



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, October 9, 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 September 18, 2019.

- 5. CHAIR'S REPORT**

NACOLE conference reports from Chair and Commissioner Mizell, other items.

- 6. PRC OFFICER'S REPORT**

NACOLE conference report, status of complaints, other items.

- 7. CHIEF OF POLICE'S REPORT**

Crime, budget, staffing, training updates, 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. Lexipol Policies Subcommittee – report of Oct. 9 meeting.
- b. Probation & Parole Questioning Subcommittee – report of Oct. 8 meeting.

- c. MOU Compendium Subcommittee
- d. Standard of Proof Subcommittee
- e. Use of Force Subcommittee

9. OLD BUSINESS (discussion & action)

- a. Review and approve the following Surveillance Use Policies and related reports and policies under Surveillance Technology Use & Community Safety Ordinance:

1301 – Global Positioning System (GPS) Tracking Devices (Use Policy) and 1301 Appendix A – (Acquisition Report), as revised following July 24, 2019 meeting.

10. NEW BUSINESS (discussion & action)

- a. Policy Complaint #2463: whether to accept policy complaint regarding enforcement of traffic laws against bicyclists who run stop signs and, if accepted, determine how to proceed.
- b. Proposed amendment to PRC Regulations regarding handling of informal complaints.
From: PRC Officer.
- c. Lexipol Policies for review and approval.
From: Lexipol Subcommittee

| Lexipol # | G.O. (if any) | Title |
|-----------|---------------|--------------------------------|
| 349 | F-06 | Tactical Rifle Operator |
| 410 | I-16 | Mental Illness Commitments |
| 411 | C-10 | Cite and Release Policy |
| 419 | F-03 | Field Training Officer Program |

(See separate packet.)

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.)

Closed Session

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

13. PRESENTATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2419

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

15. 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 OCTOBER 9, 2019

MINUTES

September 18, 2019 Regular Meeting Draft Minutes Page 7

AGENDA-RELATED

Item 9.a. – 10-3-19 email from the BPD Chief to the PRC Officer re 1301 GPS Tracking Device Policy, 1301a GPS Tracking Device Acquisition Report. Page 11

Item 9.a. – Policy 1301: Surveillance Use Policy – GPS Tracking Devices. Page 13

Item 9.a. – 1301 Appendix A Surveillance Acquisition Report. Page 15

Item 10.a. – Policy Complaint #2463. Page 19

Item 10.b. – 10-3-19 Memo from the PRC Officer to the PRC Commission re: Background on handling of informal complaints. Page 25

Item 10.b. – Proposed new PRC Regulation regarding Informal Complaints. Page 27

Item 10.b. – 2-15-17 Memo from the City Attorney to PRC Officer re: Disclosure of Informal Complaints to the Police Review Commission. Page 29

COMMUNICATIONS

9-24-19 East Bay Express Article: Can Berkeley Fix Its Police Oversight? Page 35

9-20-19 Berkeley News from the City Manager's Office: City Launches Daytime Mental Health Crisis Line. Page 37

9-16-19 Memo from the City Clerk to Commission Secretaries: Commission Recommendations to the City Council. Page 39

9-25-19 email from a citizen re: a letter from Blair Beekman. Wednesday Sept. 25, 2019. – a 2nd BAUASI public meeting. Page 41

9-27-19 email from a citizen re: a letter from Blair Beekman-2. Friday Sept. 27, 2019. – a 2nd BAUASI public meeting. Page 43



Police Review Commission (PRC)

DRAFT

**POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES**

Wednesday, September 18, 2019
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY VICE-CHAIR ALLAMBY AT 7:02 P.M.

Present: Commissioner George Perezvelez (Chair) (arrived 7:10 p.m.)
Commissioner Gwen Allamby (Vice-Chair)
Commissioner Michael Chang
Commissioner LaMonte Earnest
Commissioner Juliet Leftwich
Commissioner Nathan Mizell
Commissioner Mary Kay Lacey (temporary)

Absent: Commissioners Kitty Calavita, Elisa Mikiten, Ismail Ramsey

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Dave Lindenau, Sgt. Cesar Melero, Ofc. Daniel Morales (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Leftwich/Chang) Motion Carried

Ayes: Allamby, Chang, Earnest, Leftwich, Mizell, and Lacey.

Noes: None Abstain: None Absent: Calavita, Mikiten, Ramsey,
Perezvelez

3. PUBLIC COMMENT

There was 1 speaker.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of September 4, 2019.

Moved/Second (Leftwich/Mizell) Motion Carried

Ayes: Allamby, Chang, Earnest, Leftwich, and Mizell.

Noes: None Abstain: Lacey Absent: Calavita, Mikiten, Ramsey, Perezvelez

5. CHAIR'S REPORT

No report.

6. PRC OFFICER'S REPORT

PRC Officer reported:

-- Spoke to Ms. Williams, whose policy complaint was rejected last week. She was pleased with the information the Chief provided and with the new property manager, and not upset about the complaint closure.

-- The Council Public Safety Policy Subcommittee met on Sept. 16, and is recommending that the Council amend the Surveillance Ordinance essentially banning the acquisition and use of face recognition technology, with narrow exceptions. Expected to be placed on the Council's Oct. 15 agenda.

-- Comm. Mikiten had a family emergency so Comm. Mizell will attend the NACOLE Conference next week.

-- Next PRC meeting will be in 3 weeks, Oct. 9.

-- At the Oct. 23 PRC meeting, Sgt. Fomby and Lt. Okies will do a presentation on SRT (Special Response Team) training.

7. CHIEF OF POLICE'S REPORT

No report.

Lt. Lindenau answered questions from commissioners.

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. Lexipol Policies Subcommittee – possible next meeting in 3 weeks.
- b. Probation & Parole Questioning Subcommittee – next meeting Oct. 8, 11:00 a.m.
- c. MOU Compendium Subcommittee – waiting on Chief's answers.
- d. Standard of Proof Subcommittee -- awaiting outcome of meet-and-confer.
- e. Use of Force Subcommittee – awaiting revised policy from BPD.

9. OLD BUSINESS (discussion & action)

- a. Review and approve the following Surveillance Use Policies and related reports and policies under Surveillance Technology Use & Community Safety Ordinance.
 - i. 1301 – Global Positioning System (GPS) Tracking Devices (Use Policy) and Appendix A (Acquisition Report), as revised following July 24, 2019 meeting. *(Item postponed to the next meeting.)*
- b. Lexipol Policies for review and approval.

| Lexipol # | G.O. (if any) | Title |
|-----------|---------------|---|
| 301 | R-03 | Use of Force Review Board |
| 329 | A-49 | Major Incident Notification |
| 341 | V-08 | Volunteer Program |
| 342 | | Service Animals |
| 343 | | Gun Violence Restraining Orders |
| 344 | | Off-Duty Law Enforcement Actions |
| 347 | F-05 | Firearms and Tactics Unit |
| 351 | T&B 249 | Second Response |
| 407 | X-01 | Hostage and Barricade Incidents |
| 412 | | Foreign Diplomatic and Consular Representatives |

Motion to send back to the Lexipol Subcommittee policies 301, 343, 344, and 351 to address the questions raised, and to accept Lexipol policies 329, 341, 342, 347, 407, and 412.

Moved/Second (Allamby/Leftwich) Motion Carried

Ayes: Allamby, Chang, Earnest, Leftwich, Mizell, Perezvelez, and Lacey.

Noes: None **Abstain:** None **Absent:** Calavita, Mikiten, Ramsey

10. NEW BUSINESS (discussion & action)

- a. Draft 2018 PRC Annual Report for review and approval.

Motion to approve the 2018 PRC Annual Report with Insertion of the Chair's letter, as corrected, the map, and updated figures on p. 25 [of the packet] from BPD

Moved/Second (Allamby/Chang) Motion Carried

Ayes: Allamby, Chang, Earnest, Leftwich, Mizell, Perezvelez, and Lacey.

Noes: None **Abstain:** None **Absent:** Calavita, Mikiten, Ramsey

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Tomorrow night at 7:00 p.m. at the Sports Basement, the City Manager will be at forum sponsored by a local Democratic club.

12. PUBLIC COMMENT

No speakers.

13. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Allamby/Lacey) Motion Carried

Ayes: Allamby, Chang, Earnest, Leftwich, Mizell, Perezvelez, and Lacey.

Noes: None Abstain: None Absent: Calavita, Mikiten, Ramsey

The meeting was adjourned at 8:56 p.m.

Lee, Katherine

From: Greenwood, Andrew
Sent: Thursday, October 3, 2019 10:44 AM
To: Lee, Katherine
Subject: 1301 GPS Tracking Device Policy, 1301a GPS Tracking Device Acquisition Report
Attachments: 1301 GPS Tracker Surveillance Policy DRAFT20191003.pdf; 1301a GPS Acquisition Report DRAFT20191003.pdf

Ms. Lee,

Attached please find Policy 1301 and its appendix, 1301a, the policy and acquisition reports regarding GPS Tracking Devices.

I made substantial edits based on the Commission's input and questions. In addition, several edits made for clarity, and to provide consistent, sometimes identical language across both documents.

I look forward to reviewing these with the Commission next week.

Best regards,

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

Surveillance Use Policy - GPS Tracking Devices

1301.1 PURPOSE

Global Positioning System (GPS) tracking devices track the movements of vehicles, bicycles, cargo, machinery, other items, and/or individuals. GPS trackers electronically relay their precise location in real time, and thereby assist BPD in the recovery of evidence and arrest of suspects.

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Deleted: GPS trackers are utilized during active criminal investigations and shall be used pursuant to lawfully issued search warrant, court order or with consent.

1301.2 AUTHORIZED USE

GPS trackers shall only be used during active criminal investigations. GPS trackers shall only be used pursuant to a lawfully issued search warrant, or with consent of the owner of the object to which the GPS tracker is attached.

Deleted: pursuant to a valid search warrant; pursuant to court-ordered parole or probation conditions, if applicable:

GPS trackers shall only be utilized for law enforcement purposes.

1301.3 DATA COLLECTION

Location data may be obtained through the use of a GPS Tracker.

1301.4 DATA ACCESS

Access to GPS tracker data shall be limited to Berkeley Police Department (BPD) personnel utilizing the GPS Tracker(s) for active criminal investigations. Information may be shared in accordance with 1301.9 below.

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In support of active criminal investigations, BPD personnel may receive GPS tracker data from probation or parole agencies which utilize GPS trackers (e.g. ankle monitors) as a condition of probation or parole.

1301.5 DATA PROTECTION

The data from the GPS tracker is encrypted by the vendor. The data is only accessible through a secure website to BPD personnel who have been granted security access.

1301.6 CIVIL LIBERTIES AND RIGHTS PROTECTION:

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. Provisions of this policy, including 1301.4 Data Access, 1301.5 Data Protection, 1301.7 Data Retention, 1301.8 Public Access and 1301.9 Third Party Data Sharing serve to protect against any unauthorized use of GPS tracker data. These procedures ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.

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1301.7 DATA RETENTION

A GPS Tracker data record consists of date, time, latitude, longitude, map address, and tracker

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identification label. This data is stored indefinitely by the vendor. The data does not contain any images, names of subjects, vehicle information, etc.

Deleted: a is stored electronically by the host company for 90 days, and then it is purged.

Tracker data received from the vendor shall be kept in accordance with applicable laws, BPD policies that do not conflict with applicable law or court order, and/or as specified in a search warrant.

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1301.8 PUBLIC ACCESS

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law.

1301.9 THIRD-PARTY DATA-SHARING

Data collected from the GPS trackers may be shared with the following:

- (a) The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- (b) Other law enforcement personnel as part of an active criminal investigation;
- (c) Other third parties, pursuant to a Court Order.

1301.10 TRAINING

Training for the operation of the GPS trackers shall be provided by BPD personnel. All BPD personnel shall be provided with this Surveillance Use Policy.

1301.11 AUDITING AND OVERSIGHT

Division Captains or their designee shall ensure compliance with this Surveillance Use Policy.

1301.12 MAINTENANCE

GPS trackers shall only be obtained with the permission of the Investigations Division Captain or his/her designee. The Investigations Division Captain or his/her designee will ensure the trackers are returned when the mission/investigation is completed.

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GPS TRACKING DEVICES

A. DESCRIPTION

Global Positioning System (GPS) tracking devices track the movements of vehicles, bicycles, cargo, machinery, other items, and/or individuals.

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The Berkeley Police Department currently uses two types of GPS Tracking Devices to track the movements of vehicles, bicycles, or other kinds of property. The manufacturer, 3SI Security Systems, describes them as follows:

1. The "Slap-n-Track" (SNT) tracker tracks vehicles, cargo, and other large assets for long deployments. Offers extended battery life, rugged and weatherproof housing, and optional magnets.
2. The "Electronic Stake Out" (ESO) tracker offers Law Enforcement miniaturized and covertly packaged GPS Tracking Solutions to target property crimes, especially pattern crimes, in their local jurisdictions.

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B. PURPOSE

Global Positioning System (GPS) tracking devices provide precise, real-time location information during the conduct of active criminal investigations. GPS trackers are only used pursuant to a lawfully issued search warrant, or with consent of the owner of the object to which the GPS tracker is attached.

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C. LOCATION

GPS tracking devices shall be deployed in locations consistent with the authority granted by consent or a lawfully issued search warrant or court order.

D. IMPACT

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. GPS Trackers are used in place of expensive, resource-intensive surveillance operations which typically involve multiple officers, often over long periods of time. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. The procedures utilized with GPS trackers help to ensure no unauthorized use of of GPS tracker data occurs. BPD Policy 1301 Surveillance Use Policy – GPS Tracking Devices ensure the use of GPS trackers and the resulting data are not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.

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E. MITIGATION

Data from a GPS tracker is encrypted from the vendor. Data shall be maintained in a secure, non-public location, such as locations requiring security access or badge access, thereby safeguarding the public from any impacts identified in subsection (D).

F. DATA TYPES AND SOURCES

A GPS tracker data record consists of date, time, latitude, longitude, map address (derived by using latitude, longitude and Google maps), and tracker identification label. The data does not contain any images, names of subjects, vehicle information, etc.

G. DATA SECURITY

Data from a GPS tracker is encrypted by the vendor on secure servers. The data is only accessible through a secure website to BPD personnel who have been granted security access. Captains whose Divisions utilize GPS trackers are responsible for ensuring compliance with the procedures for utilizing GPS Trackers.

Deleted: Location data is obtained through the use of a GPS Tracker. Latitude and longitude data is captured and stored indefinitely 351 when both types of trackers are used. This data is only shared with the District Attorney's Office for prosecution purposes.

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Deleted: Data shall be maintained in a secure, non-public location, such as locations requiring security access or badge access. In addition,

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H. FISCAL COST

The initial cost of the GPS trackers totaled \$4,335.

- Between 2015-present BPD purchased 5 GPS "ESO" trackers for \$2,250 (\$450 each).
- In 2017 BPD purchased 3 GPS "SNT" trackers for \$2,085 (\$695 each).

The annual cost for the GPS data service totals \$1,920.

- The annual data service for the five ESO trackers is \$1,020 (\$204 each).
- The annual data service for the three SNT trackers is \$900 (\$300 each).

Personnel costs are minimal in that the GPS trackers are used as a resource during normal working hours.

GPS trackers are funded through the Investigations Division's general budget.

I. THIRD PARTY DEPENDENCE AND ACCESS

Data collected from the GPS trackers may be shared with the following:

- a. The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- b. Other law enforcement offices as part of a criminal investigation;
- c. Other third parties, pursuant to a Court Order.

1301 APPENDIX A

BERKELEY POLICE DEPARTMENT SURVEILLANCE ACQUISITION REPORT - GPS TRACKING DEVICES

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J. ALTERNATIVES

An alternative to the use of GPS trackers is to conduct resource-intensive surveillance operations utilizing numerous personnel over extended periods of time.

Deleted: NONE

K. EXPERIENCE OF OTHER ENTITIES

The use of GPS tracker technology is common amongst law enforcement agencies throughout the country.

Deleted:



POLICY COMPLAINT FORM

Police Review Commission (PRC)

1947 Center Street, 1st Floor, Berkeley, CA 94704

Website: www.ci.berkeley.ca.us/prc/ E-mail: prc@ci.berkeley.ca.us

Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955

Date Received:

9-30-19

PRC CASE #

2463

** Please type your responses directly into this form. Do not copy and paste text into this form because some text may be lost when sent. **

1

Name of Complainant: Zucker, Robert Stephen

Last First Middle

Mailing Address: 1236 Oxford St., Berkeley CA 94709

Street City State Zip

Primary Phone: (510) 848-9358 Alt Phone: (510) 599-4809

E-mail address: zucker@berkeley.edu

Occupation: Professor of Neurobiology, U.C.B Gender: male Age: 74

Ethnicity: Asian Black/African-American Caucasian
 Latino/Hispanic Multiethnic: _____ Other: _____

2

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

An article in the 11 Sept 2019 edition of the S. F. Chronicle, by Rachel Swan, described a new Berkeley Police enforcement campaign of aggressively ticketing cyclists rolling slowly through stop signs in the city without coming to a complete halt.

3

Location of Incident (if applicable) not applicable

Date & Time of Incident (if applicable) _____

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

4

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

Like many in Berkeley, including Mayor Arreguin, I believe this is a poor use of police resources, and that the practice should be stopped. If this is not possible, I ask that the City Council pass an Idaho Stop Law, allowing cyclists to treat stop signs as yield signs, requiring them to slow down, and stop if there is any oncoming cross traffic, whether pedestrian, cycling, or motor vehicle.

5

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

I attach an email I sent to Mayor Arreguin, Councilwoman Hahn, Police Chief Greenwood, and the Berkeley Police Review Commission, with the reasons for my complaint and request for review. I have added to that email a list of research studies and articles demonstrating that allowing cyclists to roll through stop signs, stopping only if there is oncoming cross traffic, actually reduces the incidence of accidents and injuries.

6

CERTIFICATION

By typing my initials below, I hereby certify that, to the best of my knowledge, the statements made on this complaint are true. I also understand that my oral testimony before a Board of Inquiry will be given under oath (in closed session).

RSZ

09/29/2019

Initials

Date

7

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

- Internet
- Publication: _____
- Referral: by email from Katherine Lee
- Other: _____

COPY of email sent on 12 Sept 2019 to Mayor Arreguin and Councilwoman Hahn, and on 20 Sept 2019 to Police Chief Greenwood and the Police review Commission.

I have read with interest today's *SF Chronicle* article about Berkeley police ticketing cyclists for not stopping at stop signs.

Let me begin by summarizing my history and perspective. I live at 1236 Oxford St., in Berkeley Council District 5. I ride a bicycle almost every day, either to and from work at U.C. Berkeley or to and from North Berkeley BART and Lake Merritt BART to service at the Alameda County Sheriff's Office in Oakland (as a current member of the Alameda County Civil Grand Jury). I have been riding a bike to school or to work for the last 56 years, in Cambridge MA, Palo Alto CA, London England, Gif-s-Yvette France, and for 45 years in Berkeley. I sometimes ride a bicycle to UCSF for seminars from the 16th St Mission BART station in San Francisco. I served as faculty representative on the Bicycle Subcommittee of the Parking and Transportation Advisory Committee at U.C. Berkeley. I have taught bicycle safety to girl scouts. And I am now a member of the Bicycle Patrol of the East Bay Regional Park District Volunteer Trail Safety Patrol run by EBRPD police.

With many 1000s of bicycle miles under my belt, I have seen it all. I have seen cyclists roar downhill on Hearst without so much as pausing or looking except straight ahead at Shattuck or MLK, causing cross traffic to screech to a stop. I agree with many who abhor this behavior. It is reckless, dangerous, selfish, and irresponsible. I applaud and support police efforts to enforce the law against such perpetrators -- they deserve any costly tickets they receive, and it's great that repeat violations are even more expensive.

I have also seen cyclists slow to 5 mph, or even 3 mph, at a stop sign, carefully look both ways, and seeing no traffic or pedestrians approaching in either cross direction, roll slowly on through without coming to a complete stop, only to have a motorcycle cop more than a block behind them come roaring up with lights flashing and siren blaring to issue a ticket that comes to about \$450 in fines, fees, and costs.

It is, of course, much easier to catch and cite the cautious cyclist slowing to a crawl than it is to catch a speeding cyclist who by weaving around cars can easily elude a cop. But, obviously, this is exactly the wrong priority. And, from the reports in the *Chronicle* article, this is exactly what Berkeley police are now doing.

There is an appropriate middle ground. The police should target the reckless speeders who blithely ignore the rules of the road, endangering the safety of pedestrians and other cyclists and forcing drivers to stop or swerve dangerously. But, as the *Chronicle* reported that you (Mayor Arreguin) have said, the police have significant discretion in how they enforce minor or technical traffic violations. We should insist that the police exercise that discretion wisely.

Otherwise, there is another alternative -- the Idaho Stop. If the police do not agree to moderate their behavior, Berkeley can follow the lead of many other states (Idaho, Delaware, Colorado, Arkansas, Oregon) and innumerable cities and counties across the nation by enacting its own Idaho Stop law, which allows cyclists to treat stop signs as equivalent to yield signs, at which they must slow down and be prepared to stop if necessary to allow crossing motorists, cyclists, or pedestrians to pass.

The argument presented by the police against this is that enforcing the traffic laws as they stand for cyclists is necessary to comply with the requirements of the City of Berkeley's \$250,000 Selective Traffic Enforcement Program grant from California's Office of Traffic Safety's 2019 Highway Safety Plan. First, enforcement of traffic regulations is only a small part of that plan¹¹, and enforcement is clearly supposed to focus on speeding as the major cause of accidents. Note the word *Selective* in the title! Second, in the presentation by the Police Chief to the Berkeley City Council on July 24, 2018, the recommendation to accept this grant focused on "increased levels of impaired or distracted driving enforcement, nighttime seat belt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian collisions." No mention was made of strict enforcement of traffic regulations as applied to cyclists. Third, if the goal is to "promote good behavior" (*SF Chronicle*) and increase public safety, then the strict enforcement of a full-stop-at-stop-sign rule applied to bicyclists is actually counterproductive and contravenes the purpose of the grant. Numerous studies have shown that *implementation of an Idaho Stop Law* (stop sign as yield sign for cyclists) actually *increases public safety and decreases the incidence of accidents*²².

Therefore, I request that -- in the interests of maximizing public safety, focusing police resources on the most dangerous and egregious behavior and violations, and treating cautious cyclists sensibly and with respect -- the Berkeley Police be instructed to effectively adopt an Idaho Stop policy in enforcing bicycle regulations.

If this is impractical, then the Berkeley City Council should follow the lead of many other reasonable states, counties, and municipalities by adopting its own Idaho Stop Law as a city ordinance.

Thank you for your time and consideration.

Respectfully yours,

-- Bob Zucker

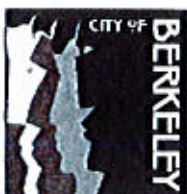
Robert S. Zucker, Professor of the Graduate School
Neurobiology Division
Molecular and Cell Biology Department
111 Life Sciences Addition
University of California
Berkeley, CA 94720-3200 U.S.A.
Phone (& Fax): +1 510 642-3407
Home Phone: +1 510 848-9358
Cell Phone: +1 510 599-4809
Email: zucker@berkeley.edu
Web Page: <http://mcb.berkeley.edu/labs/zucker>
Office hours Tuesdays 4-5:15 PM or by telephone appointment

¹¹<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=15&cad=rja&uact=8&ved=2ahUKEwjS-9fdxczkAhVMEfjQIHQB5CVgQFjAOegQIAhAC&url=https%3A%2F%2Fwww.ots.ca.gov%2Fwp-content%2Fuploads%2Fsites%2F67%2F2019%2F06%2F2019-Highway-Safety-Plan-HSP.pdf&usq=AOvVaw1JOuEoKUy0kmtYiYN-KLD2>

²²https://en.wikipedia.org/wiki/Idaho_stop

Research papers and articles supporting Idaho Stop Laws.

1. https://en.wikipedia.org/wiki/Idaho_Stop: Wikipedia article on the Idaho Stop, with history, pros and cons, legislative history, and links to articles and studies. Main conclusion is that Idaho Stop laws increase safety.
2. <http://docplayer.net/1126976-Meggs-Jason-n-stops-harm-bikes-page-1-of-15-title-page.html>: "Bicycle Safety And Choice: Compounded Public Benefits of the Idaho Law Relaxing Stop Requirements for Cycling." A 2010 U.C. Berkeley School of Public Health Masters Thesis showing a significant reduction in traffic accidents and injuries after implementation of the Idaho Stop law, by Jason Meggs.
3. Updated link to study: <https://docplayer.net/14824112-The-Idaho-stop-law-and-the-severity-of-bicycle-crashes-a-comparative-study.html>. Whyte, Brandon. "The Idaho Stop Law and the Severity of Bicycle Crashes: A Comparative Study". This Masters Project is the most widely cited article on the effects of the Idaho Stop Law. A brief summary of its conclusions written by the author appears at <https://www.thewashcycle.com/2015/12/more-evidence-that-the-Idaho-stop-is-safer.html>.
4. <https://medium.com/@jordobicycles/cycling-and-stop-signs-711b4b2ceb99>: "Cycling and Stop signs," by Jordan Moffatt. A thoughtful 2017 discussion of the Idaho Stop law, favoring its use.
5. <https://www.bbc.com/news/world-europe-33446899>: A 2015 BBC News article – even Paris (France) has adopted an Idaho Stop Law.
6. <https://pdfs.semanticscholar.org/4681/ac64558f803f29398bcff43abd5594832795.pdf>: A 2015 masters thesis by Catherine Silva from the Univ. of Washington about cyclist behavior at stop signs, concluding that bicyclists generally make safe decisions about rolling stops.
7. <http://citydocs.fcgov.com/?cmd=convert&vid=218&docid=2137178&dt=MAIL+PACKET>: Greigor, Teesa. "Stop as Yield | Idaho Stop Considerations for Fort Collins". A 2013 presentation to the Fort Collins, CO City council arguing that Idaho Stops do not increase accident or injury rates.
8. <https://las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/research-and-publications/Documents/PoliciesForPedaling-120816-FNL.pdf>: Jenna Caldwell et al., "Policies for Pedaling: Managing the tradeoff between Speed & Safety for Biking in Chicago." A 2016 study from DePaul University supporting the adoption of an Idaho Stop Law.
9. <http://sfist.com/2016/01/20/mayor-vetoes-bike-yield-ordinance-t-1.php>: 2016 article by JackMorse in SFist. San Francisco passed an Idaho Stop Law in 2016, which was vetoed by Mayor Ed Lee.
10. <https://www.bicycling.com/news/a28208790/should-cyclists-yield-at-stop-signs/>: A recent (July 2019) history and discussion of the Idaho Stop Law by Jessida Coulon in *Bicycling*, as Oregon adopts an Idaho Stop Law.



Police Review Commission

October 3, 2019

To: Police Review Commissioners
From: Katherine J. Lee *KJL* Police Review Commission Officer
Re: Background on handling of informal complaints

This issue arose in 2016, after I included in a PRC agenda packet a civilian's letter complaining about a named BPD officer. Until then, it had been the practice of PRC staff to treat these informal complaints like any other communication to the Commission, and place them in the PRC packet for the Commissioners' information. (An "informal complaint" alleges misconduct by a specific officer or officers, but is not filed on the PRC's complaint form.)

I was advised that any complaint against an officer, even if not made on our official complaint form, had to be treated confidentially. The question was then how the PRC should handle such complaints. Here are the agenda item and the motion the PRC passed at its April 26, 2017 meeting:

- c. Review City Attorney's opinion classifying communications complaining about specific officer conduct as "informal complaints" and prohibiting their disclosure to the full Police Review Commission, and consider procedures for handling "informal complaints," as suggested by City Attorney, including possible amendment to PRC Regulations.

Motion to propose an amendment to the Regulations, such that when staff receives an informal complaint as defined in the City Attorney's memorandum to the PRC of February 15, 2017, the matter be agendized for next meeting in for closed session; that the informal complaint be distributed in closed session, and that the full Commission recommends to PRC Officer what action if any the staff should take, which may involve contacting the complainant and explaining the policy complaint and formal complaint processes.

Moved/Seconded (Bernstein/DaSilva) Motion Carried

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

Noes: None

Abstain: None

Absent: None

Proposed amendments to the PRC Regulations and the City Attorney's February 15, 2017 memo are attached.

Attachments

Proposed new PRC Regulation regarding Informal Complaints

Insert new Section II (Initiating the Process) B. Informal Complaints
(Current Section II.B., Mediation, to become Section II.C.)

B. Informal Complaints

1. An informal complaint is a communication from a member of the public, not on a PRC complaint form, that identifies an officer or officers by name, badge number, or other identifying features, and alleges any act of misconduct pertaining to the manner in which the officer performs his or her duties. Such complaints shall be treated confidentially.
 2. Informal complaints will be agendized for a closed session at the next regular PRC meeting and distributed to the Commissioners in closed session, with notice to the named officer(s). The Commissioners shall consider the informal complaint and recommend what action, if any, the PRC Officer should take. Such action may include contacting the complainant to explain the policy complaint and formal individual complaint processes.
-

Alternate proposal -- Staff Recommendation

B. Informal Complaints

1. An informal complaint is a communication from a member of the public, not on a PRC complaint form, that identifies an officer or officers by name, badge number, or other identifying features, and alleges any act of misconduct pertaining to the manner in which the officer performs his or her duties. Such complaints shall be treated confidentially.
2. PRC staff shall contact the complainant to explain the policy complaint and formal individual complaint processes.
3. Informal complaints will be agendized for a closed session at the next regular PRC meeting and distributed to the Commissioners in closed session, with notice to the named officer(s).



Office of the City Attorney

Date: February 15, 2017
To: Katherine J. Lee, PRC Officer
From: Zach Cowan, City Attorney
By: Kristy van Herick, Assistant City Attorney *KVH*
Re: Disclosure of Informal Complaints to the Police Review Commission

Background

An email from a member of the public, raising specific concerns about the conduct of a named City of Berkeley peace officer, was included in the Police Review Commission (PRC) public agenda packet as a communication. This office informally advised that such emails are confidential and must not be included as communications in the agenda packet. On behalf of the PRC, you have requested a written opinion.

Issue

May the Police Review Commission receive and review informal email complaints identifying specific officers in the public agenda packet?

Conclusion

No. Any citizen complaint against an officer, even one that is not received on the official PRC complaint form, must be treated confidentially under Penal Code Sections 832.5, 832.7 and 832.8 and *Berkeley Police Assn v. City of Berkeley* (2008) 167 Cal.App.4th 385. Moreover, accepting and distributing informal email complaints is inconsistent with the PRC's own regulations.

Discussion

Peace officer personnel records are confidential pursuant to the California Penal Code. Penal Code section 832.7(a), provides, in relevant part, that:

"[p]eace officer or custodial officer personnel records and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not

be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code."

Penal Code Section 832.8 defines "personnel record" to include complaints:

- "As used in Section 832.7, "personnel records" means any file maintained under that individual's name by his or her employing agency and containing records relating to any of the following:
- (a) Personal data, including marital status, family members, educational and employment history, home addresses, or similar information.
 - (b) Medical history.
 - (c) Election of employee benefits.
 - (d) Employee advancement, appraisal, or discipline.
 - (e) **Complaints, or investigations of complaints, concerning an event or transaction in which he or she participated, or which he or she perceived, and pertaining to the manner in which he or she performed his or her duties.**
 - (f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy."

Additionally, Section 832.5 specifies the process for reviewing and considering complaints against officers, including, in relevant part:

- (b) **Complaints and any reports or findings relating to these complaints shall be retained for a period of at least five years. All complaints retained pursuant to this subdivision may be maintained either in the peace or custodial officer's general personnel file or in a separate file designated by the department or agency as provided by department or agency policy, in accordance with all applicable requirements of law. However, prior to any official determination regarding promotion, transfer, or disciplinary action by an officer's employing department or agency, the complaints described by subdivision (c) shall be removed from the officer's general personnel file and placed in separate file designated by the department or agency, in accordance with all applicable requirements of law.**
- (c) **Complaints by members of the public that are determined by the peace or custodial officer's employing agency to be frivolous, as defined in Section 128.5 of the Code of Civil Procedure, or unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in that officer's general personnel file. However, these complaints shall be retained in other, separate files that shall be deemed personnel records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and Section 1043 of the Evidence Code...."**

Read together, these statutes require “that records pertaining to citizen complaints against officers be kept for at least five years” and that citizen complaints are “confidential and shall not be disclosed in any criminal or civil proceeding” except in accordance with the special discovery procedure set forth in Evidence Code section 1043. (*Berkeley Police Ass’n v. City of Berkeley* (2008) 167 Cal.App.4th 385, 391–92.) Moreover, the Public Records Act exempts citizen complaints against peace officers from disclosure. (Govt Code § 6254(c), (f) and (k).)

A review of case law provides a fairly broad interpretation of what falls within the scope of a citizen complaint. “[S]ection 832.7 does not make it a necessary condition for confidentiality to apply that the officer whose records are sought be involved in a disciplinary proceeding. It is sufficient that he or she be the subject of a citizen complaint without regard to whether disciplinary action is also involved.” (*Berkeley Police Ass’n*, supra, at p. 401.) How the record is processed or stored (i.e., in the official personnel file vs in an agenda packet) does not dictate whether it is a personnel record. As the California Supreme Court noted, “[w]e consider it unlikely the Legislature intended to render documents confidential based on their location, *rather than their content*.” (*Commission On Peace Officer Standards And Training [CPOST] v. Superior Court* (2007) 42 Cal.4th 278, 291.)

“As construed in *Copley Press* and *CPOST*, however, the statutes in issue were aimed primarily at protecting the confidentiality of records pertaining to citizen complaints against police officers, and the Legislature did not intend to allow local jurisdictions to circumvent that protection either deliberately or inadvertently by the manner in which they assigned responsibility for the investigation of such complaints.” (*Berkeley Police Ass’n*, supra, at p. 405.) It seems a logical extension of the court’s analysis that the form in which the complaint is presented (email vs. complaint form) should not result in a circumvention of the officer’s privacy rights.

Therefore, to determine whether an “informal email complaint” is considered part of a confidential “personnel record” of a peace officer, one must consider the content of the document, and err on the side of considering it to be a “citizen complaint” with the associated confidentiality protections. An email sent to the PRC or PRC staff from a member of the public that identifies an officer (or officers) by name, badge number, or other identifying features and alleges any act of misconduct pertaining to the manner in which he or she performs his or her duties certainly falls within the category of a citizen complaint and should be handled as a confidential document.

Currently, the *PRC Regulations for Handling Complaints Against Members of the Police Department*, effective March 28, 2016 (PRC Regulations) do not include a process for receiving and handling complaints received in an informal email. The PRC Regulations “govern the receipt and processing of complaints submitted to the Police Review Commission.” (PRC Reg. Section I.A.) Section II.A.1 specifies that “complaints and policy complaints must be filed on a form provided by the PRC, and except as provided in section 3 [*unavailability of complainant*], signed by the complainant.” The PRC Regulations further provide that within 20 business days of the date that a timely filed complaint is received by the PRC office, the PRC staff shall issue to the officer both the Notice of Allegations and a copy of the complaint. (PRC Regulations, III.B.1 and 2.)

The PRC staff shall maintain a central register of all complaints filed, and shall maintain the complaints in the PRC Office. (PRC Regulations, III.B.2.)

The consistent processing of complaints under the PRC Regulations helps to ensure compliance with privacy laws and the Police Officer Bill of Rights Act (POBRA). Peace officers have a right to read and sign (or refuse to sign) any comment adverse to their interests that is maintained in either their personnel file or any other file used for personnel purposes. (See Government Code sections 3305 and 3306.) In *Aguilar v. Johnson* (1988) 202 Cal.App.3d 241, the court determined that a complaint that was received and retained in a separate location, but was rejected for processing, nevertheless triggered notice obligations under POBRA. So it would not be a legally compliant alternative to allow for email complaints to be reviewed by the PRC or PRC staff without sharing the complaint with the subject peace officer.

The PRC Regulations and complaint form were carefully crafted to be consistent with the Police Officer Bill of Rights and California statutes and case law. The complaint form collects the types of information needed by staff to investigate the allegations. The certification, while not under "penalty of perjury", requires the complainant to certify that to the best of his or her knowledge, the statements made on the complaint are true. By signing the complaint form, the complainant also acknowledges that testimony before a Board of Inquiry will be given under oath. The Complaint form is promptly shared with the officer.

In considering the handling of informal email complaints, it is also critically important that citizens are not discouraged from raising complaints. "The Legislature, through the adoption of section 832.5, has indicated its desire that complaints filed with a law enforcement agency are to be encouraged. (*Pena v. Municipal Court* (1979) 96 Cal.App.3d 77, 82.)" (79 Ops.Cal.Atty.Gen. 163, 1996 WL 426537, p. 1.) Moreover, both the federal Constitution (U.S. Const., 1st Amend.) and state Constitution (Cal. Const., art. I, § 3) protect the right of the people to petition government for the redress of grievances.

In an effort to balance these important interests, there are a few approaches the PRC can take moving forward. A couple of suggestions are included as follows:

- (1) The PRC website could be updated to include a clear notice about communications to the PRC, explaining that emails that contain complaints about specific officers will be handled through the confidential complaint process and will not be treated as general communications to the PRC and will not be included in the public packet or listed as a communication on the agenda. The PRC staff can then follow up with the citizen regarding the process for initiating a complaint. General emails addressed to the PRC that do not directly or indirectly identify an officer or officers will be processed as communications, shared in the public packet, and considered a public document under the Public Records Act. (For example, an email discussing the status of police and public relations in California, making local policy suggestions, or making announcements of a general nature would not fall within the personnel record restrictions.)

Memo to Katherine Lee, PRC Officer

February 15, 2017

Page 5 Re: Informal Complaints

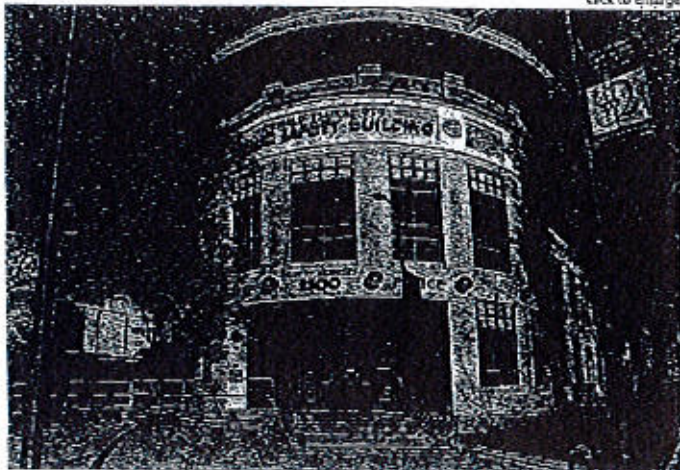
- (2) The PRC could update its Regulations to include a protocol for receiving and handling informal email complaints. This would allow the PRC staff to process the email complaint, share it with the officer, and either investigate it or seek to administratively close the matter depending on whether the complainant chooses to participate in the process set forth in the Regulations.

cc: Dee Williams-Ridley, City Manager
Jovan Grogan, Deputy City Manager
Mark Numainville, City Clerk
Opn. Index: II.A.1; II.E.1; II.F.6; II.I.2; II.G.8.a.

Can Berkeley Fix Its Police Oversight?

A member of Berkeley's Police Review Commission has resigned over the body's structural deficiencies. And a possible fix has been bogged down in negotiations with the police union for over a year.

By Scott Morris @OakMorr



click to enlarge

FILE PHOTO

In the 1970s, Berkeley's Police Review Commission was groundbreaking.

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When Berkeley formed its Police Review Commission in 1973, it was a leader in citizen oversight of the police. A ballot measure supported by a coalition of accountability groups including the Black Panther Party created the commission, which at the time was cutting-edge, with its body of nine commissioners who could make recommendations on police policy and officer discipline.

But in the years since, other Bay Area cities have passed Berkeley by with stronger citizen oversight bodies that can draft their own policy and even fire the police chief. Berkeley's oversight body lacks access to basic information that is routinely released by other departments, and can only investigate complaints it receives itself rather than being alerted to internal affairs complaints filed with the department.

"The current PRC bears little resemblance to the scrappy agency that once challenged police practices and engaged the community in creating and revising policies, identifying when actual misconduct occurred and monitoring the functioning of the department," former commissioner Andrea Prichett, the co-founder of Berkeley Copwatch, wrote in her May letter of resignation. "This was possible because of the access that the PRC had to information as well as the determination of city officials to guard against violations of the constitutional rights of our citizens."

Prichett ticked off a list of deficiencies in the commission's operations that she said impeded effective oversight and prevented the body from addressing the needs of marginalized people. She said the commission lacks access to basic data about use of force, has a higher standard for sustaining complaints than other citizen oversight bodies. She also said the commission has been steamrolled by the department's adoption of policies from Lexipol, a subscription-based service that delivers ready-made police policies designed to protect departments from liability.

How Berkeley police track use of force and report it has been a contentious subject. After police used tear gas and batons on protesters and journalists during Black Lives Matters protests in 2014, the department agreed to a series of reforms to its use-of-force policies, including requiring officers to document the force they use during protests. But what constitutes a use of force in Berkeley is much more narrow than it is in cities such as San Francisco and Oakland, where officers are required to document when they point a firearm at someone. The department also has resisted releasing data about what force officers use and when, even to the Police Review Commission.

"I think it has to do with being a little sensitive to how the data could be evaluated out of context," said George Perezvelez, the chair of the Police Review Commission. "Any data they released, either voluntarily or not, has been subject to a lot of different interpretations."

Perezvelez has been the chair for the last eight years and a commissioner for 12. He also serves on the BART Police Citizen Review Board, which he said has far greater access to use-of-force data in regular reports. Berkeley, he said, should be releasing similar reports about its use of force, but has become shy about it creating a negative narrative.

Some data about use of force was released in a report on racial disparities in traffic and pedestrian stops conducted by the Center for Policing Equity last year. The report studied the years from 2012 to 2016 and found that Black and Hispanic people stopped by Berkeley police were much more likely to be searched but less likely to be arrested after a search. It also found that nearly half of all use-of-force incidents reported by Berkeley police were on a Black person, although it acknowledged that use-of-force reporting by Berkeley police was incomplete.

But the department has declined to release the raw data used to compile the report. In fact, Berkeley police even tried to prevent a draft version of the Center for Policing Equity report from being released in 2017.

The commission also is tasked with recommending discipline against officers. But complaints need to come directly to the commission to investigate, and it is not alerted to those made to the department's Internal Affairs section. Furthermore, when the commission submits its findings, it is not informed what the Internal Affairs findings were, whether those differed with the commission's findings, and whether the chief decided to discipline the officer.

The Police Review Commission receives fewer than a fifth of the complaints submitted to Internal Affairs. In her resignation letter, Prichett attributed the low number of complaints to the commission's low rate of sustained findings and some commissioners' disinterest in

the issues afflicting marginalized people. Each of the body's nine commissioners is appointed by one city council member.

"What was once a relatively accessible agency that welcomed those with the courage to follow through on a complaint is now a place where complaints go to die," Prichett wrote. "The PRC record of sustained complaints in recent years is abysmal, and there has been a huge decline in recent years of people even trying to use the process."

Complicating the issues with sustained complaints, the Police Review Commission uses a higher standard of evidence in evaluating officer complaints than other citizen-oversight bodies.

Acknowledging these structural limitations, activists have pushed for the last two years to bolster the commission's powers through a ballot measure. Last year, the Police Review Commission made its own such proposal, which was then amended by Mayor Jesse Arreguin and Councilmember Kate Harrison. It would allow the commission to compel the department to release officer personnel records and investigative reports, as well as receive alerts of new internal affairs complaints so that it can conduct an independent investigation. The draft measure was submitted to the Berkeley Police Officers Association for review, where it has remained for over a year. Perezvelez said it may appear on the 2020 ballot.

For his part, Perezvelez said he was skeptical that there is much political appetite for greater police accountability in Berkeley. "The broader majority of the citizens of Berkeley believe that the Berkeley Police Department is performing at a high level," he said. "I do not see this incredibly bad behavior that people say the Berkeley Police Department engages in."

But without the measure going to the ballot, it will remain unclear whether citizens really want to see a more robust accountability body. Furthermore, while there seems to be a wide discrepancy between the perspectives of different residents when it comes to the police, Berkeley police undeniably have issues. Racial profiling remains an issue, the police department's response to the Black Lives Matter protests was more violent than that of Oakland or San Francisco, and the extent of officers' use of force compared to other departments is impossible to know.

To determine whether citizen oversight is working, "we need to measure it by the end result of the Police Department," Perezvelez said. "And to do that we need to have the data." □

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Kamala Harris, For Which Peopl... ▶

BERKELEY NEWS

City Manager's Office

Press Contact: [Matthai Chakko](#), (510) 981-7008

CITY LAUNCHES DAYTIME MENTAL HEALTH CRISIS LINE *Use weekday number to get support, consultation and resources*

Berkeley, California (Friday, September 13, 2019) - Spread the word about the City of Berkeley's new crisis line that connects community members with an experienced mental health professional during mental health crises.

This new crisis line offers support, consultation, and resources with a call to (510) 981-5244, Monday through Friday 11:30 AM - 4:00 PM. This new crisis line is a pilot program that leverages staffing within our Berkeley Mental Health Division to address a community identified need for additional mental health crisis response services.



If you are experiencing uncomfortable thoughts or emotions, or challenges in your life, a trained counselor on the crisis line will be available to talk directly to you, connect you to the right resources, and determine if an immediate in-person evaluation for safety is needed.

The goals are to better support individuals with mental health concerns, provide early intervention for mental health crises, and decrease mental health-related calls to the Berkeley Police Department.

This new crisis line, a pilot program funded by the California [Mental Health Services Oversight and Accountability Commission](#), provides an expansion to Berkeley Mental Health's services. The crisis line program is a direct result of a needs assessment conducted by the Mental Health Division and community partners in 2016 to 2017. Having police officers who are skilled at working with people in crisis is important, so Berkeley Police train on de-escalation and crisis-intervention techniques. However, the assessment identified the need for more mental health crisis response services to be one more alternative to law enforcement.

Outside of the crisis line hours of operation, individuals in mental health crisis, their families, and community members can:

- Come to the Berkeley Mental Health Clinic at 1521 University Avenue in Berkeley Monday through Thursday 8:00 AM - 1:30 PM
- Call Berkeley Mental Health's Crisis, Assessment, and Triage team at (510) 981-5244 Monday through Friday 8:00 AM - 4:00 PM

- Call the Mobile Crisis Team every day 11:30 AM - 10:00 PM, by calling the police non-emergency number at (510) 981-5900 or by leaving a voicemail at (510) 981-5254
- Call the 24-hour crisis line for immediate support through Crisis Support Services of Alameda County at 1-800-309-2131
- Call the Alameda County ACCESS (Acute Crisis Care and Evaluation for Systemwide Services) Program for questions about mental health services and eligibility at 1-800-491-9099 Monday through Friday 8:30 AM - 5:00 PM

We hope you'll spread the word about the crisis line as well as other mental health services. Supporting all in our community is critical to creating a healthy community.

###

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City of Berkeley - Central Administrative Offices, 2180 Milvia St, Berkeley, CA 94704

(510) 981-CITY/2469 or 311 from any landline in Berkeley

TTY: (510) 981-6903



City Clerk Department

September 16, 2019

To: Commission Secretaries
From: ~~WMA~~ Mark Numainville, City Clerk
Subject: Commission Recommendations to the City Council

City commissions are tasked with providing recommendations to the City Council on issues that are within the purview of the commission. Recent recommendations from some commissions to the council have been worded in a manner that gives the inference that the commission is providing direction to city staff instead of making a recommendation to the council. At the City Council meeting on September 10, 2019 the Council asked that clarification be provided to commissions regarding the correct wording for recommendations to council.

As your commission crafts recommendations to the council in the future, please remind them that the wording of the recommendation should be clear that the commission is not providing direction to city staff, but rather advising the council to take an action.

Please advise the commission to avoid this wording:

"Recommendation: Direct the City Manager to..."

"Recommendation: Direct the city staff to..."

Please advise the commission to use the following wording:

"Recommendation: The Commission recommends that the City Council refer to the City Manager to..."

If you have any questions, please contact me at mnumainville@cityofberkeley.info.

Lee, Katherine

From: bob tom <cranberrysauce23@gmail.com>
Sent: Wednesday, September 25, 2019 4:45 PM
Subject: a letter from Blair Beekman. Wednesday Sept. 25, 2019. _____ a 2nd BAUASI public meeting.

Dear BAUASI, Bay Area local govts., govt. agencies, public advocacy, and the everyday public,

To refer to, the Aug. 8, 2019 BAUASI approval authority meeting, Item 05, the Brown Act. I would like to address, BAUASI uses, of the Brown Act, and ideas of the public process.

I feel it is important to ask, with the expansion of the CBRNE program, and as, several remaining, BAUASI programs, will have closed public meetings, with much less dialogue, with the publicly minded, SF Card process,

Is the return, of a monthly, 2nd BAUASI public meeting, or some form, of better public oversight, still being considered, for the several remaining, BAUASI programs, that will not be using SF Card, and its more public process. ?

It should be important to ask first, if expanding CBRNE, will actually be necessary.

We are at a time, to formally end, the era of 9.11.01, & war. There are very good guidelines, examples, and Ca. state legal precedents, that can work towards, openness, accountability, and civil protections, at the local level. This can make for important demands, in how we can all practice, in better reasoned, more peaceful terms.

I can also, very much understand, how an expanded CBRNE program, may now actually be, more needed.

As early mistakes, by many countries, in the past several years, has led to, a u.s. heightening of nuclear tensions. And as, the current u.s. administration, has also been ending, several nuclear arms treaties, with good intl. protections & oversight, while, continuing to develop, its own, questionable, intl. u.s. proxy relationships.

Overall, there may be, a confused, haphazard policy, at the u.s. intl. level. From this, people at BAUASI, CalOES, and, at the local Bay Area community level, may not be given, honest & accurate information, for local CBRNE projects, and their funding needs.

In the least, BAUASI has developed, some good, beginning, internal oversight protection, for the expanded CBRNE program. Thank you, for this.

Over the past few years, Phillip White, long-time project manager of CBRNE, and I am sure others, of BAUASI, have had considerable worries. Including, what additional oversight, can be helpful, for the remaining, BAUASI closed meeting programs. And, that may be effected, by an expanded CBRNE program.

The arc of working toward, good democratic practices, usually works towards, what is positive and hopeful.

I feel a good role, for myself, at this time, is to simply ask yourselves, that for, the remainder of 2019, into 2020, & with BAUASI, in a period of flux & transition -

Does BAUASI, still need to consider, what can be, better ideas of oversight, and democratic practices, for the closed meeting programs of BAUASI ?

John Lindsay Poland, has offered, an interesting, low-key idea, of summary/meeting minutes, for the BAUASI, closed meeting programs. A few words, or few sentences, summary description, of BAUASI closed meetings, can give the public, simple, necessary info., that can offer, good-minded, public follow up.

And, can be an example, of how working towards, simple, good, democratic practices, can allow, helpful, additional needed thought, oversight, and good reasoning.

A good luck, in early CBRNE, good oversight & guideline ideas, can be part of, a BAUASI philosophy, of 'do no harm'. And then, how to relate this, to local Bay Area communities, working towards, better democratic practices and its reasoning, at this time.

From much, current work, in the S.F. Bay Area, along with, some recent, U.S. Defense Dept. & NSA appointments, I am hoping, with better guidelines, examples, public oversight, and a sharing of responsibilities, by intl. countries, at this time -

this can bring, a better reasoning, for what has become, years of, erratic, u.s. intl. policy, and its decision making, in how to address, violence, terrorism, and extremism.

sincerely,
blair beekman

Lee, Katherine

From: bob tom <cranberrysauce23@gmail.com>
Sent: Friday, September 27, 2019 1:30 PM
Subject: a letter from Blair Beekman-2. Friday Sept. 27, 2019. _____ a 2nd BAUASI public meeting.

Dear local S.F Bay Area govts., and communities.

To try to mature, the last section, of my previous letter, from Wednesday Sept. 25, 2019.

A thank you, for early CBRNE, oversight & guideline ideas, and its part, with a developing, BAUASI philosophy, of 'do no harm'.

I hope BAUASI, will want to work with, the people of local Bay Area communities. And, the overall efforts, towards better neighborhood communication, & more open democratic practices.

With current, local & intl. issues, of violence, extremism, and terrorism, it should be of much interest, that for several years now, better reasoned guidelines, narratives, and communication, is developing, at the local & intl. level, toward peace and sustainability.

sincerely,
blair beekman

10/10/2020