a) A media inquiry that cannot be answered or is inappropriate for response by an employee shall be referred to the PIO or a superior officer.
- 5 - Information Release: Employees shall follow policy set forth in General Order R-23 regarding release of police reports, official department documents, and information contained therein.
- 6 - Opinion: Employees representing this department shall refrain from offering any opinion as to an arrestee's guilt or innocence, the merits of a particular case, or the existence, nature or value of evidence unless expressly authorized by the Chief of Police to issue such official comment.
- 7 - Persons In-Custody, Intentional Exposure to Media: Employees shall not deliberately expose a person in the custody of this department to representatives of the media for the purpose of being photographed or televised.
- 8 - Persons In-Custody, Media Interviews: Employees shall not deliberately expose a person in the custody of this department to representatives of the media for the purpose of being interviewed by such representatives, except if all of the following conditions exist:
 - (a) The prisoner requests or consents to an interview after being informed adequately of the right to consult with counsel and of the right to refuse to grant an interview.
 - (1) A prisoner's consent to a media interview shall be obtained in writing.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

- (b) If the prisoner has legal counsel, the attorney affirms his/her client's request or consent to a media interview, and authorizes said activity.
 - (1) Whenever practical, the attorney's affirmation and authorization should be obtained in writing.
 - (2) When represented by legal counsel, any request by the media to interview or photograph a person in-custody shall be referred to the prisoner's attorney.
 - (c) Unless unavoidable, department employees shall not appear in authorized and facilitated photographs or filming of prisoners.
- 9 - Media Conferences: Media conferences shall only be called by the City Manager, Assistant City Manager, Chief of Police or individuals serving in those capacities (ref. City of Berkeley Administrative Regulation (AR) 1.14.)
- (a) The department's PIO will act as a liaison between the media and the department in arranging for, or coordinating media conferences.
- 10 - During non-business hours, the on-duty Patrol Division Watch Commander, or in his/her absence the senior on-duty Patrol Division supervisor, shall be responsible for media relations and related notifications.
- 11 - Unless dissemination is authorized by policy and appropriate given the circumstances of the inquiry, media requests for information concerning any incident under investigation shall be referred to the PIO.
- (a) When an employee of this Department provides information to the media, that employee shall, as soon as practical, inform the PIO of the scope of media's inquiry and of the information provided.
- 12 - When the Communications Center receives a media inquiry for routine matters including, but not limited to, traffic conditions in Berkeley, Communications Center personnel shall furnish the information requested.
- (a) Specific or general media requests for information on newsworthy cases, (e.g., rape, major burglaries or robberies, felony assaults/batteries, cases involving death, etc.) received by the Communication Center shall be referred to the PIO (normal business hours) or Patrol Division Watch Commander (non-business hours.)
- 13 - Media inquiries regarding department policy, personnel, or administrative investigations should be handled in accordance with General Order R-23 and, as appropriate, forwarded to the Office of the Chief of Police.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

- 14 - "Media Releases" or other official media-directed documents shall be disseminated by the PIO, Patrol Division Watch Commander, or the Office of the Chief of Police in accordance with department information release policy.
 - (a) A press release of high media and public interest should be forwarded by the PIO to the City Manager's Office, when feasible, for review prior to public dissemination.
 - (b) Publications intended for the media which require significant Department time and effort (e.g., in-depth articles, feature stories, etc.) should be prepared by the PIO.
- 15 - Documents intended for distribution to media representatives may be left at the Front Counter of the Public Safety Building.
- 16 - Employees are encouraged to collaborate with the PIO to develop media releases regarding outstanding service performed by members of this department, significant events, community participation, and proactive projects that enhance the quality of life in Berkeley.
- 17 - A request for information received from a private person concerning police operations, procedures, authority, or concerning interpretation of the law shall be referred to the on-duty Patrol Division Watch Commander, or, if necessary, the Office of the Chief of Police.

Public Information Officer

- 18 - The PIO shall be a department employee appointed by the Chief of Police to serve as the primary liaison with representatives of the media.
 - (a) The PIO is responsible for providing relevant, timely, and accurate information to the media at disasters, major crime scenes, catastrophes, special events, and unusual occurrences.
- 19 - During normal business hours when the PIO is absent, or on-duty but unavailable, the PIO's supervisor shall either serve as Acting PIO or designate a trained subordinate to temporarily serve in that capacity.
- 20 - The PIO shall coordinate the preparation and release of factual information regarding all major Departmental incidents, major crimes, or other newsworthy events.
- 21 - The PIO shall be notified as soon as practical of the following offenses/situations:
 - (a) Arson (e.g., major events, series, offense with injuries).
 - (b) Bombing and explosions.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

- (c) Escapes.
 - (d) Kidnapping.
 - (e) Homicide.
 - (f) Deployment of the Barricaded Subject Hostage Negotiation Team.
 - (g) In all other offenses/situations, when a Patrol Division command officer determines circumstances warrant PIO notification.
- 22 - Subsequent to notification of an event described in paragraph 21 of this Order, the PIO shall determine the proper actions to be taken in accordance with department policy to insure that good media relationships are maintained.
- 23 - When the PIO receives a media request for information, he/she shall:
- (a) Obtain and review a copy of the police report(s).
 - (b) Review the facts of the case with the investigating officer or Detail prior to release of information concerning an ongoing criminal investigation.
 - (1) Unless precluded by law, policy or direction of a command rank officer, employees shall provide information requested by the PIO without delay.
 - (c) Provide the requesting media representative relevant information permitted by law and department policy.
- 24 - When known or advised, the PIO should regularly report contacts with representatives of the media to his/her chain of command.
- (a) The PIO will be responsible for notification of the City Manager's Office regarding non-routine contacts with media representatives as required by AR 1.14.

Involved Party's Request for "No Release"

- 25 - "No Release" shall be requested sparingly, and only when it is necessary for the successful investigation or prosecution of a case or the security of principals, witnesses, or the premises involved, when disclosure of event information would subject the victim to serious embarrassment or mental distress, or when required by law (e.g., PC §293).
- (a) Any officer requesting "No Release" shall include at the end of his/her report full justification for the request.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

- (b) In the event a request for "No Release" is, or appears to be, for purely personal reasons, and does not fall within the provisions of paragraph 25, the requesting person should be advised police cases are matters of public record and, as such, are subject to media review.
 - (1) In situations noted in paragraph 25(b), the officer may include at the top of his/her report, " Request No Release."

In-Field Media Management

- 26 - Whenever the media is present at a police scene, a Patrol Division Watch Commander, supervisor, or a designated liaison officer may release appropriate factual information about an incident and/or police activity in accordance with the information release policies described in this Order and General Order R-23.
 - (a) Whenever necessary or appropriate, the PIO may be called to an incident scene by the Patrol Division Watch Commander to perform in-field media liaison duties.
- 27 - In the event of a major disturbance, disaster, or state of emergency, a second PIO may be designated to assist the primary PIO with media relations and public dissemination of information.
- 28 - In the event the National Incident Management System (NIMS) is employed, the PIO will report to the Incident Commander (Command Section) and perform media liaison activities in support of the PIO Branch.
 - (a) If a Joint Information Center (JIC) is activated, the department PIO, or his/her designee, will report to that location to coordinate information management with other involved agency PIOs.

Media Relations at Multi-Agency Incidents

- 29 - For incidents involving the mutual efforts of the Berkeley Police Department and any other department or agency, the ranking department employee present at the scene shall confer with the ranking personnel from all other involved agencies to determine which agency shall be responsible for the release of information to the media.
 - (a) Unless upon mutual agreement or when necessary, the agency having primary jurisdiction over an incident shall be responsible for the dissemination of information to the media.

Media Access to Disaster or Accident Scenes

- 30 - Employees involved in the management of a disaster, accident, or riotous civil disturbance shall not prohibit duly authorized media representatives from entering and remaining in any area closed to the public pursuant to Penal Code

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

§409.5.

- (a) Authorized media representatives are those persons possessing valid press passes issued by any bona fide law enforcement agency, or other suitable identification establishing regular news media affiliation or employment.
 - (1) While the Berkeley Police Department does not issue "Press Passes", official press documents issued by other law enforcement agencies shall be honored.
 - (2) Reporters or photographers who are not affiliated with or employed by established media entities (i.e., "Freelance") will not be considered authorized media representatives for the purpose of this policy.
 - (b) Authorized media representatives shall be permitted free movement in police-controlled or otherwise publicly restricted areas as long as they do not hamper, deter, or interfere with law enforcement or public safety functions.
 - (c) Employees allowing the entry of an authorized media representative shall advise that person of any known danger existing within the restricted area.
 - (d) Employees should not provide general escort services to media representatives into, through, or out of dangerous areas.
 - (e) Employees shall not refuse to to rescue media personnel who are in danger, providing such assistance can be provided with reasonable effort and without unnecessary hazard to rescuers.
- 31 - Employees shall not take action which would prohibit media aircraft from flying over disaster scenes.
- (a) Notwithstanding the exemption afforded to media aircraft, law enforcement officers may employ Federal regulations to stop both commercial and civilian aircraft from flying over a disaster scene.
 - (1) To implement over-flight control at a disaster scene in Berkeley, the request shall be made to the Federal Aviation Administration (FAA) Office at Oakland Airport.

Media Access to Crime Scenes

- 32 - Employees involved in a criminal investigation may prohibit media access to a crime scene.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

- (a) Media representatives shall be kept sufficiently distant from a crime scene to ensure officer safety and preservation of evidence.
 - (b) A crime scene located in an area of public access may be opened for media inspection after the area is secure and any search for, preservation, and processing of evidence has been completed.
- 33 - Employees shall, upon request of a private property owner or agent thereof, prohibit media access to private property wherein a crime scene is located.
- (a) Regarding access to crime scenes located on private property, media representatives have no right of access greater than the general public and, therefore, are subject to any access restrictions established by the owner or person in charge of the property.
- 34 - The immediate area (i.e., inner perimeter) of an in-progress critical incident, including, but not limited to, a hostage situation or barricaded subject, is deemed a "crime scene" and shall be subject to the media access restrictions set forth in this Order.
- (a) Authorized media representatives may be permitted access to areas within the outer perimeter of a critical incident, subject to any restrictions established by the Incident Commander.
- 35 - Department employees shall not jeopardize public or officer safety in order to accommodate media access or inquiry, but reasonable effort shall be made to keep the media informed of the progress of police activity.

Suggested Changes to Media Relations Policy

- 36 - Any suggestion for significant change in department policy and/or procedure concerning media relations received from a media representative shall be forwarded in writing to the Chief of Police via the recipient employee's chain of command.
- (a) The Chief of Police shall be responsible for evaluating the suggested change and, if appropriate, directing its implementation.
 - (b) The PIO shall be responsible for advising the involved media representative of any changes and/or actions taken by the Department in response to their suggestion.

CONDUCT OF MEDIA REPRESENTATIVES

- 37 - An employee having a complaint regarding the conduct of any media representative should submit the complaint in writing to the Community Service Bureau Lieutenant.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: August 17, 2009

GENERAL ORDER P-29

- 38 - The CSB Lieutenant shall investigate the allegation and, if appropriate, forward the results and action recommendation to the Chief of Police via the chain of command.
- 39 - Any official action that may effect the involved media representative, including, but not limited to, communication of the complaint to the person's media organization, shall be taken only at the direction of the Chief of Police.

References: *South Coast Newspapers, Inc. vs. City of Oceanside* (160 Cal.App.3d 261 (1984))
T.N.G. vs. Superior Court, (4 CA, 3rd 767)
14 CFR §91.137 (Federal Aviation Administration Regulations)
Penal Code §§409.5 and 832.7
City of Berkeley Administrative Regulation 1.14
General Order R-23
Police Regulation 226
"ABA Standards for Criminal Justice: Fair Trial and Free Press" (3rd Ed., 1992), a publication of the American Bar Association

PRC Task List for prioritization

Updated Aug. 31, 2017

Note: Letters in first column are for reference only and do NOT reflect PRC prioritization.

	Subcommittees	Notes
A.	General Orders C-64, U-2, M-2	Review Commander's Guide. Also, 2 issues from Dec. 7 & 8 Subcommittee.
B.	Fair & Impartial Policing	Work continuing, pending release of CPE report.
	Surveillance & Community Safety Ordinance [DONE]	Commission approved 7.26.17
D.	Outreach	Subcommittee on hiatus. To be discussed at 9.6 meeting.
E.	Homeless Encampments	Work continuing.
L	June 20, 2017 (Review of BPD Response at Council meeting)	Subcommittee formed 7.12.17

	Other activities	
F.	Review G.O. W-1, Public Recording of Law Enforcement Activity (Right to Watch)	Draft revised policy agendized 4.26; on 5.10 requested postponement until 1 st June meeting and include background materials. Agendized 6.14 and postponed to 7.12 to allow Commissioners to submit written comments. Postponed 7.12 and 7.26. On 9.6 agenda.
G.	Review BPD budget	Chief's answers to PRC questions discussed 6.14; to be continued 7.12.17.
H.	BPD's policy for shelter-in-place directive to schools.	Agendized but postponed 3.22, 4.12, 5.24, 6.14, 7.12.
I.	1 -- Amending PRC Regulations to address knowingly submitting false or misleading information in support of a BOI commissioner challenge. 2 -- Response to City Attorney 7.19.17 memo re confidentiality of BOI commissioner challenges	Agendized but postponed 5.10, 5.24, 6.14, 7.12, 7.26. On 9.6 agenda.
J.	Consideration of informal complaints	Discussion of how to handle, per City Attorney's opinion, begun 4.26.17; to be continued but postponed. To be agendized when staff report ready.
	Commission Work Plan [DONE]	Commission approved 7.12.17.

PRC Task List for prioritization

Updated Aug. 31, 2017

K.	Release of CPE Report	Planned release to PRC for 5.24 postponed; PRC authorized letter to Council asking them to request Police Chief to release report on 2015 data. Council action 6.27; CM/Chief response 6.30. Agendized for 7.12.17. Draft released 7.14.17.
M.	Media Credentialing Subcommittee	Dissolved 4.12.17; possible resurrection agendized for 6.14, 6.28, 7.12 but postponed. Agendized for 9.6.17.
N.	Regional radio interoperability for common encrypted channels (Dec. 2014 post-incident recommendation #1)	At 2.8.17 meeting, determined only this and Recommendation #14 (re technology, which will be addressed by Surveillance Ord.) remain to be considered by PRC.
O.	Council Committee on UASI and NCRIC	Formed at June 20 Council meeting. Agendized for PRC 7.26.17 meeting but postponed
P.	Increase PRC power or create new structure (Police Accountability Reforms)	Anticipating referral from Council; on their July 25 agenda. To be agendized for PRC 7.26.17.

THE RIGHT TO WATCH

PROPOSAL TO REVISE: GENERAL ORDER W-01

(revised ~~5-24-17~~ 7-20-17)

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.

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.
4. 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 cameras or recording media.

7-20-17: Commissioner Prichett proposes deleting sections 5 & 6, below:

5. 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 become~~ that is 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.
6. 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

7. 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 and 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 or 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

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.

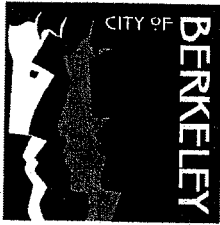
POLICY

- 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.



Police Department

June 8, 2017

To: K. Lee, Police Review Commission
From: A. Greenwood, Chief of Police
Subject: **Response to Commission Budget Questions**

Ms. Lee,

Below are our responses to the budget questions posed by the Police Review Commission.

I have included in this communication the Police Department pages (218-223) from the FY18-19 Proposed Budget, see pages 218-223. For additional context, please note that numerous budget presentations are made to Council (available in video stream on the City's site), and the biennial Proposed Budget document is available here:

Attachment
①

<https://www.cityofberkeley.info/uploadedFiles/Manager/Budget/FY%202018%20%20FY%202019%20Proposed%20Budget%20Book.pdf>

(In our response below, I retained the references as originally noted in they request: "AP" indicates the question from Cmsr. Andrea Prichett, "GP" indicates Cmsr. George Perez-Velez, and "TR" indicates Cmsr. Terry Roberts)

Question 1 (AP-1): Has there ever been an audit? When was the last one?

I understand this question as: "Has the entire Police Department budget been audited?" We are not aware of an audit of the complete Department budget. This question may be best suited to the Auditor's Office, as it relates to that component of City governance, and their work is broad and complex. The Auditor's Office *has* completed several Berkeley Police Department-specific audits, including:

- 2014: Injury Prevention Audit
- 2011: Property and Evidence Audit
- 2008: Overtime Audit

These audits are accessible at the Auditor's site:

http://www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx

Question 2 (AP-2): Can we see the bank balance for asset forfeiture accounts? Does the police department control or have access to any asset forfeiture or other accounts that they can withdraw money from?

There are two asset forfeiture accounts, one from the State process and one from the Federal process. As of June 8, 2017 their respective balances are \$183,339.39, and \$199,527.49.

The Police Department can only spend money from these accounts after requesting and receiving City Manager approval on a case-by-case basis for each expenditure. Berkeley PD does not have the authority or ability to make withdrawals or spend money from these monies outside of this process. Once a purchase is approved at the CM level, the purchase is carried out through normal procurement/purchasing processes. As part of this process, the City Department of Finance transfers funds from the Asset Forfeiture account to the City account.

An Informational Report regarding Asset Forfeiture is going to Council and will be available in the June 27 Council packet, due to be published on Thursday June 15. General Order A-61 governs Asset Forfeiture policy.

Question 3 (AP-4): How do you analyze the effectiveness of your expenditures?

This is an extremely broad, subjective question. Are there existing objective standards that you are aware of relating to police department budget analysis and interpretation?

As with all our resources, we work to be effective and efficient with our spending, most of which is non-discretionary. From the Proposed Budget document, one can see that in FY18, of the BPD's FY18 \$66.7M million budget, nearly \$2.9M is for Services and Materials (see line 2, under "By Type"). That number includes numerous contracts and operating costs which are not optional, with the remaining yet smaller amount consisting of available discretionary monies.

(There is no "AP-4")

Question 4 (AP-5): Can you provide us with the itemized/detailed list of expenditures?

Please see the attached report, which shows a two year listing of all expenditures across all funds, and within each division, in order by element object codes. We have attached the most recent "chart of accounts" which provides information on the codes shown. The column "FY2015 Actuals" shows FY 2015 expenditures. The column "Y-T-D Actual" (with the handwritten notation FY2016) shows FY 2016 expenditures.

Attachment
②

Attachment
③

Please note that the City's aged Finance system ("FUND\$") is not conducive to ease of use and data access. FUND\$ is being replaced over the next couple of years, and it's hoped the new, modern system, will make access to these data far easier.

Question 5 (AP-6): How many trainings or professional development workshops, events, etc., are done each year and how much do we spend on them?

We provide the Police Review Commission with copies of all Training Orders. The Training Orders don't show the cost, and gathering information costs specific to all training orders would take significant staff time.

Question 7 (AP-8): After personnel, what organizational priorities or goals are reflected in next year's budget? How do you establish department priorities?

See the attached pages from the proposed FY 2018 & 2019 budget, which lay out our priority initiatives for the two year budget cycle.

Question 8 (AP-9): How much of the budget supports mental health calls?

This is also a complex question. Mental Health issues are often present in calls for service where officers are needed to ensure safety. It is not specifically tracked, so difficult to say how much of our budget supports responses to mental-health-related calls.

Question 9 (AP-11):

- a. Can we get a tour of the jail?
- b. Can we get a tour of the evidence theft locker?
- c. Can we understand how you maintain the security of evidence?

The jail closes for 3 days every August for staff training; we should be able to arrange a tour during that period.

While we don't have an "evidence theft locker," it appears the interest is to see our Property Room, and gain greater understanding of the process of booking and storing evidence. We would be glad to arrange a visit with those goals in mind.

Question 10 (AP-12): How much of our funding comes from federally controlled sources?

Funding from federally controlled sources is limited to grants. Currently we get an approx. \$35,000 Justice Assistance Grant (JAG), and we've been getting Office of Traffic Safety (OTS) Grants in the \$200K range, but are awaiting approval for the next cycle. The use of these grant monies is narrowly conscribed, and generally funds overtime costs—not the cost of a full-time employee (FTE).

Finally, we have been awarded a \$125,000 grant from Bay Area UASI for purchase of a ballistic panel van. Council will vote on an item to move forward with procuring the van on June 20, 2017.

Question 11 (GP-3): How is OT calculated and allocated in the budget? Is it as a percentage of the total labor or as an extrapolation from last year's cost?

The Budget Office establishes the allocation of overtime monies. The base overtime budget has been carried over for over 5 years \$2,252,065, and we expect the carryover to remain consistent at this time.

Question 12 (GP-6). What amount of the budget is allocated to training?

Training costs are generally reflected in these lines, which can be found under several Department divisions in the expenditure report:

- 40-61 Commercial Travel
- 40-62 Meals & Lodging
- 40-63 Registration/Admin Fees
- 40-64 Transportation

In FY2016, these expenditures totaled approx. \$470,000.

Question 13 (GP-8): What discretion does the Chief have in allocating funds from one part of the budget to others?

Portions of the budget assigned to personnel and internal services charges are not discretionary, and the Chief/Department does not have discretionary authority to move monies in personnel and internal service charges to non-personnel/internal service charges categories. There is no unilateral authority to either increase or decrease the number of staff in the department, nor to use funds allocated for personnel and internal service charges for other purposes.

With regards to non-personnel and non-internal services, funds can be moved from one category to another as needed to cover costs.

Question 14 (GP-10): What amount of the budget is allocated for special units and operations? Is this included in the overall overtime allocations or as a separate entry?

Budget is allocated for personnel across each division. There are no dedicated allocations for any "special units" or "operations."

New questions:

A. Are parking funds generated as an estimate or as a percentage based on previous years? (GP)

The Budget Office allocates monies to BPD from the Parking Fund. Funds allocated to BPD show in the 840 Parking Fund, pays for some parking-related staff costs, and for some expenses (part of the substation lease, GO-4/vehicle costs, and fuel costs) related to parking enforcement.

B. Does BPD spend its full budget every year, if not, how much is left? (TR)

On an overall basis, BPD spends its entire budget allocation every year.

C. What are your performance standards, and are they linked to your budget? (TR)

I'm not aware of performance standards that are linked to budget. If the commission has examples of performance standards linked to police department budgets from other agencies, we'd be interested to review them.

D. Where is the funding for body cameras? (TR)

We anticipate Council allocated funding for the body-worn camera program from elsewhere in the General Fund. I understand those funds will be placed in the FY18 Police Department budget. I understand the Clerk's Office will publish the Body Worn Camera item will be published as part of the full council packet on Thursday afternoon, June 15.

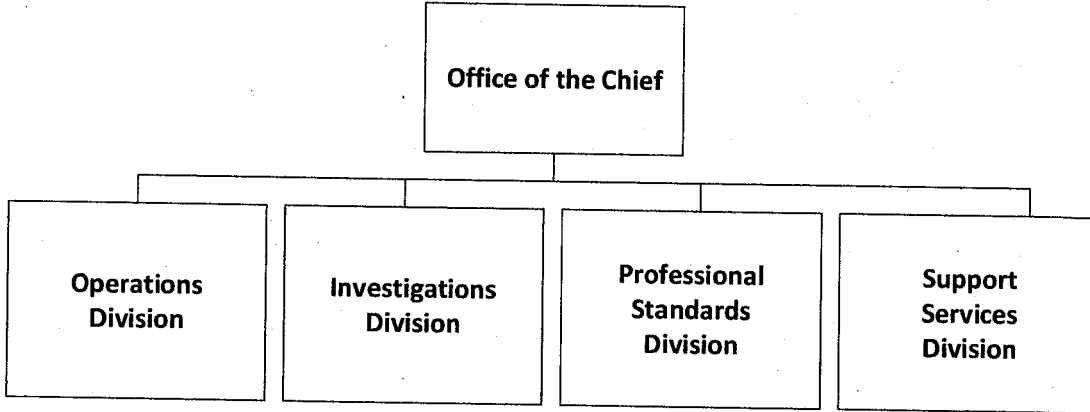
I trust this information will be helpful to the Commission. If you have any questions, please let me know, and I will also be available at the next meeting to answer any questions as well.

POLICE DEPARTMENT

MISSION STATEMENT

United in service, our mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

ORGANIZATION CHART



POLICE DEPARTMENT

DEPARTMENT OVERVIEW

The vision of the Berkeley Police Department is to be a team of leaders at every level. We will foster strong relationships with our community, inspiring trust through our service, building on our historic tradition of progressive policing, and dedicated to the safety of all.

Service is our calling. As members of this community, the Berkeley Police Department team is committed to proactive law enforcement and problem solving, holding these as our core values:

- **Integrity:** We are ethical, fair, and trustworthy in all we do.
- **Safety:** We strive to keep our community and each other safe.
- **Respect:** We fulfill our duties with dignity, compassion, and empathy.
- **Diversity:** We value the strength of a diverse workplace and community. We endeavor to reflect the community we serve, promoting inclusion and fairness.
- **Professionalism:** We commit to organizational excellence through progressive training, positive attitude, and superior performance.

The Police Department is organized into four divisions, in addition to the Office of the Chief, to deliver the following services:

Office of the Chief

The Office of the Chief provides overall leadership and administrative oversight for the Police Department. The Office includes the Chief of Police, the Internal Affairs Bureau and the Fiscal Services Unit.

Operations Division

The Operations Division supports the BPD mission by responding to calls for service, conducting initial criminal investigations, making arrests, issuing citations, providing crime prevention services and proactive problem solving efforts, all focused on safeguarding our community. The Operations Division includes Patrol Teams, Bicycle Officers, the Community Services Bureau (the Area Coordinators, Public Information Officer, Police Reserve Program, Special Events Coordinator, and Crisis Intervention Training Coordinator), the Special Response Team, and the Explosive Ordinance Disposal Team.

Investigations Division

The Investigations Division supports the BPD mission through the work of several bureaus and units.

The Detective Bureau conducts follow-up felony investigations, including homicides, felony assaults, robberies, sexual assaults, domestic violence assaults, sexual assaults on children and minors, residential and commercial burglaries, identity theft, fraud, forgery, and elder abuse, among other offenses.

POLICE DEPARTMENT

The Special Enforcement Unit focuses on serial narcotics and weapons offenders and supports fellow detectives' efforts through focused investigation efforts. The Traffic and Parking Enforcement Bureau consists of two units: the Traffic Unit's Motorcycle Officers focus on community safety through traffic law enforcement; investigation of serious injury traffic collisions, including fatalities; driving under the influence (DUI) enforcement; and coordinating grant-funded focused enforcement efforts. The Parking Unit's Parking Enforcement Officers enforce applicable State and Local codes, which regulate parking in the City of Berkeley, and further provide traffic control and support as needed for other Department divisions, e.g., through working on planned special events, or in assisting with major incident scene management.

The Crime Analysis Unit provides BPD personnel with relevant data and analysis to inform enforcement and problem solving efforts.

The Crime Scene Unit is responsible for properly identifying, seizing and documenting forensic crime scene evidence.

Professional Standards Division

The Professional Standards Division supports the BPD mission through the administration of the Department's hiring and training efforts, policy review and maintenance, and systems review, auditing, and project coordination. The Division includes the Personnel and Training Bureau, Policy Sergeant, and Audit Sergeant, as well as professional administrative staff.

Support Services Division

The Support Services Division supports the BPD mission through a variety of essential operational and administrative activities. The Support Services Division is comprised of the Public Safety Communications Center (which receives and dispatches calls for Police, Fire, and Medical services), the Berkeley City Jail, Records and Front Counter Units, the Police Property Room, Public Safety Technology System Unit, Warrant Unit, and Court Liaison Officer. The Division provides fundamental structural support across all BPD Divisions.

Priority Initiatives for Fiscal Years 2018 - 2019

In addition to providing the services described above, the Police Department will implement the following priority initiatives:

Priority Initiative	Support Departments/Divisions
<p><i>Hire, Train, and Retain Excellent Police Personnel:</i> In order to continue to provide excellent service to the community, expediently fill any position vacancies due to retirement, injury retirement, or employees who do not</p>	<p>Human Resources Department</p>

POLICE DEPARTMENT

satisfactorily complete required training programs	
<i>Body-Worn Cameras:</i> Improve incident documentation by deploying body-worn cameras for Berkeley Police Officers and implementing a clear policy to govern their use	Department of Information Technology
<i>Community Engagement Strategy:</i> Enhance the Police Department's existing efforts to engage and inform community members about public safety by developing a Police Department Community Engagement Strategy	City Manager's Office
<i>Community Safety During Demonstrations:</i> Increase Police Department capacity, resources, tools and training, including training a bike-officer response unit, to effectively protect and facilitate free speech and maintain community safety when demonstrations and protests occur	Fire Department
<i>Public Safety Building Improvements:</i> Update signage and remodel the welcome-area of the Public Safety Building to improve service to community members and enhance the safety of Police Department personnel	Department of Public Works
<i>Management System for Residential and Commercial Burglar Alarms:</i> Implement a system to reduce the need for Police response to false burglar alarms, thus increasing available officer time to address other community needs	Department of Finance & Department of Information Technology
<i>Comprehensive Review of Police Department Equipment and Technology Needs:</i> Conduct a needs assessment and prioritization of tools and technology that would better enable the Police Department to safeguard the community	Department of Information Technology
<i>Comprehensive Police Department Policy Review:</i> Revise and update Police Department policies to ensure full compliance with current law, case law, and incorporate best practices	City Attorney's Office

Significant Changes from Prior Year's Budget

The Police Department has reorganized from three divisions into four divisions to reduce span-of-control concerns and enhance departmental decision-making efficiencies. A Police Officer position was converted to a Police Captain position. The resulting annual increase of \$79,517 to support the Police Captain was funded using an offset from the Citizens' Option for Public Safety Trust for Front-

POLICE DEPARTMENT

line Law Enforcement Fund. As a result, this reorganization did not increase staffing nor impact the General Fund.

POLICE DEPARTMENT FINANCIAL SUMMARY

	FY 2015 Actual	FY 2016 Actual	FY 2017 Adopted	FY 2018 Proposed	FY 2019 Proposed
EXPENDITURES					
By Type:					
Salaries and Benefits	55,910,628	58,069,378	59,490,815	61,397,646	63,315,852
Services and Materials	2,345,071	2,687,704	2,896,073	2,896,073	2,896,073
Capital Outlay	102,423	94,066	194,817	194,817	194,817
Internal Services	2,473,932	2,264,282	2,571,576	2,258,468	2,258,588
Indirect Cost Transfer					
	60,832,054	63,115,430	65,153,281	66,747,004	68,665,330
By Division:					
Office of the Chief	1,422,275	1,455,348	993,859	789,110	820,091
Professional Standards	5,678,114	5,896,754	5,712,791	5,760,257	5,898,711
Support Services	4,248,815	3,968,232	4,390,069	4,164,230	4,213,334
Operations	34,781,350	37,050,106	38,381,092	40,994,823	42,301,991
Investigations	14,701,500	14,744,990	15,675,470	15,038,584	15,431,203
	60,832,054	63,115,430	65,153,281	66,747,004	68,665,330
By Fund:					
General Fund	57,057,838	59,074,465	60,684,425	61,378,677	63,187,683
Asset Forfeiture	148,600	100,392	201,000	201,000	201,000
Federal Grants	119,409	194,751	173,500	173,500	173,500
State/County Grants	944,929	1,165,016	1,123,573	1,961,935	2,006,984
Parking Funds	2,561,278	2,580,806	2,970,783	3,031,892	3,096,163
Other Funds					
	60,832,054	63,115,430	65,153,281	66,747,004	68,665,330
General Fund FTE					
	249.00	244.00	252.00	249.00	249.00
Total FTE					
	279.20	275.20	280.20	280.20	280.20

POLICE DEPARTMENT FINANCIAL SUMMARY

	FY 2015 Actual	FY 2016 Actual	FY 2017 Adopted	FY 2018 Proposed	FY 2017 Proposed
DIVISION/ACTIVITY SUMMARY					
Office of the Chief					
Police Administration	572,715	606,044	44,038	83,006	92,325
Public Information	230,307	177,478	256,629	1,416	1,416
Internal Affairs	619,253	671,826	693,192	704,688	726,350
Division Total	1,422,275	1,455,348	993,859	789,110	820,091
FTE Total	6.00	6.00	6.00	5.00	5.00
Professional Standards					
Policy & Accreditation	1,254,190	1,290,994	1,325,661	1,366,904	1,410,137
Personnel and Training	2,160,174	2,220,808	1,998,852	2,024,371	2,056,480
Jail Unit	2,263,750	2,384,952	2,388,278	2,368,982	2,432,094
Division Total	5,678,114	5,896,754	5,712,791	5,760,257	5,898,711
FTE Total	25.00	26.00	26.00	25.00	25.00
Police Support Services					
Administration	2,684,538	2,565,969	2,950,826	2,670,797	2,674,694
City Jail Operations	186				
Central Communications	71,866				
Police Services	1,492,225	1,402,263	1,439,243	1,493,433	1,538,640
Division Total	4,248,815	3,968,232	4,390,069	4,164,230	4,213,334
FTE Total	12.00	12.00	12.00	12.00	12.00
Operations					
Patrol	29,282,228	31,476,089	32,865,657	35,305,684	36,481,500
Police Reserves	372,071	359,084	212,099	213,129	213,398
Central Communications	5,127,051	5,214,933	5,303,336	5,476,010	5,607,093
Division Total	34,781,350	37,050,106	38,381,092	40,994,823	42,301,991
	159.00	158.00	163.00	171.00	171.00
Investigations					
Detectives Bureau	5,171,874	5,416,574	5,198,264	5,519,096	5,699,040
Traffic Bureau	2,212,989	2,420,864	2,450,098	2,521,223	2,589,999
Parking Enforcement	3,473,190	3,429,787	4,216,879	4,301,733	4,384,356
Special Enforcement Unit	2,803,829	2,302,001	2,771,533	1,722,418	1,767,364
Crime Analysis	395,284	415,354	427,965	193,399	195,809
Community Service/Field Support	65,653	69,638	50,554	50,554	50,554
Crime Scene Unit	578,681	690,772	560,177	730,161	744,081
Division Total	14,701,500	14,744,990	15,675,470	15,038,584	15,431,203
FTE Total	77.20	73.20	73.20	67.20	67.20
Department Total	60,832,054	63,115,430	65,153,281	66,747,004	68,665,330
FTE Total	279.20	275.20	280.20	280.20	280.20

Attachment (2)

FY 2016
↓
ACTUAL

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	ACTUAL Y-T-D	CURRENT ENCUMBRANCES	UNPOSTED
010-6901-420.11-01	MONTHLY RATED EMPLOYEES	78,002.25	77,703	79,916.66	0	0
010-6901-420.11-10	UNIFORM POLICE	206,190.00	205,400	216,530.87	0	0
010-6901-420.11-59	REG RETRO GROSS ADJUST.	.00	0	1,088.86	0	0
010-6901-420.13-01	OT-MONTHLY RATED EMPLOYEE	.00	310	.00	0	0
010-6901-420.20-11	MEDICAL INSURANCE	35,339.62	37,330	24,595.32	0	0
010-6901-420.20-12	DENTAL INSURANCE	3,928.62	3,896	2,741.64	0	0
010-6901-420.20-13	LIFE INSURANCE	56.12	56	105.99	0	0
010-6901-420.20-21	CASH-IN-LIBU	.00	0	4,399.71	0	0
010-6901-420.20-31	PEERS/MISC OTHER	25,274.93	26,880	27,799.30	0	0
010-6901-420.20-32	PEERS/POLICE	96,803.88	101,837	105,278.65	0	0
010-6901-420.20-36	SRIP	4,912.87	4,791	4,764.48	0	0
010-6901-420.20-40	MEDICARE TAX	3,939.45	3,926	4,182.25	0	0
010-6901-420.20-63	MISC. EMP MEDICAL TRUSTS	17,257.33	22,174	23,343.12	0	0
010-6901-420.20-71	WORKERS COMPENSATION CHAR	5,149.75	5,865	6,228.47	0	0
010-6901-420.20-81	UNIFORM ALLOWANCE	1,000.00	1,000	1,000.00	0	0
010-6901-420.20-84	AUTO USE ALLOWANCE	4,840.00	4,800	4,880.00	0	0
010-6901-420.20-87	TERMINAL PAYOUTS-MISC.EMP	5,356.50	5,336	5,609.03	0	0
010-6901-420.20-90	OTHER EMPLOYEE BENEFITS	6,651.86	6,591	7,621.55	0	0
010-6901-420.20-91	COMPUTER CHECK	242.00	240	244.00	0	0
010-6901-420.20-99	SALARY SAVINGS	.00	527,342	.00	0	0
010-6901-420.30-38	MISC PROF SVCS	15,358.33	19,313	18,792.70	0	0
010-6901-420.40-10	PROFESSIONAL DUES AND FEE	3,740.00	5,632	5,400.00	0	0
010-6901-420.40-61	COMMERCIAL TRAVEL	.00	1,227	1,226.20	0	0
010-6901-420.40-62	MEALS & LODGING	.00	3,543	3,473.12	0	0
010-6901-420.40-63	REGISTRATION/ADMIN FEES	.00	1,167	975.00	0	0
010-6901-420.40-64	TRANSPORTATION	.00	909	891.08	0	0
010-6901-420.55-11	OFFICE SUPPLIES	.00	96	96.00	0	0
010-6901-420.55-70	MISC.	4,008.90	0	.00	0	0
010-6901-420.71-10	SMALL EQUIPMENT	.00	700	688.75	0	0
010-6901-420.71-44	COMPUTERS AND PRINTERS	486.04	0	.00	0	0
010-6901-420.75-25	PC REPLACEMENT	53,676.00	53,671	53,671.00	0	0
010-6901-420.75-60	CITY PARKING PERMITS	500.00	500	500.00	0	0
010-6902-420.11-10	UNIFORM POLICE	126,138.83	126,169	95,741.18	0	0
010-6902-420.11-58	OT RETRO GROSS ADJUSTMENT	.00	0	31.25	0	0
010-6902-420.11-59	REG RETRO GROSS ADJUST.	.00	0	44.44	0	0
010-6902-420.13-01	OT-MONTHLY RATED EMPLOYEE	85.27	915	567.50	0	0
010-6902-420.13-05	OT-HOLIDAY PAY	1,031.18	501	616.14	0	0
010-6902-420.20-11	MEDICAL INSURANCE	13,697.56	14,034	9,866.01	0	0
010-6902-420.20-12	DENTAL INSURANCE	2,067.01	2,068	1,413.73	0	0
010-6902-420.20-13	LIFE INSURANCE	110.96	113	77.55	0	0
010-6902-420.20-32	PEERS/POLICE	60,078.84	62,936	46,872.77	0	0
010-6902-420.20-36	SRIP	517.03	648	513.92	0	0
010-6902-420.20-40	MEDICARE TAX	1,728.93	1,685	1,313.49	0	0
010-6902-420.20-63	MISC. EMP MEDICAL TRUSTS	8,408.05	11,145	8,308.85	0	0
010-6902-420.20-71	WORKERS COMPENSATION CHAR	8,591.53	11,022	6,628.79	0	0
010-6902-420.20-81	UNIFORM ALLOWANCE	1,400.00	1,400	700.00	0	0
010-6902-420.20-85	TERMINAL PAYOUTS-POLICE	4,367.04	4,333	3,242.82	0	0
010-6902-420.20-90	OTHER EMPLOYEE BENEFITS	2,084.45	2,057	1,539.42	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-6903-420.11-01	MONTHLY RATED EMPLOYEES	68,228.83	69,158	69,315.39	0	0
010-6903-420.11-10	UNIFORM POLICE	283,910.89	277,148	293,150.51	0	0
010-6903-420.11-59	REG RETRO GROSS ADJUST.	.00	0	102.50	0	0
010-6903-420.13-01	OT-MONTHLY RATED EMPLOYEE	553.97	2,706	2,279.20	0	0
010-6903-420.13-05	OT-HOLIDAY PAY	1,932.05	825	5,491.06	0	0
010-6903-420.20-11	MEDICAL INSURANCE	22,800.07	28,068	32,775.67	0	0
010-6903-420.20-12	DENTAL INSURANCE	4,665.98	5,964	4,190.27	0	0
010-6903-420.20-13	LIFE INSURANCE	254.69	254	258.96	0	0
010-6903-420.20-21	CASH-IN-LIEU	4,508.10	0	7,782.76	0	0
010-6903-420.20-31	PERS/MISC OTHER	22,107.78	23,924	24,021.83	0	0
010-6903-420.20-32	PERS/POLICE	134,839.36	138,113	145,424.62	0	0
010-6903-420.20-36	SRIP	3,481.83	3,584	3,518.02	0	0
010-6903-420.20-40	MEDICARE TAX	4,910.14	4,701	5,229.19	0	0
010-6903-420.20-63	MISC. EMP MEDICAL TRUSTS	20,172.82	26,377	27,009.79	0	0
010-6903-420.20-71	WORKERS COMPENSATION CHAR	24,953.58	25,591	27,403.87	0	0
010-6903-420.20-81	UNIFORM ALLOWANCE	2,800.00	2,800	2,800.00	0	0
010-6903-420.20-85	TERMINAL PAYOUTS-POLICE	10,132.93	9,993	10,258.65	0	0
010-6903-420.20-87	TERMINAL PAYOUTS-MISC.EMP	1,261.09	1,276	1,317.00	0	0
010-6903-420.20-90	OTHER EMPLOYEE BENEFITS	7,431.53	7,355	8,291.28	0	0
010-6903-420.20-91	COMMUTER CHECK	14.00	0	244.00	0	0
010-6903-420.30-38	MISC PROF SVCS	291.66	658	500.00	0	0
010-6903-420.71-10	SMALL EQUIPMENT	.00	500	459.85	0	0
010-7002-420.11-10	UNIFORM POLICE	663,702.09	657,561	679,825.69	0	0
010-7002-420.11-30	TEMP. DISABILITY PMTS	3,497.67	0	3,522.50	0	0
010-7002-420.11-58	OT RETRO GROSS ADJUSTMENT	.00	0	20.71	0	0
010-7002-420.11-59	REG RETRO GROSS ADJUST.	.00	0	234.70	0	0
010-7002-420.13-01	OT-MONTHLY RATED EMPLOYEE	47,261.90	2,426	9,173.32	0	0
010-7002-420.13-05	OT-HOLIDAY PAY	4,253.98	2,150	15,864.42	0	0
010-7002-420.13-11	POLICE/FIRE SPECIAL EVENT	.00	0	708.24	0	0
010-7002-420.13-12	POLICE/FIRE TRAINING	1,139.98	886	6,601.83	0	0
010-7002-420.13-13	POLICE/FIRE-VAC RELIEF	.00	0	1,008.89	0	0
010-7002-420.20-11	MEDICAL INSURANCE	43,728.85	44,347	34,077.71	0	0
010-7002-420.20-12	DENTAL INSURANCE	8,349.84	8,272	6,328.57	0	0
010-7002-420.20-13	LIFE INSURANCE	449.57	451	460.58	0	0
010-7002-420.20-21	CASH-IN-LIEU	6,891.57	7,017	12,222.79	0	0
010-7002-420.20-32	PERS/POLICE	318,407.45	329,390	342,320.69	0	0
010-7002-420.20-36	SRIP	2,687.09	2,592	2,582.30	0	0
010-7002-420.20-40	MEDICARE TAX	6,905.26	6,105	6,884.31	0	0
010-7002-420.20-63	MISC. EMP MEDICAL TRUSTS	44,652.67	58,819	61,002.14	0	0
010-7002-420.20-71	WORKERS COMPENSATION CHAR	55,127.30	58,292	58,717.48	0	0
010-7002-420.20-81	UNIFORM ALLOWANCE	10,100.00	10,100	10,100.00	0	0
010-7002-420.20-85	TERMINAL PAYOUTS-POLICE	23,111.35	22,867	23,697.52	0	0
010-7002-420.20-90	OTHER EMPLOYEE BENEFITS	11,031.56	10,854	11,249.08	0	0
010-7002-420.30-38	MISC PROF SVCS	551.50	4,808	2,289.20	0	0
010-7002-420.40-10	PROFESSIONAL DUES AND FEE	1,750.00	2,780	1,870.00	0	0
010-7002-420.71-10	SMALL EQUIPMENT	.00	500	229.56	0	0
010-7002-420.71-47	SOFTWARE	589.00	0	.00	0	0
010-7003-420.11-01	MONTHLY RATED EMPLOYEES	263,514.32	147,458	150,979.63	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL ENCUMBRANCES	CURRENT ENCUMBRANCES	UNPOSTED
010-7003-420.11-03	HOURLY AND DAILY RATED EM	.00	92,365	.00	0	0
010-7003-420.11-10	UNIFORM POLICE	439,133.91	616,775	447,426.79	0	0
010-7003-420.11-59	REG RETRO GROSS ADJUST.	.00	0	157.21	0	0
010-7003-420.13-01	OT-MONTHLY RATED EMPLOYEE	91,290.65	44,944	131,223.75	0	0
010-7003-420.13-05	OT-HOLIDAY PAY	11,686.43	5,854	12,807.19	0	0
010-7003-420.13-11	POLICE/FIRE SPECIAL EVENT	450.42	0	270.25	0	0
010-7003-420.13-12	POLICE/FIRE TRAINING	107,117.99	55,734	130,639.20	0	0
010-7003-420.13-15	MISC./ POLICE BUSINESS	3,101.15	1,395	1,147.12	0	0
010-7003-420.13-17	MISC LEAVE / POLICE	172,625.00	117,568	193,030.35	0	0
010-7003-420.20-11	MEDICAL INSURANCE	51,264.67	55,995	52,726.81	0	0
010-7003-420.20-12	DENTAL INSURANCE	8,546.58	8,032	7,219.25	0	0
010-7003-420.20-13	LIFE INSURANCE	451.72	536	434.15	0	0
010-7003-420.20-21	CASH-IN-LIEU	20,717.81	21,898	17,275.73	0	0
010-7003-420.20-31	PERS/MISC OTHER	72,321.54	51,010	52,323.21	0	0
010-7003-420.20-32	PERS/POLICE	211,648.12	307,789	225,531.52	0	0
010-7003-420.20-34	PARS (3.75%)	.00	3,464	.00	0	0
010-7003-420.20-36	SRIP	15,710.11	7,178	7,639.49	0	0
010-7003-420.20-40	MEDICARE TAX	12,628.87	9,367	13,490.28	0	0
010-7003-420.20-63	MISC. EMP MEDICAL TRUSTS	36,239.84	57,058	43,056.24	0	0
010-7003-420.20-71	WORKERS COMPENSATION CHAR	69,396.50	57,853	70,918.04	0	0
010-7003-420.20-81	UNIFORM ALLOWANCE	5,000.00	7,100	7,200.00	0	0
010-7003-420.20-85	TERMINAL PAYOUTS-POLICE	15,811.30	21,325	15,745.68	0	0
010-7003-420.20-87	TERMINAL PAYOUTS-MISC.EMP	4,875.31	2,733	2,788.62	0	0
010-7003-420.20-90	OTHER EMPLOYEE BENEFITS	17,579.56	15,717	14,632.89	0	0
010-7003-420.20-91	COMMUTER CHECK	484.00	480	468.00	0	0
010-7003-420.27-20	FRINGE BENEFITS(BUDGET)	.00	3,214	.00	0	0
010-7003-420.30-37	MEDICAL	90,569.36	108,831	91,364.83	0	0
010-7003-420.30-38	MISC PROF SVCS	42,576.04	43,615	41,101.33	0	0
010-7003-420.40-10	PROFESSIONAL DUES AND FEE	.00	216	.00	0	0
010-7003-420.40-61	COMMERCIAL TRAVEL	6,965.81	7,587	7,563.92	0	0
010-7003-420.40-62	MEALS & LODGING	197,145.83	223,024	220,571.93	0	0
010-7003-420.40-63	REGISTRATION/ADMIN FEES	76,860.74	109,902	105,104.24	0	0
010-7003-420.40-64	TRANSPORTATION	12,378.71	18,973	18,964.35	0	0
010-7003-420.40-70	ADVERTISING	2,547.85	11,150	6,741.84	0	0
010-7003-420.40-80	BOOKS AND PUBLICATIONS	3,003.97	0	.00	0	0
010-7003-420.50-10	RENTAL OF LAND/BUILDINGS	16,070.72	12,505	12,368.12	0	0
010-7003-420.51-20	MESSENGER/DELIVERY	5.33	0	.00	0	0
010-7003-420.55-11	OFFICE SUPPLIES	119.82	1,000	542.89	0	0
010-7003-420.55-20	FIELD SUPPLIES	12,090.13	13,699	9,666.71	0	0
010-7003-420.55-21	AMMUNITIONS & EXPLOSIVES	17,812.49	40,939	34,014.76	0	0
010-7003-420.55-40	CLOTHING	34,066.43	62,992	62,523.59	0	0
010-7003-420.55-50	FOOD	8,807.10	3,864	3,549.17	0	0
010-7003-420.55-70	MISC.	7,556.74	2,840	2,267.24	0	0
010-7003-420.70-41	MACHINERY AND EQUIPMENT	.00	1,500	1,199.03	0	0
010-7003-420.70-43	FURNITURE AND FIXTURES	.00	4,133	1,657.50	0	0
010-7003-420.71-43	FURNITURE AND FIXTURES	.00	0	2,474.70	0	0
010-7004-420.11-01	MONTHLY RATED EMPLOYEES	931,862.27	898,793	923,810.74	0	0
010-7004-420.11-03	HOURLY AND DAILY RATED EM	.00	470	46.51	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7004-420.11-10	UNIFORM POLICE	142,364.59	138,574	151,084.39	0	0
010-7004-420.11-51	RETRO PAY NO PERS & SRIP	3,473.88	0	.00	0	0
010-7004-420.11-59	REG RETRO GROSS ADJUST.	.00	0	151.82	0	0
010-7004-420.13-01	OT-MONTHLY RATED EMPLOYEE	144,703.50	110,905	220,616.63	0	0
010-7004-420.13-05	OT-HOLIDAY PAY	52,555.78	18,425	41,561.29	0	0
010-7004-420.13-12	POLICE/FIRE TRAINING	4,088.27	7,714	4,852.66	0	0
010-7004-420.13-13	POLICE/FIRE-VAC RELIEF	83,643.14	50,124	85,548.62	0	0
010-7004-420.13-15	MISC./ POLICE BUSINESS	170.49	0	2,163.13	0	0
010-7004-420.13-16	SICK RELIEF/POLICE-FIRE	29,301.43	5,104	51,376.93	0	0
010-7004-420.13-17	MISC LEAVE / POLICE	.00	223	.00	0	0
010-7004-420.20-11	MEDICAL INSURANCE	204,861.97	211,671	191,250.64	0	0
010-7004-420.20-12	DENTAL INSURANCE	25,763.21	25,833	24,169.32	0	0
010-7004-420.20-13	LIFE INSURANCE	484.96	479	467.18	0	0
010-7004-420.20-21	CASH-IN-LIEU	3,638.37	0	11,793.31	0	0
010-7004-420.20-31	PERS/MISC OTHER	302,433.14	311,024	316,860.23	0	0
010-7004-420.20-32	PERS/POLICE	68,403.26	69,056	74,691.20	0	0
010-7004-420.20-34	PERS (3.75%)	.00	18	1.74	0	0
010-7004-420.20-36	SRIP	34,256.57	30,257	30,720.25	0	0
010-7004-420.20-40	MEDICARE TAX	16,621.29	13,135	18,926.95	0	0
010-7004-420.20-63	MISC. EMP MEDICAL TRUSTS	18,654.87	21,783	22,045.42	0	0
010-7004-420.20-71	WORKERS COMPENSATION CHAR	49,551.62	53,604	59,829.36	0	0
010-7004-420.20-81	UNIFORM ALLOWANCE	19,384.62	19,600	18,253.84	0	0
010-7004-420.20-85	TERMINAL PAYOUTS-POLICE	5,100.00	4,997	5,138.89	0	0
010-7004-420.20-87	TERMINAL PAYOUTS-MISC.EMP	16,552.87	16,967	16,430.38	0	0
010-7004-420.20-90	OTHER EMPLOYEE BENEFITS	36,633.55	37,109	45,255.98	0	0
010-7004-420.20-91	COMUTER CHECK	272.00	0	230.00	0	0
010-7004-420.27-20	FRINGE BENEFITS (BUDGET)	.00	16	.00	0	0
010-7004-420.30-38	MISC PROF SVCS	12,072.80	11,496	2,791.00	0	0
010-7004-420.30-43	BLDG & STRUCTURES MTCs SV	.00	1,000	.00	0	0
010-7004-420.30-44	FIELD EQUIP MTC SVCS	712.50	4,000	434.50	0	0
010-7004-420.40-61	COMMERCIAL TRAVEL	.00	1,050	.00	0	0
010-7004-420.40-62	MEALS & LODGING	467.88	1,304	.00	0	0
010-7004-420.40-63	REGISTRATION/ADMIN FEES	3,595.00	3,100	2,952.00	0	0
010-7004-420.40-64	TRANSPORTATION	.00	2,000	.00	0	0
010-7004-420.50-10	RENTAL OF LAND/BUILDINGS	465.00	500	405.72	0	0
010-7004-420.55-50	FOOD	39,213.78	60,760	37,339.43	0	0
010-7004-420.55-70	MISC.	8,222.91	11,655	7,147.02	0	0
010-7004-420.70-41	MACHINERY AND EQUIPMENT	.00	1,500	.00	0	0
010-7004-420.71-10	SMALL EQUIPMENT	.00	0	.00	0	0
010-7004-420.75-15	NON-ROUTINE FACILITY MTC	4,223.15	0	.00	0	0
010-7101-420.11-01	MONTHLY RATED EMPLOYEES	183,577.93	196,473	149,208.89	0	0
010-7101-420.13-01	OT-MONTHLY RATED EMPLOYEE	33,307.84	88	4,686.06	0	0
010-7101-420.20-11	MEDICAL INSURANCE	9,374.70	14,034	23,489.85	0	0
010-7101-420.20-12	DENTAL INSURANCE	2,601.62	3,656	3,534.68	0	0
010-7101-420.20-13	LIFE INSURANCE	104.26	85	99.17	0	0
010-7101-420.20-21	CASH-IN-LIEU	2,968.50	0	.00	0	0
010-7101-420.20-31	PERS/MISC OTHER	59,399.07	64,934	51,731.38	0	0
010-7101-420.20-36	SRIP	4,967.76	4,673	5,694.09	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7101-420.20-40	MEDICARE TAX	3,116.90	2,867	2,202.00	0	0
010-7101-420.20-63	MISC. EMP MEDICAL TRUSTS	6,562.35	7,092	4,862.86	0	0
010-7101-420.20-71	WORKERS COMPENSATION CHAR	4,951.42	3,988	3,320.06	0	0
010-7101-420.20-87	TERMINAL PAYOUTS-MISC.EMP	3,456.68	3,704	2,805.74	0	0
010-7102-420.20-90	OTHER EMPLOYEE BENEFITS	7,113.35	7,583	7,190.38	0	0
010-7101-420.20-91	COMPUTER CHECK	44.60	240	317.40	0	0
010-7101-420.30-38	MISC PROF SVCS	47,846.00	61,513	60,963.15	0	0
010-7101-420.30-42	OFFICE EQUIP MTC SVCS	300.00	0	.00	0	0
010-7101-420.30-43	BLDG & STRUCTURES MTC SV	2,975.46	11,755	3,000.00	0	0
010-7101-420.30-44	FIELD EQUIP MTC SVCS	15,651.20	22,200	20,287.94	0	0
010-7101-420.40-31	TELEPHONES	14,383.90	4,509	3,964.45	0	0
010-7101-420.40-33	CELLULAR	11,964.21	87,614	66,582.19	0	0
010-7101-420.40-50	PRINTING AND BINDING	18,598.67	22,351	22,574.73	0	0
010-7101-420.50-30	Lease of offc equip/furn	36,563.58	39,519	30,712.29	0	0
010-7101-420.51-10	POSTAGE	73.39	7,547	1,257.95	0	0
010-7101-420.55-11	OFFICE SUPPLIES	82,734.80	79,713	72,318.35	0	0
010-7101-420.55-70	MISC.	995.90	596	99.05	0	0
010-7101-420.70-44	COMPUTERS & PRINTERS	.00	1,500	.00	0	0
010-7101-420.71-10	SMALL EQUIPMENT	463.18	698	.00	0	0
010-7101-420.71-44	COMPUTERS AND PRINTERS	1,871.53	2,000	1,839.38	0	0
010-7101-420.75-10	FACILITIES MTC SVCS	474,288.00	404,030	404,030.00	0	0
010-7101-420.75-11	1947 CENTER ST. FAC MTC.	61,392.00	61,391	61,391.00	0	0
010-7101-420.75-15	NON-ROUTINE FACILITY MTC	626.68	3,054	262.83	0	0
010-7101-420.75-20	CITY RADIO MAINT./REPLACE	309,277.44	300,960	309,277.44	0	0
010-7101-420.75-40	CITY VEHICLES/REPLACE CON	456,213.82	412,483	524,115.02	0	0
010-7101-420.75-50	CITY VEHICLES/FUEL & MAINT	738,240.72	929,758	658,114.44	0	0
010-7102-420.13-01	OT-MONTHLY RATED EMPLOYEE	173.31	0	.00	0	0
010-7102-420.20-40	MEDICARE TAX	1.94	0	.00	0	0
010-7102-420.20-71	WORKERS COMPENSATION CHAR	11.43	0	.00	0	0
010-7103-420.11-01	MONTHLY RATED EMPLOYERS	34,462.84	0	.00	0	0
010-7103-420.11-03	HOURLY AND DAILY RATED EM	.565.66	0	.00	0	0
010-7103-420.13-01	OT-MONTHLY RATED EMPLOYEE	6,814.42	0	.00	0	0
010-7103-420.13-05	OT-HOLIDAY PAY	1,137.76	0	.00	0	0
010-7103-420.13-13	POLICE/FIRE-VAC RELIEF	971.00	0	.00	0	0
010-7103-420.13-15	MISC. / POLICE BUSINESS	79.39	0	.00	0	0
010-7103-420.13-16	SICK RELIEF/POLICE-FIRE	224.66	0	.00	0	0
010-7103-420.20-11	MEDICAL INSURANCE	11,425.75	0	.00	0	0
010-7103-420.20-12	DENTAL INSURANCE	1,500.81	0	.00	0	0
010-7103-420.20-13	LIFE INSURANCE	29.86	0	.00	0	0
010-7103-420.20-21	CASH-IN-LIEU	155.58	0	.00	0	0
010-7103-420.20-31	PERS/MISC OTHER	10,746.05	0	.00	0	0
010-7103-420.20-34	PARS (3.75%)	21.22	0	.00	0	0
010-7103-420.20-36	SRIP	181.68	0	.00	0	0
010-7103-420.20-40	MEDICARE TAX	625.61	0	.00	0	0
010-7103-420.20-63	MISC. EMP MEDICAL TRUSTS	380.17	0	.00	0	0
010-7103-420.20-71	WORKERS COMPENSATION CHAR	626.36	0	.00	0	0
010-7103-420.20-87	TERMINAL PAYOUTS-MISC.EMP	620.29	0	.00	0	0
010-7103-420.20-90	OTHER EMPLOYEE BENEFITS	1,276.63	0	.00	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7103-420.20-91	COMPUTER CHECK	19.47	0	.00	0	0
010-7104-420.11-01	MONTHLY RATED EMPLOYERS	616,432.65	607,620	577,350.14	0	0
010-7104-420.11-02	WAGE CONTINUATION PAYMENT	119.42	0	.00	0	0
010-7104-420.11-03	HOURLY AND DAILY RATED EM	.00	0	7,897.71	0	0
010-7104-420.11-10	UNIFORM POLICE	120,738.80	120,161	120,107.36	0	0
010-7104-420.11-51	RETRO PAY NO PERS & SRIP	.00	0	366.46	0	0
010-7104-420.11-59	REG RETRO GROSS ADJUST.	.00	0	79.85	0	0
010-7104-420.13-01	OT-MONTHLY RATED EMPLOYEES	12,320.31	5,254	1,538.26	0	0
010-7104-420.13-01	OT-MONTHLY RATED EMPLOYEES	924.30	239	1,211.28	0	0
010-7104-420.13-05	OT-HOLIDAY PAY	.00	476	1,657.87	0	0
010-7104-420.13-12	POLICE/FIRE TRAINING	.00	0	1,353.98	0	0
010-7104-420.13-13	POLICE/FIRE-VAC RELIEF	.00	0	1,538.26	0	0
010-7104-420.20-11	MEDICAL INSURANCE	149,055.42	135,212	148,486.43	0	0
010-7104-420.20-12	DENTAL INSURANCE	17,856.78	14,865	17,512.25	0	0
010-7104-420.20-13	LIFE INSURANCE	378.71	367	357.94	0	0
010-7104-420.20-21	CASH-IN-LIEU	9,803.22	15,513	7,030.75	0	0
010-7104-420.20-31	PERS/MISC OTHER	200,662.93	211,643	201,049.43	0	0
010-7104-420.20-32	PERS/POLICE	57,470.27	59,972	59,252.49	0	0
010-7104-420.20-34	PARS (3.75%)	.00	0	297.89	0	0
010-7104-420.20-36	SRIP	21,208.47	21,207	19,322.34	0	0
010-7104-420.20-40	MEDICARE TAX	10,949.51	10,745	10,557.83	0	0
010-7104-420.20-63	MISC. EMP MEDICAL TRUSTS	14,524.82	17,134	16,680.23	0	0
010-7104-420.20-71	WORKERS COMPENSATION CHAR	24,569.28	28,414	24,979.10	0	0
010-7104-420.20-81	UNIFORM ALLOWANCE	4,900.00	5,600	4,200.00	0	0
010-7104-420.20-85	TERMINAL PAYOUTS-POLICE	4,386.81	4,333	4,277.92	0	0
010-7104-420.20-87	TERMINAL PAYOUTS-MISC.EMP	11,533.57	11,379	10,857.27	0	0
010-7104-420.20-90	OTHER EMPLOYEE BENEFITS	25,827.75	25,353	30,768.31	0	0
010-7104-420.20-91	COMPUTER CHECK	1,242.20	1,200	1,648.01	0	0
010-7104-420.30-38	MISC PROF SVCS	68,894.71	60,890	57,628.72	0	0
010-7104-420.30-42	OFFICE EQUIP MTC SVCS	41,214.18	8,000	7,137.29	0	0
010-7104-420.30-43	BLDG & STRUCTURES MTC SV	.00	500	50.98	0	0
010-7104-420.30-47	Software Maintenance	279.00	0	.00	0	0
010-7104-420.30-51	BANK CREDIT CARD FEES	248.19	1,000	354.44	0	0
010-7104-420.40-10	PROFESSIONAL DUES AND FEE	75.00	0	.00	0	0
010-7104-420.40-43	REFUSE	339.60	0	349.80	0	0
010-7104-420.40-61	COMMERCIAL TRAVEL	949.00	437	436.90	0	0
010-7104-420.40-62	MEALS & LODGING	3,275.16	3,725	3,509.62	0	0
010-7104-420.40-63	REGISTRATION/ADMIN FEES	4,020.00	7,835	7,835.00	0	0
010-7104-420.40-64	TRANSPORTATION	1,037.34	2,000	1,962.28	0	0
010-7104-420.40-70	ADVERTISING	153.60	500-	.00	0	0
010-7104-420.50-20	RENTAL OF EQUIP/VEHICLES	16,248.48	600	.00	0	0
010-7104-420.51-10	POSTAGE	4,726.36	3,000	5,680.34	0	0
010-7104-420.51-20	MESSENGER/DELIVERY	3,931.34	6,500	6,395.31	0	0
010-7104-420.55-11	OFFICE SUPPLIES	2,688.13	0	78.30	0	0
010-7104-420.55-50	FOOD	.00	500	135.77	0	0
010-7104-420.55-70	MISC.	31,396.43	34,205	33,910.10	0	0
010-7104-420.71-10	SMALL EQUIPMENT	354.66	802	757.08	0	0
010-7104-420.71-43	FURNITURE AND FIXTURES	1,246.93	2,800	2,626.66	0	0
010-7104-420.71-44	COMPUTERS AND PRINTERS	2,715.24	1,100	1,049.00	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7104-420.75-35	MAIL SERVICES	3,528.00	3,528	3,528.00	0	0
010-7202-420.11-01	MONTHLY RATED EMPLOYEES	98,604.34	132,847	157,055.74	0	0
010-7202-420.11-10	UNIFORM POLICE	13,475,740.51	14,339,413	13,804,681.21	0	0
010-7202-420.11-30	TEMP. DISABILITY PMTS	524,070.21	0	895,042.33	0	0
010-7202-420.11-51	RETRO PAY NO PERS & SRIP	.00	0	33.36	0	0
010-7202-420.11-58	OT RETRO GROSS ADJUSTMENT	100.42	0	1,063.49	0	0
010-7202-420.11-59	REG RETRO GROSS ADJUST.	232.02	0	7,812.84	0	0
010-7202-420.13-01	OT-MONTHLY RATED EMPLOYEE	1,093,041.82	234,966	620,228.54	0	0
010-7202-420.13-05	OT-HOLIDAY PAY	360,110.55	173,193	352,307.53	0	0
010-7202-420.13-11	POLICE/FIRE SPECIAL EVENT	89,230.66	77,624	108,987.99	0	0
010-7202-420.13-12	POLICE/FIRE TRAINING	209,335.80	172,220	303,492.77	0	0
010-7202-420.13-13	POLICE/FIRE-VAC RELIEF	156,279.22	110,906	401,512.69	0	0
010-7202-420.13-15	MISC. / POLICE BUSINESS	7,062.83	6,651	720.67	0	0
010-7202-420.13-16	SICK RELIEF/POLICE-FIRE	280,570.65	94,230	329,473.49	0	0
010-7202-420.13-17	MISC LEAVE / POLICE	.00	860	771.97	0	0
010-7202-420.13-38	WORK FOR PRIVATE PARTIES	.00	12,521	.00	0	0
010-7202-420.20-11	MEDICAL INSURANCE	1,486,956.67	1,552,699	1,632,458.65	0	0
010-7202-420.20-12	DENTAL INSURANCE	225,015.49	233,213	230,937.98	0	0
010-7202-420.20-13	LIFE INSURANCE	12,483.71	13,254	13,267.27	0	0
010-7202-420.20-21	CASH-IN-LIEU	104,407.63	102,674	114,008.77	0	0
010-7202-420.20-31	PERS/MISC OTHER	39,563.61	39,081	45,932.32	0	0
010-7202-420.20-32	PERS/POLICE	6,751,078.91	7,255,456	7,329,403.44	0	0
010-7202-420.20-34	PARS (3.75%)	20.98	0	.00	0	0
010-7202-420.20-36	SRIP	79,007.65	80,357	83,832.76	0	0
010-7202-420.20-40	MEDICARE TAX	211,413.99	187,528	218,294.90	0	0
010-7202-420.20-63	MISC. EMP MEDICAL TRUSTS	981,711.82	1,330,148	1,347,703.85	0	0
010-7202-420.20-71	WORKERS COMPENSATION CHAR	1,218,832.92	1,282,137	1,327,016.66	0	0
010-7202-420.20-72	TEMP DISABILITY PAYMENTS	252.18	0	.00	0	0
010-7202-420.20-81	UNIFORM ALLOWANCE	192,287.51	204,300	203,918.28	0	0
010-7202-420.20-85	TERMINAL PAYOUTS-POLICE	507,641.09	516,656	523,332.61	0	0
010-7202-420.20-87	TERMINAL PAYOUTS-MISC.EMP	2,795.66	2,195	2,823.39	0	0
010-7202-420.20-90	OTHER EMPLOYEE BENEFITS	248,062.09	249,736	256,555.40	0	0
010-7202-420.20-91	COMMUTER CHECK	351.55	720	1,289.67	0	0
010-7202-420.30-38	MISC PROF SVCS	14,076.26	12,087	12,085.00	0	0
010-7202-420.30-44	FIELD EQUIP MTC SVCS	.00	880	324.10	0	0
010-7202-420.30-47	Software Maintenance	1,583.94	3,168	3,167.88	0	0
010-7202-420.40-33	CELLULAR	.00	2,600	2,590.88	0	0
010-7202-420.40-61	COMMERCIAL TRAVEL	1,046.80	2,400	2,203.18	0	0
010-7202-420.40-62	MEALS & LODGING	586.31	6,342	6,318.18	0	0
010-7202-420.40-63	REGISTRATION/ADMIN FEES	5,995.00	12,310	12,180.00	0	0
010-7202-420.40-64	TRANSPORTATION	311.20	1,500	1,470.17	0	0
010-7202-420.40-80	BOOKS AND PUBLICATIONS	672.71	0	.00	0	0
010-7202-420.50-10	RENTAL OF LAND/BUILDINGS	4,754.00	7,700	6,705.13	0	0
010-7202-420.50-20	RENTAL OF EQUIP/VEHICLES	1,466.42	1,800	1,430.27	0	0
010-7202-420.51-10	POSTAGE	43.70	0	46.56	0	0
010-7202-420.55-11	OFFICE SUPPLIES	42.75	0	43.65	0	0
010-7202-420.55-20	FIELD SUPPLIES	3,657.49	3,327	2,660.62	0	0
010-7202-420.55-21	AMMUNITIONS & EXPLOSIVES	.00	2,438	2,429.43	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7202-420.55-40	CLOTHING	894.63	400	.00	0	0
010-7202-420.55-50	FOOD	14,420.43	7,286	3,330.37	0	0
010-7202-420.55-70	MISC.	16,041.55	61,561	60,392.79	0	0
010-7202-420.70-41	MACHINERY AND EQUIPMENT	.00	7,636	4,679.70	0	0
010-7202-420.70-44	COMPUTERS & PRINTERS	.00	1,600	1,685.76	0	0
010-7202-420.71-10	SMALL EQUIPMENT	1,744.98	6,775	6,753.59	0	0
010-7202-420.71-41	MACHINERY AND EQUIPMENT	3,959.49	0	980.99	0	0
010-7202-420.71-43	FURNITURE AND FIXTURES	2,222.51	0	.00	0	0
010-7202-420.71-44	COMPUTERS AND PRINTERS	.00	650	644.60	0	0
010-7202-420.75-15	NON-ROUTINE FACILITY MTC	22,725.78	0	.00	0	0
010-7202-420.99-01	APPROPRIATIONS ORD #1	.00	4,307	.00	0	0
010-7202-420.99-11	APPROP ORD #1 OFFSET	.00	4,307	.00	0	0
010-7203-420.11-03	HOURLY AND DAILY RATED EM	183,801.30	196,406	185,138.84	0	0
010-7203-420.11-59	REG RETRO GROSS ADJUST.	.00	0	633.76	0	0
010-7203-420.13-01	OT-MONTHLY RATED EMPLOYEE	6,855.92	6,786	8,150.50	0	0
010-7203-420.13-11	POLICE/FIRE SPECIAL EVENT	.00	870	.00	0	0
010-7203-420.13-13	POLICE/FIRE-VAC RELIEF	.00	0	29.67	0	0
010-7203-420.13-38	WORK FOR PRIVATE PARTIES	148,633.45	148,615	132,547.20	0	0
010-7203-420.20-34	PARS (3.75%)	2,673.87	1,740	2,527.37	0	0
010-7203-420.20-40	MEDICARE TAX	4,722.66	0	4,615.96	0	0
010-7203-420.20-71	WORKERS COMPENSATION CHAR	25,384.23	0	25,373.48	0	0
010-7203-420.27-20	FRINGE BENEFITS (BUDGET)	.00	4,682	.00	0	0
010-7203-420.40-20	INSURANCE	.00	1,500	.00	0	0
010-7203-420.55-70	MISC.	.00	260	67.14	0	0
010-7206-420.11-01	MONTHLY RATED EMPLOYEES	2,631,340.72	2,776,471	2,578,341.35	0	0
010-7206-420.11-02	WAGE CONTINUATION PAYMENT	.00	0	1,556.36	0	0
010-7206-420.11-03	HOURLY AND DAILY RATED EM	32,686.25	81,475	47,443.92	0	0
010-7206-420.11-30	TEMP. DISABILITY PWIS	.00	0	3,088.96	0	0
010-7206-420.11-51	RETRO PAY NO PERS & SRIP	705.65	0	152.29	0	0
010-7206-420.13-01	OT-MONTHLY RATED EMPLOYEE	456,643.76	202,980	478,765.36	0	0
010-7206-420.13-05	OT-HOLIDAY PAY	50,171.08	15,471	46,747.76	0	0
010-7206-420.13-11	POLICE/FIRE SPECIAL EVENT	.00	0	910.70	0	0
010-7206-420.13-12	POLICE/FIRE TRAINING	11,696.93	1,531	15,848.31	0	0
010-7206-420.13-13	POLICE/FIRE-VAC RELIEF	96,148.66	82,724	179,769.03	0	0
010-7206-420.13-15	MISC./ POLICE BUSINESS	207.66	4,279	4,097.67	0	0
010-7206-420.13-16	SICK RELIEF/POLICE-FIRE	77,385.23	42,763	80,956.13	0	0
010-7206-420.13-17	MISC LEAVE / POLICE	.00	0	106.75	0	0
010-7206-420.20-11	MEDICAL INSURANCE	423,428.60	426,695	388,221.30	0	0
010-7206-420.20-12	DENTAL INSURANCE	52,593.36	55,082	48,447.36	0	0
010-7206-420.20-13	LIFE INSURANCE	867.34	959	858.03	0	0
010-7206-420.20-21	CASH-IN-LIEU	11,649.20	7,757	19,853.67	0	0
010-7206-420.20-31	PERS/MISC OTHER	863,398.55	965,742	887,499.66	0	0
010-7206-420.20-34	PARS (3.75%)	1,225.75	3,055	1,784.85	0	0
010-7206-420.20-36	SRIP	80,613.40	76,348	69,881.53	0	0
010-7206-420.20-40	MEDICARE TAX	47,737.24	36,435	50,128.99	0	0
010-7206-420.20-63	MISC. EMP MEDICAL TRUSTS	28,378.75	30,965	28,252.37	0	0
010-7206-420.20-71	WORKERS COMPENSATION CHAR	55,083.28	68,548	64,770.97	0	0
010-7206-420.20-81	UNIFORM ALLOWANCE	41,030.76	40,600	37,584.61	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7206-420.20-87	TERMINAL PAYOUTS-MISC.EMP	47,305.00	52,421	46,526.74	0	0
010-7206-420.20-90	OTHER EMPLOYEE BENEFITS	97,369.79	107,319	116,229.94	0	0
010-7206-420.20-91	COMPUTER CHECK	2,096.50	2,640	2,718.53	0	0
010-7206-420.27-20	FRINGE BENEFITS (BUDGET)	.00	8,221	.00	0	0
010-7206-420.30-44	FIELD EQUIP MTC SVCS	.00	500	.00	0	0
010-7206-420.30-47	Software Maintenance	8,997.99	7,200	7,008.99	0	0
010-7206-420.40-10	PROFESSIONAL DUES AND FEE	2,670.00	1,650	1,633.25	0	0
010-7206-420.40-50	PRINTING AND BINDING	.00	195	.00	0	0
010-7206-420.40-63	REGISTRATION/ADMIN FEES	.00	300	70.00	0	0
010-7206-420.40-80	BOOKS AND PUBLICATIONS	.00	430	.00	0	0
010-7206-420.55-11	OFFICE SUPPLIES	156.00	1,000	339.24	0	0
010-7206-420.55-70	MISC.	2,074.80	1,055	549.76	0	0
010-7206-420.70-41	MACHINERY AND EQUIPMENT	.00	2,114	1,693.22	0	0
010-7206-420.71-10	SMALL EQUIPMENT	.00	500	460.33	0	0
010-7206-420.71-43	FURNITURE AND FIXTURES	2,458.30	3,105	2,634.80	0	0
010-7206-420.75-15	NON-ROUTINE FACILITY MTC	929.03	900	.00	0	0
010-7301-420.11-10	UNIFORM POLICE	2,592,102.51	2,563,951	2,603,747.35	0	0
010-7301-420.11-58	OT RETRO GROSS ADJUSTMENT	.00	0	222.41	0	0
010-7301-420.11-59	REG RETRO GROSS ADJUST.	.00	0	911.13	0	0
010-7301-420.13-01	OT-MONTHLY RATED EMPLOYEE	186,376.78	173,495	247,666.05	0	0
010-7301-420.13-05	OT-HOLIDAY PAY	26,579.55	16,517	38,022.93	0	0
010-7301-420.13-11	POLICE/FIRE SPECIAL EVENT	240.22	322	1,536.40	0	0
010-7301-420.13-38	WORK FOR PRIVATE PARTIES	99,907.47	17,895	74,667.47	0	0
010-7301-420.20-11	MEDICAL INSURANCE	282,445.92	296,393	287,797.48	0	0
010-7301-420.20-12	DENTAL INSURANCE	37,542.05	39,294	36,379.55	0	0
010-7301-420.20-13	LIFE INSURANCE	2,211.44	2,256	2,169.81	0	0
010-7301-420.20-21	CASH-IN-LIEU	18,613.73	14,773	17,702.50	0	0
010-7301-420.20-32	PERS/POLICE	1,240,079.99	1,283,920	1,286,638.26	0	0
010-7301-420.20-36	SRIP	12,265.97	12,960	11,416.36	0	0
010-7301-420.20-40	MEDICARE TAX	39,080.19	33,333	39,986.86	0	0
010-7301-420.20-63	MISC. EMP MEDICAL TRUSTS	177,458.50	233,914	231,157.71	0	0
010-7301-420.20-71	WORKERS COMPENSATION CHAR	210,283.07	226,128	226,417.90	0	0
010-7301-420.20-81	UNIFORM ALLOWANCE	38,600.00	38,500	35,258.66	0	0
010-7301-420.20-85	TERMINAL PAYOUTS-POLICE	91,872.90	90,936	89,921.64	0	0
010-7301-420.20-90	OTHER EMPLOYEE BENEFITS	43,852.81	43,164	42,706.93	0	0
010-7301-420.20-91	COMPUTER CHECK	242.51	240	511.24	0	0
010-7301-420.30-38	MISC PROF SVCS	39,611.90	93,511	94,890.59	0	0
010-7301-420.30-47	Software Maintenance	21,351.19	10,667	13,161.98	0	0
010-7301-420.40-61	COMMERCIAL TRAVEL	510.18	3,871	2,274.15	0	0
010-7301-420.40-62	MEALS & LODGING	2,524.02	4,330	4,288.70	0	0
010-7301-420.40-63	REGISTRATION/ADMIN FEES	4,050.00	4,115	4,052.00	0	0
010-7301-420.40-64	TRANSPORTATION	213.42	1,633	10,077.70	0	0
010-7301-420.40-80	BOOKS AND PUBLICATIONS	.00	100	.00	0	0
010-7301-420.55-11	OFFICE SUPPLIES	800.83	43	38.38	0	0
010-7301-420.55-40	CLOTHING	.00	4,657	4,288.72	0	0
010-7301-420.55-70	MISC.	1,393.80	1,565	1,386.55	0	0
010-7301-420.70-41	MACHINERY AND EQUIPMENT	.00	90	.00	0	0
010-7301-420.70-47	COMPUTER SOFTWARES & LIC	.00	2,915	2,495.00	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7302-420.71-10	SMALL EQUIPMENT	949.39	4,800	4,781.12	0	0
010-7301-420.71-44	COMPUTERS AND PRINTERS	713.49	10	.00	0	0
010-7302-420.11-01	MONTHLY RATED EMPLOYEES	60,882.38	60,649	62,774.42	0	0
010-7302-420.11-03	HOURLY AND DAILY RATED EM	154,018.43	203,415	162,984.40	0	0
010-7302-420.11-10	UNIFORM POLICE	912,916.27	911,724	920,239.39	0	0
010-7302-420.11-30	TEMP. DISABILITY PWTS	5,726.70	0	26,456.45	0	0
010-7302-420.11-51	RETRO PAY NO PERS & SRIP	.00	0	806.83	0	0
010-7302-420.11-58	OT RETRO GROSS ADJUSTMENT	.00	0	105.62	0	0
010-7302-420.11-59	REG RETRO GROSS ADJUST.	.00	0	339.79	0	0
010-7302-420.13-01	OT-MONTHLY RATED EMPLOYEE	29,037.82	8,275	29,461.52	0	0
010-7302-420.13-05	OT-HOLIDAY PAY	14,956.39	5,374	18,365.70	0	0
010-7302-420.13-11	POLICE/FIRE SPECIAL EVENT	.00	1,118	.00	0	0
010-7302-420.13-12	POLICE/FIRE TRAINING	.00	0	333.29	0	0
010-7302-420.20-11	MEDICAL INSURANCE	94,209.73	95,710	99,305.22	0	0
010-7302-420.20-12	DENTAL INSURANCE	14,359.50	14,237	14,393.72	0	0
010-7302-420.20-13	LIFE INSURANCE	814.75	818	833.52	0	0
010-7302-420.20-21	CASH-IN-LIEU	7,651.79	7,757	7,677.74	0	0
010-7302-420.20-31	PERS/MISC OTHER	19,727.38	20,980	21,665.00	0	0
010-7302-420.20-32	PERS/POLICE	442,283.48	457,594	472,520.92	0	0
010-7302-420.20-34	PARS (3.75%)	5,775.92	7,628	6,142.18	0	0
010-7302-420.20-36	SRIP	6,044.01	6,808	6,444.59	0	0
010-7302-420.20-40	MEDICARE TAX	16,014.18	13,059	16,298.81	0	0
010-7302-420.20-63	MISC. EMP MEDICAL TRUSTS	64,869.18	84,583	87,151.36	0	0
010-7302-420.20-71	WORKERS COMPENSATION CHAR	82,915.12	82,039	90,500.83	0	0
010-7302-420.20-81	UNIFORM ALLOWANCE	15,712.50	15,800	14,300.00	0	0
010-7302-420.20-85	TERMINAL PAYOUTS-POLICE	33,327.68	32,658	33,661.60	0	0
010-7302-420.20-87	TERMINAL PAYOUTS-MISC.EMP	1,101.67	1,097	1,136.07	0	0
010-7302-420.20-90	OTHER EMPLOYEE BENEFITS	18,174.99	17,749	19,036.44	0	0
010-7302-420.20-91	COMPUTER CHECK	242.00	240	244.01	0	0
010-7302-420.27-20	FRINGE BENEFITS(BUDGET)	.00	20,525	.00	0	0
010-7302-420.30-38	MISC PROF SVCS	80.51	21,200	14,126.98	0	0
010-7302-420.30-44	FIELD EQUIP MTC SVCS	712.00	0	.00	0	0
010-7302-420.40-41	WATER	3,840.43	2,992	2,139.73	0	0
010-7302-420.40-42	GAS/ELECTRICITY	7,516.03	8,281	7,822.55	0	0
010-7302-420.40-43	REFUSE	2,947.80	0	3,024.00	0	0
010-7302-420.40-46	MISCELLANEOUS	.00	494	.00	0	0
010-7302-420.40-50	PRINTING AND BINDING	.00	4,075	.00	0	0
010-7302-420.40-61	COMMERCIAL TRAVEL	.00	200	40.00	0	0
010-7302-420.40-62	MEALS & LODGING	.00	1,000	551.17	0	0
010-7302-420.40-63	REGISTRATION/ADMIN FEES	5,560.00	0	.00	0	0
010-7302-420.40-80	BOOKS AND PUBLICATIONS	.00	110	.00	0	0
010-7302-420.50-10	RENTAL OF LAND/BUILDINGS	107,524.07	88,535	78,000.00	0	0
010-7302-420.55-11	OFFICE SUPPLIES	.00	1,000	400.20	0	0
010-7302-420.55-40	CLOTHING	3,108.34	4,000	3,410.46	0	0
010-7302-420.55-70	MISC.	894.74	2,558	1,706.22	0	0
010-7302-420.70-43	FURNITURE AND FIXTURES	.00	2,000	1,835.23	0	0
010-7302-420.71-10	SMALL EQUIPMENT	.00	253	.00	0	0
010-7302-420.75-10	FACILITIES MTC SVCS	.00	442	442.00	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL ENCUMBRANCES	UNPOSTED
010-7303-420.11-01	MONTHLY RATED EMPLOYEES	261,207.64	320,133	162,107.93	0
010-7303-420.11-02	WAGE CONTINUATION PAYMENT	1,501.99	0	.00	0
010-7303-420.11-30	TEMP. DISABILITY PMTS	39,411.55	0	1,920.10	0
010-7303-420.11-51	RETRO PAY NO PERS & SRIP	.00	0	45.99	0
010-7303-420.13-01	OT-MONTHLY RATED EMPLOYEE	23,623.12	20,454	15,038.43	0
010-7303-420.13-05	OT-HOLIDAY PAY	6,960.70	4,312	3,270.47	0
010-7303-420.13-38	WORK FOR PRIVATE PARTIES	.00	2,066	.00	0
010-7303-420.20-11	MEDICAL INSURANCE	65,672.57	80,002	39,979.36	0
010-7303-420.20-12	DENTAL INSURANCE	9,432.20	9,140	5,533.70	0
010-7303-420.20-13	LIFE INSURANCE	143.02	141	85.77	0
010-7303-420.20-21	CASH-IN-LIEU	1,143.86	0	.00	0
010-7303-420.20-31	PERS/MISC OTHER	96,322.08	113,163	59,880.52	0
010-7303-420.20-36	SRIP	10,990.31	11,290	3,082.93	0
010-7303-420.20-40	MEDICARE TAX	4,833.36	4,762	2,830.05	0
010-7303-420.20-63	MISC. EMP MEDICAL TRUSTS	3,203.10	3,135	1,686.37	0
010-7303-420.20-71	WORKERS COMPENSATION CHAR	15,024.74	17,731	9,398.17	0
010-7303-420.20-72	TEMP DISABILITY PAYMENTS	18,249.56	0	.00	0
010-7303-420.20-81	UNIFORM ALLOWANCE	7,484.62	7,000	3,392.31	0
010-7303-420.20-87	TERMINAL PAYOUTS-MISC.EMP	5,830.79	5,956	3,173.63	0
010-7303-420.20-90	OTHER EMPLOYEE BENEFITS	11,999.68	12,195	10,113.65	0
010-7303-420.20-91	COMPUTER CHECK	93.97	720	438.00	0
010-7303-420.30-38	MISC PROF SVCS	365,357.63	670,825	517,217.72	0
010-7303-420.30-43	BLDG & STRUCTURES MTC5 SV	.00	7,800	5,209.01	0
010-7303-420.55-70	MISC.	.00	5,000	3,496.94	0
010-7303-420.65-80	OTHER INFRASTRUCTURE	.00	8,000	.00	0
010-7303-420.70-47	COMPUTER SOFTWARES & LIC	.00	1,200	1,080.00	0
010-7304-420.11-10	UNIFORM POLICE	1,291,349.54	1,362,540	990,014.96	0
010-7304-420.11-30	TEMP. DISABILITY PMTS	50,183.64	0	83,477.53	0
010-7304-420.11-58	OT RETRO GROSS ADJUSTMENT	.00	0	183.88	0
010-7304-420.11-59	REG RETRO GROSS ADJUST.	.00	0	466.87	0
010-7304-420.13-01	OT-MONTHLY RATED EMPLOYEE	118,568.63	133,809	105,604.35	0
010-7304-420.13-05	OT-HOLIDAY PAY	17,456.59	10,497	17,063.03	0
010-7304-420.13-11	POLICE/FIRE SPECIAL EVENT	4,703.68	15,792	.00	0
010-7304-420.20-11	MEDICAL INSURANCE	133,189.49	144,829	110,247.98	0
010-7304-420.20-12	DENTAL INSURANCE	18,267.91	20,681	13,855.01	0
010-7304-420.20-13	LIFE INSURANCE	1,195.94	1,241	934.21	0
010-7304-420.20-21	CASH-IN-LIEU	13,095.52	7,757	11,628.28	0
010-7304-420.20-32	PERS/POLICE	644,308.36	682,027	533,744.35	0
010-7304-420.20-36	SRIP	5,847.88	7,128	4,743.42	0
010-7304-420.20-40	MEDICARE TAX	19,793.12	18,867	15,391.30	0
010-7304-420.20-63	MISC. EMP MEDICAL TRUSTS	94,219.36	125,896	98,627.42	0
010-7304-420.20-71	WORKERS COMPENSATION CHAR	105,010.42	120,113	84,122.50	0
010-7304-420.20-81	UNIFORM ALLOWANCE	20,700.00	19,900	14,838.46	0
010-7304-420.20-85	TERMINAL PAYOUTS-POLICE	48,856.70	48,943	38,444.48	0
010-7304-420.20-90	OTHER EMPLOYEE BENEFITS	23,320.25	23,232	18,260.57	0
010-7304-420.30-38	MISC PROF SVCS	21,520.00	38,432	32,361.37	0
010-7304-420.30-47	Software Maintenance	.00	1,070	1,069.89	0
010-7304-420.40-61	COMMERCIAL TRAVEL	.00	500	151.96	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7304-420.40-62	MEALS & LODGING	.00	3,000	421.54	0	0
010-7304-420.40-63	REGISTRATION/ADMIN FEES	575.00	2,575	.00	0	0
010-7304-420.40-64	TRANSPORTATION	225.00	300	250.00	0	0
010-7304-420.50-20	RENTAL OF EQUIP/VEHICLES	21,227.75	28,768	27,341.00	0	0
010-7304-420.55-40	CLOTHING	1,500.08	1,540	.00	0	0
010-7304-420.55-70	MISC.	312.92	680	321.30	0	0
010-7304-420.70-47	COMPUTER SOFTWARES & LIC	.00	0	2,495.00	0	0
010-7304-420.71-10	SMALL EQUIPMENT	.00	6	.00	0	0
010-7304-420.71-47	SOFTWARE	.00	594	540.00	0	0
010-7305-420.11-01	MONTHLY RATED EMPLOYEES	95,335.24	94,970	95,999.04	0	0
010-7305-420.11-10	UNIFORM POLICE	120,738.80	120,161	125,048.43	0	0
010-7305-420.11-58	OT RETRO GROSS ADJUSTMENT	.00	0	19.25	0	0
010-7305-420.11-59	REG RETRO GROSS ADJUST.	.00	0	44.58	0	0
010-7305-420.13-05	OT-HOLIDAY PAY	.04	246	1,022.98	0	0
010-7305-420.13-01	OT-MONTHLY RATED EMPLOYEE	2,195.23	0	2,490.26	0	0
010-7305-420.20-11	MEDICAL INSURANCE	36,787.21	37,330	39,360.28	0	0
010-7305-420.20-12	DENTAL INSURANCE	4,174.93	4,136	4,181.59	0	0
010-7305-420.20-13	LIFE INSURANCE	168.57	169	172.49	0	0
010-7305-420.20-31	PERS/MISC OTHER	30,891.35	32,853	33,270.05	0	0
010-7305-420.20-32	PERS/POLICE	58,801.68	59,972	62,905.58	0	0
010-7305-420.20-36	SRIF	2,863.24	2,980	2,842.82	0	0
010-7305-420.20-40	MEDICARE TAX	3,060.92	2,983	3,155.61	0	0
010-7305-420.20-63	MISC. EMP MEDICAL TRUSTS	13,067.70	15,609	16,083.68	0	0
010-7305-420.20-71	WORKERS COMPENSATION CHAR	9,916.05	12,431	11,091.90	0	0
010-7305-420.20-81	UNIFORM ALLOWANCE	2,900.00	1,400	2,900.00	0	0
010-7305-420.20-85	TERMINAL PAYOUTS-POLICE	4,432.67	4,333	4,471.26	0	0
010-7305-420.20-87	TERMINAL PAYOUTS-MISC.EMP	1,811.35	1,804	1,823.97	0	0
010-7305-420.20-90	OTHER EMPLOYEE BENEFITS	5,843.40	5,751	6,581.75	0	0
010-7305-420.20-91	COMPUTER CHECK	115.01	240	244.99	0	0
010-7305-420.40-50	PRINTING AND BINDING	.00	2,860	.00	0	0
010-7305-420.55-11	OFFICE SUPPLIES	746.07	0	.00	0	0
010-7305-420.55-20	FIELD SUPPLIES	.00	2,060	823.74	0	0
010-7305-420.55-70	MISC.	87.18	0	.00	0	0
010-7305-420.70-41	MACHINERY AND EQUIPMENT	.00	1,300	.00	0	0
010-7305-420.70-43	FURNITURE AND FIXTURES	.00	1,200	.00	0	0
010-7305-420.71-10	SMALL EQUIPMENT	1,347.76	1,215	819.06	0	0
010-7307-420.11-01	MONTHLY RATED EMPLOYEES	302,791.58	291,653	358,078.52	0	0
010-7307-420.13-01	OT-MONTHLY RATED EMPLOYEE	10,712.04	6,785	35,541.46	0	0
010-7307-420.13-05	OT-HOLIDAY PAY	16,048.97	6,056	18,525.01	0	0
010-7307-420.13-12	POLICE/FIRE TRAINING	746.29	0	683.64	0	0
010-7307-420.13-13	POLICE/FIRE-VAC RELIEF	16,340.48	4,191	5,145.53	0	0
010-7307-420.13-16	SICK RELIEF/POLICE-FIRE	.00	300	1,447.92	0	0
010-7307-420.13-17	MISC LEAVE / POLICE	1,479.61	605	1,415.81	0	0
010-7307-420.20-11	MEDICAL INSURANCE	34,393.46	35,085	43,701.68	0	0
010-7307-420.20-12	DENTAL INSURANCE	5,503.29	5,484	7,202.86	0	0
010-7307-420.20-13	LIFE INSURANCE	139.91	141	168.40	0	0
010-7307-420.20-21	CASH-IN-LIEU	7,198.60	7,124	7,124.40	0	0
010-7307-420.20-31	PERS/MISC OTHER	99,927.75	102,827	119,598.88	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
010-7307-420.20-36	SRIP	9,314.94	9,177	11,576.61	0	0
010-7307-420.20-40	MEDICARE TAX	5,355.55	4,677	6,481.13	0	0
010-7307-420.20-63	MISC. EMP MEDICAL TRUSTS	6,078.50	5,984	6,550.73	0	0
010-7307-420.20-71	WORKERS COMPENSATION CHAR	14,750.05	16,497	20,180.89	0	0
010-7307-420.20-81	UNIFORM ALLOWANCE	5,600.00	5,600	7,000.00	0	0
010-7307-420.20-87	TERMINAL PAYOUTS-MISC.EMP	5,535.00	5,515	6,598.53	0	0
010-7307-420.20-90	OTHER EMPLOYEE BENEFITS	11,389.91	11,292	16,402.20	0	0
010-7307-420.20-91	COMMUTER CHECK	.00	0	58.00	0	0
010-7307-420.30-38	MISC PROF SVCS	10,340.00	998	.00	0	0
010-7307-420.55-20	FIELD SUPPLIES	1,894.32	9,075	7,575.55	0	0
010-7307-420.55-70	MISC.	.00	4,500	4,414.90	0	0
010-7307-420.70-41	MACHINERY AND EQUIPMENT	4,542.40	5,000	4,585.65	0	0
010-7307-420.70-47	COMPUTER SOFTWARES & LIC	3,495.00	0	.00	0	0
010-7307-420.71-10	SMALL EQUIPMENT	3,550.33	0	.00	0	0
010-7307-420.71-44	COMPUTERS AND PRINTERS	1,552.83	750	710.66	0	0
014-7304-410.30-38	MISC PROF SVCS	121.28	0	.00	0	0
014-7304-420.30-38	MISC PROF SVCS	202.74	13,000	.00	0	0
014-7304-420.30-43	BLDG & STRUCTURES MISC SV	7,627.71	0	.00	0	0
014-7304-420.30-47	Software Maintenance	.00	23,500	23,498.88	0	0
014-7304-420.40-61	COMMERCIAL TRAVEL	2,064.90	1,000	.00	0	0
014-7304-420.40-62	MEALS & LODGING	13,876.20	26,000	15,091.74	0	0
014-7304-420.40-63	REGISTRATION/ADMIN FEES	12,931.90	10,500	9,349.90	0	0
014-7304-420.40-64	TRANSPORTATION	595.53	2,500	.00	0	0
014-7304-420.55-21	AMMUNITIONS & EXPLOSIVES	50,170.11	46,018	46,018	0	0
014-7304-420.55-40	CLOTHING	5,075.09	23,815	23,789.19	0	0
014-7304-420.55-70	MISC.	30.00	3,238	1,722.08	0	0
014-7304-420.70-41	MACHINERY AND EQUIPMENT	33,951.39	62,500	.00	0	0
014-7304-420.70-44	COMPUTERS & PRINTERS	.00	5,000	.00	0	0
014-7304-420.71-10	SMALL EQUIPMENT	21,952.71	30,000	26,939.88	0	0
014-7304-420.71-43	FURNITURE AND FIXTURES	.00	3,000	.00	0	0
017-7302-420.13-01	OT-MONTHLY RATED EMPLOYEE	66,588.90	287,372	170,977.35	0	0
017-7302-420.20-36	SRIP	726.80	0	671.97	0	0
017-7302-420.20-40	MEDICARE TAX	906.56	0	2,346.89	0	0
017-7302-420.20-71	WORKERS COMPENSATION CHAR	4,111.69	0	10,589.80	0	0
017-7302-420.30-38	MISC PROF SVCS	.00	150	.00	0	0
017-7302-420.40-50	PRINTING AND BINDING	.00	1,200	213.53	0	0
017-7302-420.40-61	COMMERCIAL TRAVEL	.00	1,000	656.84	0	0
017-7302-420.40-62	MEALS & LODGING	.00	3,250	2,864.12	0	0
017-7302-420.40-63	REGISTRATION/ADMIN FEES	580.00	1,400	1,400.00	0	0
017-7302-420.40-64	TRANSPORTATION	462.67	2,150	763.49	0	0
017-7302-420.55-40	CLOTHING	108.62	0	.00	0	0
017-7302-420.55-70	MISC.	1,321.81	4,580	1,592.56	0	0
017-7302-420.70-41	MACHINERY AND EQUIPMENT	3,569.75	2,550	1,203.41	0	0
017-7302-420.71-10	SMALL EQUIPMENT	1,586.72	950	905.54	0	0
017-7302-420.99-02	APPROPRIATIONS ORD #2	.00	180,000	.00	0	0
017-7302-420.99-12	APPROP ORD #2 OFFSET	.00	180,000	.00	0	0
072-7306-420.13-01	OT-MONTHLY RATED EMPLOYEE	55,958.61	61,210	60,029.15	0	0
072-7306-420.20-36	SRIP	136.87	200	162.26	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
072-7306-420.20-40	MEDICARE TAX	766.82	800	831.88	0	0
072-7306-420.20-71	WORKERS COMPENSATION CHAR	3,157.67	3,300	3,505.68	0	0
072-7306-420.30-38	MISC PROF SVCS	1,100.00	0	.00	0	0
072-7306-420.40-61	COMMERCIAL TRAVEL	231.00	0	.00	0	0
072-7306-420.40-62	MEALS & LODGING	1,278.50	1,430	1,429.24	0	0
072-7306-420.40-63	REGISTRATION/ADMIN FEES	450.00	450	450.00	0	0
072-7306-420.40-64	TRANSPORTATION	305.00	190	189.95	0	0
072-7306-420.50-20	RENTAL OF EQUIP/VEHICLES	778.20	1,200	1,182.42	0	0
072-7306-420.55-70	MISC.	57.43	620	315.15	0	0
072-7306-420.70-41	MACHINERY AND EQUIPMENT	.00	1,600	1,542.52	0	0
072-7306-420.70-44	COMPUTERS & PRINTERS	1,251.44	0	.00	0	0
072-7306-420.71-10	SMALL EQUIPMENT	180.34	0	.00	0	0
072-7306-420.99-01	APPROPRIATIONS ORD #1	.00	20,446	.00	0	0
072-7306-420.99-11	APPROP ORD #1 OFFSET	.00	20,446	.00	0	0
367-7202-420.11-01	MONTHLY RATED EMPLOYEES	59,869.66	0	233,204.87	0	0
367-7202-420.11-03	HOURLY AND DAILY RATED EM	.00	51,246	.00	0	0
367-7202-420.11-10	UNIFORM POLICE	175,015.22	622,563	146,504.02	0	0
367-7202-420.11-58	OT RETRO GROSS ADJUSTMENT	.00	0	194.00	0	0
367-7202-420.11-59	REG RETRO GROSS ADJUST.	.00	0	1,202.45	0	0
367-7202-420.13-01	OT-MONTHLY RATED EMPLOYEE	.00	50,000	12,325.75	0	0
367-7202-420.13-05	OT-HOLIDAY PAY	7,371.07	14,486	6,001.83	0	0
367-7202-420.20-11	MEDICAL INSURANCE	29,306.70	53,749	40,860.72	0	0
367-7202-420.20-12	DENTAL INSURANCE	5,798.14	12,408	9,070.71	0	0
367-7202-420.20-13	LIFE INSURANCE	242.54	677	261.01	0	0
367-7202-420.20-21	CASH-IN-LIEU	.00	0	545.26	0	0
367-7202-420.20-31	PERM/MISC OTHER	10,842.74	0	54,470.35	0	0
367-7202-420.20-32	PERM/POLICE	90,921.12	311,286	78,029.76	0	0
367-7202-420.20-34	PARS (3.75%)	.00	1,922	.00	0	0
367-7202-420.20-36	SRIP	4,979.28	3,888	14,343.29	0	0
367-7202-420.20-40	MEDICARE TAX	3,236.64	5,749	5,387.08	0	0
367-7202-420.20-63	MISC. EMP MEDICAL TRUSTS	15,468.28	59,243	22,419.47	0	0
367-7202-420.20-71	WORKERS COMPENSATION CHAR	18,445.57	54,515	30,933.27	0	0
367-7202-420.20-81	UNIFORM ALLOWANCE	1,884.61	8,400	2,261.55	0	0
367-7202-420.20-85	TERMINAL PAYOUTS-POLICE	7,231.25	23,031	5,995.18	0	0
367-7202-420.20-87	TERMINAL PAYOUTS-MISC.EMP	926.13	0	4,303.38	0	0
367-7202-420.27-20	FRINGE BENEFITS(BUDGET)	5,357.62	10,932	14,549.18	0	0
367-7202-420.30-38	MISC PROF SVCS	100,795.55	5,171	92,397.50	0	0
367-7202-420.30-42	OFFICE EQUIP MTC SVCS	40,000.00	50,000	50,000.00	0	0
367-7202-420.30-43	BLDG & STRUCTURES MTC SV	3,003.00	0	.00	0	0
367-7202-420.30-47	Software Maintenance	131,805.16	8,601	8,601.00	0	0
367-7202-420.40-31	CELLULAR	64,000.00	112,748	170,810.68	0	0
367-7202-420.40-51	COMMERCIAL TRAVEL	1,012.40	1,300	22,595.28	0	0
367-7202-420.40-62	MEALS & LODGING	.00	1,600	1,260.03	0	0
367-7202-420.40-64	TRANSPORTATION	.00	200	812.34	0	0
367-7202-420.55-70	MISC.	1,272.74	0	.00	0	0
367-7202-420.70-41	MACHINERY AND EQUIPMENT	.00	3,299	.00	0	0

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
367-7202-420.71-43	FURNITURE AND FIXTURES	2,950.33	0	.00	0	0
840-7303-420.30-38	MISC PROF SVCS	76.68	0	.00	0	0
840-7303-420.11-01	MONTHLY RATED EMPLOYEES	1,093,662.42	1,176,033	1,134,228.42	0	0
840-7303-420.11-02	WAGE CONTINUATION PAYMENT	5,553.77	0	1,708.96	0	0
840-7303-420.11-30	TEMP. DISABILITY PMTS	30,449.00	0	32,549.90	0	0
840-7303-420.11-58	OT RETRO GROSS ADJUSTMENT	88.82	0	.00	0	0
840-7303-420.11-59	REG RETRO GROSS ADJUST.	1,315.84	0	.00	0	0
840-7303-420.13-01	OT-MONTHLY RATED EMPLOYEE	53,059.43	49,244	48,578.49	0	0
840-7303-420.13-05	OT-HOLIDAY PAY	11,879.79	0	12,095.79	0	0
840-7303-420.20-11	MEDICAL INSURANCE	242,575.23	250,473	236,833.88	0	0
840-7303-420.20-12	DENTAL INSURANCE	33,864.15	34,974	33,342.31	0	0
840-7303-420.20-13	LIFE INSURANCE	529.85	564	520.73	0	0
840-7303-420.20-21	CASH-IN-LIEU	11,485.96	7,017	14,061.50	0	0
840-7303-420.20-31	PERS/MISC OTHER	361,870.69	415,534	402,375.49	0	0
840-7303-420.20-36	SRIP	41,761.31	43,246	44,514.78	0	0
840-7303-420.20-40	MEDICARE TAX	17,655.65	18,018	18,316.28	0	0
840-7303-420.20-63	MISC. EMP MEDICAL TRUSTS	12,987.41	14,723	11,593.85	0	0
840-7303-420.20-71	WORKERS COMPENSATION CHAR	52,235.29	62,740	64,069.44	0	0
840-7303-420.20-81	UNIFORM ALLOWANCE	24,284.62	25,280	26,600.00	0	0
840-7303-420.20-87	TERMINAL PAYOUTS-MISC.EMP	21,427.14	22,275	21,963.26	0	0
840-7303-420.20-90	OTHER EMPLOYEE BENEFITS	44,097.52	45,605	57,263.23	0	0
840-7303-420.20-91	COMPUTER CHECK	2,376.09	3,360	3,305.72	0	0
840-7303-420.30-38	MISC PROF SVCS	1,677.75	30,638	23,319.74	0	0
840-7303-420.30-42	OFFICE EQUIP MTC SVCS	.00	600	.00	0	0
840-7303-420.30-43	BLDG & STRUCTURES MTC SV	26,453.29	21,727	21,561.66	0	0
840-7303-420.30-44	FIELD EQUIP MTC SVCS	559.50	0	.00	0	0
840-7303-420.40-41	WATER	.00	5,000	5,000.00	0	0
840-7303-420.40-50	PRINTING AND BINDING	.00	165	.00	0	0
840-7303-420.40-53	REGISTRATION/ADMIN FEES	1,200.00	725	725.00	0	0
840-7303-420.40-70	ADVERTISING	274.00	0	.00	0	0
840-7303-420.50-10	RENTAL OF LAND/BUILDINGS	114,440.14	174,635	117,327.24	0	0
840-7303-420.55-20	FIELD SUPPLIES	343.84	1,790	.00	0	0
840-7303-420.55-40	CLOTHING	.00	3,000	.00	0	0
840-7303-420.55-70	MISC.	2,062.36	0	.00	0	0
840-7303-420.70-43	FURNITURE AND FIXTURES	2,719.12	1,260	.00	0	0
840-7303-420.71-10	SMALL EQUIPMENT	.00	7,185	.00	0	0
840-7303-420.75-10	FACILITIES MTC SVCS	41,244.00	41,242	41,242.00	0	0
840-7303-420.75-40	CITY VEHICLES/REPLACE CON	151,726.78	175,863	94,272.65	0	0
840-7303-420.75-50	CITY VEHICLES/FUEL & MAIN	146,687.53	180,000	104,785.84	0	0
840-7303-420.80-10	OPERATING TRANSFER OUT	8,652.00	8,650	8,650.00	0	0
952-7202-420.13-01	OT-MONTHLY RATED EMPLOYEE	36,723.64	50,000	519.93	0	0
952-7202-420.20-36	SRIP	.44	0	.00	0	0
952-7202-420.20-40	MEDICARE TAX	494.25	0	6.97	0	0
952-7202-420.20-71	WORKERS COMPENSATION CHAR	2,224.99	0	37.87	0	0
961-7101-420.11-03	HOURLY AND DAILY RATED EM	70,680.16	79,283	55,967.30	0	0
961-7101-420.11-59	REG RETRO GROSS ADJUST.	.00	0	132.42	0	0
961-7101-420.13-01	OT-MONTHLY RATED EMPLOYEE	135.86	1,529	.00	0	0
961-7101-420.20-34	PARS (3.75%)	754.92	2,973	1,243.52	0	0

TWO YEARS ACTUAL COMPARISON
FOR FISCAL YEAR 2016

ACCOUNTING PERIOD 14/2016

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	FY2015 ACTUALS	ADJUSTED BUDGET	Y-T-D ACTUAL	CURRENT ENCUMBRANCES	UNPOSTED
961-7101-420.20-40	MEDICARE TAX	1,015.91	0	795.46	0	0
961-7101-420.20-71	WORKERS COMPENSATION CHAR	4,527.29	0	2,651.06	0	0
961-7101-420.27-20	FRINGE BENEFITS (BUDGET)	.00	8,000	.00	0	0
961-7101-420.30-38	MISC PROF SVCS	3,280.00	9,438	5,250.00	0	0
961-7101-420.40-63	REGISTRATION/ADMIN FEES	4,645.00	0	.00	0	0
961-7101-420.55-70	MISC.	3,500.00	0	.00	0	0
		60,832,035.07	62,612,902	63,115,429.38	0	0

Fire

62	Office of Fire Chief	
	01	Administration
	02	Disaster Preparedness
63	Fire Admin Services	
	01	Financial Admin Services
64	Fire Operations	
	01	Administration
	02	Suppression/Rescue/Hazard
	03	Fire Prevention
	04	Fire Training
	05	Emergency Medical Service

Attachment
③

Police

69	Office of the Police Chief	
	01	Police Administration
	02	Public Information
	03	Internal Affairs

**CHART OF ACCOUNTS – DEPARTMENT/DIVISION (DIVISION/ACTIVITY)
XXX - XXXX – XXX – XXXX**

DEPARTMENT (DIVISION)	DIVISION (ACTIVITY)	
XX	XX	
70	Professional Standards	
	02	Policy & Accreditation
	03	Personnel and Training
	04	Jail Unit
71	Police Support Services	
	01	Administration
	04	Police Services
72	Operations	
	02	Patrol
	03	Police Reserves
	06	Central Communication
73	Investigations	
	01	Detective Bureau
	02	Traffic Bureau
	03	Parking Enforcement
	04	Special Enforcement Unit
	05	Crime Analysis
	06	Community Services/Field Support
	07	Crime Scene Unit

Housing & Community Services

79	Community Services & Admin	
	01	Administration

Additional info re BPD budget info supplied in Chief Greenwood's June 8, 2017 memo and attachments:

Codes from the Chart of Accounts (Attachment 3 to the memo), appear on Attachment 2 as the 4-digit, second set of numbers. So, in the string "010-6901-420.11-01," "6901" means, per the Chart of Accounts, Office of Police Chief, Police Administration. In my review, I found two accounts, 7102 and 7103, that aren't listed in the Chart of Accounts. Chief Greenwood explained to me:

Both of these were charges early in the fiscal year which remained prior to reassigning them to other divisions. In FY15, 7102 represented Jail Operations that were reassigned to 7004. 7103 represented the Communications Center which was reassigned to 7206.

What was not included in the Chief's memo are the funding sources, represented by the first three digits, e.g. "010." I asked Chief Greenwood to send me the list, and here they are, with further description as needed:

010 – General Fund

014 – Asset Forfeiture Fund

017 – Office of Traffic Safety (OTS)

A Federal Grant: DUI enforcement; also includes occupant restraint, distracted driving, pedestrian/bicycle safety, etc.

072 – Alcoholic Beverage Control /UC

A State Grant: This year includes UCPD. Includes education and awareness for businesses, students, and the public including how to spot fake identifications. Includes enforcement of ABC Laws such as ensuring businesses check identification for alcohol sales and adults do not purchase or provide alcohol for underage individuals. We are not receiving a grant from ABC in the coming year.

367 – State- Prop 172 Public Safety

In 1992, local property tax revenues were shifted to fund state education but Prop 172 was passed by the voters to replace a ½ percent sales tax for earthquake insurance and send it to local public safety as a special revenue fund. Government Code requires each County to allocate the revenues to each city based on their proportionate share of net property tax loss due to the reallocation of the original money to fund state education.

840 – Parking Meter Fund

952 – Justice Assistance Grant

Federal Grant: The JAG Program, authorized under 42 U.S.C. §3751(a), is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives.

961 – Citizens Options Public Safety Trust

This funding is allocated by the State Controller's Office to county auditors in the Supplemental Law Enforcement Services Account for each county. Funds are allocated based on population as follows: 50 % for juvenile justice programs, 39.7% for front-line law enforcement (city police, county sheriffs, and police protection districts), 5.15% for jail construction and operations, and 5.15% for District Attorney's Offices. For FY2016-17 (City of Berkeley FY17) the Berkeley Police Department allocation for front-line law enforcement is \$184,676.00

-Kathy Lee

#10.d.
 Agenda Item #9.e.
 PRC Meeting of ~~July 12,~~ 2017
 Sept. 6,

Audit reports by City of Berkeley Auditor's Office regarding Berkeley Police Department. Accessible from:

http://www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx

Title	Date
Injury Prevention: Better Investigations and Data Use will help the Berkeley Police Department and the City (Audit Report)	10-28-14
Audit: Police Property and Evidence Room: Further Improvements	3-29-11
Property and Evidence Room POST Study: Follow-Up Audit	1-18-11
Audit of Police Overtime and Lost Time: Cost and Risk Can Be Reduced	11-18-08
Audit: Controls and Accountability For Police Asset Forfeiture Deposit Accounts Need Improvement	9-11-07
Parking Enforcement Operations Audit	3-8-05
Fleet Vehicle Management Audit	5-13-03
Police Staffing Audit	4-30-02
Police Department Special Enforcement Unit Cash Fund Audit	9-25-01

Director>Audit Reports

Lee, Katherine

From: Hogan, Ann-Marie
Sent: Monday, June 19, 2017 10:58 AM
To: Greenwood, Andrew
Cc: Lee, Katherine; Grogan, Jovan; Williams-Ridley, Dee
Subject: FW: Copwatch communication: Information about audits
Attachments: Asset Forfeiture 061617.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Just keeping you informed. I checked my website and added our audit of asset forfeiture and I'm copying Kathy so she can add that one to her list too for the PRC

Ann-Marie

From: Hogan, Ann-Marie
Sent: Monday, June 19, 2017 10:56 AM
To: 'nicca@igc.org' <nicca@igc.org>; 'stephanie.maurer@gmail.com' <stephanie.maurer@gmail.com>; 'heyjudehey5@gmail.com' <heyjudehey5@gmail.com>
Cc: Soo, Sheila <SSoo@cityofberkeley.info>
Subject: Copwatch communication: Information about audits

Good morning and thanks for your interest in our audits. One June 8, the police chief sent a letter regarding questions from the PRC; one was about the audits, and you can see his response below. I've also attached a memo from management to the City Council, sent today, about the asset forfeiture program. For your convenience, here are direct links to each audit on our website. Please note that, in accordance with standard City policy, the Council votes to request management to come back to Council in 6 months with a report detailing how the departments audited have implemented all of our recommendations (or cleared the findings with alternate recommendations).

All of these audits are now "closed", which means that the Police Chief and City Manager have reported to Council that all recommended improvements have been made.

Regarding our auditing of police, this is it for the last 10 years (older reports are not on line, but also are of course outdated). Of course, some of our audits are citywide, which means they may involve the police department too.

Regarding our auditing in general, by charter, we ask council and the city manager every year for their ideas about what to audit, and we assess the risk and practicality of the suggestions. We are required to notify council annually by June 30 about what we will audit next year. Hope that helps.

Best regards,
Ann-Marie

[Police Injuries \(10/28/14\)](#)

[Property and Evidence Room POST Study Follow-Up audit \(1/18/11\)](#)

Police Property and Evidence Room: Further Improvements
Audit of Police Overtime and Lost Time: Cost and Risk Can Be Reduced (11/18/2008)
Audit: Controls and Accountability for Police Asset Forfeiture Deposit Accounts Need Improvement (9/11/2007)-07.pdf (note: this audit was requested by the Police Chief and PRC)

Question 1 (AP-1): Has there ever been an audit? When was the last one?

I understand this question as: "Has the entire Police Department budget been audited?" We are not aware of an audit of the complete Department budget. This question may be best suited to the Auditor's Office, as it relates to that component of City governance, and their work is broad and complex. The Auditor's Office *has* completed several Berkeley Police Department-specific audits, including:

- 2014: Injury Prevention Audit
- 2011: Property and Evidence Audit
- 2008: Overtime Audit

These audits are accessible at the Auditor's site:
http://www.cityofberkeley.info/Auditor/Home/Audit_Reports.aspx

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

From: diana BohnUser [<mailto:nicca@igc.org>]

Sent: Friday, June 16, 2017 4:43 PM

To: Auditor <CityAuditor@cityofberkeley.info>

Cc: Stephanie Maurer <stephanie.maurer@gmail.com>; hey jude <heyjudehey5@gmail.com>

Subject: greetings, requesting a meeting regarding auditing work

Dear Ann Marie,

I'm writing to you on behalf of several people at Berkeley Copwatch (cc'e in this message) to request a meeting with you so you can describe a bit about the work you do in auditing the expenditures of the City of Berkeley, specifically that of the Police Department. We attended a recent Police Review Commission at which Chief Greenwood, in answering questions about the police Department budget, said that the Police Department has not been audited in some time. We are baffled by this assertion on his part and would be pleased to understand from you the procedures you follow in this regard.

We hope we could have a meeting with you sometime this summer after July 12.

Please reply to all copied on this message as i will be out of town between now and July 12.

Thank you very much for considering this request.

Diana Bohn

510-525-5497 (available by phone through June 19)

Ann-Marie

We audited property and evidence room twice that year and special enforcement unit spending some years earlier too

Sent from my iPad

On Jun 8, 2017, at 12:58 PM, Greenwood, Andrew <AGreenwood@cityofberkeley.info> wrote:

Kathy,

Attached is a letter with our responses to the PRC's questions regarding budget. I plan to attend next week's meeting.

Also attached are:

The Police Department pages from the FY18/FY19 Proposed Budget Expenditures Report for FY15 and FY16
Chart of Accounts

If you have any questions, please let me know.

Best regards,

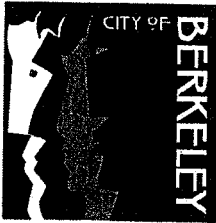
Andrew Greenwood
Chief of Police
Berkeley Police Department
(510) 981-5700

<20170608PRCBudgetQsResponse.docx>

<FY 2018 FY 2019 Proposed Budget Book-PolicePages.pdf>

<ExpendituresReportFY15andFY16.pdf>


<ChartofAccounts-Division-Activity Table.pdf>



Office of the City Manager

June 16, 2017

To: Honorable Mayor and Members of the City Council

From:  Jovan Grogan, Deputy City Manager

Subject: Informational Report – Asset Forfeiture

INTRODUCTION

Recently, the Berkeley Police Department was awarded a grant from the Bay Area Urban Areas Security Initiative (UASI), a Federal program focusing on regional emergency preparedness, for the purchase of a bullet resistant van to enhance officer and community safety. The grant partially covered the cost of the van and the Department proposed asset forfeiture funds be used to pay the balance of the cost of the van. Council requested more information about the Asset Forfeiture process.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Police Department conducts Asset Forfeiture of funds when courts determine that the funds are the illegal proceeds or ill-gotten gains of narcotics trafficking. According to State Law Health and Safety Code 11489, funds seized by the state through the Asset Forfeiture process are disbursed to state and local entities and may only be spent to enhance law enforcement and prosecution resources. In this case, the funds are being used to provide a van with an appearance that could be for civilian use but has bullet-proof protection.

BACKGROUND

The forfeiture process seeks to remove the tools and profits of those engaged in illegal drug trade. Forfeiture Ethical Guidelines are outlined in Health and Safety Code 11469. It is incumbent on law enforcement organizations to protect the interests of innocent property owners.

The Department conducts asset forfeiture investigations in parallel with narcotics trafficking arrests. If a suspected drug dealer is found to be in possession of a large quantity of cash, a separate asset forfeiture investigation may be initiated by an investigator with special training to determine the source of the funds. The investigator's findings are then presented to the District Attorney's Office. The suspect is served with a notice of intent to seize the property and given an opportunity to claim the funds. The funds remain in police custody, deposited into an interest bearing account under the control and oversight of the Finance Department and Auditors Office.

An Alameda County prosecutor assigned to the Asset Forfeiture case makes a determination whether or not to take further action to seize the funds. The defendant is given the opportunity to claim the funds. A public notice is required in a local newspaper so that any third party may assert a lawful claim to the funds. It is the Berkeley Police Department's experience that a vast majority of the asset seizures are disclaimed or go unclaimed. If the funds are claimed, the

District Attorney's office initiates a civil forfeiture action within the judicial process in court. In this action, the State must prove there is proof beyond a reasonable doubt the suspect is guilty of drug trafficking before the funds are seized by the state.

If the court finds that the assets are to be forfeited to the state, the statute requires that the funds be disbursed to state and local agencies. Those include: the State of California General Fund to be used for school safety and security (24%); Drug and Gang and Diversion programs for youth; the prosecuting agency which prosecuted the forfeiture (10%); the local agency (65%) and the California District Attorneys Association (1%). The funds are to be used on statewide training programs for prosecutors and law enforcement officers in ethics and the proper use of asset forfeiture law. The funds disbursed through asset forfeiture cannot be used to cover or supplant routine funding made available to the agency. The legislative intent is that the forfeiture proceeds should enhance law enforcement and prosecution resources.

Asset forfeiture follows a similar process in the federal court system. In these instances, the US Department of Justice may adopt a case and the forfeiture is also adjudicated in Federal Court. Federal Adoption of Berkeley Police Department investigations is extremely rare.

For reference, in the past several years asset forfeiture funds have been approved to send officers to training conferences including the Police Executive Research Forum Senior Management Institute for Police, the California Association of Hostage Negotiators, and the California Association of Tactical Officers. Asset Forfeiture funds have also been spent on safety equipment including ballistic helmets, such as what was used to protect officers during the spring political clashes in Civic Center Park. They have also been used for a "throw phone" system, which allows negotiators on our Special Response Team to communicate with barricaded subjects in a crisis incident. All expenditures require approval of the Chief of Police and the City Manager on a case-by-case basis, and are subject to all City of Berkeley regulations regarding purchasing and contracting for services.

Berkeley Police Department General Order A-61 – Asset Forfeiture contains our policy regarding Asset Forfeiture, and is available on the City of Berkeley website.

CONTACT PERSON

Andrew R. Greenwood, Chief of Police, Police Department, (510) 981-5700

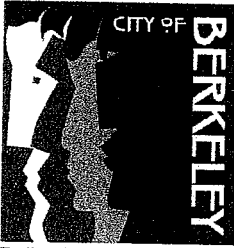
cc: Dee Williams-Ridley, City Manager
Andrew Greenwood, Chief of Police
Mark Numainville, City Clerk
Ann-Marie Hogan, City Auditor
Matthai Chakko, Assistant to the City Manager / Public Information Officer

Proposed amendment to Regulations from Commissioner Lippman
(further amending revisions approved by PRC May 24, 2017, but not yet in effect)

[Placement to be determined; possibly new section VI.C.3.]

Upon the request of any sitting Commissioner, or at the discretion of the PRC Officer, the PRC Officer will provide the full Commission with all information, unredacted, including confidential information, submitted in relation to a challenge of a BOI commissioner, including but not limited to the challenge, the response to the challenge, materials supporting the challenge and response, and the decision on the challenge. Any confidential information provided to commissioners shall be treated as described in Section IV.

CONFIDENTIALITY OF PERSONNEL MATTERS of these regulations.



Police Review Commission (PRC)

May 31, 2017

To: Dee Williams-Ridley, City Manager
From: Katherine J. Lee, PRC Officer
Re: Revised PRC Regulations re Challenges to BOI Commissioner

In March 2017, the two subject officers in a complaint scheduled for a Board of Inquiry (BOI) hearing challenged a member of the Police Review Commission assigned to the BOI, for bias. Such challenges are governed by Section VI.C. of the PRC Regulations for Handling Complaints Against Members of the Police Department.

When Investigator Byron Norris I handled this commissioner challenge, it became evident that the Regulations on this subject lacked sufficient detail, and we had to seek advice from the City Attorney's Office to fashion a fair procedure from the minimal guidance provided. All parties involved in the challenge agreed that this section of the Regulations is in dire need of revision.

Accordingly, after discussing possible revisions at two meetings, the PRC voted to approve changes to the Regulations governing commissioner challenges at its May 24, 2017 meeting. Attached are: a copy of Section VI.C. of the Regulations as revised, the current section in effect, and a document comparing the two.

The Commission understands that elements of the revised commissioner challenge procedure may, in the opinion of the Berkeley Police Association, trigger the meet-and-confer procedure. The Commission asks that you resolve any such issues as expeditiously as possible, and would greatly appreciate knowing your approximation of how long it might take. Thank you.

Attachments:

- 1) PRC changes to Section VI.C. approved May 24, 2017
- 2) Current Section VI.C
- 3) Comparison document

cc: Christian Stines, President, Berkeley Police Association
Jovan Grogan, Deputy City Manager
Andrew Greenwood, Chief of Police
PRC Commissioners

PRC Regulations Section VI. BOARDS OF INQUIRY

C. Challenge of BOI Commissioner

1. Basis for Challenge

A Commissioner who has a personal interest, or the appearance thereof, in the outcome of a hearing shall not sit on the Board. Personal interest in the outcome of a hearing does not include political or social affiliations, attitudes, or beliefs. Examples of personal bias include, but are not limited to:

- a) a familial relationship or close friendship with the complainant or subject officer;
- b) witnessing events material to the inquiry;
- c) a financial interest in the outcome of the inquiry;
- d) a bias for or against the complainant or subject officer.

2. Procedure

- a. Within 7 calendar days from the date of mailing of the notice of a Board of Inquiry hearing that includes the names of the Commissioners constituting that Board, or 10 calendar days before the BOI hearing date, whichever occurs first, the complainant or the subject officer(s) may file with the PRC a written challenge for cause to any Commissioner. Such challenge must specify the nature of the conflict of interest accompanied by all evidence and argument supporting the challenge.
- b. The PRC Officer or his/her designee shall notify the challenged Commissioner and send him or her a copy of the challenge and supporting materials within 1 business day after receipt of the challenge.
- c. A commissioner challenge and a commissioner's response to being challenged may be filed via email to prc@cityofberkeley.info. PRC staff may serve a notice of challenge and supporting materials, and response to a challenge and supporting materials, via email.
- d. If the Commissioner agrees, the PRC Officer or his/her designee shall ask another Commissioner to serve.
- e. If the Commissioner does not agree that the challenge is for good cause, the Commissioner has 3 calendar days from the date of contact by staff to file a written response with supporting materials, if he or she desires, and PRC staff must send the response and supporting materials to the challenging party within 1 business day of receipt. The PRC Officer or his/her designee shall convene a special BOI meeting of the two other Commissioners to occur as soon as practicable to hear the challenge. For the challenge to be granted, both Commissioners must agree that the challenge is for good cause using the clear and convincing standard. If the challenge is granted the PRC Officer or his/her designee shall ask another Commissioner to serve. If there is not unanimous agreement by the two Commissioners, the challenged Commissioner will be allowed to serve.
- f. At the special meeting to hear the challenge, the party making the challenge shall, under oath, reiterate the basis of the challenge for the Commissioners. All parties will be allowed the opportunity to present arguments, witness testimony and answer

questions under oath. Testimony and argument of the special meeting shall be recorded.

- g. If a challenge to a Commissioner is rejected, and the Commissioner serves, the written challenge and the Commissioner's written response shall be part of the complaint file. If a challenge is upheld, the commissioners voting to uphold must prepare a written decision explaining their reasoning. This decision will be furnished to the challenging party and the challenged Commissioner, and is confidential.

3. Replacement of Commissioners

In cases where the full commission sits as a Board of the whole under Section VI.A., a Commissioner who agrees to a challenge or is successfully challenged will not be replaced.

4. Tolling of time

A challenge to a commissioner that is granted at the request of the subject officer shall toll any BPD disciplinary time period.

C. Challenge of BOI Commissioner

1. Basis for Challenge

A Commissioner who has a personal interest, or the appearance thereof, in the outcome of a hearing shall not sit on the Board. Personal interest in the outcome of a hearing does not include political or social attitudes or beliefs. Examples of personal bias include, but are not limited to:

- a) a familial relationship or close friendship with the complainant or subject officer;
- b) witnessing events material to the inquiry;
- c) a financial interest in the outcome of the inquiry;
- d) a bias for or against the complainant or subject officer.

2. Procedure

- a. Within 7 calendar days from the date of mailing of the Board of Inquiry hearing packet, which includes the names of the Commissioners constituting that Board, the complainant or the subject officer(s) may file a written challenge for cause to any Commissioner. Such challenge must specify the nature of the conflict of interest.
- b. The PRC Officer or his/her designee shall contact the challenged Commissioner as soon as possible after receipt of the challenge.
- c. If the Commissioner agrees, PRC Officer or his/her designee shall ask another Commissioner to serve.
- d. If the Commissioner does not agree that the challenge is for good cause, PRC Officer or his/her designee shall poll the other members of the Board and, if both agree that the challenge is for good cause, shall inform the challenged Commissioner and ask another to serve.
- e. If a challenge to a Commissioner is rejected, and the Commissioner serves, the written challenge and the Commissioner's written response shall be part of the record of the complaint.

3. Replacement of Commissioners

Any Commissioner who is unable to serve for any reason shall be replaced by another Commissioner, except in cases involving a death.

PRC Regulations Section VI. BOARDS OF INQUIRYC. Challenge of BOI Commissioner1. Basis for Challenge

A Commissioner who has a personal interest, or the appearance thereof, in the outcome of a hearing shall not sit on the Board. Personal interest in the outcome of a hearing does not include political or social affiliations, attitudes, or beliefs. Examples of personal bias include, but are not limited to:

- a) a) a familial relationship or close friendship with the complainant or subject officer;
- b) b) witnessing events material to the inquiry;
- c) c) a financial interest in the outcome of the inquiry;
- d) d) a bias for or against the complainant or subject officer

2. Procedure

- a. Within 7 calendar days from the date of mailing of the notice of a Board of Inquiry hearing ~~packet which that~~ includes the names of the ~~Commissioners~~ Commissioners constituting that Board, or 10 calendar days before the BOI hearing date, whichever occurs first, the complainant or the subject officer(s) may file with the PRC a written challenge for cause to any Commissioner. Such challenge must specify the nature of the conflict of interest, accompanied by all evidence and argument supporting the challenge.
- b. The PRC Officer or his/her designee shall ~~contact~~ notify the challenged Commissioner as soon as possible and send him or her a copy of the challenge and supporting materials within 1 business day after receipt of the challenge.
- c. A commissioner challenge and a commissioner's response to being challenged may be filed via email to prc@cityofberkeley.info. PRC staff may serve a notice of challenge and supporting materials, and response to a challenge and supporting materials, via email.
- d. If the Commissioner agrees, the PRC Officer or his/her designee shall ask another Commissioner to serve.
- e. If the ~~Commissioner~~ Commissioner does not agree that the challenge is for good cause, the Commissioner has 3 calendar days from the date of contact by staff to file a written response with supporting materials, if he or she desires, and PRC staff must send the response and supporting materials to the challenging party within 1 business day of receipt. The PRC Officer or his/her designee shall ~~poll the other~~ members of the Board and, if convene a special BOI meeting of the two other Commissioners to occur as soon as practicable to hear the challenge. For the challenge to be granted, both Commissioners must agree that the challenge is for good cause, using the clear and convincing standard. If the challenge is granted the PRC Officer or his/ her designee shall ~~inform the challenged Commissioner and~~ ask another ~~to serve~~ Commissioner to serve. If there is not unanimous agreement by the two Commissioners, the challenged Commissioner will be allowed to serve.
- f. At the special meeting to hear the challenge, the party making the challenge shall

under oath, reiterate the basis of the challenge for the Commissioners. All parties will be allowed the opportunity to present arguments, witness testimony and answer questions under oath. Testimony and argument of the special meeting shall be recorded.

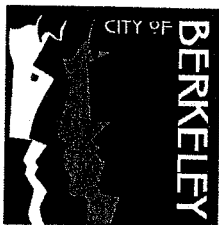
g. If a challenge to a Commissioner is rejected, and the Commissioner serves, the written challenge and the Commissioner's written response shall be part of the record of the complaint file. If a challenge is upheld, the commissioners voting to uphold must prepare a written decision explaining their reasoning. This decision will be furnished to the challenging party and the challenged Commissioner, and is confidential.

3. Replacement of Commissioners

AnyIn cases where the full commission sits as a Board of the whole under Section VI.A., a Commissioner who is unable to serve for any reason shall be agrees to a challenge or is successfully challenged will not be replaced by another Commissioner, except in cases involving a death.

4. Tolling of time

A challenge to a commissioner that is granted at the request of the subject officer shall toll any BPD disciplinary time period.



Office of the City Manager

ACTION CALENDAR
August 18, 2017

To: Honorable Mayor and Members of the City Council
From: Jovan Grogan, Deputy City Manager
Submitted by: Farimah F. Brown, City Attorney
Subject: Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits

RECOMMENDATION

Adopt an Urgency Ordinance adding a new Chapter 13.45 to the Berkeley Municipal Code Title 13 (Public Peace, Morals and Welfare) to authorize the City Manager to issue rules for unpermitted street events.

CURRENT SITUATION AND ITS EFFECTS

With increasing regularity, persons and groups are planning sizeable demonstrations and events in the City without first obtaining permits required by the City's regulations found in the Municipal Code Chapter 13.44. Significantly, in the recent past, some groups and individuals attending such events have brought with them items that can be used as weapons to commit unlawful or violent acts, posing threats to life, safety, general welfare, and property. Some recent unpermitted events in 2017 have turned violent, causing serious injuries to persons and destruction of private and public property.

Some unpermitted events in City parks have spilled over into City streets where the City's regulations promulgated for parks may not apply. Although the City currently has regulations that require a permit for events proposed for City streets and sidewalks and the City Manager is empowered to impose conditions and restrictions on granting permits for these locations, staff has come to realize that our current regulations do not address how to deal with spillover effect on streets and sidewalks where there is no permit for the event. To remedy this, staff is proposing some additions to the City's Municipal Code to authorize the City Manager to issue rules for unpermitted street events.

It is imperative that an urgency ordinance be adopted and become effective immediately for preservation of public health and safety and preservation of property. Accordingly, staff is recommending that Chapter 13.45 of the Berkeley Municipal Code be added to allow the City Manager or his or her designee to issue regulations that are deemed necessary to preserve public health, welfare, safety, and property on City streets and

sidewalks during events planned or proposed to be held in the City and for which no permit has been obtained by Chapter 13.44 of the Berkeley Municipal Code.

FISCAL IMPACTS OF RECOMMENDATION

There is no immediate fiscal impact from the adoption of the proposed Ordinance, however, there may be a cost related to the implementation of the Ordinance for specific events. Such costs are not identifiable at this time.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Staff believes that immediate adoption of the proposed Urgency Ordinance is needed for the immediate preservation of the public peace, health, and safety in the City of Berkeley.

CONTACT PERSON

Lynne Bourgault, Deputy City Attorney, (510) 981-6998

Attachments:

1. Urgency Ordinance

ORDINANCE NO. -N.S.

URGENCY ORDINANCE ADDING A NEW CHAPTER 13.45 TO THE BERKELEY MUNICIPAL CODE TITLE 13 (PUBLIC PEACE, MORALS AND WELFARE) TO AUTHORIZE THE CITY MANAGER TO ISSUE RULES FOR UNPERMITTED STREET EVENTS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Findings.

The City Council finds that:

- A. With increasing regularity, persons and groups are planning sizeable demonstrations and events in the City without complying with the permit requirements of Chapter 13.44.
- B. Of late, groups and individuals attending such events in the City have brought with them weapons, and/or other items that can be used as weapons, and implements of riot, to commit unlawful and/or violent acts during an event, posing serious threats to life, safety and property. Some recent unpermitted events have turned violent, causing serious injuries to persons and significant destruction of private and public property.
- C. Recent unpermitted events have required significant dedication of public funds and resources, including but not limited to public safety and public works personnel and equipment.
- D. On occasion, events proposed or planned for City parks have spilled over into City streets and sidewalks where rules promulgated for parks may not apply. On occasion, such events have migrated via streets and sidewalks to various locations within the City making it hard to control the crowds and maximize public safety.
- E. Currently, Chapter 13.44 requires a permit for events proposed for the City's streets and sidewalks, and allows the City Manager to impose conditions and restrictions on the granting of such a permit in order to protect public health and safety, and property. However, current law does not allow such conditions and restrictions to be imposed for events on streets and sidewalks in the absence of a permit, and such conditions and restrictions often need to be tailored to the particular exigencies and risks posed by a proposed event.
- F. Because the City has been experiencing regular and repeated occurrences of unpermitted events that have turned violent and unlawful, and migrated into City streets and sidewalks, it is imperative that an urgency ordinance be adopted and become effective as soon as possible for the immediate preservation of public health and safety and preservation of property.

Section 2. That Chapter 13.45 of the Berkeley Municipal Code is added to read as follows:

**13.45 STREETS AND SIDEWALKS –
USE RESTRICTIONS FOR UNPERMITTED EVENTS**

Sections:

- 13.45.010** Definitions
- 13.45.020** City Manager Authorization
- 13.45.030** Warning required in certain cases
- 13.45.040** Applicability – Exceptions
- 13.45.100** Violation – Penalty

13.45.010 Definitions.

A. "Streets" means those streets defined in the circulation element of the Berkeley General Plan as local streets.

B. "Sidewalk" has the same meaning as stated in Berkeley Municipal Code Section 1.04.010.

C. "Street event" includes any march, demonstration, assembly, parade, festival, or street fair.

D. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

13.45.020 City Manager Authorization.

The City Manager or his or her designee is authorized to issue such regulations and take such other actions as are necessary to preserve public health, public safety and property on City streets and sidewalks during street events planned or proposed to be held in the City and for which no permit has been obtained pursuant to Chapter 13.44 of this Title, including the prohibition of certain items and activities or restriction of them to certain times and/or locations. Failure to obey any directive issued by the City Manager or his or her designee pursuant to this section shall be a violation of this chapter.

13.45.030 Warning required in certain cases.

When possible, a warning shall be issued before enforcement of the regulations authorized by this chapter, except that no warning shall be required in exigent circumstances. A warning will be sufficient if it is provided either verbally, by posted signage, or by amplified announcement.

13.45.040 Applicability – Exceptions.

Authorized officers, employees, agents or representatives of the City shall be excepted from the provisions of any regulations promulgated by the City Manager pursuant to this chapter when such officer, employee, agent or representative is on the official business of the City.

13.45.100 Violation – Penalty.

A violation of this Chapter is a misdemeanor punishable as set forth in Chapter 1.20 of this code, but may be charged, in the discretion of the prosecutor, as an infraction.

Section 3. Vote Required, Immediately Effective

Based on the findings and evidence in Section 1 of this Urgency Ordinance, the Council determines that this Ordinance is necessary for the immediate preservation of the public health, peace and safety in accordance with Article XIV Section 93 of the Charter of the City of Berkeley and must therefore go into effect immediately. This ordinance shall go into effect immediately upon a seven-ninths vote of the City Council, in satisfaction of the Charter of the City of Berkeley. Adoption of this ordinance is without waiver of the City's right to enforce any other city laws or rules, including but not limited to Chapter 13.44.

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

Friday, August 18, 2017

3:00 P.M.

COUNCIL CHAMBERS - 2134 MARTIN LUTHER KING JR. WAY
Teleconference Location – 516 North Kainalu Drive, Kailua, Hawaii
Teleconference Location – 1404 Le Roy Avenue, Berkeley, California

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – LINDA MAIO
DISTRICT 2 – CHERYL DAVILA
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – KRISS WORTHINGTON
DISTRICT 8 – LORI DROSTE

Preliminary Matters

Roll Call: 3:06 p.m.

Present: Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin

Absent: Worthington

Public Comment - Items on this agenda only - 45 speakers

Action Calendar

1. **Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits**

From: City Manager

Recommendation: Adopt an Urgency Ordinance adding a new Chapter 13.45 to the Berkeley Municipal Code Title 13 (Public Peace, Morals and Welfare) to authorize the City Manager to issue rules for unpermitted street events.

Financial Implications: See report

Contact: Farimah Brown, City Attorney, 981-6950

Action: M/S/C (Arreguin/Maio) to accept revised materials from staff.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

Action: M/S/C (Maio/Arreguin) to adopt Urgency Ordinance No. 7569–N.S. adding a new Chapter 13.45 to the Berkeley Municipal Code Title 13 (Public Peace, Morals and Welfare) to authorize the City Manager to issue rules for unpermitted street events as revised below.

13.45.010 Definitions.

A. "Streets" means those streets defined in the circulation element of the Berkeley General Plan as local streets.

B. "Sidewalk" has the same meaning as stated in Berkeley Municipal Code Section 1.04.010.

C. "Street event" includes any march, demonstration, assembly, parade, festival, or street fair expected to draw 100 people or more.

D. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

13.45.020 City Manager Authorization.

The City Manager or his or her designee is authorized to issue such narrowly tailored temporary regulations in a defined area of the City and consistent with the First Amendment to the United States Constitution and take such other narrowly tailored actions as are necessary to preserve public health, public safety and property on City streets and sidewalks during street events planned or proposed to be held in the City and for which no permit has been obtained pursuant to Chapter 13.44 of this Title, including limited to establishing perimeters or separations, and the prohibiting of certain items that have been known to be used as weapons or are hazardous or restriction of them to certain times and/or locations. Failure to obey any directive issued by the City Manager or his or her designee pursuant to this section shall be a violation of this chapter. Twenty-Four (24) Hour notice of such regulations promulgated by the City Manager shall be given and posted on the City's website.

13.45.110 Sunset – Expiration of Ordinance.

This ordinance shall expire on December 31, 2017 unless extended by the City Council.

The Council also directs the City Manager to submit an information report to the City Council on regulations issued pursuant to Chapter 13.45.

Vote: Ayes – Maio, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – Davila; Abstain – None; Absent – Worthington.

Adjournment

Action: M/S/C (Hahn/Maio) to adjourn the meeting.

Vote: Ayes – Maio, Davila, Bartlett, Harrison, Hahn, Wengraf, Droste, Arreguin; Noes – None; Abstain – None; Absent – Worthington.

Adjourned at 5:18 p.m. in memory of those that died in the Charlottesville protests.

1. Lieutenant H. Jay Cullen
2. Trooper Berke M. M. Bates
3. Heather Heyer

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item 1: Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits

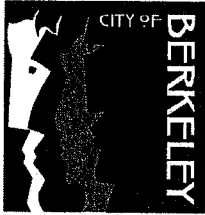
1. Jeannette McNeil
2. Phoebe Anne Sorgen
3. Nancy Schimmel
4. Sally Nelson (2)
5. Tree Fitzpatrick
6. Genevieve Wilson
7. Jesse Townley
8. Carol Denney
9. Catherine Orozco
10. Kelly Hammargren
11. Linda Franklin
12. Jeffrey J. Carter
13. Katherine Harr
14. Dana Burd
15. Brandi Campbell
16. Kim Nemirow

Supplemental Communications and Reports 3

Item 1: Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits

17. Revised materials, submitted by City Manager's Office
18. Donald Goldmacher (3)
19. Jennifer Bymun

20. Catherine Ference
21. David Finley
22. Elizabeth Mead
23. Tracy Cook / Jacquelyn McCormick
24. Joshua Pfeffer
25. Judy Nakadegawa
26. Phoebe Sorgen (2)
27. Kim Nemirow
28. Cecile Pineda
29. Lorrie Beth Slonsky
30. Maris Arnold
31. Pamela Tellew
32. Unknown



ADMINISTRATIVE RULE

SUBJECT: RESTRICTIONS AND PROHIBITIONS IN CIVIC CENTER PARK AND IN CIVIC CENTER AREA CITY BUILDINGS FOR AUGUST 27, 2017

PURPOSE

The purpose of this rule is to preserve public safety, protect park property, safely and fairly balance competing uses of Civic Center Park ("the Park"), prevent damage to City facilities, and facilitate First Amendment rights of freedom of speech and peaceful assembly during demonstrations proposed for the park and the Civic Center area for August 27, 2017.

Pursuant to Berkeley Municipal Code ("BMC") Chapters 13.44 and 6.46, the City Manager is authorized to impose conditions on the issuance of a permit for a street or park event. BMC Section 13.36.065 authorizes the City Manager to establish rules to enhance security and prevent damage to City facilities. Therefore, the conditions, restrictions and prohibitions of this Rule shall apply.

One of the August 27 assemblies is being advertised as a follow up to prior, unpermitted events held at and around the park on March 4, 2017, April 15, 2017 and April 27, 2017, which events also drew counter-demonstrations. The March 4 and April 15 assemblies turned violent, fights broke out, and numerous people were seriously injured. Arrests were made for offenses that included battery and assault with a deadly weapon. Violence at the events has been well documented by the Berkeley Police Department, the news media, and participants on social media. Some participants came to the park with metal pipes, baseball bats, lengths of 2"x 4" lumber (some with nails in them), bricks, pepper spray, Mace, daggers, combat shields, poles, axe handles, hatchets, helmets, masks, and similar items. Numerous participants wore masks or otherwise covered their faces so as to attempt to evade identification while attempting to or committing crimes and engaging in violence.

Issuance of this rule and regulation is not a waiver of the City's current authority to enforce rules against unpermitted events, and does not constitute a sanction of any unpermitted event.

REGULATION

PURSUANT TO BMC 6.32.030 and 13.36.065:

On August 27, 2017, access to Civic Center Park (entry and exit) will be restricted via controlled access points. It shall be a violation of this Rule for any person to enter or exit the park other than at a controlled access point.

Likewise, access to City facilities and curtilage near and around Civic Center Park, including but not limited to Old City Hall (2134 Martin Luther King, Jr. Way), Public Safety Building (2100 Martin Luther King, Jr. Way), Civic Center Building (2180 Milvia Street) (collectively "City Facilities"), will be restricted.


The following items are prohibited from being brought into Civic Center Park or onto City Facilities by any person on August 27, 2017:

- Metal pipes
- Baseball or softball bats
- Lengths of lumber or wood (any size)
- Wooden dowels
- Poles
- Bricks
- Rocks
- Glass bottles
- Metal beverage or food cans or containers
- Pepper or bear spray (OC spray)
- Mace
- Knives or daggers
- Firearms
- Shields
- Axes, axe handles, or hatchets
- Ice picks
- Razor blades
- Tasers
- Eggs
- Improvised explosive devices (IEDs)
- Spray cans
- Fire works
- Dynamite
- U-lock bike locks
- Heavy-gauge chain
- Dogs (except for service dogs)
- Skate boards
- Balloons
- Torches, lanterns or other devices that use fire or fuel
- Any other item that is generally considered an "implement of riot" that can be used as a weapon

On August 27, 2017, in Civic Center Park and in City facilities, including curtilage, signs and flags must be hand held, and may not be affixed to any pole or stick.

On August 27, 2017, in Civic Center Park, wearing of a mask, scarf, bandana or any other accessory or item that covers or partially covers the face and shields the wearer's face from view, or partially from view, is prohibited, except for coverings worn due to religious beliefs, practices or observances.

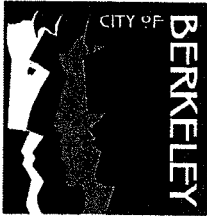
Law enforcement personnel are exempt from this Rule.



City Manager

August 25, 2017

Date



ADMINISTRATIVE RULE

SUBJECT: RESTRICTIONS AND PROHIBITIONS IN DEFINED AREA OF DOWNTOWN BERKELEY FOR AUGUST 27, 2017

PURPOSE

The purpose of this rule is to preserve public safety, protect public and private property, and facilitate First Amendment rights of freedom of speech and assembly on August 27, 2017 during demonstrations proposed for Civic Center Park, MLK Civic Center, around the West Crescent Lawn (UC Berkeley campus), and other areas in and around the Civic Center and downtown area of Berkeley.

Pursuant to Berkeley Municipal Code ("BMC") Chapter 13.45, the City Manager is authorized to issue narrowly tailored temporary regulations in a defined area of the City that are consistent with the First Amendment to the U.S. Constitution, and is authorized to take such other narrowly tailored actions as are necessary to preserve public health, public safety and property on City streets and sidewalks when no permit has been obtained pursuant to BMC Chapter 13.44.

Organizers of events proposed for the area in and around Civic Center Park on August 27, 2017 have not applied for or been granted permits for use of the streets and sidewalks. Therefore, the conditions, restrictions and prohibitions of this Rule shall apply.

Demonstrations planned for August 27 are being advertised as follow-ups to prior, unpermitted events held at and around Civic Center Park on March 4, 2017, April 15, 2017 and April 27, 2017. The March 4 and April 15 demonstrations turned violent, fights broke out, and numerous people were seriously injured. Arrests were made for offenses that included battery and assault with a deadly weapon. Violence at the events has been well documented by the Berkeley Police Department, the news media, and participants on social media. Some participants came to the park with metal pipes, baseball bats, lengths of 2"x 4" lumber (some studded with nails), bricks, pepper spray, Mace, daggers, combat shields, poles, axe handles, hatchets, helmets, masks, balloons filled with biohazard and other noxious matter, aggressive dogs, et cetera. Innocuous-seeming items such as bicycle U-locks were used to commit crimes. Numerous participants wore masks or otherwise covered their faces so as to attempt to evade identification while committing crimes and engaging in violence. The April 27 demonstration, while largely peaceful, required a significant investment of public safety resources to ensure that it remained non-violent.

Issuance of this regulation is not a waiver of the City's current authority to enforce rules against unpermitted events, and does not constitute a sanction of any unpermitted event.

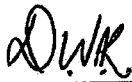
REGULATION

PURSUANT TO BMC 13.45.020:

On August 27, 2017, the following items are prohibited from being brought by any person into the area of downtown Berkeley designated on Exhibit A (attached hereto) and bounded by Martin Luther King, Jr. Blvd to the west, Oxford Street to the east, Bancroft Way and Channing Way to the south, and University Avenue to the north:

- Bricks
- Rocks
- Pepper or bear spray (OC spray)
- Mace
- Knives or daggers
- Firearms
- Shields
- Axes, axe handles, or hatchets
- Ice picks
- Tasers
- Improvised explosive devices (IEDs)
- Fire works
- Dynamite
- Torches, lanterns or other devices that use fire or fuel
- Any other item that is generally considered an "implement of riot" that can be used as a weapon.

Law enforcement personnel are exempt from this Rule.

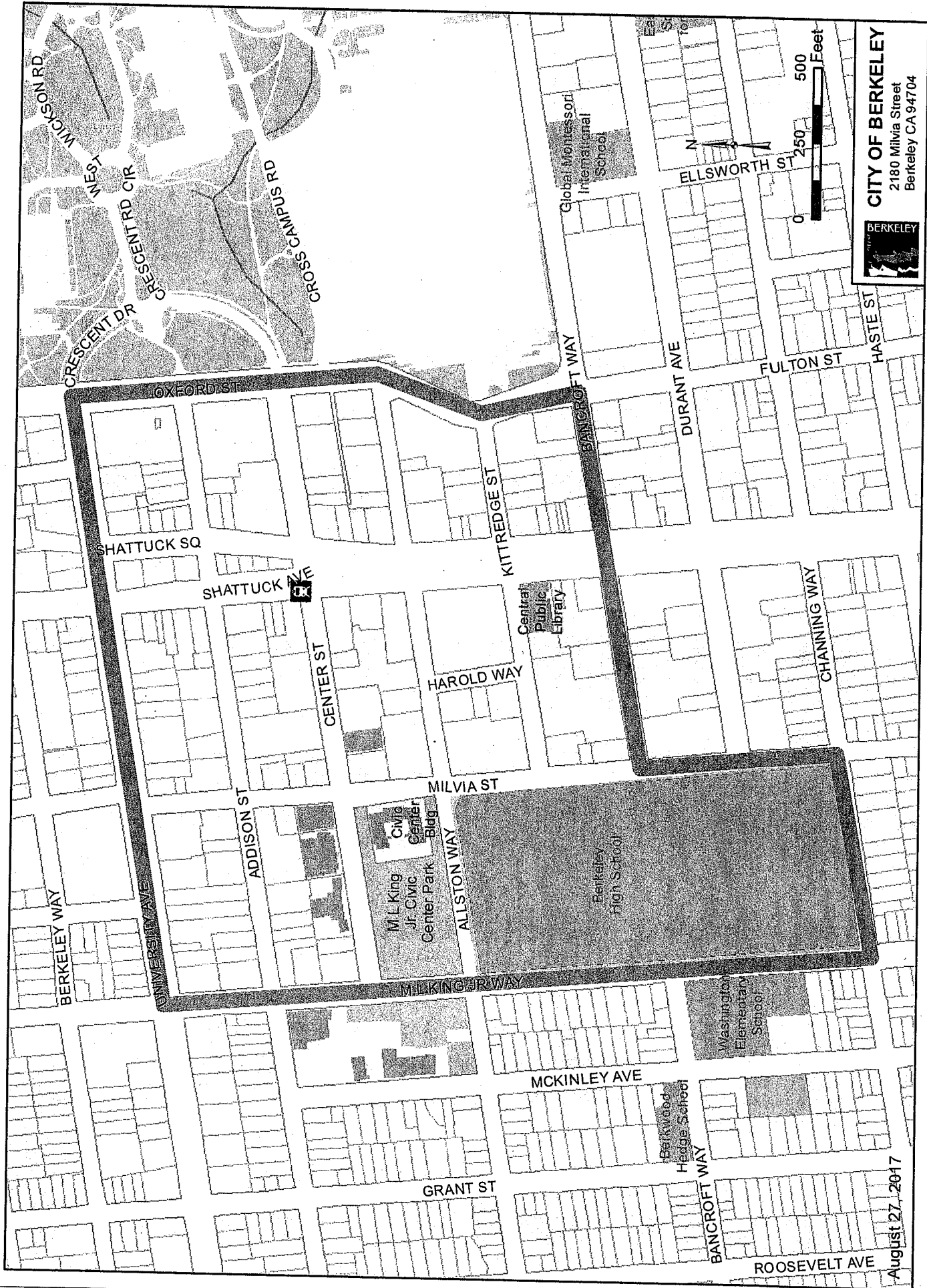


City Manager

August 25, 2017

Date

Exhibit A



CITY OF BERKELEY
2180 Milvia Street
Berkeley CA 94704



August 27, 2017

DRAFT PRC letter to city council re ban on masks

Hon. Mayor Arreguin and members of the Berkeley City Council:

The Police Review Commission thanks the Berkeley Police Department for their successful de-escalation of events at Civic Center on Sunday, August 27. We are grateful that this action resulted in a day with minimal injury to persons and property. This performance showed an improvement over the experience in the Black Lives Matter protest of December 6, 2014.

We also write to express concern about the implementation of the Urgency Ordinance to Authorize the City Manager to Issue Rules for Street Events without Permits," which Council passed on Friday, August 18. The ordinance creates a new Chapter 13.45 of the Municipal Code. The ordinance reads in part:

"The city manager for his or her designee is authorized to issue such narrowly tailored temporary regulations in a defined area of the City and consistent with the First Amendment to the United States Constitution and takes such other narrowly tailored actions as are necessary to preserve public health, public safety and property on City streets and sidewalks during street events planned or proposed to be held in the city and for which no permit has been obtained pursuant to Chapter 13.44 of this Title, limited to establishing perimeters or separations, and prohibiting certain items that have been known to be used as weapons or are hazardous or restriction of them to certain times and/or locations. Failure to obey any directive issued by the city manager for his or her designee pursuant to this section shall be a violation of this chapter."

However, the regulations announced by BPD on August 25 stated:

"On August 27, 2017, in Civic Center Park, wearing of a mask, scarf, bandana or any other accessory or item that covers or partially covers the face and shields the wearer's face from view, or partially from view, is prohibited, except for coverings worn due to religious beliefs, practices or observances."

The bulk of the regulations referred to banning weapons or items that could be used as items. These regulations are not objectionable. We have three concerns that grow out of this episode.

1. The anti-mask regulation go beyond the power granted to the City Manager to make new laws, which was "limited to establishing perimeters or separations, and prohibiting certain items that have been know to be used as weapons or are hazardous."

2. The anti-mask regulation also appears to be unconstitutional under the following California appellate court decision: *Ghafari v. Mun. Court for San Francisco Judicial Dist.* (1978) 87 Cal.App.3d 255. The decision explains that wearing a mask is First Amendment activity that cannot be prohibited unless used in the commission of a crime.¹ Enacting (or allowing staff to enact) unconstitutional laws puts the City at risk of lawsuit and financial loss as well as jeopardizing civil liberty.

We recognize the community concern about masked demonstrators. However, in its pursuit of public safety, the City government must remain vigilant in defense of the oaths we have taken to uphold the Constitutions of the United States and the State of California.

3. While the ordinance was effective only in the following “defined area:”

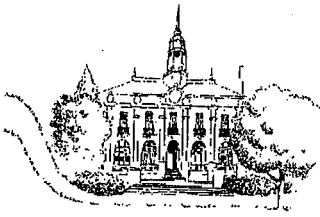
“The area of downtown Berkeley designated on Exhibit A (attached hereto) and bounded by Martin Luther King, Jr. Blvd to the west, Oxford Street to the east, Bancroft Way and Channing Way to the south, and University Avenue to the north,” and the mask rule was specifically limited to Civic Center Park, it was applied at *Ohlone Park*, well outside both of these defined areas.

Given these significant concerns about the application of the urgency ordinance, we respectfully recommend that the sunset date of the ordinance be moved up from the present December 31, 2017, to September 30, 2017, and the Council resume its responsibility for enacting laws and regulations governing public safety.

¹ Citation and a quote will be forthcoming.

Item # 11.C.
PRC 9-6-2017
agenda

From draft agenda



Kriss Worthington

Councilmember, City of Berkeley, District 7
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
PHONE 510-981-7170, FAX 510-981-7177, EMAIL
kworthington@cityofberkey.info

ACTION CALENDAR

September 12, 2017

(Continued from July 25, 2017)

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Referral to the City Manager, City Attorney, and Police Review Commission for Police Accountability Reform

RECOMMENDATION:

- 1) Refer to the City Manager and City Attorney to review the Berkeley Police Review Commission's suggestions for short-term reforms and detail the steps that may be taken.
- 2) Refer to the Police Review Commission to review the Oakland Ballot Measure LL and develop a similar full-fledged ballot measure to reform police accountability.

BACKGROUND:

In 2016, Oakland voters created a Police Review Commission that has the power to implement real change. San Francisco has also passed similar reforms. Berkeley now trails behind both cities in police accountability standards.

Berkeley's Police Review Commission was established in 1973. Since the Commission's creation, the relationship between the community and police organizations has changed. After the Berkeley Police Department's response to the Black Lives Matter protests, many cities and communities realized a more pressing need to address police misconduct.

This Council item will refer to the City Manager and City Attorney to differentiate:

- 1) Which suggestions for police accountability reform can be accomplished by the City Council as a policy vote.
- 2) Which suggestions require a meet and confer process with the Berkeley Police Department Association.
- 3) Which reforms can only be passed through a ballot measure, if the city decides to do so. This information will help the City reform the Police Review Commission as soon as possible. By referring to the Police Review Commission, the process of writing a

ballot measure for the November 2018 election will begin. We request the Commission have a draft ballot measure within 6 months of the referral.

FINANCIAL IMPLICATIONS:

Staff time.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170
Intern Sahana Matthews s.matthews@berkeley.edu

Attachment:

1. Police Review Commission short-term reforms
2. Oakland Ballot Measure LL
3. Ten Reasons Why reform is needed

Ordinance PRC is recommending that Council adopt
as passed at PRC's July 26, 2017 meeting.
Strikeout and underline show changes PRC made to
Subcommittee's proposal.

City of Berkeley

Surveillance Technology Use and Community Safety Ordinance

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Title

This ordinance shall be known as the Surveillance Technology Use and Community Safety Ordinance.

Section 2. Findings

The City Council finds as follows:

- 1) Through the enactment of this ordinance, the City seeks to establish a thoughtful process regarding the procurement and use of surveillance technology that carefully balances the City's duty to protect public safety with its duty to protect the privacy and civil rights of its community members.
- 2) Transparency is essential when the City is considering procurement and use of surveillance technology.
- 3) Although such technology may be beneficial to public order and safety, it has the potential to put both privacy and civil liberties at risk. In U.S. history, government surveillance has had a disproportionately repressive effect on marginalized racial, ethnic, religious, and LGBT communities and social change movements.
- 4) No decisions relating to surveillance technology should occur without strong consideration of the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by the California and United States Constitutions.
- 5) Surveillance technology involves immediate, as well as ongoing, financial costs. Before the City acquires any surveillance technology, it must evaluate all costs associated with the procurement, installation, use and maintenance of the technology.
- 6) Decisions regarding whether and how surveillance technologies should be funded, acquired, or used should give significant weight to public input.
- 7) Legally enforceable safeguards, including robust transparency, oversight, and accountability measures, must be in place to protect civil rights and civil liberties before any surveillance technology is acquired or deployed.
- 8) If a surveillance technology is approved, data reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights and civil liberties safeguards have been strictly observed.

Ordinance PRC is recommending that Council adopt as passed at PRC's July 26, 2017 meeting. Strikeout and underline show changes PRC made to Subcommittee's proposal.

Section 3. Definitions

The following definitions apply to this Ordinance:

- 1) "Surveillance Report" means an annual written report concerning a specific surveillance technology that includes all of the following:
 - a) A description of how the surveillance technology was used, including the quantity of data gathered or analyzed by the technology;
 - b) Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, and the justification for the disclosure(s);
 - c) Where applicable, a breakdown of what physical objects the surveillance technology software was installed upon; for surveillance technology software, a breakdown of what data sources the surveillance technology was applied to;
 - d) Where applicable, a breakdown of where the surveillance technology was deployed geographically, by whatever geographical unit is used by the City entity;
 - e) A summary of each community complaint received by the City entity or applicable reviewing commission about the surveillance technology;
 - f) The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response;
 - g) Information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response;
 - h) Information that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes;
 - i) Statistics and information about public records act requests;
 - j) Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year; and
 - k) Any request by the City entity for modifications to the Surveillance Use Policy and a detailed basis for the request.
- 2) "City entity" means any department, bureau, division, or unit of the City of Berkeley.
- 3) "Surveillance technology" means any electronic device, system utilizing an electronic device, or similar technological tool used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any

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individual or group. Examples of covered surveillance technology include, but are not limited to: cell site simulators (Stingrays); automatic license plate readers; gunshot detectors (ShotSpotter); facial recognition software; thermal imaging systems; body-worn cameras; social media analytics software; gait analysis software; video cameras that record audio or video, and transmit or can be remotely accessed; and personal communication devices.

- a) "Surveillance technology" does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined in Section 8(3): (a) routine office hardware, such as televisions, computers, and printers, that is in widespread public use and will not be used for any surveillance or law enforcement functions; (b) Parking Ticket Devices (PTDs); (c) manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) manually-operated technological devices used primarily for internal municipal entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems; (f) municipal agency databases that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology; or (g) electrocardiogram machines.
- 4) "Surveillance Impact Report" means a publicly-released written report that, if the surveillance technology were to be used or deployed, includes the following:
- a) **Description:** Information describing the surveillance technology and how it works, including product descriptions from manufacturers;
 - b) **Purpose:** Information on the proposed purposes(s) for the surveillance technology;
 - c) **Location:** The location(s) it may be deployed and reasons for deployment in the location(s);
 - d) **Impact:** An assessment identifying any potential impact on civil liberties and civil rights including but not limited to potential disparate or adverse impacts on any communities or groups;
 - e) **Mitigation: Information regarding** specific, affirmative technical and procedural measures that will be implemented to appropriately safeguard the public from any impact identified in subsection (d);
 - f) **Data Types and Sources:** A list of all sources of data to be collected, analyzed, or processed by the surveillance technology, including "open source" data;

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- g) **Data Security:** Information about the steps that will be taken to ensure that adequate security measures are used to safeguard the data collected or generated by the technology from unauthorized access or disclosure;
 - h) **Fiscal Cost:** The fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding;
 - i) **Third Party Dependence:** Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis;
 - j) **Alternatives:** A summary of all alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of why the proposed technology is preferable; and,
 - k) **Track Record:** A summary of the experience (if any) other entities, especially government entities, have had with the proposed technology, including, if available, quantitative information about the effectiveness of the proposed technology in achieving its stated purpose in other jurisdictions, and any known adverse information about the technology (such as unanticipated costs, failures, or civil rights and civil liberties abuses).
- 5) "Surveillance Use Policy" means a publicly-released and legally-enforceable policy for use of the surveillance technology that at a minimum specifies the following:
- a) **Purpose:** The specific purpose(s) that the surveillance technology is intended to advance;
 - b) **Authorized Use:** The uses that are authorized, the rules and processes required prior to such use, and the uses that are prohibited;
 - c) **Data Collection:** The information that may be collected by the surveillance technology. Where applicable, list any data sources the technology will rely upon, including "open source" data;
 - d) **Data Access:** The individuals who may access or use the collected information, and the rules and processes required prior to access or use of the information;
 - e) **Data Protection:** The safeguards that protect information from unauthorized access, including encryption and access control mechanisms;
 - f) **Data Retention:** The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s), the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period;

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- g) **Public Access:** How collected information may be accessed or used by members of the public;
 - h) **Third Party Data Sharing:** If and how other City or non-City entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information;
 - i) **Training:** The training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology, including any training materials;
 - j) **Auditing and Oversight:** The mechanisms to ensure that the Surveillance Use Policy is followed, including the job title category and number of personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy; and
 - k) **Maintenance:** The mechanisms and procedures to ensure that the security and integrity of the surveillance technology and collected information will be maintained.
- 6) "Exigent circumstances" means a City entity's good faith belief that an emergency involving imminent danger of death or serious physical injury to any person, or imminent danger of significant property damage, requires use of the surveillance technology or the information it provides.
- 7) "Appropriate reviewing commission" means the existing citizens commission with reviewing responsibilities over the City entity. If no such commission exists, the City Manager may designate a citizens commission to act as the reviewing commission or ask the City entity to submit reports directly to the City Manager.
- 8) "Personal communication devices" means mobile telephones, personal digital assistants, wireless capable tablets and similar wireless two-way communications and/or portable Internet accessing devices, whether procured or subsidized by a City entity or personally owned, that are used in the regular course of business.

Section 4. City Council Approval Requirement

- 1) A City entity shall notify the Chair of the appropriate reviewing commission prior to the entity:
 - a) Seeking or soliciting funds for surveillance technology, including but not limited to applying for a grant; or
 - b) Soliciting proposals with a non-City entity to acquire, share or otherwise use surveillance technology or the information it provides.

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Upon notification by the City entity, the Chair shall place the item on the agenda at the next meeting for which it may be properly noticed, for discussion and possible action. At this meeting, the City entity shall inform the reviewing commission of the cost of the proposal, the need for the funds or equipment, or shall otherwise justify the action the entity intends to take. The reviewing commission may vote its approval to proceed, object to the proposal, recommend that the entity modify its proposal, or take no action. Neither opposition to the act or failure by the reviewing commission to act shall prohibit the City entity from proceeding. The City entity is still bound by subsection (2) regardless of the action taken by the reviewing commission under this subsection.

- 2) A City entity must obtain City Council approval, subsequent to a regularly scheduled, non-consent City Council meeting prior to any of the following:
 - a) Accepting state or federal funds for, or in-kind or other donations of, surveillance technology;
 - b) Acquiring new surveillance technology, including but not limited to procuring such technology without the exchange of monies or consideration;
 - c) Using new surveillance technology, or using existing surveillance technology for a purpose, in a manner or in a location not previously approved by the City Council;
or
 - d) Entering into an agreement with a non-City entity to acquire, share or otherwise use surveillance technology or the information it provides.
- 3) A City entity must obtain City Council approval of a Surveillance Use Policy prior to engaging in any of the activities described in subsection (2)(a)-(d).

Section 5. Temporary Acquisition and Use of Surveillance Equipment

Notwithstanding the provisions of this ordinance, a City entity may temporarily acquire or temporarily use surveillance technology in exigent circumstances without following the provisions of this ordinance before that acquisition or use. However, a City entity that acquires or uses surveillance technology in exigent circumstances must: (1) provide notice of that acquisition and use to the City Council and appropriate reviewing commission in writing within 30 days following the commencement of those circumstances; (2) if it is anticipated that the use will continue beyond the exigent need, submit a proposed Surveillance Use Policy to the City Council regarding that surveillance technology within 90 days following the commencement of those circumstances pursuant to Section 4; and (3) include that surveillance technology in the City entity's next annual Surveillance Report to the City Council following the commencement of those circumstances.

Section 6. Information Required

- 1) Prior to seeking City Council approval under Section 4, the City entity shall submit the Surveillance Impact Report and proposed Surveillance Use Policy to the appropriate reviewing commission for its review at a regularly noticed meeting.

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- 2) The reviewing commission shall recommend that the City Council adopt, modify, or reject the proposed Surveillance Use Policy.
- 3) After receiving the recommendation of the reviewing commission, the City entity seeking approval under Section 4 shall submit to the City Council a Surveillance Impact Report and a proposed Surveillance Use Policy at least forty-five (45) days prior to the City Council meeting. The City Council shall publicly release in print and online the Surveillance Impact Report, proposed Surveillance Use Policy, and reviewing commission recommendation at least thirty (30) days prior to the City Council meeting.
- 4) The City Council, or its appointed designee, shall continue to make the Surveillance Impact Report and Surveillance Use Policy, and updated versions thereof, available to the public as long as the City entity continues to utilize the surveillance technology in accordance with its request pursuant to Section 4.

Section 7. Determination by City Council that Benefits Outweigh Costs and Concerns

The City Council shall only approve any action described in Section 4 (2) or Section 5 of this ordinance after first considering the recommendation of the appropriate reviewing commission, and subsequently making a determination that the benefits to the community of the surveillance technology outweigh the costs; that the proposal will appropriately safeguard civil liberties and civil rights; and that, in the City Council's judgment, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective.

Section 8. Compliance for Existing Surveillance Technology

Each City entity possessing or using surveillance technology prior to the effective date of this ordinance shall submit a Surveillance Impact Report and a proposed Surveillance Use Policy in compliance with Section 6 and no later than one hundred eighty (180) days following the effective date of this ordinance for review and approval by the City Council pursuant to Section 4. If such review and approval has not occurred within ninety (90) days of the City Council submission date, the City entity shall cease its use of the surveillance technology until such review and approval occurs.

Section 9. Oversight Following City Council Approval

- 1) A City entity that obtained approval for the use of surveillance technology must submit a written Surveillance Report for each such surveillance technology to the City Council within twelve (12) months of City Council approval and annually thereafter on or before November 1.
 - a) Prior to submission of the Surveillance Report to the City Council, the City entity shall submit the Surveillance Report to the appropriate reviewing commission for its review.
 - b) The reviewing commission shall recommend to the City Council that the benefits to the community of the surveillance technology outweigh the costs and that civil liberties and civil rights are appropriately safeguarded; that use of the surveillance

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technology cease; or propose modifications to the Surveillance Use Policy that will resolve the concerns.

- 2) Based upon information provided in the Surveillance Report and after considering the recommendation of the reviewing commission, the City Council shall determine whether the requirements of Section 7 are satisfied. If the requirements of Section 7 are not satisfied, the City Council shall direct that use of the surveillance technology cease and/or require modifications to the Surveillance Use Policy that will resolve any deficiencies.
- 3) No later than January 15 of each year, the City Council shall hold a public meeting and publicly release in print and online a report that includes, for the prior calendar year:
 - a) A summary of all requests for City Council approval pursuant to Section 4 or Section 8 and the pertinent reviewing commission recommendation, including whether the City Council approved or rejected the proposal and/or required changes to a proposed Surveillance Use Policy before approval; and
 - b) All Surveillance Reports submitted.

Section 10. Enforcement

- 1) Any violation of this Ordinance, or of a Surveillance Use Policy promulgated under this Ordinance, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance. An action instituted under this paragraph shall be brought against the city entity, the City of Berkeley, and, if necessary to effectuate compliance with this Ordinance or a Surveillance Use Policy (including to expunge information unlawfully collected, retained, or shared thereunder), any third party, except a city employee, with possession, custody, or control of data subject to this Ordinance.
 - a) Prior to the initiation of any legal proceeding under subsection 1), the City of Berkeley or City entity must be given notice of the violation(s) and an opportunity to correct such violation(s) within 30 days of receipt of the notice.
- 2) Any person who has been subjected to a surveillance technology in violation of this Ordinance, or about whom information has been obtained, retained, accessed, shared, or used in violation of this Ordinance or of a Surveillance Use Policy, may institute proceedings in any court of competent jurisdiction against any person who committed such violation and shall be entitled to recover actual damages.
- 3) A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought under paragraphs (1) or (2).
- 4) ~~In addition, for a willful or intentional violation of this Ordinance or of a Surveillance Use Policy, an individual shall be deemed guilty of a misdemeanor and may be punished by a fine not exceeding \$1,000 per violation.~~

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as passed at PRC's July 26, 2017 meeting.
Strikeout and underline show changes PRC made to
Subcommittee's proposal.

Section 11. Secrecy of Surveillance Technology

It shall be unlawful for the City to enter into any surveillance-related contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting provisions in such ~~future~~ contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

To the extent permitted by law, the City shall publicly disclose all of its ~~existing and future~~ surveillance-related contracts, including any and all related non-disclosure agreements, if any regardless of any contract terms to the contrary.

Section 12. Whistleblower Protections.

1) It shall be a violation of Section 12 for the City or anyone acting on behalf of the City to take or fail to take, or threaten to take or fail to take, an adverse employment action with respect to any employee or applicant for employment, because:

a) The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of a surveillance technology or surveillance data based upon a good faith belief that the disclosure evidenced a violation of this Ordinance.

Section 13. Severability

The provisions in this Ordinance are severable. If any part of provision of this Ordinance, or the application of this Ordinance to any person or circumstance, is held invalid, the remainder of this Ordinance, including the application of such part or provisions to other persons or circumstances, shall not be affected by such holding and shall continue to have force and effect.

Section 14. Construction

The provisions of this Ordinance, including the terms defined in Section 3, are to be construed broadly so as to effectuate the purposes of this Ordinance.

Section 15. Effective Date

This Ordinance shall take effect on [DATE].

Lee, Katherine

From: Lee, Katherine
Sent: Thursday, July 27, 2017 5:12 PM
To: Lee, Katherine
Subject: FW: Berkeley-related Terrorism Suspect Arrested

Dear Commissioners,

Please see below from Chief Greenwood.

-Kathy

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

From: Williams-Ridley, Dee
Sent: Thursday, July 27, 2017 4:58 PM
To: Lee, Katherine <KLee@cityofberkeley.info>
Subject: FW: Berkeley-related Terrorism Suspect Arrested

Hi Kathy,
Please share the below information from Chief Greenwood with the Police Review Commissioners.
Thank you,
Dee

From: Greenwood, Andrew
Sent: Thursday, July 27, 2017 4:06 PM
To: Williams-Ridley, Dee <DWilliams-Ridley@cityofberkeley.info>
Cc: Grogan, Jovan <JGrogan@cityofberkeley.info>; Chakko, Matthai <MChakko@cityofberkeley.info>
Subject: Berkeley-related Terrorism Suspect Arrested

Dee,

As you may be aware, local media has recently reported on the indictment of a local terrorism suspect who is alleged to be an ISIS supporter. This case, and the suspect's specific plans, to murder Berkeley residents, remind us that our community is not immune to the threats of terrorism and homegrown violent extremism.

The Berkeley Police Department supported the investigation some time ago, and was mentioned in the DOJ media release. (While I can't share specifics at this time, if I'm able to release details of our work, I will.)

Channel 7 news carried an in-depth story about the suspect, whose plans included placing bombs and setting fires in Berkeley. ABC News reports, "Investigators say an Oakland man was willing to die in a suicide bombing on behalf of ISIS. But first, they say he was planning a series of attacks in the Bay Area to take the most lives possible": <http://abc7news.com/2247058/>

I strongly recommend everyone watch the Channel 7 report; hearing of the planned attacks within our city is chilling.

Additionally, Berkeleyside is reporting on the story here: <http://www.berkeleyside.com/2017/07/27/fbi-alleges-berkeley-high-isis-sympathizer-planned-set-fire-hills-plant-bombs/>

I'd ask that you share this email with the Mayor, Council, and the PRC, for their information, given our significant focus on community safety and the discussion around terrorist threats and emergency preparedness.

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

Subject: Press Release: ALLEGED ISIS SUPPORTER INDICTED FOR ATTEMPTING TO PROVIDE MATERIAL SUPPORT TO FOREIGN TERRORIST ORGANIZATION

Department of Justice

United States Attorney Brian J. Stretch
Northern District of California

FOR IMMEDIATE RELEASE
July 21, 2017

**ALLEGED ISIS SUPPORTER INDICTED FOR ATTEMPTING TO PROVIDE
MATERIAL SUPPORT TO FOREIGN TERRORIST ORGANIZATION**

Defendant Amer Alhaggagi Was Arrested in November 2016 on Identity Theft Charges

SAN FRANCISCO - A federal grand jury in San Francisco indicted Amer Sinan Alhaggagi yesterday with attempting to provide material support to a designated foreign terrorist organization, announced United States Attorney Brian J. Stretch, Acting Assistant Attorney General for National Security Dana J. Boente, and Federal Bureau of Investigation (FBI) Special Agent in Charge John F. Bennett.

According to the indictment, Alhaggagi, 22, of Oakland, California, is alleged to have knowingly attempted to provide services and personnel to the Islamic State of Iraq and Syria, or ISIS, between July and November of 2016, in violation of 18 U.S.C. § 2339B. ISIS was designated a foreign terrorist organization by the United States Secretary of State in 2014. The indictment alleges that the services Alhaggagi attempted to provide included opening social

media accounts for the use, benefit, and promotion of ISIS, and that the personnel he provided was himself.

The indictment also alleges three counts of identity theft offenses – two counts of identity theft, in violation of 18 U.S.C. § 1029, and one count of aggravated identity theft, in violation of 18 U.S.C. § 1028A. With respect to those charges, an affidavit previously filed by an agent of the Federal Bureau of Investigation in connection with a criminal complaint in the same matter alleged that Alhaggagi had used a stolen credit card to make \$4,932 in fraudulent online purchases from a clothing company.

The FBI arrested Alhaggagi on November 29, 2016, based on a criminal complaint charging identity theft. Magistrate Judge Kandis Westmore ordered Alhaggagi detained following his arrest based on findings that he presented a flight risk and a danger to the community. The complaint and the previous proceedings against Alhaggagi were unsealed when the indictment was returned.

Alhaggagi's arraignment has not yet been scheduled.

An indictment merely alleges that crimes have been committed, and the defendant is presumed innocent until proven guilty beyond a reasonable doubt. If convicted, the defendant faces a total of 47 years imprisonment for the four counts charged in the indictment, and a fine of \$250,000 for each count. However, any sentence following conviction would be imposed by the court after consideration of the U.S. Sentencing Guidelines and the federal statute governing the imposition of a sentence, 18 U.S.C. § 3553.

The prosecution is the result of an investigation by the Federal Bureau of Investigation, the Special Prosecutions and National Security Unit of the United States Attorney's Office for the Northern District of California, the United States Department of Justice National Security Division, the Berkeley Police Department, and members of the Joint Terrorism Task Force including, the Oakland Police Department.

Further Information:

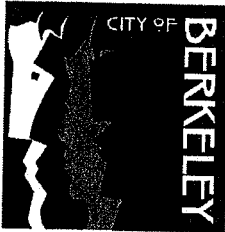
Case #: 17-387 JST

A copy of this press release will be placed on the U.S. Attorney's Office's website at www.usdoj.gov/usao/can.

Electronic court filings and further procedural and docket information are available at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>.

Judges' calendars with schedules for upcoming court hearings can be viewed on the court's website at www.cand.uscourts.gov.

All press inquiries to the U.S. Attorney's Office should be directed to Abraham Simmons at (415) 436-7264 or by e-mail at Abraham.Simmons@usdoj.gov.



Police Review Commission

July 28, 2017

To: Andrew Greenwood, Chief of Police
From: Katherine J. Lee, PRC Officer *KJL*
Re: Request for records related to police action at and after June 20, 2017,
City Council meeting

This is to memorialize our communications to date regarding records related to police action at and after June 20, 2017, City Council meeting, and to make additional requests.

On Monday, July 17, 2017, I emailed you a request for a meeting to discuss information about the June 20 events that the PRC wished to obtain, mentioning that they would be relevant both to the Commission's investigation of the June 20 events, and to the individual complaint that has been filed with our office stemming from those events. I was mindful that you would be at a retreat the last two days of that week, and said that if you didn't have time before then, we could talk during our regular monthly meeting on Tuesday, July 25.

Our July 25 meeting was postponed to July 26 due to a funeral you attended. At our July 26 meeting, you informed me that there was no operational plan or after-action report for June 20, because you had not planned for a crowd management or crowd control event. You also said that BPD did not videotape any of the events of June 20. You committed to releasing the police reports to the PRC.

Additionally, as part of its policy investigation, the PRC requests copies of all electronic and hard copy communications regarding the June 20 events: between the BPD and the Mayor and City Councilmembers, and between the BPD and members of the public.

The first meeting of the PRC's June 20, 2017 Subcommittee is scheduled for August 9, 2017, at 1:00 p.m. Anything you can send to the PRC before then would be greatly appreciated.

Of course, if you have any questions about this request, please let me know.

Lee, Katherine

From: Greenwood, Andrew
Sent: Wednesday, August 30, 2017 4:27 PM
To: 'J. George Lippman'; Brewer, Crystal
Cc: Lee, Katherine
Subject: RE: Good meeting with you (again)

Greetings,

Good to talk to you this morning.

In our discussion about reporting use of force, I said I am considering, essentially:

1. Clear language about respecting the value of life;
2. Adding to the reporting of force: physical force used to overcome resistance, *even when there is no injury and no complaint of pain*. An example of this would be a struggle to handcuff someone and the person is taken to the ground... that type of thing. You brought the term "body weapons" and I think that language needs to be clarified, e.g. punching, kicking, striking, something along those lines.
3. Capturing data: Pointing a gun directly at someone and giving orders. This might be more of a "checkbox" on a report, rather than a full-fledged report... but data worth capturing.

Given the current extraordinary impact of external issues on staff time, and the process (e.g. discussion with stakeholders; ensuring our reporting system is configured to receive the "new" categorizations), giving a date is challenging, but overall I intend that we will be updating this policy.

We also agreed that you would send BART and OPD's policy so we can look at the language therein. My intent is to consider/compare that language with our language. Thanks for passing along those data points.

I wanted to add that I forgot to mention that we anticipate adding specific language to affirm de-escalation tactics and techniques be used to increase the potential for resolving incidents with minimal or no force.

Overall, it was gratifying to hear that your input and concerns align very much with concepts we are actively looking at for incorporation into a revision of our force policy.

Thanks again for meeting,

Best regards,

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

From: J. George Lippman [mailto:george@igc.org]
Sent: Wednesday, August 30, 2017 11:12 AM
To: Greenwood, Andrew <AGreenwood@cityofberkeley.info>; Brewer, Crystal <CBrewer@cityofberkeley.info>
Subject: Re: Good meeting with you (again)

Lee, Katherine

From: Lee, Katherine
Sent: Friday, August 04, 2017 12:57 PM
To: Lee, Katherine
Subject: FW: Opportunity for Berkeley Policing Reform!

Dear Commissioners,

Please see the announcement below from Councilmember Worthington. I'm sure this is a topic that is of interest to all of you. Be aware, however, that attendance by a majority of members of the PRC (5 people) would violate the Brown Act. I have consulted with the City Attorney's office, who has advised that none of the exceptions in the Brown Act (found in Gov't. Code sec. 54952.2(c)) apply to the meeting called by Councilmember Worthington.

If a majority of you wish to attend, the Chair could call a special meeting to occur simultaneously with the Councilmember's meeting, to avoid violating the Brown Act. Therefore, if you plan to attend the meeting next Wednesday night, please let me know by next Tuesday at noon. 24 hours' notice is required for a special meeting.

Thank you,
Kathy

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

From: PRC (Police Review Commission)
Sent: Wednesday, August 02, 2017 2:08 PM
To: Lee, Katherine <KLee@cityofberkeley.info>; Norris, Byron <BNorris@cityofberkeley.info>
Subject: FW: Opportunity for Berkeley Policing Reform!

From: Worthington, Kriss
Sent: Wednesday, August 02, 2017 1:30 PM
Subject: Opportunity for Berkeley Policing Reform!

Dear Friends,

I know that all of you care deeply about issues of discriminatory policing and police overreach. And I am sure you would agree that we can never make meaningful progress on these issues without an efficient and effective civilian review commission. Unfortunately, Berkeley's current Police Review Commission system suffers from structural inefficiencies and is unable to exercise real enforcement power.

This state of affairs is unacceptable, and can go on no longer. **We need a strong coalition committed to reforming the Police Review Commission.** I invite anyone who is interested in joining this coalition to attend a meeting where we can discuss ideas for reform and build a coalition strong enough to convince the City Council to take action (or, if necessary to initiate a signature-gathering drive ourselves).

For those who wish to attend, the meeting will be held on **Wednesday, August 9, 7:00pm, at 2180 Milvia St. (City Hall).**

Together, we can create the Police Review Commission our city deserves.

Kriss Worthington

Councilmember

City of Berkeley, District 7

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

(510) 981-7170 phone

(510) 981-7177 fax

kworthington@cityofberkeley.info

<http://www.cityofberkeley.info/council7/>

Lee, Katherine

From: Alison Bernstein <alibernstein@gmail.com>
Sent: Monday, August 07, 2017 10:38 AM
To: Lee, Katherine
Subject: Hayward officials raise questions about recent ICE arrests

This is important - if ICE is no longer committing to notifying local jurisdictions when it is taking action in their jurisdiction that is, I think, a significant breach of usual mutual aide protocols, and may be worth considering when evaluating ongoing relationships with federal agencies.

<http://www.mercurynews.com/2017/08/06/hayward-officials-raise-questions-about-ice-arrests-of-2-residents/>

Sent from my iPhone

<http://www.mercurynews.com/2017/08/06/hayward-officials-raise-questions-about-ice-arrests-of-2-residents/>

Hayward officials raise questions about ICE arrests of 2 residents

By **TATIANA SANCHEZ** | tsanchez@bayareanewsgroup.com | Bay Area News Group
PUBLISHED: August 6, 2017 at 8:00 am | UPDATED: August 7, 2017 at 7:05 am

HAYWARD — City officials said they were blindsided by the recent arrests of two undocumented immigrants by U.S. Immigration and Customs Enforcement and have raised questions about how two family men headed to work ended up in detention and on a path toward deportation.

The city in a statement called on ICE for answers about the arrests of Antonio Valenzuela and Jose Salgado on July 27 after first reading about the incident in this newspaper. Officials said they also plan to issue a letter to the agency this week requesting timelier information for future ICE operations.

“In a community like ours — which is one of the most diverse and which is very welcoming of people from all over the world — people are very concerned about this happening and they want information,” Mayor Barbara Halliday said.

Officials stressed that it’s not the fact that ICE was in their city that concerned them, but the fact that ICE did not notify the police department of the arrests of Valenzuela and Salgado. Hayward Police Chief Mark Koller said the department expects to be notified of any arrests that result from ICE operations but, “that did not occur in this instance.”

Meanwhile, ICE spokesman James Schwab said the department is generally notified of ICE operations but that the details and results aren’t always shared.

The case highlights ongoing tensions between sanctuary cities and immigration officials, who have significantly intensified their crackdown on illegal immigration. City officials formally designated Hayward a sanctuary city in June, reaffirming policies that are welcoming of immigrants, which Halliday said have been in place for many years.

Valenzuela, 34, and Salgado, 42, were leaving the neighborhood along Harris Road about 6 a.m. for work when they were trailed by ICE agents, who arrested them soon after. The men’s families said ICE was originally looking to detain another man. Meanwhile, Salgado and Valenzuela remain in ICE custody at the Adelanto Detention Facility in Southern California.

Schwab said investigators found both men had been previously charged with criminal offenses. Court records show Valenzuela served time at Santa Rita Jail for a DUI

conviction last year and is on probation through 2019. He had been repatriated to Mexico three times, including twice by federal agents, Schwab said. His wife, Esther León, refuted the deportation claims and said Valenzuela had only once signed a voluntary departure form.

This newspaper was unable to confirm criminal charges for Salgado. His case has been referred to immigration court under the Executive Office for Immigration Review, where a judge will determine whether he can legally remain in the country, Schwab said.

What remains unclear is how exactly ICE agents came to arrest Valenzuela and Salgado, who were not the targets of ICE's operation that day. Schwab said agents were doing a "targeted enforcement action seeking a previously removed criminal alien" and were not checking everyone they came in contact with. He did not say why Valenzuela and Salgado were singled out.

Hayward spokesman Chuck Finnie said the city is aware that its sanctuary city status does not have "any bearing whatsoever on ICE."

"The fundamental issue here is that the city of Hayward has a substantial interest in knowing that all of its residents are receiving due process under the law," he said. "Based on what we read about the case and the very limited information we've been able to obtain, we're really not able to ascertain that one way or another."

Tatiana Sanchez Tatiana Sanchez covers race and demographics for the Bay Area News Group. Previously, Sanchez was an immigration reporter for the San Diego Union-Tribune, where she covered race, diversity and the region's multicultural communities. She received a master's in journalism from Columbia University. Sanchez was born and raised in the Bay Area.

Lee, Katherine

From: Lee, Katherine
Sent: Thursday, August 24, 2017 2:08 PM
To: Lee, Katherine
Subject: FW: Regarding BPD Jurisdiction over outside agencies
Attachments: 2003-09-09-Item-54-57 2.pdf

Dear Commissioners,

See attached and below. I will next forward the Chief's response.

As a reminder (or FYI for newer Commissioners), in its report on the BPD response to the Dec. 2014 protests, a majority of the PRC believed that state law and existing mutual aid pacts required each agency to follow its own use-of-force policies. (p. 32.) The minority called on the BPD to abide by the 1992 Council resolution [not ordinance] and take direct supervisory responsibility for all mutual aid units to the maximum extent allowed by law. (p. 34.) Link to report here:
https://www.cityofberkeley.info/Police_Review_Commission/Home/Special_Reports.aspx

-Kathy

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

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

From: Andrea Prichett [mailto:prichett@locrian.com]
Sent: Wednesday, August 23, 2017 6:45 PM
To: Greenwood, Andrew <AGreenwood@cityofberkeley.info>; PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>; Lee, Katherine <KLee@cityofberkeley.info>
Subject: Regarding BPD Jurisdiction over outside agencies

Dear Chief,

In advance of the protests by Alt-Right forces on Sunday 8-27-17 I am providing a copy of a 1992 City Council ordinance that requires BPD to take responsibility for the outside agencies that it calls in via mutual aid.

In the community meeting at the PSB, you mentioned that you thought you didnt have control over how outside agencies conduct themselves. I will be interested in your response to page 16 of this PDF. As I said I would, I have provided you with a copy of the ordinance.

I am also looking forward to seeing the Operational Plans and After Action Report for the police action on 8-27-17. I think it will be very useful in terms of doing an evaluation of the department's efforts.

Thanks in advance for your efforts to keep our city safe. I hope it goes well and that everyone emerges safe and sound.

Andrea Prichett

Lee, Katherine

From: Greenwood, Andrew
Sent: Wednesday, August 23, 2017 8:26 PM
To: 'Andrea Prichett'; PRC (Police Review Commission); Lee, Katherine
Subject: RE: Regarding BPD Jurisdiction over outside agencies

Andrea,

Thanks for the info, and I look forward to continued dialogue... to be clear, I understand that agencies who provide assistance come equipped with their tools, their command and supervisors, and are ultimately governed by their policies. I don't have the bandwidth (with me or staff) to engage in a deep dive in the '92 ordinance at the moment...

But good to talk to you; thanks for whatever you can do to bring peace to Sunday's events, and get everyone everywhere through safe and sound--every bit helps...

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

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

From: Andrea Prichett [mailto:prichett@locrian.com]
Sent: Wednesday, August 23, 2017 6:45 PM
To: Greenwood, Andrew <AGreenwood@cityofberkeley.info>; PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>; Lee, Katherine <KLee@cityofberkeley.info>
Subject: Regarding BPD Jurisdiction over outside agencies

Dear Chief,

In advance of the protests by Alt-Right forces on Sunday 8-27-17 I am providing a copy of a 1992 City Council ordinance that requires BPD to take responsibility for the outside agencies that it calls in via mutual aid.

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Thanks in advance for your efforts to keep our city safe. I hope it goes well and that everyone emerges safe and sound.

Andrea Prichett

2. **BERKELEY POLICE DEPARTMENT CROWD MANAGEMENT POLICIES
(CONTINUED FROM 4/7/92, ITEM G.(c)2)**

From: Police Review Commission

Recommendation: Adopt 12 specific recommendations regarding Berkeley Police Department crowd management policies as outlined in the report which includes a separate minority report regarding use of munitions for crowd control.

a. **City Manager Report**

Recommendation: Adopt proposed recommendations with necessary changes.

b. **Commission on Disability**

Recommendation: Reconsider support of the use of rubber, wooden, and putty bullets in crowd control situation because of the inordinate risks they pose to persons in wheelchairs and others.

c. **Communications**

Action: Adopted 12 recommendations as submitted by the Police Review Commission. See attachment A.

Motion:

Moved, seconded (Skinner/Shirek) to approve the Police Review Commission's recommendations Nos. 1 through 6 and No. 8, 9, 10, 11 and 12, and for Recommendation 7, approve the minority report's recommendation not to use any form of munition for crowd control.

Moved, seconded (Dean/Goldfarb) a substitute motion, to adopt all of the Police Review Commission's recommendations, including No. 7.

Councilmembers Skinner and Shirek requested severance of the vote on No. 7.

The vote on Recommendation 7 carried. (Ayes - Chandler, Collignon, Dean, Goldfarb, Wainwright, Woodworth, Hancock; Noes - Shirek, Skinner; Absent - None)

The balance of the recommendations were adopted by unanimous vote.
(Absent - None)

ATTACHMENT A

BERKELEY POLICE DEPARTMENT CROWD MANAGEMENT POLICIES

(Adopted April 28, 1992)

RECOMMENDATION #1:

That the Berkeley Police Department develop a policy statement regarding First Amendment rights for inclusion in the BPD Events and Crowd Control Manuals and related training materials. That BPD submit such policy statement for PRC review before final implementation.

RECOMMENDATION #2:

That BPD improve procedures for declaring and ordering dispersal of unlawful assemblies by:

- a) Obtaining and utilizing better amplified sound devices to address crowds, monitoring the audibility of dispersal orders, and recording dispersal orders wherever possible for documentation;
- b) Providing the crowd clearer instruction as to what specific location or area is the unlawful assembly site and the route by which persons will be allowed to leave, and providing a reasonable opportunity to comply with the dispersal order;
- c) Using all (reasonable) means to forewarn citizens in the demonstration area of these dispersal order "rules of engagement."

RECOMMENDATION #3:

That BPD designate and train specific officers to serve as crowd liaisons at demonstrations, such officers to:

- a) Be knowledgeable of First Amendment issues, with a sole mandate to consciously look for means to balance security and public safety needs with legitimate and lawful expression of First Amendment Rights;
- b) Be readily identifiable to the crowd and have direct access to the Field Commander as needed;
- c) Serve as a conduit for information between the police and the crowd to improve communication during events wherever possible;
- d) Assist in resolving problems and help identify opportunities to de-escalate confrontational situations;

- c) Be selected based on outstanding inter personal communication abilities and trained in mediation and negotiation;
- f) Be available as a resource to help identify appropriate "liaisons" among demonstrators and to initiate contact wherever possible for pre-event planning and post-event briefing.

RECOMMENDATION #4:

That officers should not be authorized to advance in skirmish lines at "double" or "triple" time except to move rapidly to secure a designated position when no direct, intervening contact with a crowd is involved. This is not to exclude arrest teams of officers from moving quickly to arrest those whose criminal conduct poses an immediate threat to the public safety.

That at all times, the police should avoid bearing down on a crowd faster than the crowd is capable of moving.

RECOMMENDATION #5:

That BPD initiate plans to study and evaluate the use of shields, high intensity lights, and barriers for crowd management and report to the Commission for its review as soon as possible.

RECOMMENDATION #6:

That BPD adopt a crowd management policy to address nonviolent civil disobedience that a) explicitly distinguishes between several categories of nonviolent demonstrators, especially those who manifest an intent to engage in nonviolent civil disobedience including the willingness to accept arrest as a consequence; b) relates authorized use of force to those categories; and c) acknowledges that alternative police responses include arrest, physical removal, and containment of resisters:

A) Categories of nonviolent demonstrators:

Category #1: "Cooperative" - those who, after having accepted arrest rather than obey a lawful order to move, cooperate with the arresting officers (e.g. stand and walk to a transport vehicle when asked to do so by an officer).

Category #2: "Nonviolent/noncooperative" - Those who are passive and neither obstruct nor assist officers in the process of arresting or removing them (e.g. those who go limp, refuse to move when asked to do so, and require that they be carried).

Category #3: "Nonviolent/resistive" - Those who, after a verbal command, are either sitting or otherwise immobilized, and actively exert themselves (e.g. by refusing to unlink arms) to resist lawful police efforts to move them.

Category #4: "Nonviolent active" - Those who are not stationary, but who are nonviolent and not engaged in aggressive behavior directed at police or others (e.g. people standing in a crowd that has been told to disperse).

B) Use of force authorization per above categories:

Category #1: No use of force should be necessary.

Category #2: No use of pain compliance holds or impact weapons (i.e. batons).

Category #3: Minimum force necessary to overcome impediments to arrest or removal of individuals. This category does not allow any use of force for the purpose of inducing movement by subject from the site. No use of impact weapons.

Category #4: Minimum force necessary to move or arrest individuals. No use of the jab baton technique or other more forceful self defense measures.

RECOMMENDATION #7:

That the City of Berkeley adopt a policy that would restrict the use of non-lethal munitions for crowd control to situations where violent criminal acts are being committed by members of a crowd which pose a clear and present danger to officers or others, and for which no reasonable non-lethal force alternative is available; and that in such instances authorized munitions would be restricted to foam rubber multiple-baton rounds discharged from gas guns, and in any event, no non-lethal munitions discharged by shotguns would be permitted.

RECOMMENDATION #8:

That BPD adopt a policy that bars the use of lines of motorcycles in Berkeley to perform security sweeps in crowd control situations; specifically, use of motorcycles as a means of force is not permitted; permissible use of motorcycles in crowd control situations is limited to transportation, establishment of stationary positions as crowd barriers, or other routine traffic or patrol responsibilities.

RECOMMENDATION #9:

That the City of Berkeley adopt the following policies with respect to deployment of all officers provided by outside (non-Berkeley) agencies in response to a Berkeley mutual aid request:

- a) That the BPD take direct supervisory responsibility for all mutual aid units deployed to the maximum extent allowable by law:
- b) That BPD not allow any mutual aid officer to be deployed in the field without proper identification as required under California Penal Code Section 830.10; and any BPD officer witnessing violations of this section of the Penal Code shall have an affirmative obligation to report such violations to their immediate supervisor immediately or as soon as practicable;
- c) That prior to deployment in the field, BPD notify mutual aid units of significant BPD crowd management regulations and policies - especially those regarding use of force and reporting duties - and advise such units that they will be expected to comply with those

regulations and policies; and that BPD take appropriate steps to identify potential conflicts between the local regulations and policies of the outside agencies and those of the City of Berkeley, and that where possible, BPD make reasonable efforts to resolve those differences prior to deployment of those units in the field, and that where significant differences remain, BPD reserves the right to elect to not deploy those units affected.

RECOMMENDATION #10:

That the City of Berkeley urge:

a) Ongoing joint training in crowd management among all Alameda County jurisdictions;

b) Development of uniform county-wide standards regarding use of force in crowd control situations, especially regarding acceptable baton techniques. This action to be taken with the understanding that where the City of Berkeley has adopted more stringent standards, those will take precedence over county-wide standards within Berkeley.

RECOMMENDATION # 11:

That BPD adopt a policy that specifically proscribes the use of flashlights to harass or intimidate individuals in crowd control situations; such restrictions to not inhibit prudent use of flashlights for legitimate public or officer safety reasons.

RECOMMENDATION #12:

That BPD officers be issued helmets with larger numbers than currently used, so as to be more clearly visible in a crowd situation.

Lee, Katherine

From: PRC (Police Review Commission)
Sent: Monday, August 21, 2017 8:36 AM
To: Lee, Katherine
Cc: Norris, Byron
Subject: FW: Response to your letter encouraging Berkeley residents to stay away on August 27th when Neo-Nazis and white supremacists are planning to rally in Berkeley

From: Judy Grether [mailto:jkgrether@gmail.com]
Sent: Saturday, August 19, 2017 5:44 PM
To: Paula Aiello <paulaforjustice@gmail.com>
Cc: duxbury, micky <mickydux@earthlink.net>; Beverly Kay Crawford <bev@berkeley.edu>; Heather Conrad <heatherconr@gmail.com>; Grace O'Connell <gconnell@gmail.com>; Sanders, Carol <carolsanders999@gmail.com>; jack kurzweil <jack.kurzweil@gmail.com>; Mcfadden, James <jpmcfadden925@yahoo.com>; Jean Tepperman <jeantepper@gmail.com>; Lewis Ames <lewistowerames@gmail.com>; Daphne White <daphne@daphnewhite.com>; Sally Nelson <sallynels7@gmail.com>; ellmar@sbcglobal.net; kelly hammargren <kellyhammargren@gmail.com>; Bartlett, Ben <BBartlett@cityofberkeley.info>; Sara Campos <saracampos@comcast.net>; Davila, Cheryl <CDavila@cityofberkeley.info>; PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>; Sachs, Nikki <nikkisachs@gmail.com>; meenakshi subbaraman <meenakshi.subbaraman@gmail.com>; Elsa Johnson <elsaj7470@gmail.com>; Alix SCHWARTZ <alix@berkeley.edu>; Linda Lustig <slustig@yahoo.com>; steve Thomasberger <stevetb@earthlink.net>; David Brazil <david@workingeastbay.org>; Worthington, Kriss <KWorthington@cityofberkeley.info>; Adria Blum <dradriablum@gmail.com>; Bev Smrha <bevsmrha@gmail.com>; Phyllis Brooks Schafer <phyllisbrookss@yahoo.com>; Brian Bloom, Public Defender <Brian.Bloom@acgov.org>; Heather Macleod <macleodphd@gmail.com>; Maio, Linda <LMaio@cityofberkeley.info>; Jeff Foster <jeffdavefoster@gmail.com>; Justice Council Steering Committee UUOakland <justicecouncil@uuoakland.org>; JP Massar <massar@alum.mit.edu>; Rev Jacqueline DuHart <revjacqueline@uuoakland.org>; shannan wilber <shannan_wilber@yahoo.com>; Laila Ibrahim <ldibrahim@gmail.com>; Nancy Schimmel <nancy@sisterschoice.com>; Juli Dickey <julianna@lmi.net>; Lynn Levey <lynnlevey12@gmail.com>; amtaylor913@gmail.com; Lauren tb <laurenthomasberger@gmail.com>; Lynn Wu <lynnwu27@gmail.com>; Dusky Pierce <duskypiercemft@gmail.com>; J. George Lippman <george@igc.org>; Frances Reade <collectedletters@gmail.com>; Avi Rose <aawrose@jfcs-eastbay.org>; Noemi de Guzman <jndeguzman@sbcglobal.net>; Henry Norr <henrynorrr@gmail.com>; Droste, Lori <ldroste@cityofberkeley.info>; Sheri Prud'homme <revsheri@uuoakland.org>; Berkeley Mayor's Office <mayor@cityofberkeley.info>; Tom Walton <tom@fortunepublicrelations.com>; Wengraf, Susan <SWengraf@cityofberkeley.info>; Cindy Shamban <cshamban@comcast.net>; Steve Lustig <SteveLustig45@gmail.com>; Lauren Poole <lpoole53@gmail.com>; claudia <celadonwoman@gmail.com>; BPD Webmail <bpdwebmail@cityofberkeley.info>; Janice Ruchlid <janruchlis@gmail.com>; Ayse Agis <aagis@berkeley.edu>; Hahn, Sophie <SHahn@cityofberkeley.info>
Subject: Re: Response to your letter encouraging Berkeley residents to stay away on August 27th when Neo-Nazis and white supremacists are planning to rally in Berkeley

I agree.

On Aug 19, 2017 4:47 PM, "Paula Aiello" <paulaforjustice@gmail.com> wrote:

Absolutely right about Boston!!

That's EXACTLY the kind of thing the country would expect from BERKELEY. Instead of discouraging people from coming out WE SHOULD BE ENCOURAGING ALL 100,000 PEOPLE IN BERKELEY TO COME OUT AND OUTNUMBER THE HATERS next weekend!

On Sat, Aug 19, 2017 at 1:41 PM, JP Massar <massar@alum.mit.edu> wrote:

If you're interested in seeing how not staying away worked in Boston today:

Boston Score: Anti-Fascists: 20,000. Fascists: 50.

<https://www.dailykos.com/stories/2017/8/19/1691586/-Boston-Score-Anti-Fascists-20-000-Fascists-50>

At 06:43 PM 8/16/2017, Lewis Ames wrote:

Yes, this letter stands for the best of who we are and a milestone for our collective courage and strength.

Thanks, Mickey for your effort and inspiration.

Lewis

On Wednesday, August 16, 2017, Jean Tepperman <jeantepper@gmail.com> wrote:

Thanks Mickey!!! Proud to have McGee Spaulding so well represented :)

On Wed, Aug 16, 2017 at 4:27 PM, <cshamban@comcast.net> wrote:
As do I.

Cindy

From: "James Mcfadden" <jpmcfadden925@yahoo.com>
To: "micky duxbury" <mickydux@earthlink.net>, mayor@cityofberkeley.info, cdavila@cityofberkeley.info, kworthington@cityofberkeley.info, bbartlett@cityofberkeley.info, lmaio@cityofberkeley.info, shahn@cityofberkeley.info, swengraf@cityofberkeley.info, ldroste@cityofberkeley.info, police@cityofberkeley.info
Cc: "Justice Council Steering Committee UUOakland" <justicecouncil@uuoakland.org>, "David Brazil" <david@workingeastbay.org>, "Janice Ruchlid" <janruchlis@gmail.com>, "Phyllis Brooks Schafer" <phyllisbrookss@yahoo.com>, dradriablum@gmail.com, ellmar@sbcglobal.net, jeffdavefoster@gmail.com, elsaj7470@gmail.com, lynnlevey12@gmail.com, SteveLustig45@gmail.com, sllustig@yahoo.com, sallynels7@gmail.com, henrynorr@gmail.com, nancy@sisterschoice.com, cshamban@comcast.net, "meenakshi subbaraman" <meenakshi.subbaraman@gmail.com>, jeantepper@gmail.com, nikkisachs@gmail.com, carolsanders999@gmail.com, "Juli Dickey" <julianna@lmi.net>

"shannan wilber" <shannan_wilber@yahoo.com>, tom@fortunepublicrelations.com, daphne@daphnewhite.com, jkgrether@gmail.com, "jack kurzweil" <jack.kurzweil@gmail.com>, lewistowerames@gmail.com, celadonwoman@gmail.com, aagis@berkeley.edu, gconnell@gmail.com, alix@berkeley.edu, amtaylor913@gmail.com, bev@berkeley.edu, lynnwu27@gmail.com, collectedletters@gmail.com, paulaforjustice@gmail.com, "Jp Massar" <massar@alum.mit.edu>, "kelly hammargren" <kellyhammargren@gmail.com>, "Rev Jacqueline DuHart" <revjacqueline@uuoakland.org>, "Sheri Prud'homme" <revsheri@uuoakland.org>, "Laila Ibrahim" <ldibrahim@gmail.com>, "Heather Macleod" <macleodphd@gmail.com>, "Heather Conrad" <heatherconr@gmail.com>, "steve Thomasberger" <stevetb@earthlink.net>, "Lauren Poole" <lpool53@gmail.com>, "Lauren tb" <laurenthomasberger@gmail.com>, "Bev Smrha" <bevsmrha@gmail.com>, "Brian Bloom; Public Defender" <Brian.Bloom@acgov.org>, "Avi Rose" <awrose@jfc-eastbay.org>, prc@cityofberkeley.info, "J. George Lippman" <george@igc.org>, "Dusky Pierce" <duskypiercemft@gmail.com>, "Noemi de Guzman" <jndeguzman@sbcglobal.net>, "Sara Campos" <saracampos@comcast.net>

Sent: Wednesday, August 16, 2017 2:58:48 PM

Subject: Re: Response to your letter encouraging Berkeley residents to stay away on August 27th when Neo-Nazis and white supremacists are planning to rally in Berkeley

Micky - Awesome letter - I totally agree.

If no one shows up, the fascists will seek out victims in Berkeley and terrorize them. The only real answer is a massive show of people against them - they are cowards (driven by fear) who will back down if they don't have a huge physical advantage over their target (see quote below). I suggest reading "The Authoritarians" by Bob Altemeyer (free pdf online). It describes the psychology of authoritarian followers who make up the bulk of these fascists. They will back down in the face of massive counter-protests. There will be a few crazy authoritarian leaders like the guy in the Vice film (<https://news.vice.com/story/vice-news-tonight-full-episode-charlottesville-race-and-terror>) - but they will crawl back under a rock when they lose their followers. We must recognize that the fascists are practicing domestic terrorism. We must also demand that the police not stand back but instead disarm the fascists (take away their advantage) and provide protection for counter-demonstrations from any crazy fascists. We also need to pay attention to who the police protect. We need massive protests against fascism and Trump's neofascism until Trump is removed from power. Massive street protests will scare the establishment and they will remove Trump because they will feel threatened by that grass roots power.

Authoritarian followers ... Fear and self-righteousness combine to create aggression ... right wing authoritarian follower personality ... tendencies toward authoritarian submission, authoritarian aggression,

and conventionalism ... they aggress when they believe right and might are on their side ... that their hostility is ... endorsed by established authority ... [and] they have a huge physical advantage over their target" Bob Altemeyer "The Authoritarians"

James McFadden

From: micky duxbury <mickydux@earthlink.net>
To: mayor@cityofberkeley.info; cdavila@cityofberkeley.info;
kworthington@cityofberkeley.info; bbartlett@cityofberkeley.info;
lmaio@cityofberkeley.info; shahn@cityofberkeley.info;
swengraf@cityofberkeley.info; ldroste@cityofberkeley.info;
police@cityofberkeley.info
Cc: Justice Council Steering Committee UOakland
<justicecouncil@uuoakland.org>; David Brazil
<david@workingeastbay.org>; Janice Ruchlid
<janruchlis@gmail.com>; Phyllis Brooks Schafer
<phyllisbrookss@yahoo.com>; James Mcfadden
<jpmcfadden925@yahoo.com>; "dradriablum@gmail.com"
<dradriablum@gmail.com>; "ellmar@sbcglobal.net"
<ellmar@sbcglobal.net>; "jeffdavefoster@gmail.com"
<jeffdavefoster@gmail.com>; "elsaj7470@gmail.com"
<elsaj7470@gmail.com>; "lynnlevey12@gmail.com"
<lynnlevey12@gmail.com>; "SteveLustig45@gmail.com"
<SteveLustig45@gmail.com>; "sllustig@yahoo.com"
<sllustig@yahoo.com>; "sallynels7@gmail.com"
<sallynels7@gmail.com>; "henrynorr@gmail.com"
<henrynorr@gmail.com>; "nancy@sisterschoice.com"
<nancy@sisterschoice.com>; "cshamban@comcast.net"
<cshamban@comcast.net>; "meenakshi.subbaraman@gmail.com"
<meenakshi.subbaraman@gmail.com>; "jeantepper@gmail.com"
<jeantepper@gmail.com>; "nikkisachs@gmail.com"
<nikkisachs@gmail.com>; "carolsanders999@gmail.com"
<carolsanders999@gmail.com>; Juli Dickey <julianna@lmi.net>;
"shannan_wilber@yahoo.com" <shannan_wilber@yahoo.com>;
"tom@fortunepublicrelations.com" <tom@fortunepublicrelations.com>;
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"jkgrether@gmail.com" <jkgrether@gmail.com>;
"jack.kurzweil@gmail.com" <jack.kurzweil@gmail.com>;
"lewistowerames@gmail.com" <lewistowerames@gmail.com>;
"celadonwoman@gmail.com" <celadonwoman@gmail.com>;
"aagis@berkeley.edu" <aagis@berkeley.edu>; "gconnell@gmail.com"
<gconnell@gmail.com>; "alix@berkeley.edu" <alix@berkeley.edu>;
"amtaylor913@gmail.com" <amtaylor913@gmail.com>;
"bev@berkeley.edu" <bev@berkeley.edu>; "lynnwu27@gmail.com"
<lynnwu27@gmail.com>; "collectedletters@gmail.com"
<collectedletters@gmail.com>; "paulaforjustice@gmail.com"
<paulaforjustice@gmail.com>; Jp Massar <massar@alum.mit.edu>;
kelly hammargren <kellyhammargren@gmail.com>; Rev Jacqueline
DuHart <revjacqueline@uuoakland.org>; Sheri Prud'homme
<revsheri@uuoakland.org>; Laila Ibrahim <ldibrahim@gmail.com>;

Heather Macleod <macleodphd@gmail.com>; Heather Conrad <heatherconr@gmail.com>; steve Thomasberger <stevetb@earthlink.net>; Lauren Poole <lpooles53@gmail.com>; Lauren tb <laurenthomasberger@gmail.com>; Bev Smrha <bevsmrha@gmail.com>; "Bloom, Brian; Public Defender" <Brian.Bloom@acgov.org>; Avi Rose <awrose@jfcs-eastbay.org>; prc@cityofberkeley.info; J. George Lippman <george@igc.org>; Dusky Pierce <duskypiercemft@gmail.com>; Noemi de Guzman <jndeguzman@sbcglobal.net>; Sara Campos <saracampos@comcast.net>

Sent: Wednesday, August 16, 2017 1:42 PM

Subject: Response to your letter encouraging Berkeley residents to stay away on August 27th when Neo-Nazis and white supremacists are planning to rally in Berkeley

Dear Mayor Arreguin,Â

I appreciate you communicating your concerns for the safety of Berkeley residents on August 27 th. Your underscoring of Berkeley's abhorrence of hateful rhetoric and your uplifting of our commitment to multiculturalism and diversity was appreciated.

However, I was concerned about your encouraging Berkeley residents to stay away from the Civic Center area on August 27th when neo-Nazis and white supremacists plan to rally in Civic Center park. These people should not be allowed to demonstrate their hateful propaganda without counter-demonstrators standing up for justice.Â I am a person of faith and will be joining with others who will be there to affirm our commitment to building beloved community and to stand against hate. Would you have told the demonstrators that came from across the nation to march with Dr. Martin Luther King across the the bridge in Selma not to have marched because there could be trouble?

Dr. King talked about the 'fierce urgency of now.' Our very democracy is being threatened by the current administration and the emboldening of white supremacists and Neo-Nazis. It is not wise to dismiss these groups as 'a lunatic fringe' that will go away if they are ignored. They are organized militias who want to establish a white nation and exclude Jews and People of Color and have been organizing for years including on UC Berkeley campus. We cannot say, "It will never happen here" unless we stand up against them and show the nation that there are many more people committed to building a diverse, multicultural, and anti-oppressive nation than those who wish to violently tear us apart.

Many groups will be present that day that will be committed to the kind of non-violence practiced by Martin Luther King: a resolute, strong, and righteous non-violence that does not back away when confronted with challenges. I understand that there are groups in Berkeley that will come prepared to engage in violent confrontation. It's the job of the mayor and the City Council to work with the police department to ensure that adequate contingency planning is being thoroughly Â considered to

address Berkeley resident's concerns for security and safety. In my opinion, (not speaking for any group I am affiliated with) the police need to have a line between peaceful demonstrators and all white supremacists and Neo-Nazis in the park that will not be breached. BPD's job is to protect people standing for justice and to respond to every escalation of violence without escalating the situation. Standing back and waiting till the situation escalates will not be an effective strategy as has been shown several times on the CAL campus. I strongly encourage BPD to protect peaceful demonstrators without militarized weaponry, camouflage, or SWAT teams.

I know this is a very difficult situation, but I hope and pray that the City Council, the police department and yourself are working on plans that allow Berkeley citizens to demonstrate our love for justice, our respect for free speech, and our unwillingness to let voices of white supremacy, anti-Semitism and misogyny go unchecked.

I look forward to your response to this letter.

Respectfully,

Micky Duxbury, MFT

Criminal Justice Advocate

Project Coordinator: The Welcome Home Project

<http://communityworkswest.org/welcome-home-project-update/>

Member of Mc Gee/Spaulding Neighbors for Action

--

"Profound social changes don't happen without mass movements."

-- Judi Bari, Earth First

--

thanks

^

Lewis

^

Humanist beliefs stress the potential value and goodness of human beings, emphasize common human needs, and seek solely rational ways of solving human problems

Lee, Katherine

From: Lee, Katherine
Sent: Monday, August 28, 2017 6:03 PM
To: Lee, Katherine
Subject: FW: #BerkeleyUnited

From: PRC (Police Review Commission)
Sent: Monday, August 21, 2017 8:37 AM
To: Lee, Katherine <KLee@cityofberkeley.info>
Cc: Norris, Byron <BNorris@cityofberkeley.info>
Subject: FW: #BerkeleyUnited

From: cshamban@comcast.net [mailto:cshamban@comcast.net]
Sent: Saturday, August 19, 2017 8:52 PM
To: Steve Thomasberger <stevetb@earthlink.net>

thanks Steve for sending this out. I could not agree with you more.

Best,

Cindy

From: "Steve Thomasberger" <stevetb@earthlink.net>
Cc: "James Mcfadden" <jpmcfadden925@yahoo.com>, "micky duxbury" <janefacente@gmail.com>, mayor@cityofberkeley.info, cdavila@cityofberkeley.info,
Sent: Saturday, August 19, 2017 4:56:31 PM
Subject: Fwd: #BerkeleyUnited

Hi All,

Many of you may have received this message (below) from Indivisible Berkeley. They are recommending that the community follow Mayor Arreguin's "lead" to start away from the August 27 "No Marxism in Berkeley" rally. I have sent them my disagreement with their stance. I think that what happened in Boston today should be our beacon.

Steve

Begin forwarded message:

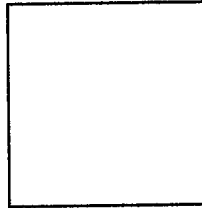
From: Indivisible Berkeley <info@indivisibleberkeley.org>

Subject: #BerkeleyUnited

Date: August 19, 2017 at 12:39:36 PM PDT

To: stevetb@earthlink.net

Reply-To: info@indivisibleberkeley.org



difficult times this month. We want to give you an update on what to do **today, tomorrow, this week, and especially next week**

tion to Confront White Supremacy. In Berkeley, the All Souls' Episcopal Church is hosting an interfaith art-making event and r

t the event search page [here](#).

[card party](#) at 7:30PM at BFUU's Connie Barbour room, 1606 Bonita St. in Berkeley. Help elect a very progressive (and the on
ing a side dish or dessert if you'd like, and a few bucks to help cover pizza and postage. [RSVP here](#).

ous progress working in unison since November. Take care of yourself and your friends, and build in some down time to refue
t Hate" poster or a special Indivisible Berkeley poster (details forthcoming on our website) and use #BerkeleyUnited on social
[Community Forum](#) with Barbara Lee, on Tuesday at 6:00PM.

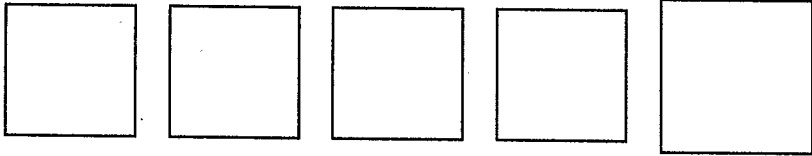
[itically assaulted Charlottesville's Deandre Harris on August 12th to justice](#). Contact the Charlottesville Police Department (43
rlottesville Vice Mayor Wes Bellamy (wbellamy@charlottesville.org) and the Virginia State Police (804-674-2000) to ask 1) w
r this hate crime and 2) when they will identify and arrest the three others.

[te nationalism in America](#).

; you care about. Congress is in recess so now's a great opportunity to call up our three Members of Congress (MoCs) to thar
[ria and Eusebio Sanchez](#), or one of many other actions of resistance they have taken. [Check out our actions website for som](#)

visible Berkeley Team members. Doing simple actions that make a difference this week can help us stay connected! Check c
new action ideas, or reminisce about the good ol' days when we could joke about Sean Spicer. Community is critical.
[s plan for the weekend](#). We have received a lot of input and feedback about an appropriate course of action, and are working

members to follow the lead of Mayor Jesse Arreguin and stay away from the Downtown Berkeley area on Sunday, including avoiding the Southern Poverty Law Center.
about an explicitly anti-neo-Nazi, anti-White Supremacy event.



Sent via ActionNetwork.org. To update your email address or to stop receiving emails from Indivisible Berkeley, please [click here](#).

Lee, Katherine

From: PRC (Police Review Commission)
Sent: Monday, August 28, 2017 9:57 AM
To: Lee, Katherine
Cc: Norris, Byron
Subject: FW: Complaint

From: Trevor Thrasher [mailto:trevor.s.thrasher@gmail.com]
Sent: Monday, August 28, 2017 9:40 AM
To: PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>
Subject: Complaint

After reviewing the performance of The Berkeley Police department during recent protests, I feel they are acting in a manner that is clearly biased and unprofessional. They clearly caved in to an armed terrorist organization determines to assault and terrorize people and prohibit them from exercising free speech. In the Police Chief's own words, they left and stopped enforcing the law because it was too unsafe for them. The police have the mission of protecting the people from assault and defending the constitution. Why even bother to show up to a robbery, active shooter event, or anything that might be dangerous for officers if that is the new standard? Numerous people were assaulted by these masked terrorists in plain view of officers refusing to act and only a small handful were arrested.

Here is one report: "Berkeley police chief Andrew Greenwood defended how police handled the protest, saying they made a strategic decision to let the anarchists enter to avoid more violence.

Greenwood said to The Associated Press: "the potential use of force became very problematic" given the thousands of peaceful protesters in the park. Once anarchists arrived, it was clear there would not be dueling protests between left and right so he ordered his officers out of the park and allowed the anarchists to march in. There was "no need for a confrontation over a grass patch," Greenwood said."

So basically let armed anarchist in to assault the innocent. What did that solve?

The duty of the police is in fact to use force to protect the rights of the innocent. They clearly abandoned their oath, their duty, professionalism, and common sense. At this point I feel that an FBI investigation is in order as obviously they acted in a way to violate the civil rights of a specific group. This is police bias and unprofessionalism at its worst.

I was thinking about visiting Berkeley and would love to host or attend events and express my right to freedom of speech, but I clearly feel that the police response would be biased, so biased in fact, that they would not defend me if needed. I am afraid to exercise my rights as a free citizen in your community due to police incompetence and bias.

I want an official investigation with the Chief as the primary focus of the investigation.

Lee, Katherine

From: PRC (Police Review Commission)
Sent: Tuesday, August 29, 2017 8:41 AM
To: Lee, Katherine
Cc: Norris, Byron
Subject: FW: Antifa

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

From: Jon Dekkers [mailto:jondekkers@gmail.com]
Sent: Monday, August 28, 2017 5:21 PM
To: PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>
Subject: Antifa

This is America, protect the rights of the innocent and reporters and peaceful protesters. I can't believe this is America. Do your job or resign, I wouldn't bring my family to your city because you can't guarantee safety.

Jon Dekkers

Sent from my iPad

Lee, Katherine

From: PRC (Police Review Commission)
Sent: Tuesday, August 29, 2017 8:41 AM
To: Lee, Katherine
Cc: Norris, Byron
Subject: FW: To protect public safety, maintain public order and protect the rights of ALL US Citizens to Free Speech and LEGAL peaceful Public Assembly WHY have you all failed/refused to ENFORCE CA Penal Code Section 182-185 Anti-Mask in pubic law?

From: maryellin kirkwood [mailto:maryellinkirkwood@hotmail.com]
Sent: Monday, August 28, 2017 6:51 PM
To: chancellor@berkeley.edu; cpatti@berkeley.edu; police@berkeley.edu; Berkeley Mayor's Office <mayor@cityofberkeley.info>; Auditor <CityAuditor@cityofberkeley.info>; BPD Webmail <bpdwebmail@cityofberkeley.info>; PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>; Droste, Lori <ldroste@cityofberkeley.info>; Harrison, Kate <KHarrison@cityofberkeley.info>; Maio, Linda <LMaio@cityofberkeley.info>; Davila, Cheryl <CDavila@cityofberkeley.info>; bbartlette@cityofberkeley.info; Hahn, Sophie <SHahn@cityofberkeley.info>; Worthington, Kriss <KWorthington@cityofberkeley.info>; Wengraf, Susan <SWengraf@cityofberkeley.info>; acooper@sfchronicle.com
Subject: To protect public safety, maintain public order and protect the rights of ALL US Citizens to Free Speech and LEGAL peaceful Public Assembly WHY have you all failed/refused to ENFORCE CA Penal Code Section 182-185 Anti-Mask.in pubic law?

<http://www.anapsid.org/cnd/mcs/maskcodes.html>

Lee, Katherine

From: PRC (Police Review Commission)
Sent: Tuesday, August 29, 2017 8:48 AM
To: Lee, Katherine
Cc: Norris, Byron
Subject: FW: concerns

From: Tara Ziehl [mailto:xogreeneyes71xo@aol.com]
Sent: Monday, August 28, 2017 6:53 PM
To: PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>
Subject: concerns

To Whom It May Concern:

As I watched the news concerning the march in Berkeley on Saturday and receiving video sent to me from people in the middle of that made me nauseous. I am confused as to why your police were standing around observing, and not trying to stop the Anti-fa side from attacking the alt-right groups. Why were the alt-right disarmed by the police upon arrival- but had guns pulled on them by anti-fa? Why is it that at one point during the afternoon, the "alt-right" groups were telling people to basically retreat because the police were not doing their jobs by enforcing the riot laws in place. This is not a new incident, as I have seen several, including some people being arrested for defending themselves and those around them. Were they supposed to simply stand by and do nothing, much like your police force? What is wrong with your force? You are supposed to be enforcers of the law, not turn a blind eye when certain parties are the ones committing the crime. I have always been taught the motto "To Protect and Serve" and that the police are supposed to enforce the law, but they are not supposed to be the judge and jury. Multiple officers in my state were hurt protecting the side I stand for- the alt-right groups who are fighting to retain the constitutional rights bestowed upon us by our forefathers. Im curious as to what it will take for the leaders of your force to allow the LEOs to stand up and enforce the law, not be biased and letting a favored group do whatever they want, no matter who is effected? If this continues, I wonder what will your reaction will be should any of your officers is injured? Is that what it will take for the mockery of a police force that yours has become to step up and live up to the oathe all of you made when graduating from the police academy? Your actions, or inaction, can and will effect the police departments across the country. Stop arresting people for making the choice to defend those around them, in essence making them a hero to those they helped. Watch the news and see what they are saying about your police force allowing riots to commence and in video showing that they stood back and simply watched.

Also, I would like to make one thing very clear- the people trying to hold onto our constitution are NOT racist, white supremacists, xenophobes, homophobes, or any of the other numerous titles thrown our way. If you would like me to send you a video of the things I outlined above, feel free to ask and I will get them to you. One last thing- DO YOUR JOB! Lives depend on it!

Thank you for your time.
Tara

Lee, Katherine

From: PRC (Police Review Commission)
Sent: Thursday, August 31, 2017 8:11 AM
To: Lee, Katherine
Cc: Norris, Byron
Subject: FW: Disgraceful Conduct Of Berkeley Police

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

From: Jeff Beaver [mailto:jeffbeaver1@comcast.net]
Sent: Wednesday, August 30, 2017 5:39 PM
To: PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>
Subject: Disgraceful Conduct Of Berkeley Police

I am a UC graduate and former resident of Berkeley for many years, and am horrified by the videos of masked terrorists destroying property and beating peaceful members of the public. I witnessed a video this evening of masked hoodlums beating, and very likely intending to kill, an unarmed and peaceful man. His life was likely saved by an heroic newsman in a red shirt who fended off the attackers. **WHERE WERE THE POLICE!!!** They knew what was going on and deliberately **DID NOTHING!**

I await your explanation, which I doubt I will ever receive, of this cowardly incompetent behavior by the members of the Berkeley police department.

Jeff Beaver

<http://www.dailycal.org/2017/07/19/bpd-report-indicates-racial-disparities-policing/>
City

Wednesday, July 19, 2017

BPD report indicates racial disparities in policing

By Bobby Lee | Staff
Last Updated 10 hours Ago

On Friday, the Berkeley Police Department released a long-awaited draft report published by the Center for Policing Equity that compiled and analyzed five years of data on BPD traffic stops, and according to former police review commissioner Bulmaro Vicente, “The reports were not surprising.”

Black residents in Berkeley are almost six times more likely to have force used on them, nearly six times more likely to be pulled over for a traffic stop and three times more likely during a vehicle stop to be subjected to a search by Berkeley Police Department officers, compared to white Berkeley residents, according to the CPE report.

The report authors wrote that “more work remains to be done, both within BPD, between BPD and the Berkeley communities, and with the communities and law enforcement agencies of the broader Bay Area” to address “unwelcome disparities.”

“The recently released report by the Center for Policing Equity shows continued disparities in traffic stops, car searches and other police interactions in Berkeley,” Mayor Jesse Arreguín said in an emailed statement. “Unfortunately, it will take a long time to dismantle the institutional racism and discrimination that are inherent in our society. No police department in the nation is immune, and we now have to analyze what is driving this troubling trend.”

BPD could not be reached for comment on the report’s findings.

As part of the report, the CPE examined BPD use-of-force reports from 2012 to 2016, finding that the per capita use-of-force rate for Black residents was 65.2 per 10,000, compared to only 11.0 per 10,000 for white residents.

While the report authors added that BPD records “unusually low numbers of use of force incidents,” the CPE called BPD’s data collection with respect to use of force “not

comprehensive,” recommending BPD to “begin data collection of all use-of-force incidents.”

Vicente said he has previously raised concerns about the language of BPD’s use-of-force policy with BPD Chief Andrew Greenwood, but found Greenwood’s response “frustrating.”

“The response by Chief Greenwood to the report has been very disappointing,” Vicente said. “Now more than ever, now that he has recently appointed police chief, he needs to hold his police department accountable and take steps to address this. Community members are going to lose trust in him because of his lack of accountability to himself.”

The CPE report finds a number of statistical trends that indicate racial disparities in BPD traffic stop behavior.

The CPE report also analyzed BPD vehicle stops on a quarterly basis from 2012 to 2015. The report found that during an average quarter, 36 percent of traffic stops involved a black subject and 34 percent of traffic stops involved a white subject, despite Berkeley’s population being 55 percent white and only 10 percent Black.

According to the CPE, 18 percent of stops involving vehicles with Black drivers resulted in searches and 13 percent of stops involving vehicles with Hispanic drivers resulted in searches, while only 5 percent of stops involving vehicles with white drivers resulted in searches. “It is unclear why higher search rates would be required to detect crime by Black and Hispanic drivers once they are stopped,” the report wrote.

Police Review Commission Chair George Lippman also pointed out CPE’s analysis of BPD vehicle stop outcomes in 2014, which indicated that 44 percent of white drivers stopped received citations, while only 22 percent of Black drivers stopped received citations. Lippman said the implications of these findings might seem “counterintuitive.”

“Suppose these rates were 60 to 40, meaning 60 percent of white people receive citations while only 40 percent of Black people receive citations,” Lippman said. “One might conclude, ‘Oh, the police were being nicer to Black people.’ What it more likely means: the police were stopping Black people at much higher rates for apparently no reason ... because you would get a citation if you had contraband or were committing a violation.”

City Councilmember Kriss Worthington called the report's findings "unsurprising," saying the report showed "drastic racial disparities" across Berkeley.

Worthington said he hopes moving forward, City Council addresses BPD's use-of-force policy and strengthens the powers of the PRC.

"It's tragic it's taking us so long to get the commitment to address these issues," Worthington said. "These reports are not just stories by individuals — there is an actual pattern here."

Vicente agreed with Worthington in wanting to see the PRC strengthened and added that he would like to see new training and discipline measures implemented within BPD.

According to Vicente, the city made a mistake in not listening to community members' concerns in the first place.

"That's a mistake we need to learn from — to take these experiences seriously," Vicente said. "I'm really hoping to hear a statement from City Council and the police chief as to how they want to answer this issue ... and acknowledge this report and the issues it raises."

Bobby Lee is an assistant news editor. Contact Bobby Lee at bobbylee@dailycal.org and follow him on Twitter at [@bobbylee_dc](https://twitter.com/bobbylee_dc).



Berkeley Police Department
Thursday August 10th, 2017 :: 08:52 a.m. PDT

BPD Has a New Look for Fall

BPD's new look isn't likely to make the runways of Milan or Paris but what department leadership hope it will do, is keep officers out of the doctor's office. The Berkeley Police Department will soon be fielding an externally worn ballistic carrier (bullet proof vest) as a uniform option for patrol officers. The item is intended to reduce worker's compensation claims, improve comfort, increase career longevity, and in doing so, raise morale.

Officers currently wear the traditional "Sam Brown" belt which is used to carry their firearm; ammunition, collapsible baton, wood baton, pepper spray, radio, flashlight, tourniquet, keys, and 1-2 pairs of handcuffs. The average duty belt weighs in at nearly 25 pounds and is a well-known contributor to job related back issues which chronically plague police.

The Police Department has been working with Kevin Walker, the City of Berkeley's Occupational Health and Safety Officer, to evaluate the benefits of external carriers. According to Walker, "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."

The carrier itself is designed to resemble a uniform shirt when viewed from a distance. It features the same mounting points for name tags and badges (individual officers may elect to have these items embroidered) and will allow heavier items from their belts to be carried in pouches on the vest where the load can be more evenly distributed.

This product and ones like it are already in use with 11 different police agencies around Alameda County. At this point the department isn't issuing the \$400 carrier but are authorizing it for officers to independently purchase and wear.

The City of Berkeley Police Department remains as committed to the wellness of its employees as it does the safety of its community.

Address/Location

Berkeley Police Department

2100 Martin Luther King Junior Way

Lee, Katherine

From: Klasse, Verdene <VKlasse@oaklandnet.com>
Sent: Monday, August 07, 2017 9:33 AM
To: Klasse, Verdene
Cc: Finnell, Anthony
Subject: Meeting Agenda Packet - August 8, 9, 10 (Police Commission Selection Panel)
Attachments: Selection Panel_August 8 9 10_Combined Agenda Packet.pdf
Importance: High

Good morning CPRB Subscribers,

There is one agenda meeting packet for the meetings on August 8 (Tuesday), August 9 (Wednesday), and August 10 (Thursday) from 5:30 p.m. – 9:00 p.m. You are encouraged to attend the meetings. The location will be in City Hall, 1 Frank H. Ogawa Plaza. You will be in Council Chamber on August 8 and 9. You will be in Hearing Room #1 on August 10. Validated parking is located underground 250 Frank H. Ogawa Plaza, with entrance to the garage on 16th Street, between Clay Street and San Pablo Avenue.

The meeting agenda and materials are attached. It is a large file because it includes all 28 applications for the 28 applicants invited to the interviews. This information is also posted on the Police Commission webpage <http://www2.oaklandnet.com/PoliceCommission>.

For your information, please note that also posted is the list of 144 applicants and applications received by the June 30, 2017 deadline on the website. A few public records requests have been received for this information.

Stephanie Hom, Deputy City Administrator, is out of town during the week and Alex Orologas from the City Administrator's Office will be the support person.

Have a nice day.

Verdene Klasse, Office Assistant II
City of Oakland
Citizens' Police Review Board
250 Frank H. Ogawa Plaza, Floor 6 (Suite 6302)
Oakland, CA 94612
vklass@oaklandnet.com (510/238-6372)

