

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, February 13, 2019
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 January 23, 2019

- 5. CHAIR'S REPORT**

- 6. PRC OFFICER'S REPORT**

Status of complaints, other items.

- 7. CHIEF OF POLICE'S REPORT**

Crime, budget, staffing, training updates, and other items.

- 8. 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. Prioritizing Safety for Sex Workers Subcommittee
- b. Lexipol Policies Subcommittee

9. OLD BUSINESS (discussion & action)

[Numbers in brackets following each item show rank resulting from Commission's Dec. 2018 prioritization of items.]

- a. Final issues in review of Lexipol Policy 425 on use of body-worn cameras, including facial recognition capabilities and update on outstanding questions from the January 23 meeting. [#2]
- b. Responsiveness of BPD management to PRC requests [#5] including requirements surrounding the preparation of After-Action Reports and whether release (or withholding) of such reports or parts thereof are compliant with the Public Records Act. [#11]
From: Commissioner Prichett
(See materials on pp. 61 – 68 of the Jan. 9, 2018 agenda packet.)
- c. Lexipol Policies for review and approval. [#7]
From: Lexipol Subcommittee

Lexipol #	G.O.	Title
312	I-15 (part), J-18 (part)	Temporary Custody of Juveniles
313	none	Adult Abuse
314	H-07	Discriminatory Harassment
315	C-08	Child Abuse

(See materials in "Lexipol" packet of Oct. 10, 2018)

- d. Decide whether to proceed with former Commissioner Sherman's item stemming from BPD Response to Protests on August 5, 2018: Help BPD better understand the changing role of Black Bloc to Antifa in making protests safer, for purposes of BPD's handling of future protests to ensure safety of all participants. [#10]
- e. Issues surrounding Commissioners' communications using personal devices and accounts being subject to Public Records Act requests, including whether Commissioners may be assigned City email addresses for Commission business. [#17]
From: Commissioner Ramsey
- f. Decide whether to review the delivery of mental health services, including the role of the BPD in responding to crises involving people with mental health disabilities, and whether BPD's participation impacts the situation in the most sensible way and so the best outcome is reached.
From: Commissioner Prichett

10. NEW BUSINESS (discussion & action)

- a. Consider amendment to Standing Rules regarding time limits and procedures for debate.
From: Commissioner Perezvelez
- b. Review commendations of BPD personnel October 2017 to June 2018.
From: PRC Officer
- c. Consider formation of subcommittee to review BPD MOU Compendium (formerly Mutual Aid Pacts Subcommittee).
From: PRC Officer
- d. Whether to request that the City Council approve the PRC's co-sponsorship of the NACOLE Regional Training & Networking event to be held May 3, 2019.
From: PRC Officer

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

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

13. ADJOURNMENT

Communications Disclaimer

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



Communication Access Information (A.R.1.12)

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (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
February 13, 2019

MINUTES

January 23, 2019 Regular Meeting *Draft* Minutes Page 7

AGENDA-RELATED

Item 9.a. – BPD Policy 425 Body Worn Cameras, updated 1-31-19. Page 13

Item 10.a. – Proposed amendment to Standing Rules. Page 25

Item 10.a. – Revised Standing Rules as of 1-24-19, pp. 1 and 2 only. Page 27

Item 10.b. – Commendations of BPD officers – Oct. 2017 to June 2018. Page 29

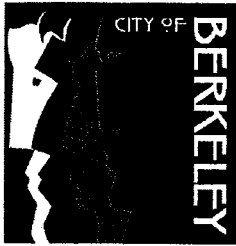
Item 10.d. – Save the Date announcement for NACOLE Regional Training & Networking/event. Page 95

COMMUNICATION(S)

Article from Berkeleyside, dated 1-30-19, Update: Berkeley says police records bill applies to all existing records after Berkeleyside, ACLU lawsuit. Page 97

Article from <https://witnessla.com>, dated 1-30-19: The Expanding Legal Battle Over CA's New Police Transparency Law. Page 101

Email from George Lippman, dated 1-31-19: Comply with SB 1421 now for police transparency. Page 105



Police Review Commission (PRC)

DRAFT

**POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES**

draft

**Wednesday, January 23, 2019
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR SAHANA MATTHEWS AT 7:03 P.M.

Present: Commissioner Sahana Matthews (Chair)
Commissioner George Perezvelez (Vice Chair)
Commissioner Gwen Allamby
Commissioner Elisa Mikiten
Commissioner Andrea Prichett
Commissioner Terry Roberts
Commissioner Ari Yampolsky

Absent: Commissioners Kitty Calavita, Ismail Ramsey

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Kevin Reece, Sgt. Cesar Melero

2. APPROVAL OF AGENDA

With the consolidation of Item #9.b. and #9.f., the agenda was approved by general consent.

3. PUBLIC COMMENT

There were 3 speakers

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of January 9, 2019

Moved/Seconded (Perezvelez/Mikiten) **Motion Carried**

Ayes: Allamby, Matthews, Mikiten, Perezvelez, Prichett, Roberts, and Yampolsky.

Noes: None

Abstain: None

Absent: Calavita, Ramsey

5. CHAIR'S REPORT

The Chair thanked the Commission and public for allowing her to serve as Chair.

6. PRC OFFICER'S REPORT

-- Status of complaints: shows 4 complaints filed in December and one in January. Complainant in #2445 filed with IA two months before coming to PRC, so 120 days won't be met in that case.

-- Handouts include updated "Significant Laws and Court Cases," long and short versions. Replace those in commissioner orientation binder. Revised to reflect changes in types of police personnel records that are newly disclosable under SB 1421.

-- Handouts include article from Berkeleyside on City's disclosures under SB 1421. City Attorney does not consider retroactivity of the law to be a settled question and will continue to do research and monitor the ongoing litigation. State Attorney General has issued an order to law enforcement agencies not to destroy any records.

-- NACOLE Regional Forum has been set for Friday, May 3. PRC Officer can look into whether might be able to change to a Saturday date.

-- Next PRC meeting in 3 weeks, February 13.

-- Reporting, in accordance with the PRC Regulations, that Complaint #2443 went to mediation and that it concluded.

7. CHIEF OF POLICE'S REPORT

Lt. Reece spoke on behalf of the Chief, who had nothing new to report.

Questions:

-- Has BPD changed any of its retention policies concerning personnel records? No.

-- Is the BPD aware of the Attorney General's directive? Internal Affairs has received that directive and is abiding by it.

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. Prioritizing Safety for Sex Workers Subcommittee – Subcomm. Chair to notify PRC Officer when ready to schedule next meeting.

b. Lexipol Policies Subcommittee – Met on Jan. 14. PRC Officer to coordinate scheduling of next meeting. Additional policies may be ready to bring to full Commission.

9. OLD BUSINESS (discussion & action)

- a. Continue review of Lexipol Policy 425 on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone, especially facial recognition capabilities; new issues arising after April 2017.

Motion to amend Section 425.5 to require that verbal notification be given to anyone who is obviously visually impaired and cannot see the presence of a BWC.

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

Ayes: Allamby, Matthews, Mikiten, Perezvelez, Prichett, Roberts, and Yampolsky.

Noes: None

Abstain: None

Absent: Calavita, Ramsey

Motion to move on from discussion of Section 425.6

Moved by Mikiten and then withdrawn.

Motion to add, in Section 425.6, “any in-custody death” to the circumstances in which the on-scene supervisor shall take immediate physical custody of an involved officer’s BWC.

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

Ayes: Matthews, Perezvelez, Prichett, and Roberts

Noes: Allamby, Mikiten, Yampolsky

Abstain: None

Absent: Calavita, Ramsey

By general consent the Commission asked the PRC Officer to ask the Chief why language that appeared in draft policy Section 450.7 requiring notification of a supervisor if an officer believes a recorded contact may be beneficial in a non-criminal matter, is not included in current Section 425.14.

By general consent the Commission asked the PRC Officer to get clarification on release of BWC footage to NCRIC under law enforcement sharing in Section 425.18.

- b. Responsiveness of BPD management to PRC requests; and Item 9.f. Review requirements surrounding the preparation of After-Action Reports and whether release (or withholding) of such reports or parts thereof are compliant with the Public Records Act.

From: Commissioner Prichett

Motion to table this item.

Moved/Seconded (Mikiten/Yampolsky)

Substitute motion that the Commission will make records requests as a group, and only approved records requests by the group will be sent to the BPD; the PRC secretary will keep a list of all requests, as well as a list of BPD requests to the PRC.

Moved/Seconded (Mikiten/Roberts)

The maker of the motions withdrew them, and by general consent this item was postponed until the next meeting.

- c. October 2, 2018 referral from City Council regarding the creation of training requirements for Police Review Commissioners.
(*Heard following Item #10.d.*)

Motion to have PRC staff prepare a memo that describes the commissioner orientation and do a one-hour review of that presentation each year; to have BPA do one orientation for commissioners per year; to have each commissioner do a ride-along; to include these requirements in the Commissioner's Manual; and to undergo additional training at Chair's discretion.

Moved/Seconded (Mikiten/Perezvelez) **Motion Carried**

Ayes: Allamby, Matthews, Mikiten, Perezvelez, Roberts, and Yampolsky.

Noes: None

Abstain: Prichett

Absent: Calavita, Ramsey

10. NEW BUSINESS (discussion & action)

- a. Decide whether to review the degree to which BPD has followed its crowd control and crowd management policies, and whether they are adequate to assist BPD officers in preventing unnecessary conflict in crowd-related situations.

From: Commissioner Prichett

(*Heard following Item #9.b.*)

Motion to identify de-escalation techniques within the BPD's policies and procedures, including General Orders, and review whether those techniques are being used in crowd control situations.

Moved/Seconded (Prichett/Matthews) **Motion Failed**

Ayes: Prichett Noes: Allamby, Matthews, Mikiten, Perezvelez, Roberts, and Yampolsky. Abstain: None Absent: Calavita, Ramsey

- b. Decide whether to review the delivery of mental health services, including the role of the BPD in responding to crises involving people with mental health disabilities, and whether BPD's participation impacts the situation in the most sensible way and so the best outcome is reached.

From: Commissioner Prichett

Following discussion, by general consent this item was postponed to the next meeting to consider a revised proposal.

- c. Amend the Standing Rules to limit the number of items placed on agenda by a single commissioner.

From: Commissioner Allamby

Motion to amend standing rules to provide that each commissioner may place only one item on an agenda per meeting, and only after prior items on the agenda from that commissioner have cleared; and that if the Commission decides to move forward with a commissioner's item, it will be considered the Commission's item, not the individual commissioner's.
Moved/Seconded (Perezvelez/Allamby)

Friendly amendment: that this procedure will be reviewed after six months.
Moved by Yampolsky; accepted by Perezvelez and Allamby

Motion, as amended, carried

Ayes: Allamby, Matthews, Mikiten, Perezvelez, Roberts, and Yampolsky.

Noes: Prichett

Abstain: None

Absent: Calavita, Ramsey

- d. Election of Commission Chairperson and Vice-chairperson for 2019.

Motion to nominate George Perezvelez for PRC Chairperson

Moved/Seconded (Prichett/Roberts)

As there were no other nominations, Commissioner Perezvelez was elected by acclamation.

Motion to nominate Gwen Allamby for PRC Vice-Chairperson

Moved/Seconded (Mikiten/Roberts)

Motion to nominate Terry Roberts for PRC Vice-Chairperson

Moved by Prichett; declined by Roberts.

As there were no competing nominations, Commissioner Allamby was elected by acclamation.

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached

12. PUBLIC COMMENT

(Heard following Item #9.c.)

There were 2 speakers.

13. ADJOURNMENT

By general consent, the meeting was adjourned at 10:00 p.m.

Body Worn Cameras

425.1 PURPOSE AND SCOPE

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

This policy does not apply to non-BWC evidence, including other methods of audio or video recordings, interviews or interrogations conducted at any Berkeley Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

425.2 POLICY

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

While recordings obtained from BWCs provide an objective record of events, it is understood that video recordings do not necessarily capture all events, activities and information, or reflect the full experience of the individual member(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events as perceived and recalled by the involved member. Specifically, it is understood that the BWC will capture information that may not have been seen and/or heard by the involved member and that the involved member may see and hear information that may not have been captured by the BWC.

425.3 CONFIDENTIALITY AND PROPER USE OF RECORDINGS

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

425.4 COORDINATOR

The Chief of Police, or his/her designee shall appoint a member of the Department to coordinate the use and maintenance of BWCs and the storage of recordings, including (Penal Code § 832.18):

- (a) Establishing a system for uploading, storing and security of recordings.
- (b) Designating persons responsible for uploading recorded data.

Berkeley Police Department

Law Enforcement Services Manual

Body Worn Cameras

- (c) Establishing a maintenance system to ensure availability of BWCs.
- (d) Establishing a system for tagging and categorizing data according to the type of incident captured.
- (e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
- (f) Working with the City Attorney's office to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
- (g) Maintaining an audit trail record for all access to evidence files, wherein access information for each evidence file is logged through use of a secure log-in system. The Department's storage system associates an audit trail record with each evidence file, thereby logging the date, time, user name, activity and client IP address occurring during each evidence file access.

All recordings made by members acting in their official capacity shall remain the property of the Department. Subject to the provisions of this Policy, members shall have no expectation of privacy or ownership interest in the content of these recordings.

425.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member who is assigned to wear a BWC will be responsible for making sure that he or she is equipped with a BWC issued by the Department, and that the BWC is in good working order. If the BWC is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor to permit the supervisor or other department employee to provide the member with a functioning BWC as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner as prescribed by the Department, to provide a generally unobstructed camera view of contacts between members of the public and department members.

Members lawfully engaged in their duties as a police officer are not required to obtain consent from, or give notice to, members of the public, prior to recording with their BWC.

Upon the approval of the Chief of Police, or his/her designee, non-uniformed members lawfully engaged in their duties as a police officer may use an approved BWC.

Members are required to document the existence of a recording in any report or other official record of the contact, such as a CAD entry, including any instance where the member is aware that the BWC malfunctioned or the member deactivated the recording. In the event activity outlined in section 425.7 is not captured in whole or in part the member shall document this and explain in their report their understanding, if any, of why the footage was not captured in the recording.

425.6 SUPERVISOR RESPONSIBILITIES

At such time as the scene is considered secure and safe, the on-scene supervisor shall take immediate physical custody of involved officer's/officers' BWC when the device may have captured an incident involving an officer-involved shooting or use of force resulting in death or great bodily injury, and shall ensure the data is uploaded in a timely manner as prescribed by BPD policy

Body Worn Cameras

(Penal Code § 832.18). Supervisors may review relevant BWC video and audio files in the field in furtherance of their duties and responsibilities.

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

425.7 ACTIVATION OF THE BODY WORN CAMERA

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

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

- (a) All in-person enforcement and investigative contacts including pedestrian stops and field interview (FI) situations.
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.
- (c) Self-initiated field contacts in which a member would normally notify the Communications Center.
- (d) Any search activity, including the service of search or arrest warrants; probation, parole, or consent searches where the member is seeking evidence of an offense, or conducting a safety sweep or community caretaking sweep of the premises. Once a location has been secured and the member is not interacting with detainees or arrestees, the member may mute their BWC when conducting a search for evidence.
- (e) Any other contact that the member determines has become adversarial after the initial contact in a situation where the member would not otherwise activate BWC recording.
- (f) Transporting any detained or arrested person and where a member facilitates entry into or out of a vehicle, or any time the member expects to have physical contact with that person.

At no time is a member expected to jeopardize his or her safety in order to activate a BWC. The BWC should be activated by members in anticipation of situations described above, and in any unanticipated, rapidly unfolding situation where activation becomes required, as soon as the member can do so safely.

Members should activate their BWC when conducting custodial interviews unless there are other recording devices being used. Members shall document and explain in their report the reason for not recording custodial interviews, should a BWC be de-activated while conducting a custodial interview or interrogation.

Body Worn Cameras

425.8 VICTIMS AND WITNESSES OF CRIMES; INFORMANTS

In the event that an officer has the opportunity to record interviews of victims and witnesses of crimes, they shall consider the following:

- (a) **Witnesses:** In the event a crime witness or a member of the community wishes to report or discuss criminal activity anonymously, officers have the discretion to not record. Members may offer to avert their camera to capture only audio during the interview, when doing so would facilitate obtaining the witness's recorded statement. In cases where a witness requests they not be recorded, and the member agrees not to record, members should record their request prior to turning the camera off. When a member is already recording, the member shall record their explanation for turning the camera off prior to doing so.
- (b) **Victims:** Upon request by the victim, officers have the discretion to not record the interview. Members may offer to avert their camera to capture only audio during the interview, when doing so would facilitate obtaining the victim's recorded statement. In cases where a victim requests they not be recorded, and the member agrees not to record, members should record their request prior to turning the camera off. When a member is already recording, the member shall record their explanation for turning the camera off prior to doing so.
 - 1. **Domestic Violence Victims:** Members should attempt to record interviews of domestic violence victims to facilitate future prosecution efforts and discourage later recanting of statements. Members should also record interviews with children who witness domestic violence, when the child is willing.
 - 2. **Child Abuse and Sexual Assault Victims:** Members shall have the discretion to record, absent any request to not record the interview by victims, witnesses, or non-suspect parents of victims, during child abuse and/or sexual assault investigations.
- (c) **Informants:** Members shall not activate their recorders when conducting an interview or engaging in a conversation with a confidential informant, unless needed as evidence.

Members have no obligation to advise a victim or witness that he or she is being recorded, but may do so at their discretion. When a victim or witness requests they not be recorded, members may consider their request (See Penal Code 632).

Members shall remain sensitive to the dignity of all individuals being recorded and exercise discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy concerns may outweigh any legitimate law enforcement interest in recording. Recording should resume when privacy concerns are no longer at issue unless the member determines that the circumstances no longer fit the criteria for recording.

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

Body Worn Cameras

425.9 ACTIVATION IN CROWD CONTROL SITUATIONS

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

The limitations outlined in the Intelligence Procedures for First Amendment Activities Policy governing intelligence-gathering procedures for First Amendment activities, apply to the use of BWCs and other recording devices.

Video recording of individuals who are picketing or engaged in peaceful protest will be avoided unless the officer believes a violation of criminal law is occurring, may occur, or if the officer interacts with a participant or third party to the event, or a participant or third party initiates contact with the member.

425.10 SURREPTITIOUS USE OF THE BWC

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

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

Members are prohibited from using department-issued BWCs for non-work related personal activity. BWCs will not be activated in places where members have a reasonable expectation of privacy, such as workplace locker rooms, dressing rooms, members' private vehicles or restrooms.

425.11 CESSATION OF RECORDING

Once activated, the member may mute or deactivate their BWC at any time based on their discretion, in the following circumstances:

- (a) Discussion of tactical or confidential information with other law enforcement personnel.
- (b) Where members are on a perimeter or assigned to a static post where the member's direct participation in the incident is complete and they are not actively part of an investigation.
- (c) If it is necessary to discuss issues or concerns with an employee, supervisor, doctor, nurse, or paramedic in private.
- (d) In the member's judgment, a recording would interfere with his or her ability to conduct an investigation.

Decisions regarding the reason for muting or BWC deactivation shall be noted on the recording, or otherwise documented.

Body Worn Cameras

Members shall cease audio/video recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation. This does not apply to conversations with paramedics or EMTs during their response at a scene, and during transport.

425.12 EXPLOSIVE DEVICE

Many portable recorders, including BWCs and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

Members believing that the use of a BWC may detonate an explosive device may deactivate their BWC in such cases.

425.13 PROHIBITED USE OF BODY WORN CAMERAS

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

Members are prohibited from retaining BWC recordings. Members shall not duplicate or distribute such recordings, except for department business purposes. All such recordings shall be retained at the Department.

Members may not use personally owned recorders (e.g. personal cell phone) to document contacts unless exigent circumstances exist to warrant the use of personally owned recording devices. Regardless, if a member is using a department-issued BWC, and/or another recording device, members shall comply with the provisions of this policy, including retention and release requirements. In every event where members use any recording device aside from or in addition to their department-issued BWC, the member shall document and explain the use and the exigent circumstance in their police report (e.g. the BWC failed and evidence needed to be captured at that moment in time).

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

425.14 PROCESSING AND HANDLING OF RECORDINGS

To assist with identifying and preserving data and recordings, members shall tag and download recordings in accordance with procedure, and document the existence of the recording in the related case report. Transfers must occur at the end of the member's shift, and any time the member is aware that the storage capacity of the BWC is nearing its limit. In circumstances when the officer cannot complete this task, the officer's supervisor shall immediately take custody of the BWC and be responsible for uploading the data. Officers shall tag each file with the appropriate case/incident number, provide a descriptive title, and select an appropriate category for each recording, using the Axon View app or via the Evidence.com site.

Body Worn Cameras

Members are prohibited from intentionally erasing, altering, reusing, modifying or tampering with original audio video recordings. Members may request restriction and subsequent deletion of an accidental recording as described under section 425.16 below.

425.15 RETENTION REQUIREMENTS

The Department shall retain all recordings for a minimum of 60 days. Incidents involving consensual contacts, and aid to citizens will be retained for six months, and cold reports will be retained for one year. Recordings of incidents involving use of force by a police officer, detentions, arrests, or recordings relevant to a formal or informal complaint shall be retained for a minimum of two years and one month. Recordings relating to court cases and personnel complaints that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to administrative or civil proceedings shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence retention policy, and any applicable orders from the court.

Recordings created by equipment testing or accidental activation may be deleted after 60 days.

425.16 ACCIDENTAL RECORDING - REQUEST FOR RESTRICTION

In the event of an accidental or sensitive personal recording of non-departmental business activity, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be restricted pending 60-day deletion by submitting an email request via their chain of command to the Professional Standards Division Captain. The Professional Standards Division Captain will approve or deny the restriction request. In cases where the request is denied, an appeal may be submitted to the Chief of Police, or his/her designee, for restriction authorization. In all cases of restriction requests, a determination should be made within seven calendar days.

425.17 REVIEW OF RECORDINGS BY A MEMBER

Members are authorized to review their own BWC video files at any time in furtherance of official business. Such official business includes, but is not limited to, preparing written reports, prior to or while providing testimony in a case or being deposed. Members may review recordings as an evidentiary resource, except as stated in subsection 425.17.1 below. Members shall not retain personal copies of recordings. Members shall not use the fact that a recording was made as a reason to write a less detailed report.

425.17.1 OFFICER INVOLVED INCIDENTS RESULTING IN GRAVE BODILY INJURY OR DEATH

- (a) In the event of a critical incident that results in grave bodily injury or death, including an officer-involved shooting or an in-custody death, the BWC of the involved member(s) shall be taken from him or her and secured by a supervisor, commander, or appropriate investigator, as necessary. The involved member(s) shall not access or obtain their footage of the incident until such time as the criminal investigator(s) have reviewed

Body Worn Cameras

- the video files. It will be the responsibility of the investigation team's supervisor to coordinate with the involved member's supervisor to obtain footage of the incident on behalf of the member.
- (b) Personnel uploading secured BWC video files shall not view the files unless authorized.
 - (c) No member involved in a critical incident may view any video recordings prior to an interview by the appropriate criminal investigative unit, and receiving command approval.
 - (d) Prior to the conclusion of the criminal interview process, the involved member and/or the member's representative will have an opportunity to review the member's recording(s). The involved member may choose to provide additional information to supplement his or her statement by providing a supplemental statement or separate supplemental document. In no case shall a member alter a report made prior to reviewing the recording.
 - (e) The Department acknowledges that recordings taken during critical incidents obtained from BWCs do not necessarily reflect the full extent of the nature of the event or the experience, analysis, training, threat assessment or state of mind of the individual officers(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved officer. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved officer and that officers may see and hear events that are not captured by the camera.

Officers who are involved in any critical incident where video recordings exist depicting the involved officer, either as a subject officer or witness, shall be provided the following admonishment to the initial interview or submission of the initial written report:

"In this case, there is video evidence that you will have an opportunity to view. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your statement explains your state of mind at the time of the incident."

425.17.2 SUPERVISORY REVIEW

With the exception of section 425.17.1 above, supervisors are authorized to review relevant recordings any time they are reviewing and approving case reports from their subordinates.

Body Worn Cameras

425.17.3 INVESTIGATORY REVIEW

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct, or whenever such recordings support review of the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in conduct of an official investigation, such as a personnel complaint, an administrative investigation or a criminal investigation.
- (b) Pursuant to lawful process or by court or District Attorney personnel who are otherwise authorized to review evidence in a related case.
- (c) By personnel assigned to investigatory units who are authorized to view any BWC video file associated to their active investigations, unless otherwise prohibited by policy.
- (d) Upon approval by the Chief of Police, Internal Affairs investigators may review BWC video with a complainant.

Investigators conducting criminal or internal investigations shall:

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

425.17.4 TEACHING OR LEARNING TOOL

BWC files may also be reviewed by training staff regarding specific incidents where such files may serve as an internal learning or teaching tool. In the event that videos are intended to be used for training purposes, the involved officer(s) will first be consulted. If he/she objects to the use of the video, such objection shall be submitted to the person in charge of training who shall weigh the value of the video for training against the officer(s) objections and basis for the objection. Should the person in charge of training refuse to grant the request of the involved officer(s), the matter shall be heard by the Chief of Police, or his/her designee, prior to utilizing the video.

425.17.5 COB CIVIL CLAIMS AND LAWSUITS

BWC recordings may be reviewed and used by City of Berkeley defense counsel for the purposes of defending the city in civil claims and lawsuits, with the authorization of the Chief of Police, or his/her designee.

425.18 RELEASE OF RECORDINGS

All recordings should be reviewed by the Custodian of Records and the City Attorney's Office prior to public release, see General Order R-23 (Release of Public Records and Information).

Berkeley Police Department

Law Enforcement Services Manual

Body Worn Cameras

In the event that the Police Department or City Department intends to release or publish for any purpose video recordings where officers are captured on video or the video depicts actions taken by them in the course of the performance of their official duties, those officers shall be given written notice of the intention to release or publish said video at least 48 hours prior to such release.

BPD may, without prior notice to involved officers, share video footage with law enforcement, national security, military, or other government agencies outside of Berkeley, when there is reasonable suspicion that criminal activity has occurred or is about to occur.

425.18.1 POLICE REVIEW COMMISSION (PRC)

Access to recorded files will be granted for the purposes of review to the Police Review Commission Officer and/or Investigator investigating a specific complaint where BWC evidence files are available, and are not part of any ongoing criminal investigation.

- (a) The PRC Officer and PRC Investigator will be provided user account access to evidence files through the evidence management system for their use during a complaint investigation and to facilitate viewing by Board of Inquiry members during a Board of Inquiry.
- (b) The PRC Officer and PRC investigator shall not make or create a copy of any evidence file, nor make or allow to be made any audio or video recording of any evidence file while it is being streamed and viewed from the evidence management system.
- (c) The PRC Officer and PRC Investigator shall not allow any unauthorized individuals to view or access evidence files.
- (d) The evidence management system associates an audit trail record with each evidence file, thereby logging the date, time, user, activity, and client IP address occurring during each evidence file access.
- (e) The evidence management system shall only be accessed on City premises.
- (f) The Department retains custody and control of the recordings, and content of the video will be subject to applicable legal standards including, but not limited to the confidentiality requirements of the Public Safety Officers' Procedural Bill of Rights, (Government Code § 3300, et seq., Penal Code § 832.7, and the California Public Records Act; Government Code § 6250, et seq.)

425.18.2 PUBLIC RECORDS ACT (PRA) REQUEST

Access to recorded files will be granted for the purposes of review in response to a public records request, as permitted under Government Code § 6254(f) and BPD General Order R-23 (Release of Public Records and Information). General Order R-23 does not authorize release of investigative files or documents that would constitute an unwarranted invasion of privacy. Circumstances where this might arise in video include footage taken inside a home, a medical facility, the scene of a medical emergency, or where an individual recorded has a "reasonable expectation of privacy."

Body Worn Cameras

425.18.3 MEDIA

Access to recorded files will be granted for the purposes of review to media personnel or the general public with permission of the Chief of Police, or his/her designee, subject to General Order R-23 and privacy protections indicated in this policy.

425.19 COMPLIANCE WITH BMC 2.99 ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY

This policy shall comply at all times with the requirement of BMC 2.99 Acquisition and Use of Surveillance Technology.

425.20 TRAINING REQUIRED

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

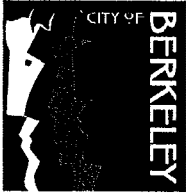
As part of a continual improvement process, regular review should be conducted by BPD staff of the training on this policy and the related use of BWCs under this policy. Information resulting from the outcomes of this review shall be incorporated into the City Manager's annual "Surveillance Technology Report" as required under BMC 2.99 Acquisition and Use of Surveillance Technology.

The Department, Police Review Commission and other City Departments shall maintain the confidentiality of Department sworn employee personnel records as required by state and local law. Failure to maintain the confidentiality of Department sworn employee personnel records, whether or not intentional, may subject individuals to civil penalties and discipline, up to and including termination of employment.

PROPOSED AMENDMENTS TO PRC STANDING RULES
From: Commissioner Perezvelez

E. Meeting procedures

1. Agenda items shall be introduced by the commission member or staff member who proposed the item. The Chair shall then allow an initial period for discussion by recognizing commissioners in rotation to ensure that each commissioner has the opportunity to speak before a commissioner is allowed to speak again. Commissioners are allowed to a maximum of two minutes to speak each time they are given the floor.
When
- 1.2. After a motion on the item is introduced-made and seconded, the Chair will recognize the maker of the motion, and then the seconder, to speak. After that, the Chair will recognize commissioners in rotation, giving each commissioner the opportunity to speak before a commissioner is allowed to speak again. Commissioners are allowed a maximum of one minute to speak each time they are given the floor, and must confine their remarks to the merits of the motion. may set a time limit of no less than two minutes for each commissioner. The Chair may give the maker of the motion an additional minute so speak for additional comments before putting the matter to a vote.
- 2.3. A pending motion may be modified by a “friendly amendment”; that is, by a proposed amendment that is accepted by the maker and seconder of the motion.
3. ~~During discussion of a motion, the Chair shall make every attempt to allow alternating positions to be heard.~~
4. Action on a motion may be by either voice or general consent. In either case, the Chair shall ask the commission secretary to repeat the motion before the action.
5. Guest speakers who are not on the agenda may address the commission only by general consent, or upon a formal motion.
6. None of these procedural rules shall supersede the procedures set forth in Robert’s Rules of Order.



Police Review Commission

Standing Rules

(As of January 24, 2019)

A. PURPOSE

These Standing Rules are established by the Police Review Commission to ensure transparency and efficiency of our operations.

B. AMENDMENTS AND REVISIONS

Amendments and revisions to these Standing Rules shall be adopted by a majority vote of the Police Review Commission, except that the Commission may not adopt rules that conflict with the enabling Ordinance, Commissioners' Manual, or Regulations for Handling Complaints Against Members of the Police Department.

C. AGENDA ITEMS – REGULAR MEETINGS

1. Individual commissioners shall submit agenda items to the commission secretary by 12:00 noon one week before the meeting date. (This will almost always be a Wednesday.)
2. A commissioner may place only one item on the agenda per meeting, and may not add items to the agenda unless prior agenda items from that commissioner have been cleared. "Cleared" means that the Commission has either completed its consideration of the item, or agreed to move forward with the item by, for instance, forming a subcommittee or considering the issue as a whole commission, in which case the item belongs to the Commission, not the individual commissioner.

Added
Per
Jan. 23
action

D. COMMUNICATIONS

Individual commissioners shall submit communications to be included in the agenda packet to the commission secretary by 12:00 noon one week before the meeting date to ensure inclusion in the packet. Communications received after this deadline and before 3:00 p.m. on the meeting day will be distributed in hard copy at the meeting, and may also be distributed to commissioners via email. If communications are received after 3:00 p.m. on the meeting day, the commission secretary will make every effort, but cannot guarantee, to have hard copies available at the meeting.

E. MEETING PROCEDURES

Revision to this section proposed

1. Agenda items shall be introduced by the commission member or staff member who proposed the item. The Chair shall allow an initial period for discussion. When a motion is introduced and seconded, the Chair may set a time limit of no less than

two minutes for each commissioner for additional comments before putting the matter to a vote.

2. A pending motion may be modified by a "friendly amendment"; that is, by a proposed amendment that is accepted by the maker and seconder of the motion.
3. During discussion of a motion, the Chair shall make every attempt to allow alternating positions to be heard.
4. Action on a motion may be by either voice or general consent. In either case, the Chair shall ask the commission secretary to repeat the motion before the action.
5. Guest speakers who are not on the agenda may address the commission only by general consent, or upon a formal motion.
6. None of these procedural rules shall supersede the procedures set forth in Robert's Rules of Order.

F. PUBLIC COMMENT

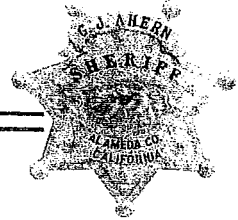
1. The Chair, subject to the consent of the commission, may determine the time limit for each speaker and the total number of speakers.
2. Before an agenda item is heard, the Chair or Vice-Chair may poll members of the public present to determine if a significant number of them wish to speak on a particular agenda item. If so, the Chair or Vice-Chair may move that public comment on that item can be heard just before the item.

G. POLICY COMPLAINTS AND REVIEWS

1. An inquiry into a policy, when initiated by a civilian filing a policy complaint form, is a "policy complaint."
 - a) The procedures for handling a policy complaint are set forth in Section II.A.4.b. of the Regulations for Handling Complaints Against Members of the Police Department.
 - b) Additionally, a public comment period shall be agendized immediately preceding consideration of the policy complaint, limited to comments on that complaint. Policy complainants will be allowed to speak for five minutes. Other members of the public will be allowed up to three minutes; the time allotted is subject to the discretion of the Chair, who will consider the number of persons wishing to speak. Commissioners may ask policy complainants brief questions. The BPD will be given an opportunity to respond to the commission.
2. A commission-initiated policy review may commence upon a majority vote of the commissioners.
 - a) Commissioners shall then determine how to proceed. Possible actions include, but are not limited to: considering the issue as whole commission, assigning a commissioner to research the issue, asking staff to investigate or research, or establishing a subcommittee. If a subcommittee is created it will seek BPD

Alameda County Sheriff's Office

Lakeside Plaza, 1401 Lakeside Drive, 12th Floor, Oakland, CA 94612-4305



Gregory J. Ahern, Sheriff

Director of Emergency Services
Coroner - Marshal

(510) 272-6866

October 2, 2017

Andrew Greenwood, Chief of Police
Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, California 94704

Subject: Urban Shield 2017 Joint Honor Guard Services

Dear Chief Greenwood:

I would like to take this opportunity to thank Officer Jennifer Coats for her support and participation in the Presentation of Colors during the Urban Shield Banquet, at the Alameda County Fairgrounds on September 11, 2017.

Officer Coats' willingness to give her time to participate as an Honor Guardsman during this year's event contributed very much to the overall success. Her actions and commitment to the law enforcement service profession reflect favorably upon her, the Berkeley Police Department, and the entire law enforcement service community.

Please convey my sincere appreciation to Officer Jennifer Coats by presenting her with the enclosed Urban Shield Coin. Her efforts in the ceremony not only helped ensure that the Urban Shield Banquet was a success, but also showed the pride and professionalism of the Berkeley Police Department.

I want to thank you for allowing your staff to assist with the Urban Shield's Presentation of Colors Ceremony. I am grateful for the continued support by your department and the outstanding efforts of those who assisted.

Sincerely,

A handwritten signature in black ink that reads 'Gregory J. Ahern'.

Gregory J. Ahern
Sheriff-Coroner

GJA:amc

Enclosure

Rateaver, Andrew

From: Felipe Ocampo <felipe@ecologycenter.org>
Sent: Thursday, November 30, 2017 2:00 PM
To: Greenwood, Andrew; Rateaver, Andrew
Cc: Carle Brinkman; Martin Bourque
Subject: Thank you

Dear Lt. Rat and Chief Greenwood,

I want to extend a very kind thank you to both of you for the amazing training we had yesterday with our Farmer's Market staff. Rat was very engaging and informative and the amount of care for the safety and well being of our community was palpable.

The information Rat brought to us was very relevant and timely. We had plenty of time for questions and clarifications about some of the real issues we run into on our day to day operations. I hope we can make this a yearly occurrence as our staff tend to cycle frequently.

Rat mentioned Mike Durban and Angela Hawk as good contacts in case we need someone at his level during our Tuesday and Thursday markets. I would greatly appreciate if you could introduce us to them, so we can continue to build the relationship between the markets and BPD.

Thank you again for the support.

Kindly,

--

Felipe Ocampo

Farmer's Market Program Manager, Ecology Center

(510) 548-2220 ex 228 | ecologycenter.org

2530 San Pablo Ave., Suite H | Berkeley, CA 94702



Inspiring and building a sustainable, healthy, and just future for the East Bay, California, and beyond. Follow our work on Facebook and Twitter, subscribe to our email updates, and donate today.

Hi Rat
So much gratitude
for taking time out
of your schedule to
train our staff and
answer our questions.
We appreciate
you!
- Carla -

Thank you
for all thoughtful
training, Hi Rat!
HAPPY Holidays
Felice.

Thank you so much for
taking the time with
our staff. I know it
will make a difference
for our markets &
community -

**We're grateful to have you
as part of our community.**

Matt
Bangor

Thank you!

Thank you for
the helpful lessons
and fun teachings
- Jae

Thank you for Hi Rat
taking the time I have really appreciated
to meet with us, I think we're training was very
share knowledge + helpful
listen to our concerns.
NINA SCOVILLE

Jae

Rateaver, Andrew

From: Yavneh, Tenli
Sent: Thursday, November 16, 2017 9:11 AM
To: Rateaver, Andrew
Subject: Feedback and question

Hi LT

Feedback about the training has been uniformly positive, one staff called it "impressive." Questions largely about follow up: we would love a 6 month refresher, not 4 hours but maybe a couple to review key points and have staff ask more specific questions about tactics. In addition, staff were wondering what's the best way to address questions that come as new situations occur (since this job is never routine). Who is the best person to consult with?

I think we discussed making this an annual, mandatory training, which I hope is possible. Finally, I want to thank you again for your years of support of MCT – I remember you from my internship 20 years ago, training us newbies on radio codes and safety. Wow.

Thanks
Tenli

Tenli Yavneh, PsyD
Mental Health Program Supervisor
Crisis/Assessment/Triage, Mobile Crisis, Homeless Outreach and Treatment, and Transition Outreach Teams
Berkeley Mental Health
510 981 7641 (direct line)
Fax 510 981 5265

Please be aware that e-mail communication can be intercepted in transmission or misdirected. The information contained in this message may be privileged and confidential. If you are NOT the intended recipient, please notify the sender immediately with a copy to HIPAAPrivacy@cityofberkeley.info and destroy this message immediately.

Dear Lt. Rat,

MH wants to thank you so much for the great training. It's obvious you spent a lot of time planning the really thorough presentation and sewing the many pockets in your shirt. But seriously, we all appreciated and learned a great deal. And most of all, we enjoyed ourselves. You are an engaging, fun, and knowledgeable presenter. We are lucky to have you.

- MH

P.S. The coffee was an added bonus.



BERKELEY POLICE DEPARTMENT MEMORANDUM



To Chief of Police, via chain of command ^{GC1} ^{AK} Date December 20, 2017
 From Sgt. D. Rafferty
 Subject Commendation for Officer B. Phelps

Rarely do community members call the Sergeant's office, ask to speak to an officer's supervisor, and then eloquently explain how happy they are with the services provided by one of our officers.

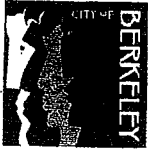
This occurred recently when _____ alled and described his account of an incident that occurred at his Berkeley Hills home on the afternoon of December _____ r. _____ aid that a "scary" man had come to his house, knocked on his door, and started screaming at him. While this is a common occurrence for many residents, it is uncommon in the

Officer Phelps responded to the area and was unable to find the man. However, he clearly made a very positive impression on _____ who was "very, very pleased" with Officer Phelps' courteous and professional demeanor. He ended the telephone call with me by explaining that as a result of this interaction and with all of his contacts with Berkeley police officers he is very proud of our department (having been a Berkeley resident for over 50 years).

Officer Phelps should be commended for his thorough response to this call and the positive impression he left on a member of the community.

Respectfully submitted,

*ok Phelps -
 Thanks for your
 good work in this call!
 AG GC1 1/1/18*



BERKELEY POLICE DEPARTMENT MEMORANDUM



To Chief of Police, via chain of command *CC* *DR* Date December 20, 2017
 From Sgt. D. Rafferty
 Subject Commendation for Officer M. Pickett #81

I recently received a voicemail from a resident who was very pleased with the service provided by a member of our department.

On November 14 and 16, 2017 an elderly woman who lives in th... reported a person who had recently parked his RV in front of her residence and was living inside of it. She was concerned for her safety and was uncomfortable with her new (and unwanted) neighbor.

Officer Pickett contacted on both occasions and allayed her fears and safety concerns. During the contact, Officer Pickett was described as "extraordinarily helpful and courteous," and "very bright, very efficient, and I felt safe with her." As a former police commissioner, was especially appreciative of the high caliber of service provided by Officer Pickett.

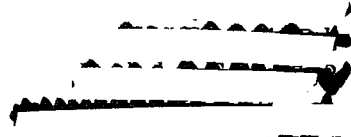
These sentiments expressed b are the pinnacle of how we can, and should, make community members feel when providing service to them.

Officer Pickett should be commended for her hard work and skillful way that she was able to help feel safer in her neighborhood.

Respectfully submitted,

[Handwritten signature]

*Off Pickett,
Nicely done!
Thank you!
(K) C... 1/5/18*



January 2, 2018

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

Dear Chief Michael K. Meehan,

I wanted to write to share my deep gratitude and appreciation for Jessie (spelling?), officer badge #25 with the Berkeley Police Department. My house alarm went off at 1am last night, and he was the officer that came to check out the situation. I spoke with him on the phone, and I can't tell you how thankful I am for his genuine kindness, calm demeanor, sincere desire to help, and supportive and patient words in talking me through it all. I am just so incredibly grateful to know we have police officers in this town like him.

Thank you for helping to keep our city safe, and for providing officers of this caliber. I'm beyond grateful.

Thank you, thank you!
Sincerely,

[Handwritten signature]

RECEIVED
JAN 10 2018
OFFICE OF THE CHIEF

January 2, 2018

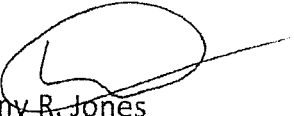
To: Chief Greenwood:

On behalf of the Gainesville Police Department (Florida), I would like to extend my sincerest thanks to you and your staff. Our community ended up having to prepare and respond to an event held here on 10/19/17 by the National Policy Institute. This event posed a significant risk and generated a sizeable protest with tactics and concerns quite simply our agency and others in our community had never had to contend with.

A group of the Gainesville Police Department, University of Florida Police Department, and University of Florida Administration travelled to your community and were hosted by the Berkeley Police Department the week of September 24th, 2017, during "Milo Free Speech Week." The openness and hospitality of your Department was truly impactful and the lessons learned there was a definitive "pivot point" for the preparation made here in Gainesville. Had our staff not come to Berkeley, the successful outcome that we ended up having here in Gainesville would probably not have occurred. The additional support we received by having your staff come to Gainesville to assist with training and consult during operations the day of October 19th were invaluable. We are doing our best to "pay it forward" and help other agencies prepare for their upcoming "National Policy Institute" events the same way you helped us.

Please accept this shadow box as a small token of appreciation on behalf of the Gainesville Police Department and the University of Florida Police Department. We look forward to continuing the relationship formed between our communities through these events and sincerely just want to say "thank you."

Sincerely,


Tony R. Jones
Chief of Police

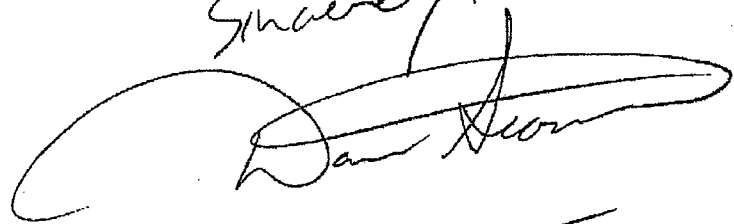
01/02/18

Chief Greenwood:

Thank you very much for allowing us to come and observe/learn from your Dept. during "Milo Free Speech Week" back in September. We truly learned a lot and that visit changed the trajectory of our event in October. Without your support, we'd have fallen flat on our faces! I wanted to say a special thanks to Lt. K. Schofield for his hospitality while we were in Berkeley. I also wanted to say thanks for sending Sgt. Fomby! He was a tremendous asset and resource here - he and I will be staying in touch!

All of your personnel were impressive and should be very proud of what they do and where they do it. Thank you again for your support and leadership.

Sincerely,



"Lt. Dan" Stout

GPD #337

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Wednesday, January 03, 2018 12:55 PM
To: Gonzalez, Manuel
Subject: FW: Commendation request for Lee G-Holloway

From: Terry, Renita G.
Sent: Thursday, December 28, 2017 5:22 PM
To: Garrett, Lyesha <lgarrett@cityofberkeley.info>
Cc: Clark, Marla J. <MClark@cityofberkeley.info>
Subject: Commendation request for Lee G-Holloway

Hi Lyesha,

Officer Holloway identified a traffic hazard between 1017 and 1038 Folger Avenue (across from Amazon's loading dock). Large delivery trucks backing into the loading docks with cars parking at this location restricted truck's ability to maneuver causing a backup of vehicles in both directions. Vehicles would attempt to squeeze around truck's going into oncoming traffic.

Officer Holloway initiated contact with Traffic Engineering with team work she and Mr. Tan were successful having a 25ft red curb installed eliminating a horrible back up and traffic hazard. She has continued to monitor this problem area and resubmitted a request to repaint a portion of the curb someone garyed out.

I would like to thank and commend Officer Holloway for taking the initiative in identifying this problem and taking action towards a solution.

Renita Terry
Parking Enforcement Supervisor

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Wednesday, January 03, 2018 12:56 PM
To: Gonzalez, Manuel
Subject: FW: Ride Along 12/30

From: Turner, Melanie
Sent: Wednesday, January 03, 2018 12:18 PM
To: Gonzalez, Manuel <mgonzalez@cityofberkeley.info>; Gil, Sergio <sgil@cityofberkeley.info>
Subject: FW: Ride Along 12/30

Please process this commendation for Officer Breaux and the other Team 7 Officer's who worked on December 30. I would like to thank them for providing a positive ride along experience for this applicant and help all of us in our efforts to find qualified personnel.

Sgt. Turner

From: ..
Sent: Tuesday, January 02, 2018 11:00 AM
To: Turner, Melanie <MTurner@cityofberkeley.info>
Subject: Ride Along 12/30

Sergeant Turner,

Thank you so much for setting up the Ride Along with Team 7 on the 30th. I thoroughly enjoyed myself. This opportunity provided me with great insight about Berkeley Police Department and what it is like to work in such diverse city. I rode with Officer Breaux and he was able to tell me about various municipal codes specific to Berkeley. I was also impressed by his tactical communication skills and his ability to deescalate emotional subjects. I was impressed by how proactive all of Team 7 was on weekend swings.

During my ride, Team 7 found a loaded gun concealed in a vehicle, issued citations in a theft case, and recovered narcotics intel from a former informant. My experience confirmed that I am passionate about pursuing a career with the Berkeley Police Department.

Thank you again for taking the time to set this up for me.



**Berkeley Police Department
Memorandum**



01/08/18

To: Chief Greenwood
Via Captain D. Reece *DJR*
Via Lieutenant J. Okies *JO*

From: Sergeant T. Sabins, S-19 *TS*

Re: Commendation for Officers Pock and Edwards

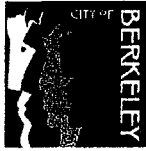
On 08/28/17 at about 0106 hrs. Officers Pock and Edwards conducted a traffic stop on a vehicle containing four occupants. Ofc. Pock stopped behind the suspect vehicle at a stop light and could smell burnt marijuana coming from the vehicle. On the green light he initiated a traffic stop on the vehicle and found the interior of the car had a strong smell of marijuana.

During a probable cause search Ofc. Pock located a loaded .22 caliber revolver in the front pocket of the driver's pants. The rear passenger was found to have an active warrant for his arrest and during a search of his person, a loaded .22 caliber pistol was located in his pocket.

A third occupant of the vehicle had an outstanding warrant and the fourth possessed burglary tools. All occupants of the vehicle were arrested.

This is an outstanding example of basic proactive police work resulting in four solid arrests. Ofc. Pock and Ofc. Edwards consistently work proactively to make the streets of Berkeley safe and should be commended for their outstanding work.

**Respectfully,
Sgt. T. Sabins S-19**



**Berkeley Police Department
Memorandum**



January 8, 2018

To: Chief Greenwood
Via Captain D. Reece *DJR*
Via Lieutenant J. Okies *JK*

From: Sergeant T. Sabins S-19 *TS*

Re: Commendation for Officers Pock and Egbert.

On 1-7-18, approximately 0342 hours, Officer Pock #123 and Egbert #103 were driving through the parking lot of Hana Japan Steakhouse when Officer Pock observed a silver BMW sedan parked and idling. Officer Pock and Egbert exited their vehicle to conduct a welfare check of the occupants. As Officer Pock approached the BMW, he saw that the driver and passenger, were sleeping. Officer Pock also observed that the driver was holding a methamphetamine pipe and lighter in his hand, so he took a photograph of the suspect as he slept.

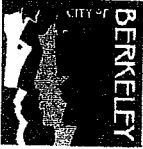
Officer Pock woke the suspect and had him exit the vehicle. While he was exiting, Officer Egbert observed a loaded Glock .40 caliber pistol on the driver's floor. A search of the vehicle revealed a loaded Springfield .45 caliber pistol contained in a gun box on the backseat.

Officer Egbert obtained a post Miranda statement from the passenger who admitted to handling one of the loaded guns.

Officer Breaux #15 obtained a post Miranda statement from the driver who he admitted that the guns found in the vehicle were his. He also admitted to trading ½ pound of marijuana for the Glock that Officers had recovered from the floor.

This case is indicative of both officer's daily work and their commitment to law enforcement in the City of Berkeley. Their actions should be commended.

Respectfully,
Sgt. T. Sabins S-19



**Berkeley Police Department
Memorandum**



01/08/18

To: Chief Greenwood
Via Captain D. Reece *DR*
Via Lieutenant J. Okies *JO*

From: Sergeant T. Sabins, S-19 *TS*

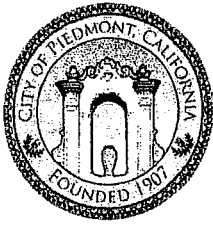
Re: Commendation for Officer Egbert, #103

On 07/28/17 at about 2253 hrs. Ofc. Egbert stopped a gold Lexus for traffic violations. The driver failed to provide the vehicle registration and indicated that it may be in the trunk. Ofc. Egbert had the driver exit the vehicle to conduct a search of the passenger compartment for valid registration. He found the glove box locked, but located a meth pipe in the center console.

Ofc. Egbert continued a probable cause search and located a loaded Glock 17 pistol, with the serial number obliterated and a 30 round magazine, in the glove compartment. A further check of the gun revealed that it was reported stolen through ATF. A records check revealed that the driver was a convicted felon out of Nevada. He was arrested on multiple felony weapons violations and booked into jail.

Ofc. Egbert should be commended for his efforts in this case. His work took a felon off the streets and lead to the confiscation of a deadly weapon.

Respectfully,
Sgt. T. Sabins S-19



CITY OF PIEDMONT
CALIFORNIA

January 16, 2018

Sergeant Melanie Turner
Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Dear Melanie:

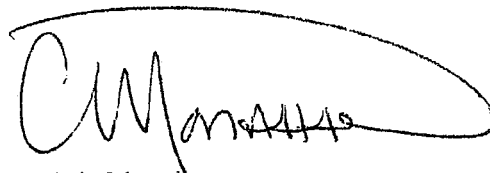
We would like to express our sincere appreciation for the time that you committed to the City of Piedmont during our recruitment process for the position of Police Officer. Your expertise and insight in evaluating the candidates was excellent. Thanks to your help, we're sure that the right person will be chosen for the position.

Again, thank you for giving so generously of your time and talent. Please let us know if we can ever be of assistance to you.

Sincerely,

CITY OF PIEDMONT


Jeremy Bowers
Chief of Police


Chris Monahan
Captain

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Wednesday, January 17, 2018 2:29 PM
To: Gonzalez, Manuel
Subject: FW: Appreciation for Sgt. Jung #S-33

From: Turner, Melanie
Sent: Friday, December 29, 2017 2:27 PM
To: Rolleri, Rico <RRoller@cityofberkeley.info>
Subject: Appreciation for Sgt. Jung #S-33

Good afternoon Lt. Rolleri,

I would like to acknowledge the hard work and commitment by Sergeant Jung on a recent police background. I asked Sgt. Jung in early November, 2017 if she would be willing to take a police background for me. I also explained to her that the person we were backgrounding was being backgrounded by another Department and that the other agency was almost done with the background. Sgt. Jung had recently begun her new position as the jail Sergeant and knew that she was taking on a big task for us. She willingly took it on and got to work right away. I assigned the background to her on November 8 and she turned it into me by December 15. This is the fastest turnaround I have seen so far during my time in P&T. Sgt. Jung committed a lot of her own personal time and time in the jail to get this background done. The applicant currently has a job offer with us pending his medical and psychological exam. In a time where we are dealing with staffing challenges, Sgt. Jung stepped up and helped us to likely hire a new officer that we could have easily lost to another agency. I want to thank her and acknowledge her effort.

Sgt. Mel Turner #S-11
Personnel and Training
Berkeley Police Department
2100 Martin Luther King Way
Berkeley, CA 94704
(510) 981-5975
mturner@ci.berkeley.ca.us

Greenwood, Andrew

From: McGinley, Matthew J.
Sent: Thursday, January 25, 2018 12:05 PM
To: Greenwood, Andrew
Cc: Buddenhagen, Paul; Grolnic-McClurg, Steven
Subject: Thank You BPD

Hello Chief Greenwood,

I just wanted to pass along my compliments and thanks to Officers Wilson and Burcham for their assistance today. They responded to a 911 call for a 5150 evaluation at Bonita House and did a great job deescalating a volatile situation. They treated our mental health consumer in a very respectful and dignified manner that made her feel supported and safe. They did their job with a minimum of disruption to the Bonita community which allowed it to resume programming and get back to their challenging work with their residents. These officers provided a wonderful example of collaboration and customer service that was greatly appreciated.

Thank You,

Matt McGinley LCSW
Mental Health Clinical Supervisor
Berkeley Mental Health
2640 MLK Way
Berkeley CA 94704
510-981-5290
(Cell)510-631-1924

*Ofc Wilson,
Ofc Burcham -
Thank for your service
& care in handling this
call at Bonita House -
Really well done!
[Signature]
1/26/18*

Gil, Sergio

From: Gil, Sergio
Sent: Tuesday, January 30, 2018 8:41 AM
To: Gil, Sergio
Subject: FW: Commendations for case 18-2874 (PC 211 VIA GUN)

From: Ordaz, Hugo R.
Sent: Wednesday, January 24, 2018 10:01
To: Johnson, Rayna T. <RTJohnson@cityofberkeley.info>
Subject: Commendations for case 18-2874 (PC 211 VIA GUN)

Rayna,

Last week on 1/15/18, while I was getting my patrol vehicle washed at Touchless car wash, a robbery had occurred at a business around the corner from the car wash. The business is 2280 Fulton St (American Tech), which is about two doors south of the car wash. Dispatchers had not received any calls of the crime while I was standing in the lot waiting for my patrol vehicle to be done. What caught my attention was the suspect running by me wearing a ski mask and putting a pistol into his waistband. I ran after the suspect as I broadcasted the information and asked dispatch if we had any calls for service in the area of the car wash.

Erin Netz #526 was on control at the time and advised me that there were no calls for service. I continued to chase the suspect and within a few seconds, Myriam Salem #512 got the 911 call from the business at 2280 Fulton St, about a robbery via gun.

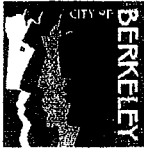
I want to commend and thank both dispatchers for being attentive and broadcasting immediately the call for service they were receiving as I continued to run after the suspect. Myriam was able to take the 911 call, at the same time paying attention to the foot pursuit and the information I had just broadcasted on channel 1, even though she was not working channel 1. Erin immediately put both calls together and advised over the radio of the robbery call they were receiving.

I want to thank them both for being professional and attentive to the radio and for keeping us safe out there. Outstanding work on both of them. Please let me know if there were any other dispatchers involved on this call, so that I could include them on this commendation.

Again thank you for your good work and professionalism.

Sincerely,

Hugo Ordaz



**Berkeley Police Department
Memorandum**



January 18, 2018

To: Chief Greenwood
Via Captain D. Reece *dlc*
Via Lieutenant J. Okies *pc-1*

From: Sergeant T. Sabins, S-19 *TS*

Re: Gun Recovery and 10851 Commendation for Ofc. Muratovic #159

On 01/28/18 at 0129 hrs. Ofc. Muratovic saw a suspicious person walking around a vehicle on Gilman St near the Golden Gate Fields. Ofc. Muratovic approached the subject and vehicle and ran the license plate only to find it reported stolen out of the state. He detained the subject and the passenger who was sitting in the car and called for cover.

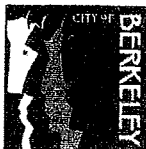
Officers arrived and took the subjects into custody. A search of a bag on the rear floorboard revealed a loaded and extended .40 cal. magazine and a factory box for a Glock 23 .40 cal. pistol. The bag also contained several Glock pistol magazines. Officers continued to search the car and found a Glock 23 .40 cal. pistol hidden under the rear seat.

Both subjects were arrested for auto theft and weapons possession.

Ofc. Muratovic routinely conducts self-initiated activity resulting in solid cases and arrests. This is yet another example of his work and he should be commended.

Respectfully,
Sgt. T. Sabins S-19

*Ofc Muratovic -
Excellent job -
Thank you for your proactive effort
to keep our town safe.
AGC 2/1/18*



**Berkeley Police Department
Memorandum**



January 18, 2018

To: Chief Greenwood
Via Captain D. Reece *DRG*
Via Lieutenant J. Okies *JO*

From: Sergeant T. Sabins, S-19 *TS*

Re: Gun Recovery Commendation for Ofc. Muniz #30

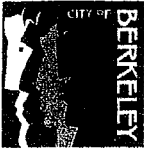
On 01/18/18 at 2054 hrs. Ofc. Muniz stopped a vehicle for having no license plates. Upon contact with the driver he smelled burnt marijuana and saw "roaches" in plain view in the center console. Ofc. Muniz asked the driver for consent to search the vehicle, which was granted.

Ofc. Muniz removed both subjects from the vehicle and conducted the search. During a search of a backpack Ofc. Muniz located a loaded 9mm pistol magazine hidden in a "Cheez It" box. A further search revealed a Taurus 9mm pistol in the same bag. He also located a window punch, gloves and other burglary tools. Ofc. Muniz arrested the driver on multiple charges.

Ofc. Muniz's self-initiated activity continues to produce quality cases that show his dedication to his job and the citizens he protects. He should be commended for his efforts in keeping the City of Berkeley safe.

Respectfully,
Sgt. T. Sabins S-19

*Ofc Muniz -
Great work on this stop!
Thank you for getting guns off
our streets!
AG 2/1/18*



**Berkeley Police Department
Memorandum**



January 28, 2018

To: Chief Greenwood
Via Captain D. Reece *DRE*
Via Lieutenant J. Okies

From: Sergeant T. Sabins, S-19 *T. Sabins*

Re: Gun Recovery Commendation for Ofc. Muniz #30

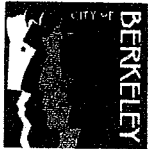
01/20/18 at about 0129 hrs. Ofc. Muniz stopped a vehicle for failing to stop at a stop sign. Upon contact with the driver he smelled marijuana and the driver showed objective symptoms of intoxication. Ofc. Muniz called for Ofc. Edwards to conduct a DUI investigation of the driver.

During a search of the driver and passenger, Ofc. Muniz located powder cocaine and arrested the subjects. A further search of the vehicle revealed a loaded Glock 21 .45 cal. Pistol in the trunk. With the pistol was an extended magazine. Both the driver and passenger were arrested on numerous charges.

Ofc. Muniz continues to be a standout officer and his consistent work deserves commendation.

Respectfully,
Sgt. T. Sabins S-19

*Ofc Muniz -
Another gun!! Thank
for your great work!!
TJCM*



**Berkeley Police Department
Memorandum**



January 14, 2018

To: Chief Greenwood
Via Captain D. Reece *DRP*
Via Lieutenant J. Okies *LO*

From: Sergeant T. Sabins, S-19 *TS*

Re: Commendation for Ofc. Muniz #30

In July of 2017 Ofc. Muniz received a commendation for multiple weapons cases and arrests. He continued his efforts through the remainder of the year, being involved in several other officers' cases and initiating his own.

On 12/16/17 Officers responded to the Berkeley marina to a report of a group firing weapons. Officers arrived and detained a vehicle that was suspected to be involved in not only the shooting, but vandalism and drug usage. During a probable cause search of the suspects' vehicle, Ofc. Muniz located a Glock 9mm pistol with a 30 round magazine inserted.

The suspect was arrested and a further check revealed the gun stolen out of Oakland and the suspect was a convicted felon. The suspect was charged with numerous violations and booked into jail.

On 12/30/17 Ofc. Muniz stopped a vehicle for registration violations. When he contacted the driver he could smell fresh burnt marijuana. Ofc. Muniz obtained permission for a consent search of the vehicle. During the search he located marijuana in the center console and a loaded Taurus .45 cal pistol under the driver's seat.

Ofc. Muniz arrested the driver and a record check revealed that he was a convicted felon. The suspect was booked on multiple weapon related charges.

Ofc. Muniz consistent efforts in proactive enforcement have resulted in numerous weapon seizures during 2017 and he should be commended for outstanding work.

Respectfully,
Sgt. T. Sabins S-19



BERKELEY POLICE DEPARTMENT MEMORANDUM



January 15, 2017

To: Chief A. Greenwood
Via Captain D. Reece *DR*
Via Lieutenant J. Okies *JO*

From: Sergeant M. Parsons, S-35

Re: Commendation for Officer G. Pock #123

On 1/12/18, Ofc. Pock contacted [redacted] (active probation with 4-way search clause) driving a UHAUL truck (later determined to be unreported stolen vehicle) that was stopped for numerous vehicle code violations. The search of the subject's property and UHAUL revealed numerous credit cards made out to numerous victims and some of the credit cards had AR-[redacted] embossed on them. There was also narcotics, drug paraphernalia and room keys to the Double Tree Hotel. A probation search was done on the room where several laptop computers, a printer, a backpack containing numerous pieces of personal identifying information, and blank checks (all materials used to produce fraudulent checks using victims account information.) During a search of [redacted] the jail, she was found to be in possession of methamphetamine consistent with sales.

Ofc. Pock confirmed with UHAUL that the vehicle in question was in fact stolen.

On 01/14/2018 at approximately 0247 Ofc. Pock was patrolling the dirt parking lot across from the Berkeley Marina's "I" dock where he located an occupied Red Ford pickup truck [redacted] by itself. A DMV records check showed the vehicle as being stolen out of Oakland. Ofc. Pock arrested [redacted] who also had an outstanding warrant.

Ofc. Pock should be commended for his outstanding efforts in locating and recovering both of these stolen vehicles. Ofc. Pock has an interest in recovering stolen vehicles and has found that these cases usually involve finding more evidence of additional crimes. These cases are just a fraction of Ofc. Pock's consistent proactive efforts in making the city safer. These cases are fantastic examples of Ofc. Pock's dedication to the job and his commitment to the community.

Respectfully submitted,
Sgt. M. Parsons S-35

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, January 18, 2018 8:05 AM
To: Gil, Sergio
Subject: FW: Berkeley PD release and waiver

From:
Sent: Wednesday, January 17, 2018 4:29 PM
To: Turner, Melanie <MTurner@cityofberkeley.info>
Subject: Re: Berkeley PD release and waiver

Hi Sgt. Turner,

Thank you for allowing me to go on another ride-along. It was a busy night and I was able to get to know and converse with a lot more officers from the department.

I spent the first half of my ride-along with Officer Muratovic #159. We were 15 minutes into patrol, when we notice that a truck was parked in a handicap spot with no handicap tag. The officer asked for identification from the driver and passenger but no ID was present for either of them. Then Officer Muratovic noticed that there was an embosser in the trunk of the car, in plain sight. Officers then searched the car and found electronic items from school districts and hospitals, along with a file of personal papers that did not belong to them, a couple crack pipes and approximately 30 meth needles. Officer called the CSO to the scene to take photos of all of the evidence. The CSO was very nice and immediately told me how much she loved her job and then began taking me into working for the City of Berkeley though, I told her that she didn't need to because I know that this is the department I want to work for. I enjoyed meeting the CSO worker and watching her in action, since I previously applied for Berkeley's CSO position last year.

Officer Muratovic then took the subjects to the city jail. Since ride-alongs can't go inside for the booking, I then had the opportunity to ride with Officer Edwards #135. He was very informative and I definitely felt like a trainee already with all of the information and tips he gave me. Very quickly into patrol, Officer Edwards sees that a car is going a little past the speed limit and pulls the car over. Again, the driver did not have identification. We later found that the U-Haul truck that the subject was driving was due back in December and she was behind on returning it. We also found crystal meth on the person and in the vehicle. What I found interesting about my ride-along was that the whole night, we pulled those two cars over for very minor things (parking in handicap and speeding) we didn't pull any other cars over that night and the cars we did stop, ended up having illegal substances, etc. I have a newfound respect for routine car stops as I was able to witness, drugs and potential criminals being taken off the streets.

Another great ride-along and I found all the officers I met that night (Officer Muratovic #159, Officer Edwards #135, Nick #18 and Big Will #93) to be professional, courteous, kind and extremely competent in their work.

I would like to commend team 7 for all their efforts in keeping the City of Berkeley safe.

Sincerely,



BERKELEY POLICE DEPARTMENT MEMORANDUM



To: Kimberly Reeve #551
From: Officer Peter Lee #24
Date: Jan. 19 2018
RE: Excellent Work by Sheryll Cofreros #507

SUMMARY:

Officers responded to a "found person" call after a Berkeley resident located a confused 81 year old woman who didn't speak English and had no form of identification on her. If it wasn't because of the extra work Dispatcher Sheryll Cofreros placed in this call, Officers would have never been able to reunite the 81 year old with her family.

BACKGROUND:

On January 14th 2018 Officer Gordon and I responded to Carleton St. and Mabel St. after a Berkeley resident located a confused 81 year old female crying in front of her residence. The elderly female did not speak English, had no forms of identifications on her, and had no phone. The only thing she kept saying was, "Hadas." I wasn't sure what "Hadas" was at that time.

Officer Gordon and I tried different means in identifying the elderly female and locating a family member, but we were unsuccessful in our attempts. I finally contacted dispatch for help via phone and Sheryll Cofreros #507 was on the other line. I requested for her to go through recent missing persons and welfare check calls in the area of West Berkeley. The purpose of this was to see if something similar had occurred in the past involving this elderly female. It should be noted that while I made this request, I had little hope of Sheryll actually locating anything because of the wide parameters of my search; all missing persons and welfare check calls in the entire West Berkeley.

Approximately 20 minutes later, Sheryll contacted me and advised that she located a similar call from July of 2017 where an elderly female was located in West Berkeley. Sheryll told me that the elderly female in that call was " " and the daughter's name and contact information was in the call as well. From this information I was able to reunite the family.

CONCLUSION:

I asked Sheryll to conduct a search on recent calls and she went above and beyond what I requested; she went all the way back to July of 2017. If it wasn't because of Sheryll going above and beyond to help me, I wouldn't have been able to reunite the family. Thank you Sheryll.

Berkeley Police
Officer Peter Lee #24
Patrol Division

20 January 2018

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

Dear Sir:

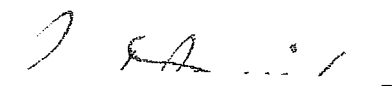
On Monday, 15 January, I lost control of my car and collided with a cement wall. The accident destroyed the car and left me with some minor but painful injuries.

Someone called 911 for my benefit, and shortly thereafter a Berkeley police responded and immediately took charge of the situation which included calling for a rescue van to ascertain the extent of my injuries. Afterwards he also arranged for a tow truck to remove my dead Honda Fit.

The above-mentioned officer was M. Yee, badge #136. Officer Yee was extremely kind, patient and a credit to the Berkeley Police Department.

I trust that Officer Yee's record will note that he is to be commended for his kindness and professional manner.

Sincerely,



E-mail _____
Phone _____

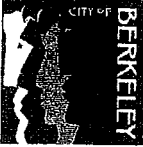
Gil, Sergio

From: Gil, Sergio
Sent: Tuesday, January 30, 2018 8:40 AM
To: Gil, Sergio
Subject: FW: Thank you!

From: I
Date: January 20, 2018 at 1:14:19 PM PST
To: "gmichalczyk@CityofBerkeley.info" <gmichalczyk@CityofBerkeley.info>
Subject: Thank you!
Reply-To: I

Hi Officer Michalczyk, Referring to case [redacted] there. You and your colleagues came out to my apartment last Wednesday evening when someone had tried to get into my space. I just want to thank you and your dispatcher for the incredibly speedy response to my call. Fortunately, I have rarely been in need of police support, but please know that you are ALL appreciated!

Thanks again!



BERKELEY POLICE DEPARTMENT MEMORANDUM



February 4, 2018

To: Chief A. Greenwood
Via Captain D. Reece *DWR*
Via Lieutenant J. Okies

From: Sergeant M. Parsons, S-35 *MP JCL*

Re: Commendation for Officers J. Seaton #66 and Gibbs #140

On 02/03/18 at approximately 1959 hours, Officers Seaton #66 and Gibbs #140 were operating as a two-officer unit performing targeted high visible patrol in south Berkeley due to the recent Gun violence just over the border in Oakland. They detainec or several vehicle code violations while riding his bicycle. While trying to identify Smith, Officers noticed how careful he removed his school ID card from his front left pocket while covering the pocket with his arm. Officers tuned into Smith' nervousness and saw a large bulge in his front left pocket and what appeared to be something heavy in his front right jacket pocket. Smith was pat searched for contraband when Officer Gibbs felt a gun concealed inside Smith' sweatshirt pocket. Officer Gibbs removed a .38 revolver loaded with 5 rounds of ammunition. Officer Seaton immediately placed Smith in handcuffs. A search incident to arrest revealed marijuana and additional .38 caliber ammunition.

Ofc. Smith examined the revolver and discovered that the serial numbers had been obliterated.

Smith was arrested for several gun offense violations and taken to Berkeley City Jail without incident.

Officers Seaton and Gibbs should be commended for their outstanding efforts in taking a loaded gun off the street. Officers Seaton and Gibbs showed great instincts recognizing Smith' behavior as being unusual. With their continued proactive efforts, it's possible that they prevented additional gun violence. This is another example of Officers Seaton and Gibbs relentless pursuit of keeping members of this community safe. They both should be commended for their efforts.

Respectfully submitted,
Sgt. M. Parsons S-35

Gil, Sergio

From: Gil, Sergio
Sent: Tuesday, February 06, 2018 8:17 AM
To: Gil, Sergio
Subject: FW: EXTERNAL COMMENDATION: Thank you from SFDA- Berkeley

From: Guzman, Rob (DAT) [<mailto:rob.guzman@sfgov.org>]
Sent: Wednesday, December 13, 2017 1:16 PM
To: Frost, Monique
Cc: Edwards, Valentina; Rodriguez, Jeronimo (DAT); Crew, David (DAT); Shawyer, Thomas (DAT)
Subject: Thank you from SFDA- Berkeley

Hello Valentina and Supervisor Frost,

We would like to thank you *Valentina* for your diligent and thorough work in identifying our District Attorney number and offering to send assistance when you received a telephone call from our office yesterday.

Fortunately, it was not an emergency; however, I know you went through great lengths in researching the origin of the telephone call. You immediately got back to us and asked if we needed assistance.

We will be looking at our mass communication system to see how your Department inadvertently received our telephone call.

Nevertheless, we thank you for going above and beyond to assist us!

Have a good day,

Bobby

Bobby Guzman (M.P.A.)
Lieutenant of Criminal Investigations
San Francisco District Attorney's Office
732 Brannan St.
San Francisco, CA 94103
(415) 509-8689



Richmond Police Department

Office of the Chief of Police

1701 Regatta Boulevard, Richmond, CA 94804-7409
Bus: (510) 621-1802 Fax: (510) 620-6880

February 2, 2018

Andrew Greenwood, Chief of Police
Berkeley Police Department
2100 Martin Luther King Jr. Way
Berkeley, CA 94704

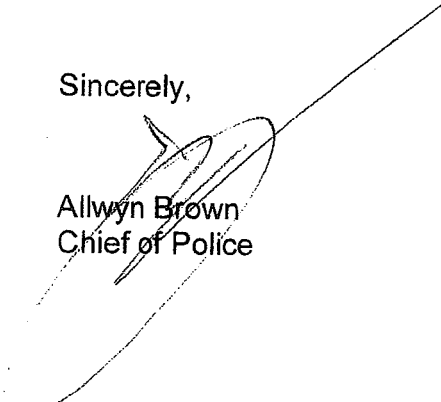
Dear Chief Greenwood,

On January 28, 2018, Richmond Police Officers responded to a very large and unruly sideshow in the city of Richmond. During the chaotic and rapidly unfolding event, Richmond Police Officer Ojo was struck and seriously injured by one of the drivers associated with this incident. During the initial response to this situation, personnel from various neighboring police departments came to the assistance of Richmond Police Officers. Numerous attendees of the sideshow were detained and important evidence was uncovered that ultimately led to the arrest of the driver of the suspect vehicle. The suspect and his girlfriend were arrested for several crimes to include attempted murder, assault with a deadly weapon and conspiracy.

The assistance from our neighboring police departments was a vital component in the successful investigation, arrest and charging of these subjects.

I would like to specifically thank Sergeant Todd Sabins, Officer Nicholas Hom, Officer Semir Muratovic, Officer Daniel Breaux, Officer Neil Egbert, Officer Kelvin Gibbs and Officer Brian Hartley for their outstanding work and exceptional representation of your department.

Sincerely,


Allwyn Brown
Chief of Police

"Community Policing Dedicated to Superior Service"

www.richmondpd.net www.facebook.com/richmondpolicecali

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, February 15, 2018 7:36 AM
To: Gil, Sergio
Subject: FW: Commendation

From: Schofield, Kevin M.
Sent: Wednesday, February 14, 2018 3:30 PM
To: Rolleri, Rico <RRollerer@cityofberkeley.info>
Cc: Greenwood, Andrew <AGreenwood@cityofberkeley.info>; Reece, David K. <DReece@cityofberkeley.info>
Subject: Commendation

On Thursday, 2/8/18, a very complimentary voicemail was left on a BPD phone number. The caller did not leave her name or phone number. We received this voicemail on the same day we had a large encampment cleanup operation at Old City Hall that included nearly 30 police officers and numerous city departments.

Below is my transcription of the voicemail of a women who called "looking for a way to commend BPD".

"I don't have a specific officer to commend other than Officer Frankel who I feel is an excellent voice for the department but I am a Berkeley native and longtime resident and just wanted to tell the police department that your work is appreciated and I know your job is very difficult and those of us who live in Berkeley really appreciate what you do and the effort you make to keep our city great. Thanks so much. Bye."

Can you please have P&T process this as a commendation for Sergeant Andrew Frankel?

Thanks, Kevin

Lieutenant Kevin Schofield
Berkeley Police Department
Community Services Bureau
2100 Martin Luther King Jr. Way
Berkeley, CA 94704
510-981-5808

ALBANY CALIFORNIA

CITY OF ALBANY



POLICE DEPARTMENT
1000 SAN PABLO AVENUE
ALBANY, CA 94706
510 525-7300
510 525-1360 FAX

MICHAEL McQUISTON
CHIEF OF POLICE

www.AlbanyCA.org/police

February 16, 2018

Chief Andrew Greenwood
Berkeley Police Department
2100 Martin Luther King Jr. Way
Berkeley, CA 94704

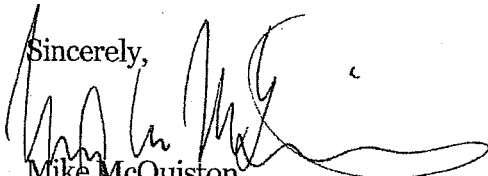
Dear Chief ~~Greenwood~~ ^{ANDY}:

I am writing to express my appreciation for the assistance of Captain Ed Spiller, who participated as an assessor on our Police Lieutenant Promotional Assessment Exercise and Interview Panel on Thursday February 15, 2018.

The Albany Police Department is preparing for an extraordinary amount of change in leadership and management during the next twelve months. The position of Lieutenant is critical to our organizational success and our need for competent assessors in the selection process was paramount.

As he has done in the past, Capt. Spiller graciously contributed his time, knowledge and expertise to assist us in identifying those candidates best suited for the position. He provided us with valuable insight into the unique qualifications of each candidate and was an invaluable asset to the process. Because of the assistance provide to us by Capt. Spiller, I am now able to promote department leaders who will competently serve our organization and community while advancing our department's mission and core values.

I realize Capt. Spiller's schedule is likely very busy and I sincerely appreciate the time and effort he put forth to help us. The Albany Police Department stands ready to assist your department in a similar fashion when called upon to do so.

Sincerely,

Mike McQuiston
Chief of Police

MM/cs

cc: Captain Ed Spiller

Gil, Sergio

From: Gil, Sergio
Sent: Tuesday, March 27, 2018 8:20 AM
To: Gil, Sergio
Subject: FW: Thank you-incident at UC housing with my disabled son

From: bhunt@cityofberkeley.info
Date: March 19, 2018 at 14:15:23 PDT
To: "bhunt@cityofberkeley.info" <bhunt@cityofberkeley.info>
Subject: Thank you-incident at UC housing with my disabled son

Officer Hunt,

I just wanted to thank you again for helping with my autistic son, Michael, and his aggressive roommate at UC housing. My father, my son and I were so thankful you helped out and calmed his roommate down, enabling us to move out of the housing peacefully.

My son, Michael, is in new housing and is happy-hopefully he'll never run into his old roommate.

The city of Coronado could always use great officers like you! Our community respects officers and are thankful for all you do.

All the best.
Sincerely,

Get [Outlook for iOS](#)

Gil, Sergio

From: Gil, Sergio
Sent: Tuesday, April 03, 2018 8:06 AM
To: Gil, Sergio
Subject: FW: Solano Ave Oaks Theater break-in

On Mar 22, 2018, at 21:52, Oliver

m> wrote:

Dear Officers Smith & Macapagal,

On the night of Sunday, March 11th, BPD sent a handful of officers over to the vacant theater space that I manage at 1875 Solano. I'd stopped by to check up on the place and found a group of people that had broken in, barricaded the only entrance and were trying to organize a party of sorts. BPD was incredibly helpful in clearing the property of all trespassers to make sure we could lock up safely. It's a large building with many nooks and crannies, limited vis due to minimal lighting, and we had no idea what we were up against.

When BPD finally left the scene, I was actually deep in the building checking on all of my exit doors so I never got the chance to thank everyone involved personally.

So.... to all of the officers and sarge — thank you!! Perhaps you can figure out who came to the scene and pass my gratitude along.

Kindly,
Oliver

Berkeley, CA 94709

Gil, Sergio

From: Gil, Sergio
Sent: Tuesday, April 03, 2018 9:14 AM
o: Gil, Sergio
Subject: FW: Solano Ave Oaks Theater break-in

On Mar 23, 2018, at 11:02 AM, Macapagal, Jesse <JMacapagal@cityofberkeley.info> wrote:

Hello Mr Johnson.

The following are the personnel involved

LT Okies
Sgt Marble
Sgt Bonaventure
Sgt Hong
Ofc Gasper
Ofc Ludovico
Ofc Walther
Ofc Turney
Ofc Kacalek
Ofc Emelson
Ofc Villarroel
Ofc Edwards
Ofc Tillberg
Ofc Grant
Ofc Belveal
Ofc Baker

I forwarded the email to their supervisor, Lt Okies.

Thank you for your commendation!
-jessee

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, April 19, 2018 2:44 PM
To: Gil, Sergio
Subject: FW: City Clerks Conference

From: Numainville, Mark L.
Sent: Wednesday, April 18, 2018 10:34 AM
To: Frankel, Andrew J. <AFrankel@cityofberkeley.info>
Subject: RE: City Clerks Conference

Andrew,

Thank you and the color guard for presenting the colors at the opening ceremony! You did a great job and repped Berkeley well!

Thank you!!!!

Mark Numainville
City Clerk
City of Berkeley

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, April 19, 2018 2:43 PM
To: Gil, Sergio
Subject: FW: Fleet Management

From: Durbin, Michael R.
Sent: Friday, October 27, 2017 4:38 PM
To: Turner, Melanie <MTurner@cityofberkeley.info>; Rolleri, Rico <RRoller@cityofberkeley.info>; Louis, Jennifer A. <JLouis@cityofberkeley.info>
Subject: Fwd: Fleet Management

What a great job and a big help. Everyone who gets into one of those cars really appreciates it; which is pretty much most of us. We used 22 cars!

Just wanted to share. You all have a good weekend.

Mike

Sent from my iPhone

Begin forwarded message:

From: "Durbin, Michael R." <MDurbin@cityofberkeley.info>
Date: October 27, 2017 at 4:34:48 PM PDT
→ To: "Gonzalez, Manuel" <mgonzalez@cityofberkeley.info>
Subject: Re: Fleet Management

Great job Manny! Thank you very much. Have a great weekend.

Mike
Sent from my iPhone

On Oct 27, 2017, at 2:58 PM, Gonzalez, Manuel <mgonzalez@cityofberkeley.info> wrote:

Hey Steve,

Based off the list of vehicles that you gave me that went to Sonoma County, I made two separate copies that I can work on. Essentially, each list has the same vehicles on it but one is dedicated for cleaning while the other is for replacing the filters.

The first list are vehicles that will need to be cleaned and washed from the inside out. I have already started working on that list today and been checking them off as I go (So far I got 6 cars done today). I was able to get most of the trash and debris from inside of them however they still have some miscellaneous items in the trunk. The waters and snacks that were in the trucks are being placed back in the emergency supply room as well. I am also checking the status of the fire extinguishers of each vehicle as I go. Vehicle 1712 was the only one that needed the fire extinguisher to be replaced so far.

The second list is for the vehicles that need to have their air/cabin filters replaced. That list is dedicated just for that. I am planning to work on that list once I finish cleaning them all first.

The fire extinguishers that were in the bike bunker room have been taken back to the corp-yard today as well.

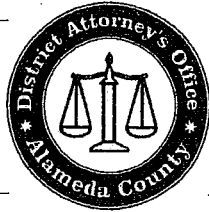
Let me know if I am forgetting something else that needs to be taken care of.

-Manny

<DOC102717.pdf>

<DOC102717-001.pdf>

Office of the District Attorney
Alameda County
Nancy E. O'Malley, District Attorney



Rene C. Davidson Courthouse
1225 Fallon Street, Suite 900
Oakland, CA 94612

Andrew Greenwood, Police Chief
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Dear Chief Andrew Greenwood,

I am writing to commend the performance of Berkeley Police Officer Jesse Grant for his investigation and testimony in the recent case of _____

_____. Officer Grant assisted in the investigation in the case, and testified at the recent jury trial.

This was not an easy case to investigate. On August 15, 2015 Berkeley Police Officers responded to multiple 911 calls reporting shots fired at San Pablo Park. When the Officers arrived and located the victims however, they would not provide any information on what had occurred or who was responsible. At least one of the victims is a prominent member of a Berkeley criminal gang. Officer Grant assisted the lead investigator, Officer Kyle White, in every step of the investigation. Multiple leads were pursued simultaneously, and innocent parties were quickly excluded. Ultimately Mr. Tousant was determined to be the number one suspect. Officer Grant assisted in interviewing Mr. Tousant, and that interview played a pivotal role in the trial. Officer Grant also located a shell casing in Mr. Tousant's car that ultimately linked him to the shooting at San Pablo Park. Officer Grant's dedication to the case was clear, and he went above and beyond the call to ensure that the justice was served. Thanks in large part to his performance the jury convicted Jamell Tousant of eleven felony charges, including the shooting at San Pablo Park.

I am confident that Officer Grant will continue to excel both personally and professionally as he continues to serve your Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Homer". The signature is written over a horizontal line.

Nick Homer
Deputy District Attorney
April 16, 2018

Gil, Sergio

From: Gil, Sergio
Sent: Tuesday, April 03, 2018 8:38 AM
To: Gil, Sergio
Subject: FW: Officer R. Jackson

From: ---
Sent: Thursday, March 29, 2018 10:17 AM
To: BPD Webmail <bpdwebmail@cityofberkeley.info>
Subject: Officer R. Jackson

On Mar 28, 2018, after not been in the bay area for 10 years (I live in Mendocino County), I drove down to visit friends, and woke the next day to find my old '84 Toyota pickup stolen. Officer R. Jackson responded, and not only was he respectful, but also helped me to quickly get my plate and driver's license numbers before going on to his next call. This is more than I have come to expect from law enforcement as of late, and I truly appreciate his help.

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, April 26, 2018 9:53 AM
To: Gil, Sergio
Subject: FW: Thank You Officer Belveal

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

From: _____
Sent: Tuesday, April 17, 2018 3:49 PM
To: BPD Webmail <bpdwebmail@cityofberkeley.info>
Subject: Thank You Officer Belveal

Officer Aron Belveal went out of his way to return my stolen wallet Sunday night and saved me from an awful mess cancelling credit cards, getting a new drivers license, Kaiser card, etc etc.

I noticed the wallet was gone while I was at the Oaks card club in Emeryville with my wife. We involved management, checked the lost and found, and searched the place thoroughly - no luck.

We drove home to Sausalito, and a couple of hours later at about 9 pm, we received a call from Officer Belveal while I was moping around kicking myself for being so careless. He reported that the wallet had been turned in to him in Berkeley with money missing but credit cards and drivers license apparently intact. He offered to meet with me at a safe spot near the police station to return the wallet and I gladly agreed. Thirty minutes later I was glad to have my wallet back and shake Officer Belveal's hand.

I can't tell you how much it meant to me to get the wallet back immediately rather than wait a couple of days to pry it lose from the police booking. I was still working on my tax returns due today and the emotional upset of not knowing if any credit cards were missing was badly affecting my concentration.

Officer Belveal didn't have to go out of his way to handle it this way and his professionalism and courtesy are very much appreciated. I hope the police in Sausalito treat Berkeley residents as well as your department treated me.

Sent from my iPad



BERKELEY POLICE DEPARTMENT MEMORANDUM



April 30th, 2018

To: Chief Greenwood
Via Captain Reece C-4 *DLR*
Via Lieutenant Lindenau L-10

From: Sergeant Bonaventure S-10

Re: Commendation for Officers Villarroel #11 and Turney

On 3-17-18, approximately 1902 hours, Officers Villarroel and Turney responded to [REDACTED] to conduct a welfare check on a 75 year old military veteran and prior police officer [REDACTED] who was having a manic episode. Officer Villarroel learned from the reporting party [REDACTED] (laughter) that [REDACTED] had been diagnosed bipolar and that he may be in possession of firearms. Officer Villarroel conducted a records check that revealed Macinnis was the registered owner of a revolver.

Recognizing that [REDACTED] was in a mental crisis and armed with firearms, Officer Villarroel had his fellow officers park a safe distance from the residence. Officer Villarroel made phone contact with Macinnis who eventually agreed to meet with officers outside of his residence.

Officer Villarroel, Officer Turney, and Mental Health (MH) conducted an extensive interview with [REDACTED] who admitted to overmedicating (prescription drugs/alcohol) to mask his suicidal thoughts that he had on a daily basis.

MH concluded that [REDACTED] did not fit the criteria for 5150 WI, however, Officer Villarroel had additional knowledge of Macinnis' deteriorated mental state because of the conversation he had with [REDACTED] daughter.

Officer Villarroel took the lead of the interview and established a strong rapport with [REDACTED]. Officer Villarroel wanted to see [REDACTED] living conditions, so he asked [REDACTED] if he could accompany him to his apartment. [REDACTED] agreed, and Officer Villarroel was able to see that [REDACTED] was living in unsafe conditions that included a bucket full of urine next to Macinnis' bed.

Officer Villarroel then expressed his interest in seeing [REDACTED] firearms. [REDACTED] agreed and his two guns were seized by Officer Villarroel.

Officer Villarroel placed _____ on a 5150 WI hold and drove to the hospital and ensured that doctors would admit him on the 5150 WI.

Attached to this commendation is an email from a neighbor who witnessed Officer Villarroel and Officer Turney interview _____. The neighbor was impressed with the "expertise" and "kindness" that Officer Villarroel and Turney displayed. An excerpt from the email stated, "We could not hear what was said, but could hear the calm, respectful, and patient voices. The officers obviously gained his trust and were finally rewarded with his cooperation."

I would like to commend Officer Villarroel and Turney for their excellent officer safety, persistence, investigation, and interviewing skills throughout this case.

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, May 03, 2018 8:25 AM
To: Gil, Sergio
Subject: FW: Feedback for Officer Cooper

From:
Sent: Wednesday, May 02, 2018 10:34 AM
To: BPD Webmail <bpdwebmail@cityofberkeley.info>
Subject: Feedback for Officer Cooper

Good morning,

I just wanted to reach out in regards to my encounter with Officer Cooper this morning. She was very respectful and kind when I asked her if she could spare my sister's car a parking ticket. Even though she had to write the citation, she explained why she had to in a patient and understanding manner. I walked away with heightened respect for Berkeley PD and happy to live in a town with such capable officials. Thanks for a job well done.

*Operations Manager | Metric Theory
Dodge College of Film & Media Arts | Chapman University
Eta Sigma Chapter | Kappa Kappa Gamma*

*Phone
Email*

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, May 03, 2018 2:19 PM
To: Gil, Sergio
Subject: FW: Mobile Crisis Team

From
Sent: Thursday, April 26, 2018 1:03 PM
To: BPD Webmail <bpdwebmail@cityofberkeley.info>
Subject: Mobile Crisis Team

To whom it may concern:

I want to commend Sgt. Ross and Officer Gardner, who with MH Specialist Jen, answered a call from Berkeley Adult School yesterday regarding one of our students who was in crisis. They took the time to gently and patiently de-escalate the situation and help the student calm down while respecting his autonomy. We are so grateful to know that we can confidently draw on your services when necessary.

Sincerely,

Student Advisor
Berkeley Adult School

Sent from Mail for Windows 10

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, May 03, 2018 8:24 AM
To: Gil, Sergio
Subject: FW: Sergeant McGee

From: Jasdeep Malhi [<mailto:jasdeepmalhi@berkeley.net>]
Sent: Tuesday, May 01, 2018 2:44 PM
To: Montgomery, Daniel R. <DMontgomery@cityofberkeley.info>
Subject: Sergeant McGee

Dear Lt. Montgomery,

I wanted to let you know how impressed I am with our SRO- Sergeant McGee. I work as the Lead Intervention Counselor out of OCI and coordinate the school wide meetings working with our struggling youth. The team wanted to give him a shout out for being such a collaborative worker and for demonstrating a skillset beyond your average officer.

Specifically, when working with students in crisis around mental health issues or concerns, Matt shows empathy, humility and a genuine desire to ensure the students' well being.

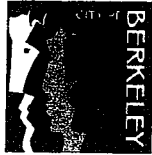
I personally have worked with him for years and appreciate how direct I can be and approach him with practical solutions. He is professional, kind and a good human being which is rare to find.

Just thought I would share it with you....

Sincerely,

Ms. Malhi

--
Ms. Jasdeep K. Malhi
Lead Intervention Counselor/Coordinator
510-644-8984
Pronouns: She, Her, Ms.



**Berkeley Police Department
Memorandum**



To Chief Andrew Greenwood, via Date 05-11-18
 chain of command, Operations
 Division *DIC*

From Lieutenant D. Lindenau #L-10, Operations Division *L-10*

Subject Commendation for Sergeant Grant #S-27

On 04-21-18, Officer Grant was working Patrol and observed a vehicle fail to stop at a stop sign and fail to yield to two pedestrians in the crosswalk at 4th Street and Addison Street. Officer Grant initiated a traffic stop and contacted the driver. [redacted] was upset about the traffic stop and expressed his disappointed with the Berkeley Police. Officer Grant cited [redacted] for 22450 VC and 21950 VC. Officer Grant had the two pedestrians e-mail him their account of the incident.

On 05-11-18, Officer Grant received a letter from [redacted]. In the lette [redacted] apologized to Officer Grant for his behavior towards him and writes how polite and professional he was during the encounter, (see attached letter).

I am forwarding this letter as a commendation for now Sergeant Grant.

[redacted signature area]

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, May 31, 2018 8:00 AM
To: Gil, Sergio
Subject: FW: Commendation Routing - Officer Cole

From:
Sent: Friday, May 04, 2018 8:32 AM
To: Cole, Stephanie <SCole@cityofberkeley.info>
Subject: Many Thanks For Your Instruction Following Accident

Dear Officer Cole,

Back in February, you met with my pregnant wife, _____, and myself. You walked us through the proper installation of our infant car seat in our Honda Pilot. This past weekend, we were rear-ended on I-880 North, in a multi-car crash. While _____ and I had our bells rung (thankfully no serious injuries), _____ (7 weeks old at the time) was just startled awake. In fact, he seemed mesmerized by the paramedics, firefighters, and CHP officers and only began to cry when he realized he was hungry, which was about a half hour after the collision.

Thank you for taking the time to not only check our car seat installation, but for also sharing your knowledge on the importance of car seat position, securing clutter in the vehicle (that could become projectiles), and restraining our little guy in his seat correctly. We have implemented all of these every time we travel. Truly, being in an accident with our infant son was one of the most terrifying experiences we have endured in our lifetimes (as a point of reference, we are both veterans that served in the middle east).

We are incredibly grateful for the time that you spent with us and though we know you were doing your job, we would like to pass along our appreciation to your supervisor (if applicable) to let them know how grateful we are for the services you provided, because they made a difference.

With gratitude,

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, May 31, 2018 8:01 AM
To: Gil, Sergio
Subject: FW: West Street and University

From: "Slimick, Breanne" <BSlimick@cityofberkeley.info>
Date: May 24, 2018 at 12:59:23 PM PDT
To: "Pock, Garrett" <GPock@cityofberkeley.info>
Subject: West Street and University

Officer Pock,

I'm not sure if you remember me but we met at a community at the mini park near the homeless encampment on West Street pathway. I have been in touch with some of the neighbors at West Street and University and have heard so many wonderful things about your work in the neighborhood. Everyone has raved about your hard work, commitment, and ongoing support. Thank you so much for everything you've been doing out there!!

Breanne Slimick
Associate Management Analyst
City Manager's Office
Neighborhood Services
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
Office: (510) 981-7018
Cell Phone: (510) 570-6001
BSlimick@cityofberkeley.info

Gil, Sergio

From: Gil, Sergio
Sent: Thursday, May 31, 2018 8:00 AM
To: Gil, Sergio
Subject: FW: Sgt. J. Tate

From:
Sent: Wednesday, May 30, 2018 8:13 PM
To: Rolleri, Rico <RRoller@cityofberkeley.info>
Subject: RE: Sgt. J. Tate

Dear Captain Rolleri,

Re: 1

I am compelled to write to you to express my deep gratitude and appreciation of Sgt. Jennifer Tate. Sgt. Tate was on duty on April 21, 2018 doing what she probably always does.... Serving the people of Berkeley in a wide variety of ways, always giving her best and never knowing what the next call might be

Sgt. Tate had one of the most sensitive and difficult situations to deal with. Notifying me that our dear 85 year old (very independent) mother had passed away in her car on San Pablo Ave. We still can't believe she is gone.

Sgt. Tate was just unbelievable in every way. She stayed there on site, never wavering from her commitment to me that she would be there with my mom until I arrived.

I can't even imagine what it was like for her to have to deal with something like this and then stay with a family at the site for 5 hours!

This was a forever life changing experience for me and my family. Sgt. Tate is to be commended for her thorough, calm, empathetic and over the top care she provided us on that sad Saturday in April.

Restaurant in Richmond'
It was a beautiful day
and she would have loved
it. We scattered her ashes
out by Angel Island on
Saturday. We all felt
her with us both days.

My friend Isabel, (who you
met the day on 4-21) and I
still talk about you and how
amazing and wonderful you
were to us at such a difficult
time. Thank you.

We were so fortunate to
have you there that day. We
will never forget all you did.

Our Best ... 's family.

2/11

Dear Sergeant 'late,

And the heart never forgets.

Words can not express our
deep gratitude and appreciation
for all of your wonderful
care and time with us
the day our mother passed
away. It is still a shock
and we are sad. We held
a beautiful celebration of
her life yesterday at 'Salute'

Gil, Sergio

From: Gil, Sergio
Sent: Friday, June 08, 2018 7:59 AM
To: Gil, Sergio
Subject: FW: Thank You!

From: White, Barbara Ann
Sent: Monday, June 04, 2018 12:27 PM
To: Quezada-Garcia, Daniel <dquezada-garcia@cityofberkeley.info>
Cc: Turner, Melanie <MTurner@cityofberkeley.info>
Subject: Thank You!

Hi Officer Quezada-Garcia,

Thank you for presenting at the Latino conference, Cultural Values, Unity and Respect: Creating Safe Spaces; we received positive comments about your presentation.

Thanks,
Barbara

Barbara Ann White, MA
Training and Diversity & Multicultural Coordinator
City of Berkeley Mental Health
3282 Adeline Street
Berkeley, CA 94703
510-981-7646 (Office)
510-833-0843 (Cell)
bawhite@cityofberkeley.info

Please be aware that e-mail communication can be intercepted in transmission or misdirected. The information contained in this message may be privileged and confidential. If you are NOT the intended recipient, please notify the sender immediately with a copy to HIPAAPrivacy@cityofberkeley.info and destroy this message immediately.

Gil, Sergio

From: Gil, Sergio
Sent: Friday, June 08, 2018 7:58 AM
To: Gil, Sergio
Subject: FW: Deepest Thanks to BPD and Office of Emergency Services
Attachments: Thank You From CERT 5-28-18.pdf; ATT00001.htm

From: Bill Swartz <hmacert@gmail.com>
Date: May 30, 2018 at 12:06:52 PM PDT
To: <police@ci.berkeley.ca.us>, <fire@cityofberkeley.com>
Cc: "Fomby II, Spencer" <SFomby@cityofberkeley.info>, "Rodrigues, Veronica" <VRodrigues@cityofberkeley.info>, "Frankel, Andrew J." <afrankel@cityofberkeley.info>, Khin Chin <KChin@ci.berkeley.ca.us>, "Shawn Connors" <pelecon@aol.com>, Bill Springer <wcspringer@comcast.net>, "Dovzak, Carrie" <cddovzak@yahoo.com>
Subject: Deepest Thanks to BPD and Office of Emergency Services

Dear Chief Greenwood:

As detailed in the attached letter, Berkeley CERT would like to extend its deepest and most sincere thanks to your entire department, and most especially Sergeants Fomby, Rodrigues and Frankel, and Khin Chin from the Department of Emergency Services. We are incredibly grateful for the generosity they've shown with their time, deep knowledge, and their unending dedication to keeping our community safe.

Please note: Hard copies of the attachment have been sent by postal mail to you and chief David Brannigan.

For Berkeley CERT

Shawn Connors
Lead Civilian CERT Instructor
pelecon@aol.com

Bill Springer
City of Berkeley CERT instructor and CERT Program volunteer.
wcspringer@comcast.net

Carrie Dovzak
City of Berkeley CERT instructor and Fire District 1 CERT District Coordinator
cddovzak@yahoo.com

Bill Swartz
Halcyon Neighborhood CERT Coordinator



28 May 2018

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

Dear Chief Greenwood:

As representatives of the Community Emergency Response Team in Berkeley and private citizens, we would like to extend our deepest and most heartfelt appreciation to the Berkeley Police Department.

We would particularly like to thank Sergeant Spencer Fomby, Sergeant Veronica Rodrigues and Sergeant Andrew Frankel.

As CERT members we have access to training in dealing with natural disasters and accidents. But no part of the CERT curriculum deals with the all too present danger of an active shooter incident. We wanted to do something about that, and didn't know how to start. But a quick check of Next Door showed a Coffee With A Cop event coming up. That immediately led to a conversation with Sgt. Rodrigues, which led to a meeting with Sergeants Fomby, Rodrigues and Frankel.

That last meeting led to an incredible pilot class, taught first in the classroom and then as a practical/lab: *Surviving A Mass Casualty Incident and Helping The Wounded*, led by Sergeant Fomby with a Stop The Bleed section taught by CERT instructors. Nearly forty students participated and the class was so well received that even after spontaneously extending the classroom portion by thirty minutes and getting some to leave was a challenge. Pictures and a brief write-up can be found on the Halcyon CERT blog at hnacert.wordpress.com.

The practical second class, also expertly led by Sergeant Fomby, was a tremendous learning experience for everyone present. It was covered in detail by a film crew from Berkeleyside, which seems intent on using the class as a first story in a new, expanded video section. Pictures and a write-up will also go up on the Halcyon CERT Blog in the next few weeks.

RECEIVED
JUN 01 2018
OFFICE OF THE CHIEF

Every participant in these classes left them better prepared to deal with a mass casualty incident. They also left them with a newfound appreciation of, and gratitude for, the width and depth of the Berkeley Police Department's openness, commitment to keeping the community safe, the high caliber of its officers and the depth of their training.

We would also very much like to thank Khin Chin, CERT Program Manager, for his unending, logistical support, planning and coordination, not to mention encouragement.

With Most Sincere Thanks

Shawn Connors
Lead Civilian CERT Instructor
pelecon@aol.com

Bill Springer
City of Berkeley CERT instructor and CERT Program volunteer.
wcspringer@comcast.net

Carrie Dovzak
City of Berkeley CERT instructor and Fire District 1 CERT District Coordinator
cddovzak@yahoo.com

Bill Swartz
Halcyon Neighborhood CERT Coordinator
HNACERT@Gmail.com

CC'd by email:

Sergeant Spencer Fomby
Sergeant Veronica Rodriguez
Sergeant Andrew Fenkel
Khin Chin, CERT Program Manager
Fire Chief David Brannigan

Greenwood, Andrew

Subject: Commendation for Ofc. Murray, Sgt. McGee, Sgt. Fomby and Lt. Okies

Please process the below as a commendation for Ofc. Murray, Sgt. McGee, Sgt. Fomby and Lt. Okies, for their work with BUSD on this training.

Andrew Greenwood
Chief of Police

From: Okies, Joe

Sent: Saturday, June 09, 2018 11:42 AM

To: Tammy Rose <tammyrose@berkeley.net>

Cc: Fomby II, Spencer <SFomby@cityofberkeley.info>; Frankel, Andrew J. <AFrankel@cityofberkeley.info>; Greenwood, Andrew <AGreenwood@cityofberkeley.info>; Jay Nitschke <jaynitschke@berkeley.net>; Kimberle Sanders <kimberlesanders@berkeley.net>; McGee, Matthew <MMcGee@cityofberkeley.info>; Murray, Ryan <RMurray@cityofberkeley.info>

Subject: Re: Thank you

Thank You Tammy,

Your staff was engaged and asked some great questions throughout the training session. Spencer, Ryan, Matt and I were happy to support this and look forward to working with you in the future.

Regards,

Joe

On Jun 9, 2018, at 10:44, Tammy Rose <tammyrose@berkeley.net> wrote:

Hello Team,

Thank you for facilitating the ALICE discussion and hands-on practice with our staff.

We appreciate your commitment, collaboration, and service to our staff and school communities.

We look forward to continued work together as we plan for future trainings.

Again, thank you for a well delivered training.

**In partnership,
BUSD Team**

On Sat, May 26, 2018 at 8:27 AM, Jay Nitschke <jaynitschke@berkeley.net> wrote:

The morning session is up to 56.

I expect it to be about 60 in the end.

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Wednesday, June 20, 2018 7:24 AM
To: Gonzalez, Manuel
Subject: FW: Ben Wynn

From: Jung, Roselyn C.
Sent: Monday, June 18, 2018 9:57 AM
To: Grant, Jesse <JGrant@cityofberkeley.info>
Cc: Reece, Kevin A. <KReece@cityofberkeley.info>
Subject: Re: Ben Wynn

Thank you for the feedback Jesse, and glad Ben could be of assistance!!

Sent from my iPhone

On Jun 17, 2018, at 19:19, Grant, Jesse <JGrant@cityofberkeley.info> wrote:

Hi Lt and Rosie,

I just wanted to acknowledge Ben for his assistance last Thursday 6/14. A trial for an Antifa/Trump protest case was in full swing and very last minute the DDA trying the case decided he needed Ben to come in no notice and testify. This exigency was not of the DDA's making it was just one of those unavoidable trial things. I was able to get ahold of Ben at home and he came in before his shift. The court room atmosphere was, in my opinion out of control, and I warned Ben about this to prepare him. Ben was pre-tried by the DDA and handled himself with the utmost professionalism. In the end Ben was not needed. Considering Ben had no noticed, was told about the court room atmosphere and was even starting vacation the next day he was more than willing to do what was necessary to assist. He even had a great attitude about it! Please pass on my appreciation to Ben. I am very grateful for his assistance and I know the DDA was too.

Jesse

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Wednesday, June 20, 2018 7:23 AM
To: Gonzalez, Manuel
Subject: FW: Officer Haney Positive Feedback

From: Castle, Scott
Sent: Thursday, June 14, 2018 9:08 AM
To: Smith, Katherine <kas2@cityofberkeley.info>; Wilson, Brian D. <BWilson@cityofberkeley.info>
Subject: Officer Haney Positive Feedback

Sergeants-

I received a call this morning in the sergeant's office regarding Officer Haney. The caller, [REDACTED], wanted to make it clear how much she appreciated the level of service she received from Officer Haney. She was calling in reference to case [REDACTED] a civil stand-by for a child custody exchange. Ms. [REDACTED] said that Officer Haney took the time to listen to her and helped her get through a difficult incident. She said that in the past officers have been dismissive and this was not the case. She ended our conversation by saying how lucky she felt that Officer Haney was there to assist her and that she is an asset to our department.

Sergeant Scott Castle
Berkeley Police Department
2100 MLK Jr Way
Berkeley CA, 94704
510-981-5900

to BERKELEY POLICE STATION
from

to whom it may concern:

I want to express my deep appreciation to 2 police officers, Hugo Ordaz and James Seaton, who helped me to find my Fox Terrier dog Rex (it was missing on June 5, 2018 from University st. in Berkeley).

For me and my husband (we both are seniors) it was so much important to have our dog back, it made us happy! I sincerely impressed how quickly professionally and with so much kindness these both officers find our dog (Rex).

So many people in Berkeley who knew Rex was also very thankful to the officers. For their and my opinion officers Hugo Ordaz and James Seaton deserve recognition as excellent officers!

Thank you again!

Gil, Sergio

From: Gil, Sergio
Sent: Friday, June 08, 2018 8:48 AM
To: Gil, Sergio
Subject: FW: Appreciation of Sergeant Fomby

From: rbhenke@rti.org
Sent: Wednesday, June 06, 2018 2:31 PM
To: BPD Webmail <bpdwebmail@cityofberkeley.info>
Subject: Appreciation of Sergeant Fomby

I attended the state NAMI conference in Monterey last weekend and was delighted to attend Sergeant Fomby's presentation on de-escalating potentially dangerous situations involving people with mental illness in Berkeley. As a resident of Berkeley who also parents a young adult with a serious mental illness, I have been well aware for many years how lucky we are to live in a city where the police are so well trained in how best to respond to people in mental health crises. With very few exceptions, when I have needed to call the police to de-escalate a situation at home, Berkeley police officers have defused things with kindness and grace. Fortunately for our family, we have never needed the tactical capabilities that Sgt. Fomby described, but I am so very glad and proud to know that BPD has them.

I was extremely impressed with Sgt. Fomby's expertise and professionalism. I am particularly glad to know that he leads the team that manages these situations. I feel confident that when these situations arise in Berkeley, they will be managed as well as possible given his clear thinking, thoughtful approach, and dedication to learning and training.

Thanks to Sgt. Fomby and BPD for their service to Berkeley residents.

Robin R. Henke, Ph.D.
Senior Program Manager
Center for Postsecondary Education
Enhancing work and life opportunities for all by improving postsecondary education

Education and Workforce Development
RTI International
2150 Shattuck Avenue, Suite 800
Berkeley, CA 94704

www.rti.org



Andrew Greenwood, Police Chief
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Dear Chief Andrew Greenwood,

I am writing to commend the performance of Berkeley Police Officer Garrett Pock for his investigation in the recent sexual assault case of People v. [redacted]. Officer Pock was one of the patrol officers who responded that night, and he played a crucial role in the investigation.

On May 14, 2017 at approximately 4am Jane Doe called 911 to report that she had been raped in an apartment building on Oxford Street, near the UC Berkeley campus. Officers responded and took a brief description of the suspect. Jane Doe did not know his name. Officers were able to locate and detain [redacted] who matched the description. Officer Pock interviewed a witness, [redacted], who had been trying to sleep in the bedroom of the apartment where the assault took place. Ms. [redacted] was acquaintances with [redacted], but did not know him well. Shortly after the assault, Mr. Harry began communicating with Ms. [redacted] through the Facebook Messenger application on his cell phone. During Officer Pock's interview of Ms. [redacted], he learned about these messages. Officer Pock made the crucial decision to obtain a copy of the conversation between Ms. [redacted] and [redacted]. This evidence proved to be absolutely critical at trial. In the conversation, [redacted] described the victim as "drunk" and described her passing out mid-sex. Because of Officer Pock's excellent work, as well as the work of the other Berkeley Police Officers who responded that day, a jury recently convicted [redacted] of five felony counts of sexual assault on an intoxicated victim.

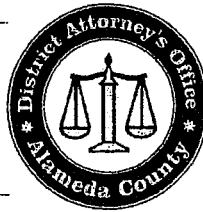
I am confident that Officer Pock will continue to excel both personally and professionally as he continues to serve your Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Homer". The signature is fluid and cursive.

Nick Homer
Deputy District Attorney
June 8, 2018

RECEIVED
JUN 13 2018
OFFICE OF THE CHIEF



Andrew Greenwood, Police Chief
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Dear Chief Andrew Greenwood,

I am writing to commend the performance of Berkeley Police Officer Heather Haney for her investigation in the recent sexual assault case of People v. [REDACTED]. Officer Haney was the primary officer during the investigation on the night of the crime.

On May 14, 2017 at approximately 4am Jane Doe called 911 to report that she had been raped in an apartment building on Oxford Street, near the UC Berkeley campus. Officers responded and took a brief description of the suspect. Jane Doe did not know his name. Officers were able to locate and detain Donald Harry, who matched the description. Officer Haney took responsibility for working with Jane Doe throughout the evening, taking an excellent statement from her and remaining with her through the S.A.R.T. examination at Highland Hospital. Throughout the investigation, Officer Haney maintained a professional but compassionate demeanor, gathering evidence while treating Jane Doe with respect and dignity. This was critical to the case, because Jane Doe was very intoxicated at the time of the assault and her memory was not precise. Officer Haney was able to gather enough information to preserve Jane Doe's best recollection while it was fresh, but made her comfortable enough to be honest about how much alcohol she had consumed. Officer Haney showed poise, professionalism, and compassion for what Jane Doe had experienced, which solidified the case and left the victim feeling comforted and protected. Because of Officer Haney's excellent work, as well as the work of the other Berkeley Police Officers who responded that day, a jury recently convicted I [REDACTED] of five felony counts of sexual assault on an intoxicated victim.

I am confident that Officer Haney will continue to excel both personally and professionally as she continues to serve your Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Homer". The signature is fluid and cursive, written over a horizontal line.

Nick Homer
Deputy District Attorney
June 8, 2018

RECEIVED

JUN 13 2018

OFFICE OF THE CHIEF

Gonzalez, Manuel

From: Gonzalez, Manuel
Sent: Wednesday, May 16, 2018 2:16 PM
To: Gonzalez, Manuel
Subject: FW: Harrison st camp

From:
Date: May 15, 2018 at 11:26:16 AM PDT
To: "Steffen, Erin" <ESteffen@cityofberkeley.info>
Subject: Re: Harrison st camp

Dear Erin

Apologies for this delayed reply.

I want to thank you for your part in dealing with the homeless camp at Harrison Street. I join with all my fellow tenants and owners in being grateful the City of Berkeley finally took positive action.

It took time and great deal of persistence on our part. And we will continue this until a permanent solution is found. This was no ordinary homeless camp. It was a group closer to bandits and desperados. We will fight to make sure it does not recur.

Thanks also go to Breanne Slimick and Officer Scott. They help has been invaluable.

Sincerely

Author of Swearing in English and The Long Arm of Lunacy
amazon.com/author/jmercer

Lee, Katherine

From: NACOLE Director of Training & Education <mcellhiney@nacole.org>
Sent: Wednesday, January 30, 2019 8:56 AM
To: Lee, Katherine
Subject: Save the Date for the Regional Meeting in the Bay Area



SAVE THE DATE!

2019 NACOLE Regional Training & Networking Series

May 3, 2019

Kaiser Center

300 Lakeside Drive | Oakland, California

In partnership with the BART Office of the Independent Police Auditor and the City of Berkeley, NACOLE is excited to announce that it will be holding one of the 2019 Regional Training and Networking events in the Bay Area. We hope that you will be able to join us in Oakland, California on May 3, 2019 at the Kaiser Center. ***Registration and additional training information will be***

available shortly. Please watch your inbox for additional details to be sent in the near future.

This event is geared toward a variety of audiences, including but not limited to community members, oversight practitioners, justice system stakeholders, and academics. It will seek to address many issues important to those who support, are interested in, or work in the field of civilian oversight of law enforcement. In particular, this training opportunity will take on topics such as civilian oversight of county jails, California's new transparency laws, and information on the strengths and limitations of the different models of civilian oversight of law enforcement.

Please note that this event is open to all those wishing to attend. The registration fee for this event is \$75 and includes training, continental breakfast, and lunch. We anticipate offering Continuing Legal Education (CLE) credits, pending approval, for an additional \$25 fee. ***Please note that no one will be turned away from this event for lack of funds. Registration fees will be waived or a donation accepted for those who find that paying the full registration fee would prohibit their ability to attend and who are not seeking CLE credits.***



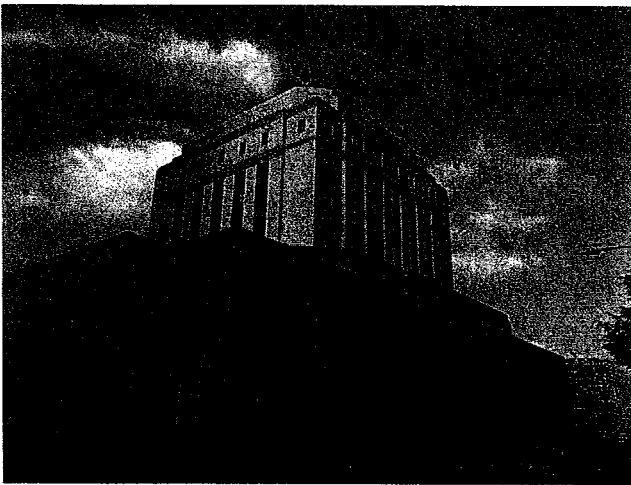
Berkeleyside

CITY

Update: Berkeley says police records bill applies to all existing records after Berkeleyside, ACLU lawsuit

93

By Emilie Raguso, Jan. 30, 2019, 4:55 p.m.



Rene C. Davidson Courthouse, where the lawsuit was filed Wednesday (file photo). Photo: Emilie Raguso

Update, Jan. 31, 7 p.m. The Berkeley City Council met in closed session Thursday evening and told staff that SB 1421 should apply “to existing records pre-dating Jan. 1, 2019.” The vote was unanimous, according to Mayor Jesse Arreguín. He informed the public of the vote at the beginning of Thursday’s special council meeting to consider a zoning board appeal.

Original story, Jan. 30: Berkeleyside and the ACLU of Northern California sued the city of Berkeley on Wednesday in Alameda County Superior Court over the city’s refusal to release police records that many argue are now disclosable under a new police transparency law authored by Sen. Nancy Skinner.

The law, SB 1421, allows for the release of police records related to misconduct and significant use of force, such as police shootings, that were not historically public in California because they were deemed private personnel records. After the law went into effect Jan. 1, 2019, many police unions around the state took the position that records created prior to 2019 are still confidential.

A number of lawsuits have already been filed this year on both sides of the new transparency law. Media organizations, First Amendment experts and legislators, including Skinner, say the law applies to all existing records and cities should release them. Meanwhile, the law firm Rains Lucia Stern St. Phalle & Silver, representing police unions around the state, says the law should only apply to incidents from 2019 going forward. It sought restraining orders to stop the release of earlier records and has been granted a number of temporary orders while judges consider the issue.

Many California law enforcement agencies have declined to release records, while some have been more forthcoming, according to data compiled recently by KTVU. Burlingame PD, for example, shared the name of an officer who was fired after he offered to help a woman with a DUI charge if she agreed to have sex with him, according to media reports. Emeryville PD said it fired an

officer for lying and released the names of officers involved in high-profile shootings.

Earlier this month, in response to a Public Records Act request from Berkeleyside, the city of Berkeley said it did not have to release pre-2019 records regarding the use of force resulting in great bodily injury or death. The city said it did not have to release pre-2019 misconduct records related to dishonesty or sexual assault either. But it went on to say it had searched five years of those misconduct records and found nothing.

The week after the city's first response, it revised its position and said it was "evaluating the applicability" of SB 1421 to pre-2019 records. The city said it would make a new determination by Feb. 11 about disclosable records. It gave no explanation for the new deadline and provided no additional records.



Michael Risher (courtesy)

In the Jan. 30 lawsuit, Michael T. Risher and attorneys from the American Civil Liberties Union of Northern California (ACLU-NC) have said Berkeley should release all the requested records it has "regardless of

when they were created." The city should "withhold only those portions that the current law protects from disclosure."

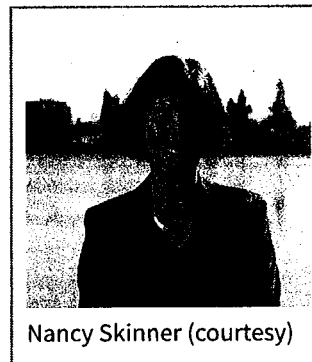
They argue that the city violated the Public Records Act because any records held should be shared, and also because it limited its misconduct-related search to five years when Berkeleyside had asked for records over a broader period.

"The new law states that the records that Berkeleyside requested 'shall be made available for public inspection,' 'notwithstanding any other law,'" said Berkeley-based Risher, a longtime ACLU-NC senior staff attorney who is now in private practice. "There is nothing in the law that

even suggests that the government can refuse to make records public just because they were created last year."

The attorneys wrote, too, that the Feb. 11 timeframe does not comply with the Public Records Act (PRA), which requires a response "within 10, or at most 24, calendar days after receiving a request."

"They also ask the Court to declare that the City violated the PRA by failing to conduct searches based on the time frame set forth in the requests, by unilaterally giving itself until February 11 to decide whether to comply with Berkeleyside's January 2 request, and by failing to provide the ACLU-NC with any compliance date," according to court papers. "If necessary, the Court should enjoin the City from committing similar violations in the future."



Nancy Skinner (courtesy)

Skinner (D-Berkeley) told Berkeleyside that the city's refusal to release the records struck her as "pretty outrageous." She suggested that City Council members might need to get involved to urge staff to rethink the policy.

"Here we have a community that has been one of the first in the entire United States to have very robust citizen review of police practices through ordinances that established Berkeley's Police Review Commission in the early 70s," she said. "I would hope that the court of public opinion — the community of Berkeley — that has been one of the boldest when it comes to real transparency and citizen accountability for its law enforcement would hold its other city officials accountable similarly."

Skinner described the police union position against so-called "retroactivity" as a "very clever tactic" and a "smokescreen" that no one brought up during her many discussions with law

enforcement groups during the creation of the bill.

“If a record exists, and under the law it is disclosable, then it is disclosable,” she said. “We didn’t need to discuss that [the timing] because we were amending the Public Records Act.”

A number of SB 1421 cases are already underway in Southern California and Contra Costa County. Law firm Rains Lucia Stern (RLS) secured temporary restraining orders last week against Richmond, Antioch, Concord, Martinez and Walnut Creek and the county of Contra Costa to ensure that pre-2019 records are, at least for now, withheld.

“RLS has asserted in all of the cases that SB 1421 is not retroactive and should only apply to incidents that occur on or after January 1, 2019,” according to a statement released last week. “The petitions filed on behalf of our clients seek to protect the confidentiality of their personnel files that existed before the enactment of the statute.”

In late December, RLS had asked the state Supreme Court to say the law would apply only to records from 2019 forward. But “the Supreme Court denied the petition and a related request to issue a stay, which could have stopped the release

of records made public by the new law throughout the state,” KQED reported. First Amendment advocates called it a substantial win.

Berkeley’s case was somewhat different from a number of other jurisdictions, First Amendment experts have noted, because the city itself declined to release its records — rather than taking a more transparent approach and being stopped by police union legal action.

“The law was intended to make existing records available to the public,” said Kathleen Guneratne, senior staff attorney at the ACLU of Northern California. “The city of Berkeley’s refusal to release records that predate January 1, 2019, undermines transparency and the public’s ability to hold law enforcement accountable for misconduct in the communities that they should be protecting.”

Become a member

Berkeleyside relies on reader support so we can remain free to read for everyone in Berkeley. Become a member and be part of the future of independent, local journalism.

BECOME A MEMBER TODAY ➔

© Berkeleyside. All Rights Reserved.

<https://witnessla.com/the-expanding-legal-battle-over-cas-new-police-transparency-law/>

The Expanding Legal Battle Over CA's New Police Transparency Law

January 30, 2019

by Taylor Walker

Add Comment

On January 1, a new state law, SB 1421, returned to the public long-withheld access to law enforcement personnel records.

Supported by the fresh police transparency law, media groups and civil rights organizations wasted little time submitting public records act requests in the new year, hoping to gain access to information on police misconduct, use-of-force incidents, and other newly available records.

Hoping to shield their officers, law enforcement unions in Los Angeles and across the state have taken the issue to the courts, however, filing petition after petition to (at least temporarily) block the release of records dated before January 1, 2019. Their efforts have been rewarded.

Attempts by the ACLU, the LA Times, the Sacramento Bee, Reason, and many others to obtain records ranging from the fatal police shootings of Oscar Grant and Stephon Clark, to LA County Sheriff Alex Villanueva's reinstatement of Caren Carl Mandoyan—and even Villanueva's own discipline history—have been blocked.

Changes Under SB 1421

The new law at the center of all these legal battles, SB 1421, returns to the public the right to know when police officers misbehave on the job, and when they use force in the line of duty.

Four decades ago, in 1978, California barred public access to this information, making it the most secretive state in the country when it came to law enforcement records. Prosecutors in CA have not even had the authority to access the records of officers found to have committed misconduct under the color of authority, including those with a history of planting evidence or lying in police reports.

As of Jan. 1, SB 1421 requires law enforcement agencies statewide to release records of incidents in which officers use force—specifically, when cops discharge their firearms or Tasers, use a weapon to strike a person's head or neck, or use force that results in serious bodily harm or death.

The legislation also makes records of on-duty sexual assault, including when cops exchange sex for leniency, available to the public.

SB 1421 also opens up access personnel records of officers who are found to have been dishonest in the “reporting, investigation, or prosecution of a crime.”

But the roll-out of the new law has been piecemeal, as law enforcement unions fight to keep personnel data out of the hands of the media and the public.

The Battle

On January 2, the California Supreme Court denied a San Bernardino Sheriff's Department union's last-ditch efforts to drastically shrink the scope of SB 1421 to only apply to records created after Jan. 1, 2019.

But the legal battle is far from over.

In a series of petitions filed across the state, unions and law enforcement officials have argued that SB 1421 does not include any definitive language regarding retroactivity, and applying the bill to pre-2019 documents would be severely harmful to officers, and a massive strain on department resources. Sen. Nancy Skinner, the bill's author has said that the bill was intended to be retroactive—applying to all eligible records possessed by police agencies, which is why law enforcement groups lobbied so hard to stop its passage. (State law requires law enforcement agencies to retain misconduct and use-of-force records for five years, but many agencies keep records beyond the five-year mark.)

Agencies including the Los Angeles County Sheriff's Department, the Los Angeles Police Department, the Orange County Sheriff's Department, the Riverside Sheriff's Department, and the San Bernardino County Sheriff's Department have all legally avoided, at least temporarily, releasing records of conduct and incidents occurring earlier than 2019.

Last week, on Jan. 24, the LA County Superior Court temporarily blocked the department from applying SB 1421 retroactively.

More than three weeks before, on Jan. 2, *Reason* decided to “take SB 1421 for a spin,” and requested any discipline records available for LA County's new sheriff, Alex Villanueva. During his campaign, Villanueva reported that he had been unfairly disciplined in the past, in retaliation for challenging alleged discrimination against Latino deputies within the department.

“We didn't necessarily think Villanueva had done anything wrong,” wrote Scott Shackford, an associate editor at *Reason*. “He may well have been targeted for political reasons, as he claimed. But because we don't have access to those records, all we're left with is Villanueva's account of his work history.”

Under the state's public records laws, the LASD had 10 days to respond to *Reason*. On the ninth day, Jan. 11, the department sent the publication a 14-day extension request, explaining that records had to be collected from “field facilities or other establishments.”

It appears the delay was a ploy.

Five days later, on Jan. 16, the Association for Los Angeles Deputy Sheriffs (ALADS) filed a petition to temporarily block SB 1421's retroactivity.

On Jan. 22, having waited, like *Reason*, for several weeks, the *LA Times* and Southern California Public Radio (KPPC) filed a lawsuit accusing the LASD of failing to turn over records in a timely fashion. The *LA Times* sought information related to Villanueva's controversial reinstatement of Caren Carl Mandoyan, a deputy accused of domestic abuse and stalking. KPPC wanted records related to Deputy Gonzalo Inzunza, the subject of the podcast, “Repeat,” who fired at four people within seven months.

On January 24, just before *Reason*'s extension expired, and two days after the *LA Times*/KPPC lawsuit, the courts approved ALADS' temporary stay, which, like the other orders, effectively blocked the release of pre-2019 records.

A hearing on this particular case is scheduled for Feb. 15.

Those seeking use-of-force or misconduct files for Los Angeles police officers were also left in the dark.

In December, the City of Los Angeles urged the court to deny the Los Angeles Police Protective League's request for its own temporary restraining order. "The most reasonable interpretation of SB 1421...would require the Department to disclose Specified Records created before 2019 that it maintains in its possession, pursuant to a valid [California Public Records Act] request," the city argued. "The Legislature appears to have intended SB 1421 to allow for disclosure of all Specified Records in an agency's possession, regardless of when they were created."

The LAPPL prevailed. On December 31, the LA County Superior Court granted the police union a temporary stay, blocking the LAPD from releasing records retroactively, pending a Feb. 5 hearing.

Orange County, like its neighbors, has been spared from turning over past files.

On January 17, an Orange County judge sided with the Association of OC Deputy Sheriffs, and issued an order limiting the scope of what documents the OC Sheriff's Department must release under SB 1421.

The Voice of OC, KPPC, and the LA Times appeared in court to fight for the right to access past police records.

Additionally, deputies' unions in Ventura and Riverside Counties have successfully staved off SB 1421.

The Fight in NorCal

In Northern California, news organizations are also battling on behalf of increased transparency, with mixed results.

Last Friday, the Sacramento Bee and the LA Times filed a lawsuit against the Sacramento Sheriff's Department over the agency's refusal to apply the new law retroactively.

In response to the newspapers' Public Records Act requests, the department said it would not release the records in question without "clear legal authority to release such records" had been established.

Like Sacramento, the San Jose Police Department has also reportedly chosen to hold off on answering requests for records as it "monitors" litigation that may protect the department from disclosure.

Contra Costa County and police departments within the county—in Antioch, Concord, Martinez, Richmond, and Walnut Creek—are safe from releasing pre-2019 docs.

A hearing for all of the Contra Costa agencies will be on Feb. 8.

In Berkeley, city officials sided with the local law enforcement union, refusing to turn over docs. Out of "good faith," Berkeley reported to the publication, *Berkeleyside*, that there were no sustained allegations of sexual assault or dishonesty within the last five years.

Not All Police Agencies

One tiny Solano County City, bucking the trend, has released personnel records under SB 1421. KQED, the San Jose Mercury News, and Capital Public Radio obtained records revealing that two since-fired officers made problematic arrests with trumped up

charges. One of the officers used a deadly chokehold, and failed to call for medical assistance.

The San Luis Obispo County Sheriff's Dept. and Santa Barbara Police Department have also reportedly released SB 1421 records.

In San Mateo County, KQED and the San Jose Mercury News reporters successfully collected information from the city of Burlingame, where a former officer was found to have exchanged leniency for sex. The Burlingame Police Department, however, reportedly charged KTVU more than \$3,000 to redact and prepare the records related to the single officer. In contrast, the nearby city of Fremont charged KTVU \$171.40 plus shipping to redact 1,174 pages detailing four officer-involved shootings.

The Shredders

Besides the legal fight, police agencies and cities are arming themselves against SB 1421 with shredders, eliminating personnel records created before January 1.

The Inglewood City Council voted to destroy more than 100 Inglewood PD shooting records and other internal investigation documents from 1991 to 2016.

The Long Beach Police Department, too, destroyed records. Both Inglewood and Long Beach said that their shredding was just part of regular housekeeping.

Next door, in Orange County, Santa Ana Police Chief David Valentin has sought permission from city councilmembers to destroy eight boxes of police records that would be subject to SB 1421 disclosure.

In response to SB 1421, the Santa Clara County city of Morgan Hill voted to retain officer-involved-shooting records for just two years, in cases where an officer was cleared of any wrongdoing. Other records subject to the five-year retention requirement will be destroyed after those five years.

It's likely that these are not the only cities and agencies moving to destroy personnel and administrative investigation records.

WitnessLA will have more in the coming days and weeks about the legal tug-of-war over police transparency in California, as this issue will not be going away soon.

Lee, Katherine

From: PRC (Police Review Commission)
Sent: Thursday, January 31, 2019 3:13 PM
To: Lee, Katherine
Subject: FW: Comply with SB 1421 now for police transparency

From: J. George Lippman [mailto:george@igc.org]
Sent: Thursday, January 31, 2019 2:56 PM
To: All Council <council@cityofberkeley.info>
Cc: Berkeleyside Editors <editors@berkeleyside.com>; PRC (Police Review Commission) <prcmailbox@cityofberkeley.info>; ELLIOT R HALPERN <e_halpern@sbcglobal.net>; Senator.Skinner@senate.ca.gov; Manager, C <CManager@cityofberkeley.info>
Subject: Comply with SB 1421 now for police transparency

Mayor Arreguin, Members, Berkeley City Council,

Please direct City staff to revise policy to provide full retroactivity in compliance with SB 1421, the Senator Nancy Skinner-authored law passed last year two to provide for public release of certain types of police records.

Michael Risher, the attorney for the [ACLU / Berkeleyside lawsuit](#), filed yesterday, is correct in stating that ““The new law states that the records that Berkeleyside requested ‘shall be made available for public inspection’ ‘notwithstanding any other law.’ There is nothing in the law that even suggests that the government can refuse to make records public just because they were created last year.”

Please resolve not to contest this litigation. The ACLU is clearly right and the City Attorney interpretation is clearly wrong. The perspective of Sen. Skinner, former member of your Council, is worth quoting at length:

*

Skinner (D-Berkeley) told Berkeleyside that the city’s refusal to release the records struck her as “pretty outrageous.” She suggested that City Council members might need to get involved to urge staff to rethink the policy.

“Here we have a community that has been one of the first in the entire United States to have very robust citizen review of police practices through ordinances that established Berkeley’s Police Review Commission in the early 70s,” she said. “I would hope that the court of public opinion — the community of Berkeley — that has been one of the boldest when it comes to real transparency and citizen accountability for its law enforcement would hold its other city officials accountable similarly.”

Skinner described the police union position against so-called “retroactivity” as a “very clever tactic” and a “smokescreen” that no one brought up during her many discussions with law enforcement groups during the creation of the bill.

“If a record exists, and under the law it is disclosable, then it is disclosable,” she said. “We didn’t need to discuss that [the timing] because we were amending the Public Records Act.”

*

Also note that per this KTVU report that jurisdictions including Burlingame, Emeryville, and Vallejo are cooperating with the law without regard for date of the creation of the record. In late December, the California Supreme Court denied a request to prevent retroactive requests. All Berkeley can do is to obstruct and delay an outcome that upholds the clear intent of the law, frustrating the ongoing desire of the public for greater transparency in public safety—or move to comply with the law at this time, setting a positive example for the rest of the state.

Thank you for your consideration.

George Lippman
geolippman.pjc@earthlink.net