



Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, November 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 October 23, 2019.

- 5. CHAIR'S REPORT**

Report on IACP conference; other items.

- 6. PRC OFFICER'S 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, Oct. 23, Nov. 13 meetings.
- b. MOU Compendium Subcommittee
- c. Standard of Proof Subcommittee

d. Use of Force Subcommittee

9. OLD BUSINESS (discussion & action)

- a. Proposed amendment to PRC Regulations regarding handling of informal complaints.

From: PRC Officer

- b. 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 distributed with Oct. 9 packet.)

10. NEW BUSINESS (discussion & action)

- a. Consider recommendation to revise the Berkeley Police Department's policies regarding: 1) Questioning detainees about their probation or parole status; and 2) Conducting searches of detainees are on probation or parole.

From: Probation & Parole Searches Subcommittee

- b. Commendations of Berkeley Police Dept. personnel:

i. Consider revising how the PRC reviews and acts on commendations.

ii. Review commendations for January through June 2019.

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

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 Communication Access Information (A.R.1.12)

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer

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

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

PRC REGULAR MEETING ATTACHMENTS

NOVEMBER 13, 2019

MINUTES

October 23, 2019 Regular Meeting Draft Minutes Page 7

AGENDA-RELATED

Item 9.a. – 10-3-19 memo from the PRC Officer to the Commissioners re Background on handling of informal complaints. Page 11

Item 9.a. – Proposed new PRC Regulation regarding Informal Complaints. Page 13

Item 9.a. – 2-15-17 memo from the City Attorney to the PRC Officer re Disclosure of Informal Complaints to the Police Review Commission. Page 15

Item 10.a. – Searches of Individuals on Probation, Parole or Other Supervised Release Status – proposal from PRC Subcommittee on Probation & Parole Searches. Page 21

Item 10.b. – Commendations of BPD personnel January-June 2019. Page 25

COMMUNICATIONS

11-1-19 memo to City Council from the PRC Chairperson re Policies reviewed under the Surveillance Technology Use and Community Safety Ordinance. (Action Calendar Item #30 on the City Council's November 12, 2019 agenda.) Page 77

Surveillance and Technology Use Ordinance – a summary. Page 79

11-12-19 City Council Action Calendar Item re Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and body Worn Cameras. Page 81

Communications to City Council from the public re charter amendment from its Oct. 29, 2019 meeting. Page 87

Communications to City Council from the public re charter amendment from its Nov. 12, 2019 meeting. Page 91

Change.org petition re Increase Civilian Oversight Over Berkeley PD. Page 101

2018 BART Police Use of Force Annual Report.

"The View Opener" – article from a member of the public. Page 115

11-5-19 email from Blair Beekman. Tuesday November 5, 2019. ---- Page 117
a 2nd BAUASI public meeting. Revised letter.



DRAFT

**POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES**

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

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

1. CALL TO ORDER & ROLL CALL BY CHAIR PEREZVELEZ AT 7:06 P.M.

Present: Commissioner George Perezvelez (Chair)
Commissioner Gwen Allamby (Vice-Chair)
Commissioner Kitty Calavita
Commissioner Michael Chang
Commissioner Juliet Leftwich
Commissioner Elisa Mikiten
Commissioner Nathan Mizell
Commissioner Ismail Ramsey

Absent: Commissioner LaMonte Earnest

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood, Lt. Dave Lindenau, Lt. Joe Okies, Sgt. Spencer Fomby, Ofc. Daniel Morales (BPA)

2. APPROVAL OF AGENDA

By consensus, the agenda was approved with the following changes: Hear Item #8 after Item #9; and Item #11.a. before Item #10.a.

3. PUBLIC COMMENT

(Heard following Item #4.)

There were 3 speakers.

4. APPROVAL OF MINUTES

**Motion to approve Regular Meeting Minutes Draft of September 18, 2019
Moved/Second (Allamby/Leftwich) Motion Carried**

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, Mizell, Perezvelez, and Ramsey.
Noes: None Abstain: None Absent: Earnest

5. CHAIR'S REPORT

- Chair Perezvelez acknowledged the presence of former PRC Commissioner and Chairperson Sherry Smith.
- Comm. Mizell reported on his experience at the NACOLE Conference. [National Association for Civilian Oversight of Law Enforcement]
- Chair gave his report on the NACOLE Conference.
- Chair will be attending the IACP [Int'l Assoc. of Chiefs of Police] conference next week.

6. PRC OFFICER'S REPORT

The PRC Officer reported:

- Her impressions of the NACOLE conference.
- The mediation in complaint #2456 has concluded, and no new complaints have been filed since the last meeting.
- Former Terry Roberts declined to return to receive his certificate of appreciation in person, but the Commission did have the chance to thank him in person at a prior meeting.
- City Council passed first reading of an amendment to the Surveillance Technology Ordinance to ban the City's use of face recognition technology except in specified circumstances.
- Just two more PRC meetings this year, Nov. 13 and Dec. 11.

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

- Currently 159 sworn. 2 more laterals coming on board week of Nov. 4.
- Before and during the PG&E power shut-off, the City activated its EOC [Emergency Operations Center]. Parking Enforcement Officers and police officers assigned to hill area to keep roads clear during high fire danger. During power shut-off about 15 staff moving around the area with flashers on to keep lookout and be crime deterrent. Big staffing and resources impact on BPD for 3 days.
- Spending lots of time in meet-and-confer over the charter amendment.
- Monique Frost, Communications Center Manager (civilian position), retired. Temporary manager in place until salary and benefits survey completed, so competitive salary can be set.
- Doing promotional interviews for lieutenants and sergeants. In-depth and time-consuming, but worthwhile.

-- 1st report to Council for Surveillance Technology Ordinance coming in November.

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 & Oct. 23 meetings.
- b. Probation & Parole Questioning Subcommittee – report of Oct. 8 meeting.
- c. MOU Compendium Subcommittee
- d. Standard of Proof Subcommittee
- e. Use of Force Subcommittee

(Item postponed to the next meeting.)

9. PRESENTATION BY BERKELEY POLICE DEPARTMENT REGARDING SPECIAL RESPONSE TEAM (discussion & action)

Sgt. Fomby & Lt. Okies gave their presentation and answered questions from Commissioners.

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.

(Heard following Item #11.a.)

Motion to approve Policy 1301 and its appendix, 1301A.

Moved/Second (Mikiten/Ramsey) **Motion Carried**

Ayes: Allamby, Chang, Leftwich, Mikiten, Mizell, Perezvelez, and Ramsey.

Noes: None Abstain: Calavita Absent: Earnest

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.

(Heard following Item #9.)

Motion to not accept the policy complaint.

Moved/Second (Leftwich/Ramsey) **Motion Carried**

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, Mizell, Perezvelez, and Ramsey.

Noes: None Abstain: None Absent: Earnest

- b. Proposed amendment to PRC Regulations regarding handling of informal complaints.
(Item postponed to the next meeting.)
- c. Lexipol Policies for review and approval.

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

(Item postponed to the next meeting.)

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were no speakers.

Closed Session

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

13. PRESENTATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2419

Motion to approve Complaint #2419 for administrative closure.

Moved/Second (Ramsey/Mikiten) Motion Carried

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, Perezvelez, and Ramsey.

Noes: None

Abstain: Mizell

Absent: Earnest

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

15. ADJOURNMENT

By general consent the meeting was adjourned at 10:20 p.m.



Police Review Commission

October 3, 2019

To: Police Review Commissioners
From: Katherine J. Lee, 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.
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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.

Searches of Individuals on Probation, Parole or Other Supervised Release Status

Submitted by the PRC Subcommittee on Probation and Parole Searches

Background

In California, three types of warrantless searches are permitted by law: searches justified by reasonable suspicion of criminal activity; consent searches; and, "Fourth Waiver" searches. The latter refer to searches of the person or property of people on parole, probation, Post Release Community Supervision (PRCS), or other supervised release status. There are a few differences among these statuses: for example, parolees are subject to search as a result of state law, and people on probation are often required by the judge as a condition of their probation to submit to search. However, the differences are not relevant here and we will refer to all these statuses as "Supervised Release."

California is one of only nine states that allow police officers to do suspicionless searches of those under supervised release (two other states allow it if there is a request from a parolee or probationer's supervising officer). California's neighboring states of Nevada and Oregon prohibit such suspicionless searches.

California was the first state to insert a provision in its penal code allowing warrantless searches of parolees, with Section 3067 in 1996 requiring parolees to agree to be subject to warrantless searches as a condition of their parole. Historically, many court cases are pertinent to the topic. In 1987, the U.S. Supreme Court in Griffin v. Wisconsin specified that only a Probation Officer could conduct warrantless searches of a probationer and based their decision on the "special needs" of Probation Officers for close supervision of their charges. In 1998, the California Supreme Court in People v. Reyes held that suspicionless searches of parolees by police officers do not violate the Fourth Amendment. In 2001, the U.S. Supreme Court held in U.S. v. Knights that the warrantless search of a probationer's apartment by a police officer, based on reasonable suspicion, was constitutional. It was not until 2006 that the U.S. Supreme Court validated suspicionless searches of parolees or probationers by any law enforcement officer day or night. The only law enforcement restriction in Samson v. California is the continued prescription against "arbitrary, capricious, or harassing searches." In that case, Justice Clarence Thomas wrote the opinion sanctioning what dissenter Justices Stevens, Souter and Breyer called "an entirely suspicionless search unsupported by any special need."

In sum, BPD officers' suspicionless searches of individuals on supervised release is consistent with current law, unless the searches are "arbitrary, capricious, or harassing."

There is concern, however, that entirely suspicionless searches of persons who are on supervised release are a factor contributing to racial disparities. The fact that Whites who are searched by the BPD are *more* often found to be engaged in criminal activity than are Blacks or Latinos suggests that people of color may be more likely than Whites to be asked whether they are on probation or parole and therefore potentially subject to Fourth Waiver searches and/or that a higher standard of suspicion is

being exercised for Whites. Either way, the result is that Blacks and Latinos are disproportionately subjected to searches, the yield rate of which is disproportionately low.

At their April 24, 2018 City Council meeting, the Berkeley City Council agreed on consent to "Review and Update BPD Policy Surrounding Inquiries to Parole and Probation Status" as per the PRC 2017 Report "To Achieve Fairness and Impartiality," and asked the City Manager and BPD to review those policies. While there appears to have been no concrete action on that front, this Subcommittee represents an effort to proceed.

It is noteworthy that as this Subcommittee initiated its proceedings, the Oakland Police Department had opened similar discussions, collaborating with the Oakland Police Commission to develop new policies relating to asking about one's supervised release status and subsequent searches of those on supervised release. In July 2019, the Oakland City Council unanimously passed the Oakland Police Commission's recommended policy changes restricting these questions and searches.

Proposed Policy Changes

(changes in Italics)

- 1. Inquiring about Supervised Release Status.** When a police officer inquires of an individual, "Are you on probation or parole?", it potentially opens the door for a suspicionless search as described above. It also sends a message: in communities of color, the question signals that the police believe the person may have committed crimes for which they could be on probation or parole, an assumption that is not applied to Whites. Often it is taken as a sign of disrespect, may erode police legitimacy and trust in communities of color, and potentially hinders the reintegration of parolees, probationers and others on supervised release by underscoring their continued marginal status.

THEREFORE:

Officers should not ask if a person is on probation or parole if the person has correctly identified themselves either verbally or by presenting identification documents. When officers determine it to be necessary, probation or parole status shall be checked by radio or mobile records.

If officers need to ask the question, "Are you on probation or parole?", the officer should ask respectfully and consider that people may take offense at the question. Officers should only ask when necessary: 1) to protect the safety of others, the person detained, or officers; 2) to forward a legitimate law enforcement investigative purpose (for example, sorting out multiple computer returns on common names); or 3) to confirm probation and parole status subsequent to a records check.

2. **Warrantless Searches of Individuals on Supervised Release Search Conditions.** According to California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their release. However, such searches shall be conducted only to further a legitimate law enforcement purpose, and shall not be arbitrary, capricious, or harassing.

Considerable data suggest that searches are disproportionately conducted on people of color. Dr. Jennifer Eberhardt and her colleagues at the Stanford Open Policing Project have collected the most comprehensive data nationwide on 100 million traffic stops over 7 years in 29 police departments and found evidence of pervasive inequality in who gets stopped and searched. The Center for Policing Equity found that the BPD does better than most departments on this score, but that even here Black motorists who are stopped are four times more likely to be searched than Whites who are stopped, with the rate only slightly lower for Latinos. This disparity erodes trust in the police in communities of color and further marginalizes and hinders reintegration of those on post-release status.

THEREFORE:

Searches of individuals on supervised release shall only be conducted based on the totality of the circumstances, as indicated below.

Non-Violent Offenses. *When officers contact a person on supervised release for a non-violent offense during a vehicle, bicycle or pedestrian stop and there are no articulable facts that demonstrate the individual is connected in some way to criminal activity, or that the person is a threat to officers or others, officers shall not conduct a search of that person and/or their vehicle pursuant to any supervised release search clauses or conditions.*

"Non-violent offenses" are offenses in which violence, the threat of violence, or the use of a weapon is not a factor. Examples include possession of controlled substances or property crimes such as petty theft and burglary.

Violent Offenses. *Persons contacted or detained who are on supervised release for violent offenses may be searched pursuant to the terms of their supervised release conditions.*

"Violent offenses" involve the use of force, the threat of force, the use or possession of a weapon, sexual violations against the person of another, human trafficking, and robbery.

From: "Grant, Jesse"
Date: January 6, 2019 at 17:32:35 PST
To: "Hong, Peter J."
Subject: Mitchell Commendation

Lt. Hong,

On 1/6/19 at about 0750 BPD received multiple calls of a subject who was using a rock and a large stick to break out multiple car windows in the area of California and 62nd Street. I spoke with on scene Officers and reviewed BWC footage as the basis of information listed here.

When Officers arrived on scene they found the man who was agitated, with MH issues and with a three foot long, one inch square, solid finished wood stick in his hands. Officers began talking with the subject trying to get him to drop the stick and also attempt to ascertain how they could help him. The subject stood his ground and refused to drop the stick. He did not even acknowledge Officers. Less lethal was on scene.

Three different Officers who were on scene told me they were concerned this incident was going to end with the use of less lethal or even an OIS.

The BWC records the moment Officer G. Mitchell arrives on scene and he can be heard saying in a calm voice, "Henry, what's up man you remember me?"

The subject replies, "Yeah."

Mitchell: "Can you do me a favor? Let's talk. What do you need right now?"

Subject: "I wanna stop these motherfuckers from raping my family."

Mitchell: "Let us help you do that. May I help you do that? The first step to us helping you is to drop the stick for us. And then let's talk about and then we will go get the people who are doing this to your family. How about that?"

The subject immediately drops the stick and puts his hands on top of his head. The subject was taken into custody without incident.

It is clear that Officer Mitchell's calm demeanor, his willingness to hear out the subject and place the subject's concerns at the forefront of the conversation, coupled with his prior rapport brought this tense and potentially violent standoff to a peaceful end. Officer Mitchell's three colleagues went out of their way to tell me about his actions and point out that he was worthy of a commendation. Please forward this to the Chief so Officer Mitchell's exemplary actions can be acknowledged.

Jesse

From:

January 9, 2019

To: Chief Andrew Greenwood
Berkeley Police Department

Re: Christina Pinkney Badge: 839

Chief Greenwood,

Although the day felt like a Sunday, it was a Wednesday when my car was towed from a No Parking After a Specific Time zone. We were a block away & noticed the ticketing agent, looked up the street and realized what was happening. Panic!

What to do? Two seniors with no Smart Phone! I flagged Officer Pinkney who stopped and helped us greatly. She took the time to provide us with the phone number of the tow company, contacted them for us, let me speak to the staff to discuss pickup and called a cab to get us going. Amazing! And so kind!

The taxi dropped my friend off and I proceeded to the Towing Company. By this time, it was indeed dark. The location is in an industrial area unfamiliar to me. Dark, isolated, somewhat scary although it seemed clean with well lit empty lots — yet I was alone. As a senior I am unable to run...so I felt vulnerable as the cabbie drove off. Yikes! Be brave; I thought!

A tow company employee appeared but couldn't help me, saying I just had to wait. Outside. Alone. OK. Hope I am ok.

To my delight a meter-maid vehicle came 'round the corner. A human! It's the same person who helped me (...after towing my car, giving me a ticket...) Yay! Soon the tow-guy came back, they exchanged documents/information and Christina, realizing I was a scared and vulnerable stayed with me.

I really am grateful for her kind, understanding respect and help for going above and beyond her call of duty to clear cars for being in the wrong place at commute time ((even though it was a day when The Commute was not going to occur)). She is a great human being and a loyal employee.

I am confident that she has helped others solve the problems included with the loss of a vehicle due to parking without paying attention to the day, time and signage. Yes; Boxing Day is not a holiday, but it sure felt like it on Wednesday December 26th.

If this was a Yelp rating, I would give Christina Pinkney, Badge: 839 six (out of 5) stars for above and beyond the call! Thanks for your important time on this relatively minor crime & daily occurring matter.

Sincerely,



Andrew Greenwood

Chief of Police, City of Berkeley

2100 MLK Jr Way

Berkeley, CA 94704

unidentified officer

10 January 2019

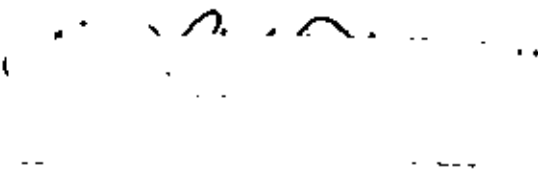
Dear Chief,

I am a long time Berkeley resident as well as being the proud daughter of a 30 year veteran of the Berkeley Police Department (Ed Skeels).

On 1/3/19 I was stopped by an officer for "cruising" through a stop sign in front of Clark Kerr campus. The officer could not have been more respectful and polite. He immediately introduced himself (though I did not catch his name). He asked for my driver's license, proof of insurance, and car registration. Fortunately, I was able to provide this to him. He just reminded me of being careful to make full stops at stop signs (a reminder I could use). I later called the department, hoping that by describing the officer I could get his name, but the woman who answered the phone said my description fit half of the police force! I am hopeful that somehow you can figure out who this was and commend him for treating me the way we hope police officers will. I know that my Dad would be proud of the officer as this is how he treated the public. The date was 1/3/19 at about 12:30PM as I turned left off of Warring onto Derby Street. This officer was a fine example of how we would like to see our police officers treat the public.

I am hopeful that you can identify this officer (he did not give me a ticket!). If not, and he looks like half of the department maybe you could post this letter as general example of a good officer.

Sincerely,



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

Dear Chief Greenwood

I want to commend and appreciate the Berkeley Police Department for the highly professional, thorough, and patient approach to apprehending _____ process that took from about 6pm

You successfully avoided injury either to officers or to H

I learned a lot about the way you proceed, and liked what I saw.

Many thanks for your good work.

Respectfully,

U

From: "Brown, Katherine"
Date: January 11, 2019 at 12:21:53 PM PST
To: "Jones, Jumaane J."
Cc: "Bustamante, Tanya"
Subject: Thanks again!!!

; "Tinney, Sean"

Hi there!

Thank you again for taking the time this morning to come by to the Center! Thanks for the coffee and pastries, and for the wonderful conversations - have no idea how everyone appreciated this! Thank you both for your efforts in making this a positive and safe community. Your humility, compassion, and commitment is priceless and we are truly thankful for this partnership.

Thanks, and look to see you both again soon!

Katherine

Katherine Brown, MPH
Senior Citizen Center Director
Judge Henry Ramsey Jr.

"There is nothing more valuable than an individual's life." - Anonymous

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 [redacted] id destroy this message immediately.

From: Durbin, Michael R.
Sent: Monday, January 14, 2019 7:16 AM
To: Reece, David K. >
Subject: Commendatory Work by Lieutenant Okies

Captain,

I recently received a commendation written by Lieutenant Okies for those officers involved in the case. Lieutenant Okies did a good job pulling together all the work done by the officers from various positions in the department over a three week period. What is most remarkable to me is the cross investigation and communication required between Patrol, SAG, SRT, the Investigations Division and Berkeley Mental Health. As Chief Greenwood points out in his comments at the end of the commendation, this case was extraordinary and challenging.

The piece that is missing from the commendation is that Lieutenant Okies was the one who took ownership of the case as the lieutenant in patrol and commander of SAG and SRT. He was also the one who ensured that there was strong communication between the various elements of the Operations Division (Patrol, SAG, and SRT) as well as the Investigations Division and Berkeley Mental Health.

Lieutenant Okies should be included in this commendation for the leadership role he played in resolving this incident.

Lieutenant Mike Durbin
Personnel and Training
Berkeley Police Department
PH:
Fax:

From: .
Sent: Tuesday, January 15, 2019 10:47 AM
To: Smith, Brandon C.

Cc: Harrison, Kate >; Berkeley Mayor's Office >; Barnard,
Sandy ; Schofield, Kevin M ; Rodrigues, Veronica

Subject: Re: tickets after street sweeper passes?

Dear Officer Smith,

Thank you very much for the absolutely impressive reply.

I had read that in some cities multiple passes were standard; I didn't realize they sometimes occur in Berkeley too. Since they do, I think everyone is already doing everything perfectly!

I was promoted to write because I saw interest and uncertainty about this on a local Berkeley web forum at https://nextdoor.com/news_feed/?post=92843734 . I've noticed BPD using that forum before, and I bet many Berkeley residents would love to get the clarity you've give me today.

(If you prefer, I could post myself explaining the situation.)

Thanks to you, and to the helpful city leaders who turned to you!

B

On Tue, Jan 15, 2019 at 10:25 AM Smith, Brandon C wrote:

Good Morning Mr. Kristy,

Thank you for your email and your inquiry regarding parking matters as it relates to street sweeping in the City of Berkeley.

The intent of the law is to allow for the parking areas to be clear of vehicles so that the gutter areas can be cleaned by City staff on a regular basis.

The street signs indicate no parking in the areas from a start time to an end time (In your neighborhood I believe it is 9am-12pm on the first Tuesday of the month).

When I spoke with the Parking Enforcement Bureau, they indicated that sometimes the street sweeper needs to make multiple passes that may be at varying times within the allotted time frame of the posted no parking signs. I also looked at the Parking Enforcement Manual on the CoB Website and found the following information as it relates to street sweeping:

"PEOs assigned sweeping routes are put on the beat schedule. PEOs are to arrive at their starting points and be prepared to begin citing at the assigned time. Parking Enforcement Officers shall drive ahead of the sweeper, citing as they follow the route."

"In certain cases, sweepers must make multiple passes along the same route. In these cases, the same procedure is followed, with PEOs traveling in front of the sweepers, citing along the route. While enforcing a street that is being swept multiple times, PEOs should attempt to avoid citing vehicles that have already been cited during an earlier pass."

It is not the intent of the parking enforcement officers to issue a citation to a vehicle parked in the area during the no parking hours once the street has been completely swept by the City staff.

Keeping this in mind, The Parking Enforcement Supervisor made two suggestions:

1. Do not park in the area until the no parking time has elapsed.
2. Or, speak directly with the parking enforcement officer who has been assigned the enforcement detail that morning, to see if the street sweeper is completely done or will be returning to sweep the area a second or third time during the allotted period of time.

I hope this helps.

Sincerely,

Officer Brandon Smith #3

Berkeley Police Department

Area Coordinator – Area 1

2100 Martin Luther King Jr Way

Administrative
Officer

1/22/19

Dear Officer,



Just a note of appreciation to you and your colleagues for your excellent job of apprehending and handling the case

on 1/19/19 at Berkeley Way. You all were thoughtful, kind and real professionals, and it made my recovering from the incident so much smoother! With Appreciation,

I can be of any help in putting in a good word on your behalf to !!



Sent: Tuesday, January 29, 2019 5:03 PM
To: Bartlett, Ben
Cc: Chang, James
Subject: January 2019 Safety Town Hall Debrief

Hi Friends,

Thank you so much for taking time out of a busy Monday night to come together as a community to tackle challenges around safety in our community.

Special thanks to Officer Tinney and Sergeant Rodrigues!

While the problem is great and oftentimes systemic, we look forward to working with all of you in helping build a safer community.

Here are some notes from yesterday:

Next Steps for the City

- Street Lights
 - o Please email us street(s) you believe need more lights, we want to help prioritize areas that could use the most help.
- Cameras
 - o Working on getting them for San Pablo Park
 - o Please try to get personal home cameras like Nest and Register with police
- Victim Services
 - o Have police department look into victim/community impact statements/ letter

Individual(s)

- Practice Situational Awareness
 - o Don't ignore fear
 - o Beware of Position & Surroundings
 - Object
 - People
 - o Make Eye Contacts
 - Draw Attention!!
- Neighborhood Watch Groups
- Code Enforcements
 - o Report bad behavior, call 311.
 - o Serious safety crimes, call 911
 - o License or incompliance, contact Council office

Police

- Drug Taskforce
- Hiring/Code Enforcements
- Liquor Store Standards

Also, special thanks to

Janice Greenberg for writing a personal detailed summary on Nextdoor of the meeting:

F/U from the Crime&Safety Meeting for S.Berkeley

Please feel free to reach out to our office any time for anything that you might need help with.

Additionally, please reach out if you would like to see our office host the same town hall with your friends and/or any town halls that you think would benefit Berkeley and our District 3 community. This is the best part of our job!

Thanks again, we look forward to seeing you around the community.

Best regards,
James Chang
Chief of Staff
Office of Councilmember Ben Bartlett
City of Berkeley, District 3

Berkeley, CA 94704

Pronouns: he/him/his



Commendation

To: Andrew Greenwood, Chief of Police, via the chain of command *dre*
From: Sergeant Veronica Rodriguez #S-24
Date: 2/7/2019
Re: Commendatory work by Officer Brandon Smith #3

On August 5, 2018, during a planned demonstration, Berkeley Police Officers recovered several suspicious, bomb like devices from Anti-Fascist protestors.

A few days later, Special Response Team (SRT) personnel reached out to Explosive Ordinance Device (EOD) Technician Officer Brandon Smith. SRT asked Officer Smith to utilize his EOD skills to inspect the bomb like devices. Officer Smith coordinated with his fellow EOD technicians and collaborated with the EOD team from the Federal Bureau of Investigation to test the devices. Officer Smith and this collaborative team found these devices were non-explosive paint balls. Officer Smith and this team went a step further and created an incredibly informative officer safety video that highlighted the effects of these non-explosive paint balls.

I would like to commend Officer Smith for his persistence, teamwork, thorough follow up and great work on this matter. The information gleaned from this joint effort and analysis provided valuable insight into this device and other similar type devices. Officer Smith's work on this matter provided insight that will be useful to our tactical response and the safety of every officer in future demonstrations.

FS 2-11



Commendation

To: Andrew Greenwood, Chief of Police, via the chain of command *AKL*
From: Sergeant Veronica Rodrigues #S-24
Date: 2/7/2019
Re: Commendatory work by Officer Brandon Smith #3 and Officer Byron White #17

On August 7, 2018, the Berkeley Police Department (BPD) hosted its annual National Night Out (NNO) event. The work done by Officer Brandon Smith and Officer Byron White for this event made it a huge success for BPD.

A few weeks prior to the event, Officer Brandon Smith took the initiative of creating an Eventbrite page which greatly organized our department's participation in this widely known police led community event. This page provided much needed organization and simplified the registration process for community members and neighborhood groups. Officer Smith was proactive in this endeavor, saw the need and created the events page without direction from a supervisor. Officer Smith went a step further and created a useful, easy to read map of all the neighborhood groups registered for the event. On the day of the event Officer Smith organized all of the swag and materials that were later passed out to the community groups. Officer Smith also provided the patrol officers who volunteered for the event simplified instructions on how to participate and positively contribute to the event.

Simultaneous to Officer Smith's work, Officer Byron White, operating as the department's Public Information Officer, took initiative and coordinated with Berkeley Community Media to produce a short video of NNO. Officer White and Officer Smith both collaborated on the video and escorted the videographer around the event. Officer Smith later provided an excellent interview about the event that was featured in the video. This video showcased the importance of NNO and its contributions to law enforcement and community engagement. This video was later distributed across various social media channels, which helped with transparency and trust building between our department and community.

I would like to commend Officer Brandon Smith and Officer Byron White for their hard work, initiative and foresight for this event. The skills these officers provided are indispensable to the Community Services Bureau, to this department, and to this city.

KS 2-11

February 11, 2019

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

Dear Chief Greenwood:

My husband and I want to express how impressed we were with our interaction with Officer C. Coria last evening.

At about 9pm, Officer Coria gave us a call to confirm that some of our mail had been stolen from our mailbox. Apparently a homeless person was picked-up and had 2 of my husband's business checks in his possession. Officer Coria came to our house about an hour later and delivered the stolen checks.

Officer Coria was caring, and concerned. He was professional yet extremely amiable. We are so glad to know that officers like C. Coria are looking out for Berkeley and its residents.

We give this officer an A++

Sincerely,

Mary

Cc: Officer C. Coria

From: Hathcox, Malary, DA [mailto:malary.hathcox@alamedacounty.gov]
Sent: Thursday, February 14, 2019 2:39 PM
To: Andersen, Ryan M. <ryan.andersen@alamedacounty.gov>
Subject: Officer Jessee Macapagal

To Who it May Concern,

I just wanted to send you a quick email and tell you what a pleasure it has been for both me and DDA Brian Owens to work with Officer Macapagal on a felony stalking case (). During the course of his initial investigation Ofc. Macapagal wrote a Ping Search Warrant for the suspect's phone and then got a Ramey Warrant for the suspect as well. I contacted Officer Macapagal on his off duty time in regards to also writing a Search Warrant for the suspect's phone contents (Call log, text messages, etc.). Rather than being bothered by me with this task, he took the bull by the horns and said he wanted to do it and asked if I had any examples of this type of Search Warrant, as he had never done one before. I sent him a copy of an example and he had the warrant completed by the end of his next work day. He has kept me informed on when it was signed and sent to T-Mobile.

It has been very refreshing to work with Officer Macapagal, he is enthusiastic, wants to learn, and is an asset to your department. We need more officers like him!

Sincerely, Malary Hathcox

**INSPECTOR MALARY HATHCOX
ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE
FAMILY JUSTICE CENTER**



Berkeley Police Department Memorandum



To Chief Greenwood Date 2/15/19

From Sgt. J. Grant

Subject Officer Macapagal Commendation

On 10/21/18 Officer Jessee Macapagal took a stalking report from a victim who reported the following information. A stranger, later identified as [REDACTED] approached the victim. They had a brief conversation and at the end of it [REDACTED] asked for the victim's phone number. The victim gave him her number and explicitly told [REDACTED] she was not looking for any kind of relationship beyond possibly a friendship.

Over a several week period [REDACTED] sent over one hundred text messages and made phone calls to the victim. Some of the text messages were sexually explicit in the language or photos that were sent. [REDACTED] made sexual comments directed at the victim. The victim made it clear she did not want any contact from [REDACTED]. [REDACTED] continued sending texts.

On one occasion [REDACTED] called the victim 14 times in quick succession and sent her 60 text messages. Some of the texts included very graphic images of people including a baby and a young child who had died violently. At about the same time, he banged loudly on her door and texted threatening texts about harming her or telling her to kill herself. The victim was terrified. She was so frightened she went and stayed at a motel after this incident and has not returned to her apartment.

Officer Macapagal worked extensively on this case. He identified [REDACTED] and found that [REDACTED] was on probation for a prior and unrelated stalking case and he had a prior felony conviction for 261.5 PC. Officer Macapagal completed a photo line-up and a Ramey warrant for [REDACTED]. Once the Ramey warrant was successfully signed Officer Macapagal lead a team of officers to [REDACTED]'s residence in an attempt to serve the Ramey warrant. [REDACTED] was not present. Several additional attempts at locating [REDACTED] failed. Officer Macapagal authored a search warrant to track [REDACTED]'s phone. This location information revealed that [REDACTED] had fled to Modesto and it also uncovered three addresses that [REDACTED] was associated with. Officer Macapagal ensured that Modesto PD was notified of Garcia's Ramey warrant. Over several days Modesto PD attempted to contact [REDACTED] at these locations. Modesto PD did not locate [REDACTED] but the pressure placed on him caused him to turn himself into Berkeley PD on 1/22/19. Officer Macapagal attempted an interview with [REDACTED].

When this case was presented to the DDA for charging [REDACTED] was charged with felony stalking and probation violation. After the case was charged a DA Inspector requested that Officer Macapagal author



Berkeley Police Department Memorandum



a search warrant for t s cell phone records. Officer Macapagal wrote the warrant, got it signed and served it on T-Mobile.

Officer Macapagal recognized this case as the community safety risk that it was. He took an interest in this case and he pursued it tenaciously. Officer Macapagal completed a preliminary investigation and authored a report, which were very detailed and worthy of recognition in and of themselves. Then Officer Macapagal continued to work this case and he did a complete and thorough follow-up investigation as if he were the Detective Division investigator assigned to the case. Please pass on my respect and appreciation to Jessee for the work he did above and beyond to make our community safer.



BERKELEY POLICE DEPARTMENT MEMORANDUM



To Chief Andrew Greenwood via Date 3-5-19
Captain David Reece *DRE*

From Lieutenant Kevin Schofield *KS*

Subject Commendation for Community Services Bureau Personnel

I would like to commend the following personnel for their ongoing professional, and often thankless efforts in the Community Services Bureau.

- Officer Christopher Scott
- Officer Brandon Smith
- Officer Jumaane Jones
- Officer Sean Tinney
- Sergeant Veronica Rodrigues

The role of the Area Coordinator and the CSB Sergeant positions have morphed significantly over the last couple years. As issues relating to homeless encampments have increased in Berkeley, the Community Services Bureau has become BPD's "go to" resource to address many of these concerns. These issues can be hugely problematic and dangerous for many reasons including dealing with service resistant populations, persons often impaired by mental health or substance abuse, communicable diseases, uncapped needles, human excrement, rotting food and many other hazards. All CSB staff have also been tasked with serving in a Backup PIO role.

Current staff in the Community Services Bureau applied for their positions with much more community focus and traditionally assigned tasks. However, as the needs of the department changed, the role of CSB changed as well. CSB now regularly addresses many complaints relating to homeless encampments throughout the city. CSB personnel rolled with the changes without complaint and became knowledgeable resources for addressing encampments, which are usually very lengthy processes that includes consultation with Neighborhood Services, Legal and other departments. Oftentimes our duties require work in volatile and politically charged environments where no matter what officers do, many people will be upset.



BERKELEY POLICE DEPARTMENT MEMORANDUM



CSB staff attends numerous meetings per week at City Hall, working regularly with all levels of city staff from Skilled Laborers all the way to meeting directly with Department Directors, the Deputy City Manager and the City Manager.

It is not uncommon to have last minute schedule fluctuations to attend nighttime meetings, weekend meetings, weekend cleanup operations or very early morning operations where the potential for conflict is high. Dealing with lawsuits, sworn statements and depositions has also become more common. Personnel attend City Council related meetings when necessary, as well.

CSB staff deals with many difficult societal issues, while simultaneously building positive relationships with internal/external stakeholders at all levels. They make recommendations and help coordinate responses with other city entities to ensure the most effective problem resolutions. All the while, they are still doing their best to maintain other obligations including engagement with CAL students/staff, merchant groups and residents throughout the city.

This week marks the last week of a four year assignment in CSB for Officer Brandon Smith and Officer Christopher Scott. Officer Jumaane Jones and Officer Sean Tinney have completed three years. Both have requested (and received) a fourth year in their assignments. Sergeant Rodrigues has been in her position for two years. All five of them have been exceedingly compassionate, diligent and driven to try to make life better for the Berkeley community and ease some of the burden on patrol officers. I am extremely proud of how they represent themselves, the City of Berkeley and the Berkeley Police Department.

From: _____

Sent: Wednesday, March 06, 2019 5:32 PM

To: BPD Webmail _____

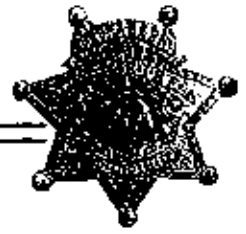
Subject: Commendation for Officer J. Perkins, Badge #152

I would like to submit a commendation for Officer J. Perkins, Badge #152 for her work and attitude. I was involved in an accident with a pedestrian on February 13, 2019, and she was the officer at the scene. She was very helpful, reassuring and supportive, got all the procedures finished quickly and was available for follow-up. I think she is a great officer and wonderful person. I hope this helps to bring her great work to the light of day. If you have any questions, feel free to contact me.

Sincerely,

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

March 20, 2019

Kevin Reece, Lieutenant
Berkeley Police Department
2100 Martin Luther King Jr. Way
Berkeley, CA 94704

Dear Lieutenant Reece:

I was very pleased to receive compliments from Captain Pace Stokes and Captain Dave Blanchard, along with other members of the Alameda County Sheriff's Office command staff, regarding your valuable assistance that contributed towards the overall success of Urban Shield 2018.

Your participation in Urban Shield 2018 "Real Time Training For Real Time Events," was greatly appreciated. You performed your duties and responsibilities admirably. I understand it took preparation, knowledge and dedication to duty to achieve the mutual goal of training both first responders and our citizens.

Urban Shield 2018 would not have been the exceptional event that it was without your participation and willingness to assume one of many significant roles. Because of you, first responders and citizens are better prepared to respond to natural and manmade disasters due to the Urban Shield 2018 training and exercise.

Your involvement in Urban Shield's 2018 "Real Time Training For Real Time Events," illustrated the spirit in which public, private, first responders and citizens can work together as partners to make our region better prepared for disasters. Please accept my gratitude and appreciation for your participation in Urban Shield 2018.

Keep up the great work!

A handwritten signature in black ink, appearing to read "Gregory J. Ahern".

Gregory J. Ahern
Sheriff-Coroner

GJA:hps

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

March 20, 2019

Joe Okies, Lieutenant
Berkeley Police Department
2100 Martin Luther King Jr. Way
Berkeley, CA 94704

Dear Lieutenant Okies:

I was very pleased to receive compliments from Captain Pace Stokes and Captain Dave Blanchard, along with other members of the Alameda County Sheriff's Office command staff, regarding your valuable assistance that contributed towards the overall success of Urban Shield 2018.

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Keep up the great work!

A handwritten signature in black ink, appearing to read "Gregory J. Ahern".

Gregory J. Ahern
Sheriff-Coroner

GJA:hps

From:


Date: March 20, 2019 at 08:25:50 PDT

To: 

Subject: Thank you

Reply-To: 

Dear Officer McDougall,

Thank you for taking the time to meet with me yesterday to help reduce my distress to the most recent provocative incidents by my neighbor, 

I was deeply touched by your compassion and am deeply grateful for your professionalism, empathy, and insight. It is heartening to know that there is such exceptional staff in the Berkeley police department.

Sincerely,

From: [redacted]
Sent: Wednesday, April 24, 2019 12:59 AM
To: BPD Webmail <[redacted]>
Subject: Feedback regarding incident on 23 April 2019

Hello BPD,

My name is [redacted], I had an experience with BPD on April 23 2019 at about 11:50PM that I would like to give feedback on. As I was driving, I became involved in a road rage incident and promptly called 9-1-1. I was near San Pablo and Dwight at the time. My call was automatically connected to a BPD dispatcher. When I explained the nature of the event, as well as my location, the first thing that the dispatcher suggested was that I head over to the BPD office to report my situation.

I find it difficult to take this suggestion seriously. At the time I was fairly far away from the BPD office, driving in the opposite direction, and being chased by an angry driver - all of which I had explained to the dispatcher. Police dispatchers should understand how road rage is a volatile situation that can quickly escalate. I do not appreciate how your dispatcher downplayed the seriousness of the situation.

The dispatcher eventually asked me whether I would like to be transferred to Emeryville PD. Since I was headed to Emeryville, I agreed to take the transfer, without really knowing what the result of that transfer would be. This shouldn't be a decision left for me to make. I really hope that your dispatcher could have been more helpful at offering assistance at the time.

I was very lucky because there was a BPD officer on patrol who happened to be in the area at the time. Officer X. X. Ren promptly stopped both me and the other vehicle and was very professional at handling the situation. I need to consider myself lucky because I believe your dispatcher would not have sent any officer assistance to handle my situation. I would like to give my commendations to officer Ren for his professional conduct and the time he spent helping me.

As someone who often returns home late and who frequents the Berkeley community, I have called BPD emergency and non-emergency to report incidents a number of times over the past several years. I have experienced very professional and helpful dispatchers. I hope that BPD can maintain its high level of service that this community overwhelmingly needs.

Regards.

From: [Redacted]

Sent: Sunday, April 28, 2019 10:23 AM

To: BPD Webmail <[Redacted]>; PRC (Police Review Commission)

Subject: Thank You and Commendation

Dear Chief Greenwood,

We are writing to thank your officers and commend them for their handling of a possible child abduction situation yesterday. The only officer's name we know is Officer Gardner and we believe he was the lead officer at the scene. There appeared to be at least 3 officers actively involved and they all handled themselves professionally and admirably.

We know that many communications from the public to the police are uncomplimentary and we feel it is important to also emphasize when the police should be complimented.

So, say thank you for a job well done.

Berkeley

From: [REDACTED]
Sent: Monday, April 29, 2019 2:58 PM
To: Reece, Kevin A. <KAR@berkeley.ca.gov>; Kleppe, Kevin W <KLEP@berkeley.ca.gov>
Cc: Valdez, Liz <LIZV@berkeley.ca.gov>
Subject: RE: BPD Memo 4.27.2019

Good afternoon,

A big thank you to Berkeley PD for your assistance and ensuring we had a safe and successful town hall Saturday afternoon.

District Director
Office of Congresswoman Barbara Lee

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**Berkeley Police Department
Memorandum**



To Lieutenant Kevin Schofield ^{KS} Date 04-30-19
From Sergeant Veronica Rodrigues ^{VR}
Subject Commendation

On 04/25/19, Officer Christopher Scott and myself assisted Neighborhood Services and the city of Berkeley's Public Works department in the initial enforcement of the city's new municipal code, Temporary Non-Commercial Objects on Sidewalks (14.48.120). Officer Scott is part of a collaborative, multi-department team specifically created to implement and enforce the new municipal code. A few days after the operation, I received a personalized thank you card from Deputy City Manager, Paul Buddenhagen (please see attached) personally thanking Officer Scott and myself for our assistance in the implementation and enforcement of this municipal code. I would like to forward this thank you card from Mr. Buddenhagen as a commendation for Officer Scott and myself.

you went about the work. We have
lots to learn & I'll help with moving
your recommendations to actions.

Thanks again,
Paul

April 25, 2019

Dear Officers Rodriguez & Scott,
Thank you for your outstanding
work implementing our sidewalk AR.
This week was the culmination of a
lot of council process & work over
months & years.

As you experienced, many people
in the city will be appreciative of your
efforts. And of course, some won't.

I'm grateful of you both & of
the compassionate, yet firm, way

From: I

Sent: Tuesday, April 30, 2019 2:06 PM

T

Subject:

Capt. Reece/Lt. Lindenau,

Gentlemen, I wanted to highlight some phenomenal police work last night.

Nash and Loeliger conducted a stop near Haskell and San Pablo on Patrick Hawkins. Officers developed PC to search the van and discovered a loaded, stolen firearm, and a couple of ounces of cocaine, some heroin, and methamphetamine. Nash and Loeliger requested to do a roll-over search warrant at Hawkins residence at

At Hawkins residence, officers recovered approximately 9 ounces of cocaine, two ounces of tar heroin, and US currency. Of note, the hoa constrictor inside the apartment was not injured.

Nash, Loeliger, along with their partners in crime Pock and Egbert successfully arrested a drug dealer, who was likely supplying our Berkeley dealers at Haskell and San Pablo with more than 11 ounces of cocaine, 3 ounces of heroin, 7g of methamphetamine while armed with a loaded/stolen firearm. Of note, Kleppe and Hom stayed after their shift on Team 3 to assist in the safe execution of the roll over search warrant.

A financial asset investigation is underway.

Without the collective teamwork, this case would have ended as a phenomenal car stop, but with their perseverance it became the one of the best cases in recent history of officers doing a narcotics/firearms investigation from start to finish. Officers are working on the third related search warrant.

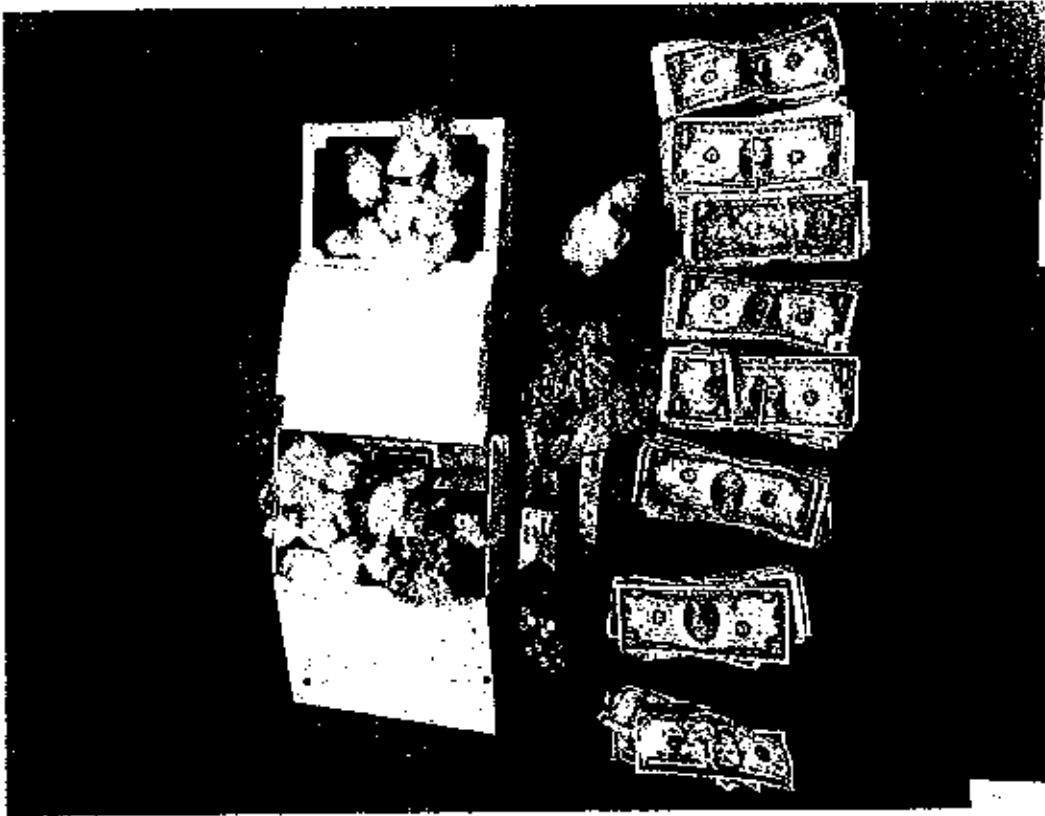
I'll work on a formal accommodation at the conclusion of this case, but I couldn't wait to highlight their amazing work.

Respectfully,

Joe

Sergeant Joseph Ledoux

Operations-Patrol



From:

Sent: Tuesday, May 14, 2019 11:57 AM

To:

Subject: Camelia St. Encampment-- thanks!!!

Hello,

I wanted to send my most sincere gratitude and appreciation for the city's clean up of the homeless encampment on Camelia between 2nd and 3rd street. Since the removal of the camp, our neighborhood overnight returned to the cozy and quiet community that it once was.

I know that you work an often thankless job, trying to balance the needs to many different people. I want to thank you for responding to my many phone calls and emails promptly and with professionalism.

Warmly,



BERKELEY POLICE DEPARTMENT MEMORANDUM



To: Captain Reece via Lts. Hong,
Lindenau, Okies and Smith Date: May 15, 2019

From: Sgt. Melero #S4

Subject: **Commendation for the Listed Officers**

I am writing this memorandum to recognize and commend the outstanding work performed by the following officers:

- Sergeant Peter Lee
- Officer Corey Bold
- Officer Kris Gibson
- Officer Kevin Kleppe
- Officer Kyle Ludovico
- Officer Greg Michalczyk
- Officer Tyler Moore
- Officer Eric Ruff
- Officer James Seaton
- Officer Kyle White
- Officer Matthew Yee

On April 17, 2019 at approximately 1351 hours, a victim called the Berkeley Police Department to report that his car had been stolen from Burlingame and according to his GPS tracker, the vehicle was in Berkeley.

Officers Michalczyk and Seaton (working as a Bravo unit) responded to the location where the stolen vehicle was when the victim called BPD; however, the vehicle was no longer there.

Officer Seaton called the victim directly and obtained an updated location. Officer Michalczyk anticipated the location of the stolen vehicle based on the direction of travel, found it and requested additional units. After additional units joined them, they conducted a high-risk vehicle stop on the stolen vehicle. The involved officers safely apprehended three occupants of the stolen vehicle and arrested them for various crimes including: CVC 10851, PC 496(d), H&S 11364, and H&S 11377.



BERKELEY POLICE DEPARTMENT MEMORANDUM



The aforementioned incident came to my attention (in Internal Affairs) by a person wanting to file a complaint. This person explained that her sister was traumatized because the car she was driving was blocked in by the police vehicles as they conducted the vehicle stop and suddenly the officers drew their guns. After reviewing the videos and police reports associated with this incident, I called the person back and explained what actually happened. I added that the officers did nothing wrong; in fact, the actions of the involved officers was worthy of commendation.

As you are all well aware, vehicle stops (especially high-risk vehicle stops) are dangerous and unpredictable. This high-risk vehicle stop was no different. Officers had to deal with the following: an uninvolved vehicle with a driver that ended up stuck next to the suspect vehicle; a person who kept walking into the officers' line of fire; and three suspects with extensive criminal histories who kept dropping their hands when ordered to keep them up.

The quick thinking, acting and professionalism exhibited by all of the listed officers exemplifies the Mission, Vision and Values of the Berkeley Police Department. I respectfully request that this memorandum be processed as a commendation for the listed officers.

May 16, 2019

Dear Officer Morales,

Thank you again for rescuing my cat Ruby from the storm drain. She refuses to be an indoor-only cat but has never gotten herself into a storm drain before. I was out of town and my cat-sitter didn't open the door when you knocked because she didn't know the neighborhood.

Anyway, Ruby was on antibiotics and pain meds for about 5 days. The pain meds were for an injury to her tongue. Once she finished the meds, she was allowed outside but has stayed close to home (the backyard). She's a smart cat and I hope will avoid storm drains in the future but with cats you never really know. I understand a neighbor alerted you to the problem; do you know who this person was? I'd like to thank them as well.

Unfortunately, next week I travel to Germany for 3 weeks (I haven't traveled for years and suddenly seem gone all the time now). Ruby will be under the care of a cat-sitter again who will try to keep her entertained at home.

Please accept this small gift for your kindness and quickness in getting Ruby to the vet.

Best,



Las Vegas, NV

May 27, 2019

Dear Mr. Andrew Greenwood, Chief of Police

cc: Mr. Jesse Arrequin

Subject: Commendation for Officer Hong
Case #

I am profoundly appreciative and grateful for the recent service I received from Officer Hong regarding a missing person (my domestic partner).

The entire process from the initial interview to the thorough follow-up exemplifies what I dream for America for the next decade and beyond!

There was no profiling, no stereotyping and I was treated with utmost courtesy and respect as a citizen.

My applause to you all,



Berkeley Police Department
Memorandum



To: Chief Greenwood via chain of command Date: 06-06-2019

From: Lt. K. Reece #L-7 *KR* *Reece*

Subject: **Employee Commendation for CSO McDaniels**

On 06-02-19 I became aware of an incident where CSO McDaniels assisted the BART Police Department with the identification of a robbery suspect. On May 28, 2019 the BART Police Department along with KPIX Channel 5 News aired a public safety announcement about theft and strong armed robberies being committed on BART trains. This news footage showed a recent cell phone theft on a BART train. CSO McDaniels, who was at home off duty, recognized the suspect in the news clip from a prior booking and notified the BART Police through his chain of command. BPD Robbery detectives communicated this information with BART PD which greatly helped their investigation. BART PD was very appreciative and are currently working on this investigation.

I want to commend CSO McDaniels for actions, as they were well above what is required of him and are a fine example of his recognition that combating crime is a team effort and also recognize his commitment to public safety.

From: Brian
Sent: Friday, June 07, 2019 11:41 AM
To: Brannigan, David <[redacted]@berkeley.info>; Abraham <[redacted]>
Subject: FW: Call [redacted] with BPD

*unidentified
officers*

FYI..we had a good interaction with BPD on this call. BPD administered 2 rounds of Narcan prior to our arrival, started CPR and stayed involved throughout the call. Well done by all. Something positive to pass on to the Police Chief maybe.
Thank you,
Brian

*Berkeley Fire Department
Station 2 A Shift
[redacted]*

From: Brian
Sent: Friday, June 07, 2019 9:20 AM
To: Brian <[redacted]>

Cc: [redacted]

Subject: Call:

Chief Harryman,

Engine 6 and Medic 1 ran a call last night I was hoping you could pass this note along to BPD.

EE/M1 responded to a possible unconscious male at Chipotle. Upon arrival we found two BPD officers on-scene in the men's restroom doing CPR on victim. We completed our BLS/ALS interventions and transported the patient code 3 to SMC.

I just wanted to thank the officers involved, for they cleared the restaurant, administered two rounds of Narcan, (it was a suspected overdose) and recognized the need for CPR and were actively involved in CPR when we arrived and stayed on the chest until our Lucas was in place. Late last night we heard the patient has ROSC at Summit.

I know sometimes we don't acknowledge our partners at BPD enough, as we know they do a terrific job for our city. If you can find time to pass this along I'd really appreciate it.

Thanks, B

Brian
Fire Captain Station 6
Berkeley Fire Department



Police Department

MEMORANDUM

Date: June 07, 2019

To: Chief Andrew Greenwood via Chain of Command *AGG-1*

From: Lieutenant Peter Hong *[Signature]*

Subject: Commendatory Work by Sergeant Ledoux, Officer Bold, and Officer P. Anderson.

On 05-29-19 about 7:45 AM our officers responded to the apartment complex at [redacted] report about a struggle between a woman and man armed with a knife. The 911 caller sounded frantic when calling in; demonstrating the urgency of the situation.

Officer Pat Anderson and Officer Bold arrived to encounter the man holding a knife to his own throat while holding onto the woman and refusing to let her go. The female's face was visibly swollen from the punches she had already taken from the male. The two were struggling on the ground and at one point the woman tried to get up but the man pulled her back down and wrapped his arm around her neck. Officer Bold took a tactical position with the less-lethal FN as he and Officer Anderson repeatedly told the man to put the knife down. Sergeant Ledoux arrived and joined in trying to get the man to let the woman free.

While holding onto the female with the knife at his throat the male kept yelling to the officers, "I will kill myself." "She did this to me." "I'm crazy for her." Officers yelled for the woman to move away and to "crawl to us." As the woman tried to break free the male said to her, "Don't go, they're going to kill me." He kept yelling that he loved her.

Right at the moment the woman was able to wriggle free of the males grasp Officer Bold fired his less-lethal FN about seven times; targeting the male's arm, which forced him drop the knife. Immediately, the three officers went in to restrain the male in handcuffs. While at the hospital getting a fit-for incarceration and eventual admittance to John George the male commented to Officer Bold, "You should have shot me. Why didn't you?"

For everybody else listening to this play out on the radio we all believed an officer involved shooting was inevitable. However it didn't because of the patience and restraint by these three officers and their skillfulness in accessing the overall conditions, their attempts to de-escalate the situation, while utilizing their less-lethal tools in a strategically tactical manner. The situation concluded with the female escaping further injury and with minimal injury to the male.

This event highlights how our Berkeley officers over and over again problem solve with superior performance.

I respectfully request Sergeant Ledoux, Officer Bold, and Officer P. Anderson be commended for their actions in the safe resolution of this incident.

From: "Nicholas" <...>
Date: June 17, 2019 at 12:34:45 PDT
To: "William" <...>
Cc: "Michael" <...>, "David" <...>, "Alfonso" <...>
Subject: Recognition of BPD, incident #7

MELONITZ

Chief,

Early this morning at 0041hrs 6/17, E2, M2, and BPD responded to the Lutheran Church of the Cross (YEAH Youth Shelter 1744 University Ave) for an 18/yo female possibly having a panic attack. Upon our arrival we found the patient hyperventilating with BPD nearby attempting to comfort the patient. Ultimately the patient was able to calm herself to a state where she was able to describe that she had been assaulted within the past few days, with the responsible still inside the shelter. The assault had not been initially reported. She reported that the cause for her anxiety was the ongoing harassment from the responsible since the initial assault. The patient was medically cleared and BPD took the patient's statement as E2 and M2 cleared.

From the start, BPD was extremely supportive of the patient. All officers on scene displayed a calm and secure demeanor, and showed extraordinary compassion and professionalism. They were patient while taking her report and acted quickly and deliberately when the patient agreed to identify the responsible. I believe their demeanor and support of the patient's statement played a direct part of

improving the safety and security of this youth shelter. I wanted to recognize the officers for their human kindness and the impressive example of public service they had shown during this incident. It represented their department and the city well.

Please forward on my behalf,
Best regards,
Nicholas
B Shift Operations Paramedic Supervisor
Berkeley Fire Department

cell

Greenwood, Andrew

Subject: A very nice encounter with Ofc. Glover-Holloway

Capt. Rolleri,

Please process the below as a commendation for PEO Glover-Holloway. I received it via email. I have already responded to the author.

Hello Chief Greenwood,

I hope this email finds you well. I wanted to take a minute to let you know that my two young daughters (ages 10 and 7) had a super sweet encounter with a BPD Parking Enforcement Officer, Officer Glover-Holloway, earlier this week.

My kids were selling lemonade in front of our house with my older sister watching from the front porch. Officer Glover-Holloway waited for a person or two to get some lemonade, then went up to the stand and asked my kids if they were outside alone. At that point, my sister caught her eye and waived to her to let her know there was someone watching over the girls.

Well apparently Officer Glover-Holloway asked the girls if they did any other type of cooking... My 10 year old is obsessed with baking and, because Officer Glover-Holloway is also an avid baker who sells at the Ashby Flea Market, there was much excited talking about cake. Now my 10 year old is determined to visit Officer G-H this summer at the flea market (bringing along some of her own cake) and "beat" her in a taste test...

Very sweet. I didn't want to let an encounter like that pass without giving a shout out to Officer G-H.

Kind regards,

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

From: Cheryl

Sent: Wednesday, June 19, 2019 2:11 PM

To: Rashi < >; Berkeley Mayor's Office

Beth < >

Subject: A (possibly) rare compliment from a Berkeley citizen

Since I have been critical of the city's ability to keep encampments and vans from establishing large piles of junk/filth, etc. on our city streets and am the person who complained loudly about the same on Camilla/4th street near the preschool.....I now want to take the time to also provide a compliment.

I observe the area around 4th and Camilla every day when I drop off my grandson at Duck's Nest preschool and pick him up in the afternoon. For the past several weeks now (with one exception that lasted about 48 hours) the city has been able to keep that area free from tents and vans that pile junk/filth on the sidewalks, etc.

So here is what is probably a rare "Thank You" for listening and acting.

I sincerely hope you can keep it up.

Cheryl



BERKELEY POLICE DEPARTMENT MEMORANDUM



To Chief Greenwood via Chain of Command Date June 20, 2019

From Sgt. R. Andersen #S-16 *R. Andersen*

Subject Employee Commendation for Jail Clothing Donations

Of the many contributions to the community made by our Department plenty go unrecognized. In the past some jail staff donated or purchased clothing for the jail to distribute to detainees that were in need of clean, dry, fresh clothing for any number of reasons. Many of our detainees truly appreciate something as simple as a clean pair of socks. They may be in our custody for whatever crimes they committed, but we are still obligated to treat them as human beings. Earlier in 2019 I sent out a Department wide email soliciting donations of clothing to the Berkeley City Jail to help bolster a process that was previously borne by Jail staff alone. I would like to recognize those Department members who responded to this request and contributed to the stock of clothing to provide to those detainees in particular need, Lt. K. Smith #1-4, Det. R. Bledsoe #106, Ofc. B. Smith #3, Ofc. C. Miller #12, CSO L. Assata #456, and CSO McDaniels #436. I appreciate their contribution to better our service to the community and would like to recognize their efforts as worthy of commendation as this is above and beyond the expectations of our fellow staff.



**Berkeley Police Department
Memorandum**



To: Kimberly Reeve #551
From: Sergeant Peter Lee #5-5
Date: June 22, 2019
RE: Excellent Work by Gloria Mayumi Querubin #511.

SUMMARY:

Officers responded to a missing person at risk. The missing person was a 90-year-old male who suffered from severe memory and vision impairment. Dispatcher Gloria Querubin's quick thinking and self-initiative resulted in the locating of the missing person unharmed.

BACKGROUND:

On June 22nd 2019, officers and I responded to 2829 Shattuck Ave., Elmwood Convalescent, after the staff reported a 90-year-old male missing. When Officer Miller and I contacted the staff we discovered that the missing person suffered a stroke recently and had a severe memory and vision impairment. We also learned that the missing person was only wearing a t-shirt, so time was against us because the temperature outside was dropping.

More resources were immediately called to the scene and a grid search was conducted on foot and by car. The entire structure of Elmwood Convalescent was also searched by officers and by staff. Search dogs were authorized and requested as READYNET was activated (hospitals were being contacted).

While all this was going on, Dispatcher Gloria Querubin, on her own accord, contacted AC Transit and had them BOLO the missing person to their bus drivers. It was because of this self-initiated step that she took that the missing person was located by a bus driver onboard an AC Transit bus. I later asked Dispatcher Gloria how she figured to contact AC Transit and she replied as a matter of factly something to the effect of, "I figured he'd get on a bus and AC Transit should BOLO it." I have no doubt that the years of experience Gloria has as a Dispatcher is why she knew to contact AC Transit.

CONCLUSION:

READNET, search dogs, and an extensive search by officers were underway in our attempts to locate the missing person. Officers were working against time because of the missing person's age and medical condition. If it wasn't because of Dispatcher Gloria's self-initiative and quick thinking, I don't think we would have located the missing person as early on in this investigation as we did. Thank you Gloria.

Berkeley Police
Sergeant Peter Lee #5-5
Patrol Division



Berkeley Police Department Memorandum



Date: June 23, 2019

To: Chief Andrew R. Greenwood, C-1
Via Personnel and Training *DLL*

From: Lieutenant K. Smith L-4 *KSLY*

Re: **Commendation for Gaia building suicide attempt,**

On 3/30/2019, at approximately 1805 hours, officers responded to a report of a person hanging off of the roof of the Gaia Building, 2120 Allston Way. The subject reportedly had a knife and there was a small group of people on the roof. The Gaia Building is a nine-story secured apartment building located along the Shattuck Ave corridor. The man could be seen from the street below standing on the ledge of the roof.

The initial three officers that made their way to the rooftop were Sergeant Rittenhouse, Sergeant Castle and Officer Grover. Once on the rooftop the officers located the subject, identified as _____, who was found standing on the outside edge of the handrail on the roof. He was holding a knife in his hand. It was immediately clear that _____ was under the influence of narcotics; he was yelling and highly agitated.

A crowd had begun to form on Shattuck Ave below _____ Sergeant Parsons took control of scene management on Shattuck Ave and Allston Way. He managed officers arriving on scene as well as the crowd that continued to grow on Shattuck Ave.

Sergeant Rittenhouse stepped in and began to negotiate with _____ was upset because he had been arrested numerous times and was unable to retrieve his property from BPD. _____ told Sergeant Rittenhouse that he was going to jump if he did not receive his belongings from BPD within 45 minutes. Once Sergeant Rittenhouse began to negotiate with _____ it was clear that he was not going to be easily swayed to come back over the railing. Sergeant Rittenhouse was able to get _____ to drop the knife. _____ was demanding that his property that was secured at BPD be brought to him and made numerous threats to jump.

Officer Grover worked as a liaison between Sergeant Castle and BPD. Officer Grover gathered intelligence on _____ and disseminated information back to the PSB. He also worked to locate the property that was upset about.

Additional Officers were requested to the rooftop to form a Quick Reaction Force (QRF). There was a small landing area through the elevator doors where the additional officers could stage outside of the view of _____ The officers would be close enough to react if needed, they were approximately 40 feet from _____. The officers that responded to the roof to assist were Officer Syto, Officer Villarroel, and Officer Turney. They joined Sergeant Castle and Officer Grover. Officer Hunt contacted Sergeant Castle and requested that he respond to the scene to assist.

It was evident that BFD was needed on both the rooftop and the ground level. BFD was requested to join the officers standing by on the rooftop. On the ground Sergeant Parsons was coordinating with BFD to try to set up the best locations stage medical resources in event a rescue needed to take place. This involved working with the building staff to gain access to secure areas as well as other properties.

Sergeant Rittenhouse patiently continued to talk with _____ as he hung over the edge of the building. _____ continued to yell and demand his property back from BPD. _____ engaged the large crowd below him on Shattuck Ave, screaming down to them. Sergeant Coats joined Sergeant Rittenhouse as a secondary negotiator.

A contingency plan was formed to have officers secured in climbing harnesses attached to BFD ropes, if negotiations with _____ were not successful. This would allow officers to attempt a rescue if necessary while significantly lowering the chances of them getting injured or falling off the building. BFD responded to the rooftop with specially trained firefighters who accessed the area and began to set up ropes to tether the officers. A rope was also set up for _____. The plan was to get close enough to _____ that he could be pulled in and secured to the rope. Sergeant Castle, Officer Hunt and Officer Villarroel were placed in safety harnesses by BFD.

As the incident continued numerous unsuccessful attempts were made to gain compliance from _____. Lieutenant Smith made the necessary calls to get _____'s belongings released from the property room. CSO Medlin was called in on her day off and located the property. CSO Medlin had to be called in because of the limited access to the property room. The property was released and in route to the scene.

Officer Melowitz worked with the building maintenance staff to gain access to some of the out buildings on the roof. In the end, the rooms were not used but they provided additional vantage points in close proximity to _____.

_____ had become more agitated, yelling out to the crowd on Shattuck Ave. _____ demanded to smoke marijuana that he had in his backpack, which was also on the roof. Sergeant Castle, Officer Hunt and Villarroel seized the opportunity to get closer to _____. Now tethered to a secure anchor and about 15 feet from _____ they were staged to make a rescue.

Sergeant Rittenhouse and Sergeant Coats continued to negotiate with _____ to try to get him to come back over the handrail but he could not be reasoned with. _____ expressed that he was tired, he had been on the ledge for approximately an hour and half. _____ began to look as though he was defeated and displayed that the situation was getting dire. _____ squatted down on the ledge to rest. Seizing the moment, Officer Hunt and Officer Villarroel closed the distance and pulled _____ into the bars of the handrail. Sergeant Castle, Sergeant Rittenhouse, and Sergeant Coats grabbed _____ and pulled him over the railing back onto the rooftop. Officers Grover, Melowitz, Turney, and Syto assisted in taking control of _____. _____ was placed on a mental health hold.

The way this event unfolded was one BPD officers had not faced, nor probably discussed, in any prior trainings or debriefs. BPD and BFD were flexible, creative and team oriented in how they dealt with the unfolding events. They showed patience, determination and courage in their actions. BPD and BFD personnel who participated in this incident should be commended.



Berkeley Police Department Memorandum



Date: June 24, 2019

To: Chief Andrew R. Greenwood, C-1
Via Personnel and Training *AKK*

From: Lieutenant K. Smith L-4 *KAS/ly*

Re: **Commendation For Robbery Arrest/Armed Standoff With Officers,**

On 6-15-19, at about 1606 hrs, a citizen reported that a man smashed the window of a parked car at the gas station, University Ave at Sixth Street. A child was reportedly inside the car during the attack. Officers went to the area to investigate the crime and locate the suspect, who had fled on a bicycle. A witness was following the suspect and reporting his location to dispatch.

Sergeant Landrum located the suspect in Aquatic Park near the Berkeley Animal Shelter. The suspect was armed with a large, makeshift hammer. Sgt. Landrum challenged the suspect at gunpoint. The suspect said, "Shoot me" several times while holding the hammer in the air. Sgt. Landrum alerted other officers and dispatch of his situation. The suspect turned away from Sgt. Landrum and began to go towards the interstate pedestrian bridge. Sgt. Landrum began coordinating efforts for officers to respond with less lethal from the west side of the pedestrian bridge. Sgt. Landrum remained on the east side of the bridge with less lethal and formed a contact team of officers, using Officers Ludovico, Driscoll, and Yee.

Several officers went to the west side entrance of the pedestrian bridge to prevent the suspect from escaping or harming others. Officer Hunt, Officer Nash, Officer Schikore, Sgt. Parsons and Sgt. Huynh formed a west contact team with Hunt and Huynh armed with less lethal launchers. As they walked up the west entrance, they could see the suspect standing in the middle of the bridge, armed with both the hammer and a two-foot metal sword. Officers gave the suspect commands to drop the weapons. The suspect yelled, "Or what?" back at officers while holding his weapons and appearing to ready for a fight. Sgt. Huynh and Officer Hunt fired less lethal projectiles at the suspect, who eventually threw his hammer over the pedestrian bridge safety fence towards the active interstate below. Sgt. Huynh fired one more less lethal projectile at the suspect before he finally submitted to arrest.

This type of incident is becoming more frequent. Criminal, unhoused, mentally ill drug addicts, who are armed with weapons other than firearms, are frequently contacted by our officers. These are dangerous calls for the suspect, officers and citizens/witnesses. In this case, good decision making, hasty planning and teamwork, and well-formed and practiced tactics led to the suspect's arrest. The involved officers should be commended for their performance and conduct during this incident.

From: Erin
Date: June 26, 2019 at 14:15:38 PDT
To: "BPD Sgt. Matt"
Subject: Thank You!

Dear Sgt. McGee and Det. Kacalek,

Thank you so much for coming to case review and presenting your case. What a difficult case, from both an emotional standpoint as well as navigating challenging family dynamics. It sounded like you both did a fantastic job, which of course is no surprise. I mentioned how well your presentation went to Colleen in this afternoon and she sang your praises as well.

Thanks again for all you do, including taking time to come to case review. Kids in Berkeley are lucky to have you both working to keep them safe.

Sincerely,

Erin

--

From:
Sent: Saturday, June 29, 2019 10:57 AM
To: BPD Webmail <bpdwebmail@cityofberkeley.info>
Subject: Thanks for help

*unidentified
officers*

A heartfelt "thank you" to the officers who helped find my wandering husband at about 3:00 this morning . Not one, but FOUR cars showed up, and he was returned safely. (He has just been diagnosed with Alzheimer's.)

The police officers were efficient, sympathetic and very professional. We are fortunate to have such a capable and professional police force to look after us.

I'm off to the hardware store to buy sturdy locks so that this does not happen again!

.....

100



Police Review Commission (PRC)

November 1, 2019

To: Honorable Mayor and Members of the City Council
From: George Perezvelez, ^{Chairperson} Chairperson, Police Review Commission
Re: Policies reviewed under the Surveillance Technology Use and Community Safety Ordinance. (Action Calendar Item #30 on the City Council's November 12, 2019 agenda.)

This memorandum supplements the information provided to you in the City Manager's Surveillance Technology and other reports required by the Surveillance Technology Use and Community Safety Ordinance (Ordinance 7,592-N.S.; Berkeley Municipal Code Chapter 2.99).

Berkeley Police Department Chief Andrew Greenwood submitted the Surveillance Use Policies and Surveillance Acquisition Reports, presently before you, to the PRC for its consideration, along with operational policies for Body-Worn Cameras and Automated License Plate Readers (ALPRs). The PRC took the following actions.

Body-Worn Cameras: The PRC voted to approve Surveillance Use Policy 1300, but also to express its continued objection to Data Access section 1300.4, and state that it stands by its prior recommendation that officers should not be able to view recorded footage until after they have written an initial report, with the opportunity to write a supplemental report after viewing the footage. This action was taken on July 10, 2019. Moved/Seconded (Ramsey/Perezvelez) – Ayes: Calavita, Chang, Perezvelez, Ramsey, Roberts; Noes: None; Abstain: Allamby, Earnest, Mikiten; Absent: Matthews.

The prior recommendation referred to is one of several the PRC made following a comprehensive review of BPD's Policy 425 on Body-Worn Cameras, completed in March 2019.

GPS Tracking Devices: At its October 28, 2019 meeting, the PRC voted to approve Surveillance Use Policy 1301 and 1301-A, the Surveillance Acquisition Report. The vote was as follows: Moved/Seconded (Mikiten/Ramsey) – Ayes: Allamby, Chang, Leftwich, Mikiten, Mizell, Perezvelez, Ramsey; Noes: None; Abstain: Calavita; Absent: Earnest.

Honorable Mayor and Members of the City Council
Policies reviewed under the Surveillance Technology Use and Community Safety Ordinance.
(Action Calendar Item #30 on the City Council's November 12, 2019 agenda.)
November 1, 2019
p. 2

ALPRs: The PRC previously communicated its concerns about the ALPRs to you in a September 11, 2019 memorandum, attached to the City Manager's Report as Attachment 5.

cc: Dee Williams-Ridley, City Manager
Andrew Greenwood, Chief of Police
David White, Deputy City Manager
PRC Commissioners



Police Review Commission (PRC)

Surveillance and Technology Use Ordinance – a summary

- o Ordinance 7,592-NS adopted by the City Council on March 27, 2018.
- o Codified as Berkeley Municipal Code (BMC) Chapter 2.99.
- o Based on a draft ordinance developed by a Police Review Commission subcommittee, approved by the PRC, and proposed to the City Council.

Basic premise. Before the City buys or uses a *Surveillance Technology*¹ (ST), the ST is subjected to a public process for its acquisition and use, to determine if the technology's public safety and other benefits outweigh any incursions into personal privacy and civil liberties.

Process (BMC Sec. 2.99.030). The City Manager must present to the PRC a *Surveillance Use Policy* and a *Surveillance Acquisition Report* for each ST before seeking Council approval. The PRC has 30 days to approve, approve with revisions, or object to the Use Policy. The PRC's opposition or failure to act does not prohibit the City Manager from proceeding to seek Council's approval of the policy.

The City Manager must then submit to the Council a Surveillance Acquisition Report for review and obtain Council approval of a Surveillance Use Policy for each ST before:

- a) Seeking or accepting grant funds to purchase a ST or accepting a donation of a ST;
- b) Acquiring a new ST regardless of whether purchased, exchanged for goods or services, or obtained for free;
- c) Using a new ST, or, using an approved ST for a purpose or in a way not previously approved;
- d) Agreeing with a third party to acquire, share or use a ST or the information it provides, or expanding a vendor's permission to share or use a ST or the information it provides.

Benefits must outweigh costs and concerns (Sec. 2.99.060). Before approving any of the above actions, the Council must find that: the Surveillance Technology's benefits outweigh the costs; the proposal will safeguard civil liberties and civil rights to the maximum extent possible while serving its intended purpose; and no feasible alternative with similar utility and a lesser impact on civil rights or liberties could be implemented.

¹ *Italicized terms* are defined in Section 2.99.020 of the Ordinance.

Temporary acquisition and use allowed in *Exigent Circumstances* (Sec. 2.99.040). The City Manager may skip the normal process to temporarily borrow, acquire, or use a ST in Exigent Circumstances, but must then:

1. Notify the Council in writing of the acquisition or use of the ST within 30 days of when the Exigent Circumstance began, unless the information is confidential or privileged;
2. If use is anticipated to continue beyond the Exigent Circumstance, seek Council's approval within 90 days of the borrowing, acquisition, or temporary use, by submitting a proposed Surveillance Acquisition Report and Surveillance Use Policy to the Council through the process described above, including the cost-benefit analysis; and
3. Include the ST in the City Manager's next annual *Surveillance Technology Report*.

Compliance for existing Surveillance Technology (Sec. 2.99.050). The City Manager must submit for the Council's Action calendar in the first meeting of November 2018 a Surveillance Acquisition Report and Surveillance Use Policy for each ST possessed or used before the Ordinance's effective date. The Council's approval of each technology must include the weighing of costs versus benefits.

Annual Reporting (Sec. 2.99.070). The City Manager must submit for the Council's Action calendar a Surveillance Technology Report covering all the City's STs, at the first Council meeting every November.

► Required elements of the Surveillance Acquisition Report, Surveillance Use Policy, and Surveillance Technology Report are contained in Sec. 2.99.020.



Office of the City Manager

ACTION CALENDAR
November 12, 2019

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Greenwood, Chief of Police
David White, Deputy City Manager

Subject: Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras

RECOMMENDATION

Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts associated with adopting the attached resolution.

CURRENT SITUATION AND ITS EFFECTS

On March 27, 2018, the City Council adopted Ordinance 7,592-N.S., adding Chapter 2.99 to the Berkeley Municipal Code, which is also known as the Surveillance Technology Use and Community Safety Ordinance ("Ordinance"). The purpose of the Ordinance is to provide transparency surrounding the use of surveillance technology, as defined by Section 2.99.020 in the Ordinance, and to ensure that decisions surrounding the acquisition and use of surveillance technology consider the impacts that such technology may have on civil rights and civil liberties. Further, the Ordinance requires that the City evaluate all costs associated with the acquisition of surveillance technology and regularly report on their use.

The Ordinance imposes various reporting requirements on the City Manager and staff. The purpose of this staff report and attached resolution is to satisfy annual reporting requirements as outlined in sections 2.99.050 and 2.99.070. The attached Surveillance Technology Reports, Surveillance Acquisition Reports and Surveillance Use Policies for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras are for technologies that were acquired by the City prior to the adoption of the Ordinance.

Section 2.99.050 of the Ordinance required the City Manager to submit a Surveillance Acquisition Report and Surveillance Use Policy for each surveillance technology that has been possessed or used prior to the effective date of the Ordinance. The requirements of this section were not satisfied due to a multitude of factors, and the Police Department opted to submit the attached acquisition reports and use policies to the Police Review Commission prior to their review by the City Council. The Police Review Commission underwent an extensive engagement process and the full Commission discussed the attached use policies and reports at scheduled meetings from May to October 2019. In all cases, the Police Review Commission approved the attached acquisition reports and use policies and conveyed any concerns or suggested modifications to the Police Chief. In addition to the technologies covered by the attached resolution, City staff continues to evaluate whether or not there is any other technology that is used or possessed that is subject to the Ordinance.

Finally, Section 2.99.040 of the Ordinance allows the City Manager to borrow, acquire, or temporarily use surveillance technology in exigent circumstances without having to obtain the approval of City Council. Since the adoption of the ordinance, the City is reporting two instances in which the City Manager has made use of Section 2.99.040. In preparation for the potentially violent August 5, 2018 demonstration in downtown Berkeley, the City borrowed remote accessible cameras from the Northern California Regional Intelligence Center (NCRIC) in order to have the ability to remotely monitor intersections in real time. The cameras did not have face recognition technology. Signage was posted in the areas of the cameras, informing people that the area may be under video surveillance. Using cameras to monitor intersections is at times preferable to physically placing officers in those locations. In addition, as a mutual aid resource, the Police Department requested the Alameda County Sheriff's Office Small Unmanned Aerial System (sUAS) team as a mutual aid resource. The purpose of the request was to support the identification and apprehension of any felony suspects, should a felony occur. Following the felony vandalism of over ten City of Berkeley vehicles, the sUAS team deployed a drone, but no suspects were apprehended.

BACKGROUND

On March 27, 2018, the City Council adopted Ordinance 7,592-N.S., adding Chapter 2.99 to the Berkeley Municipal Code, which is also known as the Surveillance Technology Use and Community Safety Ordinance. The Ordinance contains various reporting requirements including the following:

- Section 2.99.050, which requires that the City Manager shall submit a Surveillance Acquisition Report and a proposed Surveillance Use Policy for each technology governed by the Ordinance that had been possessed or used by the City prior to the effective date of the Ordinance; and

- Section 2.99.070 of the Ordinance, which requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance at the first regular City Council meeting in November.

For each of the three technologies, the Surveillance Technology Report, Surveillance Acquisition Report and Surveillance Use Policies were prepared to satisfy the specific, section-by-section requirements of the Ordinance, and are attached to this report. It should be noted that substantial policies already existed for Body Worn Cameras and License Plate Readers. Those policies—also reviewed by the Police Review Commission for purposes of this report—are also attached. The existing policies will continue to remain in effect upon Council's approval. Henceforth, all new Surveillance Use Policies and Surveillance Acquisition Reports will be listed in Chapter 13 of the Berkeley Police Department Policy Manual, which is being created to provide easy access to all policies relating to BMC 2.99. All BPD policies are available to the public on BPD's website.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

City Council is being asked to adopt the attached resolution for the City to be in compliance with the Ordinance.

ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to adopt the resolution or could direct staff to revise the attached policies.

CONTACT PERSON

Andrew Greenwood, Chief of Police, (510) 981-7017
David White, Deputy City Manager, (510) 981-7012

ATTACHMENTS

1. Proposed Resolution

2. Body Worn Cameras

- * Surveillance Technology Report: Body Worn Cameras
- Policy 1300 Body Worn Camera Use Policy
- Policy 1300(a) Appendix: Body Worn Camera Acquisition Report
- Policy 425 Body Worn Camera Policy (Existing Policy)

3. Global Positioning System Tracking Devices

- * Surveillance Technology Report
- Policy 1301 Global Positioning System Tracking Devices Use Policy
- Policy 1301(a) Appendix: Global Positioning System Tracking Devices Acquisition Report

4. Automated License Plate Readers

- * Surveillance Technology Report: Automated License Plate Readers
- Policy 1302 Automated License Plate Reader Use Policy
- Policy 1302(a) Appendix: Automated License Plate Reader Acquisition Report
- Policy 422 Automated License Plate Reader (Latest version of existing Policy)

5. Police Review Commission Memorandum Regarding Automatic License Plate Readers

l:\surveillance ordinance\city council meeting - 11-12-19\11-12-2019_surveillance ordinance staff report and resolution (04).docx

* Were not attached to packet published 10-31-19;
to be included in a Supplemental Communication.

Policies and PRC memo not included here, as you (PRC)
have seen them.

RESOLUTION NO. ##,###-N.S.

A RESOLUTION ACCEPTING THE SURVEILLANCE TECHNOLOGY REPORT, SURVEILLANCE ACQUISITION REPORT, AND SURVEILLANCE USE POLICY FOR AUTOMATIC LICENSE PLATE READERS, GPS TRACKERS, AND BODY WORN CAMERAS

WHEREAS, on March 27, 2018, the City Council adopted Ordinance 7,592-N.S., which is known as the Surveillance Technology Use and Community Safety Ordinance ("Ordinance"); and

WHEREAS, Section 2.99.050 of the Ordinance requires that the City Manager shall submit a Surveillance Acquisition Report and a proposed Surveillance Use Policy for each piece of technology governed by the Ordinance that had been possessed or used by the City prior to the effective date of the Ordinance; and

WHEREAS, Section 2.99.070 of the Ordinance requires that the City Manager must submit to the City Council a Surveillance Technology Report as defined by Section 2.99.020(2) of the Ordinance at the first regular City Council meeting in November; and

WHEREAS, the Surveillance Acquisition Reports and Surveillance Use Policies for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras satisfy the requirements of the Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley:

Section 1. Pursuant to Section 2.99.060, as it pertains to the use of Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras, the City Council hereby finds and determines the following:

- a. The benefits of using the technologies outweigh the costs;
- b. The policies attached to this resolution safeguard civil liberties; and
- c. No feasible alternatives exist with similar utility that will have a lesser impact on civil rights or liberties.

Section 2. The City Council hereby accepts the Surveillance Technology Reports, Surveillance Acquisition Reports, and Surveillance Use Policies for Automatic License Plate Readers, GPS Trackers, and Body Worn Cameras.

Benado, Tony

From: Ammar Ansari <ammar.am.ansari@gmail.com>
Sent: Saturday, October 12, 2019 11:54 AM
To: Berkeley Mayor's Office; All Council
Subject: Dear Council Members. Please read.

Dear Council members, Mayor Arreguin,

Thank you for considering placing a charter amendment on the November 2020 ballot to strengthen community oversight of the police.

Berkeley was a pioneer in creating one of the first police review commissions in the country. However, the PRC structure has not evolved to meet the needs of today. It is essential for the commission and its staff to be independent of the city management, which also manages the police department.

Fair and impartial policing in Berkeley is vital to the safety of our community both on campus and off campus. UC Berkeley students are known for embracing change and being at the forefront of progressive social movements and I believe that is a feature of this city not merely my campus.

I urge you to move without further delay to place on the 2020 ballot the version referred last year to the meet-and-confer process with the police association. This is the version created by Mayor Arreguin and Council member Harrison. Please do not weaken this version further. The provisions that are most crucial to retain are:

1. Full independence for the commission and its staff from the City Manager. The commission should be responsible only to the City Council.
2. Authority of the commission to obtain internal data from the BPD as required to fulfill its role.
3. A 365-day investigative/disciplinary period as allowed by state law.
4. Standard of proof regarding police misconduct to be changed to "preponderance of evidence," as in neighboring jurisdictions, instead of "clear and convincing evidence."

If you act now to put this amendment on the ballot, the campus and the city will support it overwhelmingly. You will help set an example of a collaborative process of civilian review that will reaffirm our city's dedication for new and bold action.

Sincerely yours,

Ammar Ansari

Benado, Tony

From: Sarah Shehata <sarahshehata@berkeley.edu>
Sent: Saturday, October 12, 2019 2:00 PM
To: Berkeley Mayor's Office; All Council
Subject: Charter Amendment

Dear Council members, Mayor Arreguin,

Thank you for considering placing a charter amendment on the November 2020 ballot to strengthen community oversight of the police.

Berkeley was a pioneer in creating one of the first police review commissions in the country. However, the PRC structure has not evolved to meet the needs of today. It is essential for the commission and its staff to be independent of the city management, which also manages the police department.

Fair and impartial policing in Berkeley is vital to the safety of our community both on campus and off campus. UC Berkeley students are known for embracing change and being at the forefront of progressive social movements and I believe that is a feature of this city not merely my campus.

I urge you to move without further delay to place on the 2020 ballot the version referred last year to the meet-and-confer process with the police association. This is the version created by Mayor Arreguin and Council member Harrison. Please do not weaken this version further. The provisions that are most crucial to retain are:

1. Full independence for the commission and its staff from the City Manager. The commission should be responsible only to the City Council.
2. Authority of the commission to obtain internal data from the BPD as required to fulfill its role.
3. A 365-day investigative/disciplinary period as allowed by state law.
4. Standard of proof regarding police misconduct to be changed to "preponderance of evidence," as in neighboring jurisdictions, instead of "clear and convincing evidence."

If you act now to put this amendment on the ballot, the campus and the city will support it overwhelmingly. You will help set an example of a collaborative process of civilian review that will reaffirm our city's dedication for new and bold action.

Sincerely yours,

Sarah Shehata

Benado, Tony

From: Emma Gobler <emmagobler@gmail.com>
Sent: Tuesday, October 15, 2019 12:50 PM
To: Berkeley Mayor's Office; Hahn, Sophie
Cc: All Council
Subject: Police Review Commission Amendment- 2020 Ballot

Dear Councilmember Hahn, Mayor Arreguin,

Thank you for considering placing a charter amendment on the November 2020 ballot to strengthen community oversight of the police.

Berkeley was a pioneer in creating one of the first police review commissions in the country. However, the PRC structure has not kept pace with the times. It is essential for the commission and its staff to be independent of the city management, which also manages the police department.

Fair and impartial policing in Berkeley is vital to our public safety. Progressive police chiefs nationally welcome appropriate oversight by civilian boards, and understand that collaboration with the community will make their work easier and more effective.

I urge you to move without further delay to place on the 2020 ballot the version referred last year to the meet-and-confer process with the police association. This is the version created by Mayor Arreguin and Councilmember Harrison. Please do not weaken this version further. The provisions that are most crucial to retain are:

1. Full independence for the commission and its staff from the City Manager. The commission should be responsible only to the City Council.
2. Authority of the commission to obtain internal data from the BPD as required to fulfill its role.
3. A 365-day investigative/disciplinary period as allowed by state law.
4. Standard of proof regarding police misconduct to be changed to "preponderance of evidence," as in neighboring jurisdictions, instead of "clear and convincing evidence."

If you act now to put this amendment on the ballot, the people will support it overwhelmingly. You will help set an example of a collaborative process of civilian review that will inspire other communities to follow.

Sincerely yours,
Emma Gobler
--
Emma Gobler

Benado, Tony

From: Meghan Schwartz <meghan.schwartz@alumni.stanford.edu>
Sent: Tuesday, October 15, 2019 11:44 AM
To: Droste, Lori
Cc: All Council
Subject: Support for PRC Charter Amendment

Dear Council Member Droste,

I am writing today as your constituent to encourage you to support a charter amendment on the November 2020 ballot to strengthen community oversight of the police.

Berkeley acted boldly to create the current police review commission in 1973, but it has not been updated since. As a result, we have not kept pace with changes in policing and oversight happening today. This is why we must act now to create an independent and fair police review commission.

Fair and impartial policing in Berkeley is vital to our public safety. Progressive police chiefs nationally welcome appropriate oversight by civilian boards, and understand that collaboration with the community will make their work easier and more effective.

I urge you to move without further delay to place on the 2020 ballot the version referred last year to the meet-and-confer process with the police association. This is the version created by Mayor Arreguin and Councilmember Harrison. The crucial provisions to retain, which would move us more in line with current accountability standards, are:

1. Full independence for the commission and its staff from the City Manager. The commission should be responsible only to the City Council.
2. Authority of the commission to obtain internal data from the BPD as required to fulfill its role.
3. A 365-day investigative/disciplinary period as allowed by state law.
4. Standard of proof regarding police misconduct to be changed to "preponderance of evidence," as in neighboring jurisdictions, instead of "clear and convincing evidence."

If you act now to put this amendment on the ballot, I believe you will see overwhelming community support. You will help set an example of a collaborative process of civilian review that will inspire other communities to follow.

Sincerely,

Meghan Schwartz
 12 Hillcrest Ct

Support the Berkeley Charter Amendment for effective oversight of the police Hon. Mayor Jesse Arreguin, Berkeley City Council members:

The Peace and Justice Commission advises the City Council and Board of Education on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070).

Berkeley is a human rights city. The City of Berkeley adopted Ordinance 5985 N.S., the "City of Berkeley Human Rights Ordinance, 1990, Adopting a Human Rights Policy Based on Articles 55 and 56 of the United Nations Charter."

Thank you for considering placing a charter amendment on the November 2020 ballot to strengthen community oversight of the police.

Berkeley was a pioneer in creating one of the first police review commissions in the country. However, the PRC structure has not kept pace with the times. It is essential for the commission and its staff to be independent of the city management, which also manages the police department.

Fair and impartial policing in Berkeley is vital to our public safety. Progressive police chiefs nationally welcome appropriate oversight by civilian boards, and understand that collaboration with the community will make their work easier and more effective.

We urge you to move without further delay to place on the 2020 ballot the version of the Charter Amendment referred last year to the meet-and-confer process with the police association. This is the version created by Mayor Arreguin and Councilmember Harrison. Please do not weaken this version further. The provisions that are most crucial to retain are:

1. Full independence for the commission and its staff from the City Manager. The commission should be responsible only to the City Council.
2. Authority of the commission to obtain internal data from the BPD as required to fulfill its role.
3. A 365-day investigative/disciplinary period as allowed by state law.
4. Standard of proof to be changed to "preponderance of evidence," as in neighboring jurisdictions, instead of "clear and convincing evidence."

Berkeley can set an example of a collaborative process of civilian review that will

inspire other communities to follow. Please act now to put this amendment on the ballot.

Sincerely yours,

Berkeley Peace and Justice Commission

Benado, Tony

From: Karl Knobler <karl.knobler@gmail.com>
Sent: Sunday, October 20, 2019 7:59 PM
To: All Council; racialandcriminaljustice@gmail.com
Subject: The PRC Charter

To: The Mayor and City Council of Berkeley

From: Karl Knobler, Ph.D.

Date: October 20, 2019

I am a resident of Berkeley, and I support the Charter Amendment put forth by Mayor Arreguin

and Council member Harrison to strengthen the city's Police Review Commission.

I urge you to oppose any weakening of that proposed Charter Amendment and to vote as soon as

possible for putting it on the 2020 ballot.

We need a stronger and more effective Police Review Commission to help ensure fair and impartial policing, which is vital to our community's well-being. The Commission needs to be fully independent of the City Manager and have visibility into departmental data necessary for its oversight function.

Thank you,

Karl Knobler

1256 Monterey Avenue 94707

Benado, Tony

From: garylapow <gary@garylapow.com>
Sent: Sunday, October 20, 2019 1:34 PM
To: All Council
Cc: racialandcriminaljustice@gmail.com
Subject: Charter Ammendment

To: The Mayor and City Council of Berkeley (council@CityofBerkeley.info)
cc: racialandcriminaljustice@gmail.com

From:

Date:

I am a resident of Berkeley, and I support the Charter Amendment put forth by Mayor Arreguin

and Council member Harrison to strengthen the city's Police Review Commission.

I urge you to oppose any weakening of that proposed Charter Amendment and to vote as soon as possible for putting it on the 2020 ballot.

We need a stronger and more effective Police Review Commission to help ensure fair and impartial policing, which is vital to our community's well-being. The Commission needs to be fully independent of the City Manager and have visibility into departmental data necessary for its oversight function.

Thank you,

Gary Lapow

2141 Stuart street, Berk 94705

Benado, Tony

From: Martha Weinstein Knobler <mwk@lmi.net>
Sent: Sunday, October 20, 2019 6:49 PM
To: All Council
Cc: racialandcriminaljustice@gmail.com
Subject: Charter Amendment on Police Review Commission

To: The Mayor and City Council of Berkeley (council@CityofBerkeley.info)
cc: racialandcriminaljustice@gmail.com
Date: 10/20/19

I am a resident of Berkeley, and I support the Charter Amendment put forth by Mayor Arreguin and Council member Harrison to strengthen the city's Police Review Commission. I urge you to oppose any weakening of that proposed Charter Amendment and to vote as soon as possible for putting it on the 2020 ballot.

We need a stronger and more effective Police Review Commission to help ensure fair and impartial policing, which is vital to our community's well-being. The Commission needs to be fully independent of the City Manager and have visibility into departmental data necessary for its oversight function.

Thank you,
Martha W. Knobler
94707

Benado, Tony

From: Susan Moon <tofuroshi@gmail.com>
Sent: Sunday, October 20, 2019 7:35 PM
To: All Council
Cc: racialandcriminaljustice@gmail.com
Subject: Police Review Commission

To: The Mayor and City Council of Berkeley
cc: racialandcriminaljustice@gmail.com

From: Susan Moon
Date: 10.20.19

I am a resident of Berkeley, and I support the Charter Amendment put forth by Mayor Arreguin and Council member Harrison to strengthen the city's Police Review Commission. I urge you to oppose any weakening of that proposed Charter Amendment and to vote as soon as possible for putting it on the 2020 ballot.

We need a stronger and more effective Police Review Commission to help ensure fair and impartial policing, which is vital to our community's well-being. The Commission needs to be fully independent of the City Manager and have visibility into departmental data necessary for its oversight function.

Thank you,
Name: Susan Moon
94703

Benado, Tony

From: G Welker <gewelker@pacbell.net>
Sent: Monday, October 21, 2019 11:43 AM
To: Davila, Cheryl; All Council
Cc: racialandcriminaljustice@gmail.com
Subject: Charter Amendment

October 21, 2019

Mayor and City Council of Berkeley,

I am a resident of Berkeley, and I support the Charter Amendment put forth by Mayor Arreguin and Council member Harrison to strengthen the city's Police Review Commission. I urge you to oppose any weakening of that proposed Charter Amendment and to vote as soon as possible for putting it on the 2020 ballot.

We need a stronger and more effective Police Review Commission to help ensure fair and impartial policing, which is vital to our community's well-being. The Commission needs to be fully independent of the City Manager and have visibility into departmental data necessary for its oversight function.

Thank you,

Greg Welker
2439 Curtis St.
Berkeley, CA 94702

Benado, Tony

From: julianna dickey <julianna@lmi.net>
Sent: Monday, October 21, 2019 1:27 PM
To: All Council
Cc: racialandcriminaljustice@gmail.com
Subject: Charter Amendment

Mayor Arreguin,

I am a resident of Berkeley, and I support the Charter Amendment put forth by you

and Council member Harrison to strengthen the city's Police Review Commission.

I urge you to oppose any weakening of that proposed Charter Amendment and to vote as soon as

possible for putting it on the 2020 ballot.

We need a stronger and more effective Police Review Commission to help ensure fair and impartial policing, which is vital to our community's well-being. The Commission needs to be fully independent of the City Manager and have visibility into departmental data necessary for its oversight function.

Thank you.

Juli Dickey
94703

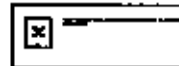
Benado, Tony

From: mail@changemail.org
Sent: Friday, October 25, 2019 2:16 PM
To: All Council
Subject: 5 more people signed "Berkeley City Council: Increase Civilian Oversight Over Berkeley PD"

 New signatures

Berkeley City Council Member – This petition addressed to you on Change.org has new activity. See progress and respond to the campaign's supporters.

Berkeley City Council: Increase Civilian Oversight Over Berkeley PD




Petition by Racism and Criminal Justice Reform group · 5 supporters


**5 more people signed
in the last day**


[View petition](#)

RECENT SUPPORTERS

 **Linda Franklin**
Berkeley, CA · Oct 25, 2019

We need fair policing that's free of racial bias.

 **Margot Smith**
Berkeley, CA · Oct 25, 2019

 **Tracy Rosenberg**
Albany, CA · Oct 25, 2019



Linda Lewis

Berkeley, CA · Oct 25, 2019



Paul Kealoha-Blake

San Leandro, CA · Oct 25, 2019

[View all 5 supporters](#)

CHANGE.ORG FOR DECISION MAKERS

On Change.org, decision makers like you connect directly with people around the world to resolve issues. Respond to let the people petitioning you know you're listening, say whether you agree with their call to action, or ask them for more information. [Learn more.](#)

This notification was sent to council@cityofberkeley.info, the address listed as the decision maker contact by the petition starter. If this is incorrect, please [post a response](#) to let the petition starter know.

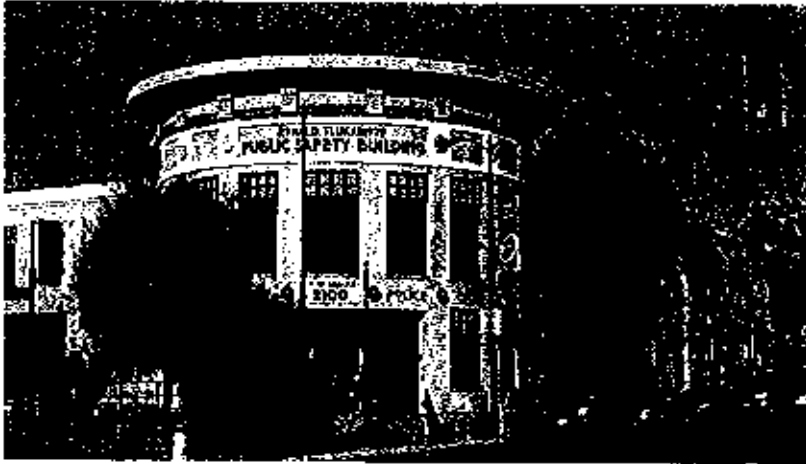
Change.org · 548 Market St #29993, San Francisco, CA 94104-5401, USA

Note: This is the first of 9 pages of similar emails re the Change.org petition. The remaining 8 are not attached.

<https://www.change.org/p/berkeley-city-council-increase-civilian-oversight-over-berkeley-pd>

change.org

Increase Civilian Oversight Over Berkeley PD



Racism and Criminal Justice Reform group started this petition to The Berkeley City Council Berkeley City Council Member and 1 other

The Berkeley City Council is poised to put a reform measure on the November 2020 ballot which would update and improve the status of police oversight in our community. Currently, the data collected by the Berkeley Police Department itself displays racial disparities. This measure is designed to improve crime prevention, social and racial justice, and police-community relations. Effective independent civilian oversight, is a critical part of fair and impartial policing. Help ensure that the measure passes and creates long-lasting change in Berkeley by adding your voice to put it on the ballot now!

For more information please use the link:

<http://bit.ly/Berkeley-police-accountability-infosheet> (attached)

HELP BERKELEY MOVE TOWARD 21ST CENTURY POLICING

The Berkeley City Council is poised to put a reform measure on the November 2020 ballot which would update and improve the status of police oversight in our community.

The current Police Review Commission (PRC) was one of the first community oversight boards in the country, established by ballot initiative in 1973. Now, Berkeley lags behind nearby communities, such as San Francisco and Oakland, who have taken the lead in updating their police oversight process.

The charter amendment being considered is the final version crafted from proposals from the Mayor, a Citizen's Initiative and the PRC. **It is designed to improve crime prevention, social and racial justice, and police-community relations.**

A key change included in the proposed amendment is to create a police review commission that is independent of the city manager. Currently, the city manager is responsible for the work of the Berkeley Police Department (BPD), including policy, practices and discipline; the manager is also responsible for the oversight work of the PRC. This conflict of interest would be resolved by making the PRC directly responsible to the elected City Council.

Another intent of the amendment is to promote transparency of the BPD, while protecting the legitimate need for officer privacy, by enabling the PRC to obtain needed information from the BPD. This would enable the PRC to thoroughly fulfill its oversight role consistent with California law. Expanded transparency is in line with the newly enacted SB 1421 addressing police misconduct records.

Effective, independent, civilian oversight is supported by national police leaders, who agree that this type of oversight is a critical part of fair and impartial policing. *Police Chief*, magazine of the International Association of Chiefs of Police, stated in an article in 2017 that:

Civilian boards can be successful if properly implemented, and once in operation, they can help build community trust with law enforcement, cooperation will increase, people will more readily engage in contacting the police with information, and neighborhoods will be safer.

[over]

If law enforcement leaders focus on helping to create the change...they can not only create oversight that is accepted by their agencies, but also help guide the organizational change. Officer morale will increase because public opinion will change. Most importantly, the police will have improved policies, procedures and organizational cultures that are accepted by the communities they serve.¹

The purpose is, in the words of the National Association for Civilian Oversight of Law Enforcement (NACOLE), "to improve trust between police and the community by ensuring public confidence in the agency through accountability and transparency."

While many in Berkeley are comfortable with the work of the BPD, **data collected by the BPD itself has revealed racial disparities.** For example, African Americans are twice as likely to suffer police stops that did not justify even a citation, compared to White civilians.² A more independent PRC would be able to work with the BPD to address these disturbing findings in a way that will rebuild trust with ALL of the citizens of this diverse community.

Please contact your City Council member and Mayor Arreguin at:
<https://www.cityofberkeley.info/electedofficials/> to urge them to put the **Berkeley Police Commission Charter Amendment** on the ballot. The Council needs to hear from as many of us as possible.

Find this information sheet at <http://bit.ly/Berkeley-police-accountability-infosheet>

For more information contact the Racism and Criminal Justice Reform group* at:
raciaandcriminaljustice@gmail.com

*Our group includes members of several different community organizations, including Indivisible Berkeley, the ACLU, the Berkeley NAACP, the Wellstone Democratic Renewal Club, the Ella Baker Center for Human Rights, and more.

¹ Pamela Seyffert, Captain Sacramento California Police Department, "Can Professional Civilian Oversight Improve Community-Police Relations?" The Police Chief Online, September 13, 2017,

<https://www.policechiefmagazine.org/can-professional-civilian-oversight-improve-community-police-relations/>

² For example, the yield rate (police stops for which enforcement was warranted) for White civilians was 1.9 times that for African Americans. In 2018, Black stops totaled 3,086, of which only 21% received an arrest or citation. Stops of white civilians totaled 2,716, of which fully 41% received a similar enforcement. These statistics are consistent since the beginning of data capture in 2015.

BART Police
Use of Force
Annual Report

2018

This report contains data and analysis of use of force incidents,
compiled by the Patrol Operations Bureau.

Report Content

Use of Force Policy 300.9 requires the following:

At least annually, the Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police, the Office of the Independent Police Auditor, and the BART Police Citizen Review Board. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.*
- (b) Training needs recommendations.*
- (c) Equipment needs recommendations.*
- (d) Policy revision recommendations.*

This report will also incorporate the following statistics as they relate to the above topics:

1. Types of force used
2. Cause for use of force
3. Service being rendered at time of use of force
4. Suspect custody status
5. Suspect injuries
6. Officer injuries

Year in Review

A significant revision was made to the Use of Force Policy in 2017, through the collaborative efforts of the Department, the BART Police Citizen Review Board, The Office of the Independent Police Auditor, and the BART Police Officers and Managers Associations.

The policy revision included the following:

- *Officers shall use de-escalation techniques whenever feasible and appropriate: to potentially reduce or eliminate the need to use force; and to prevent injuries to the subject, the public and the officer(s). Use of de-escalation techniques must allow for the fact that officers are often forced to make split-second decisions, with limited information, and in circumstances that are tense, uncertain and rapidly evolving.*

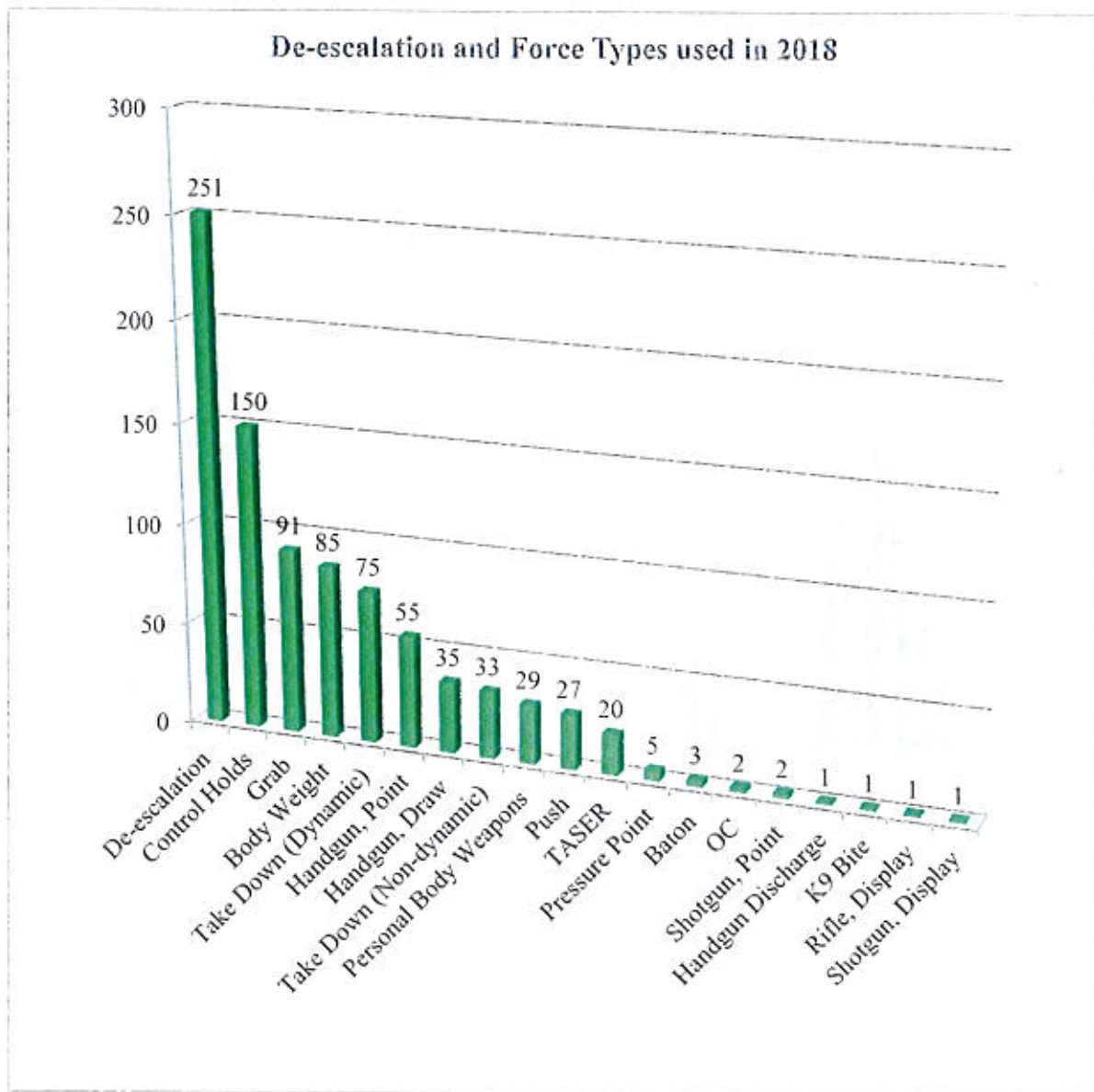
In order to document use of de-escalation techniques, the Department created a “de-escalation” category in the BlueTeam database. In all cases when a supervisor investigates a use of force incident, the supervisor is tasked with reviewing whether de-escalation was used. If de-escalation was used, the supervisor selects the de-escalation option, similar to selecting a force option. The BlueTeam database can then search and report on de-escalation. It should be noted that BlueTeam incidents are created only when force was used and investigated. There are many instances when de-escalation was employed and there was no force used by the officer. Such instances do not

BART Police Use of Force, 2018 Annual Report

generate a BlueTeam entry, and so not all de-escalation is captured in this data. Our officers use de-escalation tactics frequently during the normal course of duty.

Documenting de-escalation in use of force incidents has been a relatively new process for supervisors in 2018. We are working to be consistent in documenting de-escalation, and the documentation is becoming more routine.

REPORT TOPIC: TRENDS IN THE USE OF FORCE



BART Police Use of Force, 2018 Annual Report

*There were 212 incidents where force were used; however, some incidents involved the use of multiple options, and/or the same option used by multiple officers.

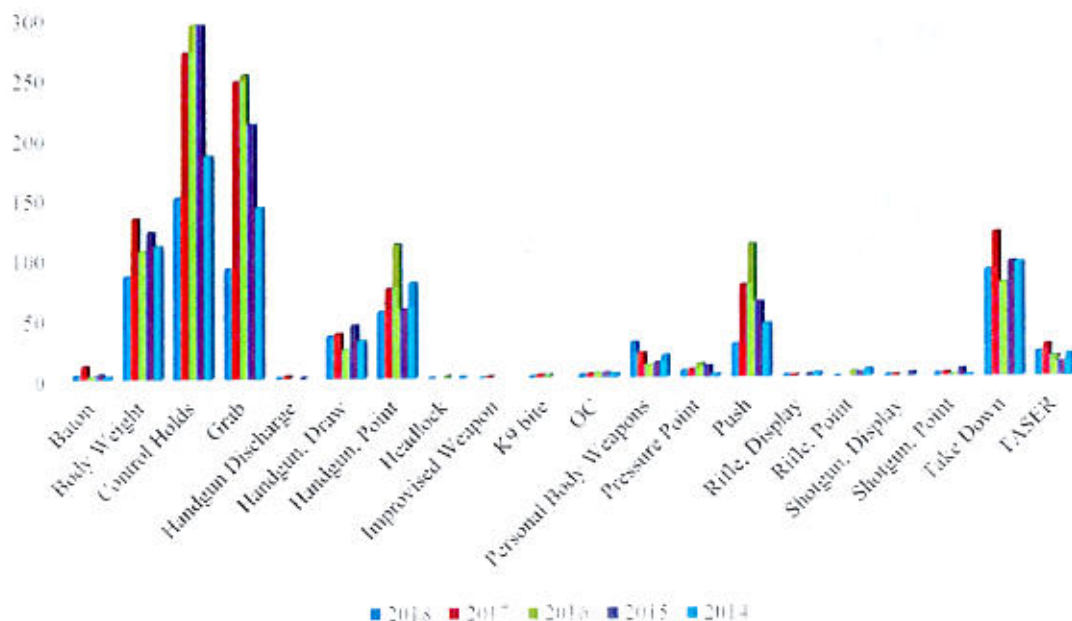
This data shows that the most frequently used option is de-escalation. The next most-used options are the low-level options such as control holds and grabs. This data reflects our objective of using minimal force.

De-escalation options are further divided into categories of crisis intervention techniques (CIT), verbal techniques, and tactical techniques. De-escalation techniques in 2018 are as follows:

2018 De-escalation	
Verbal Techniques	133
Tactical Techniques (time, distance, etc.)	86
Crisis Intervention Techniques	32
Total	251

The following data compares year to year totals of the types of force used. The data shows that the comparative proportions of force options are similar from year to year.

Types of Force Used



BART Police Use of Force, 2018 Annual Report

The following data shows a significant decrease in the number of use of force incidents in 2018, compared to the prior three years.

Use of Force Incidents - 2018

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2018	20	10	21	14	15	15	16	18	23	15	19	26	212
YTD 2018	20	30	51	65	80	95	111	129	152	167	186	212	

Use of Force Incidents - 2017

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2017	30	31	33	36	28	35	23	22	25	22	13	16	314
YTD 2017	30	61	94	130	158	193	216	238	263	285	298	314	

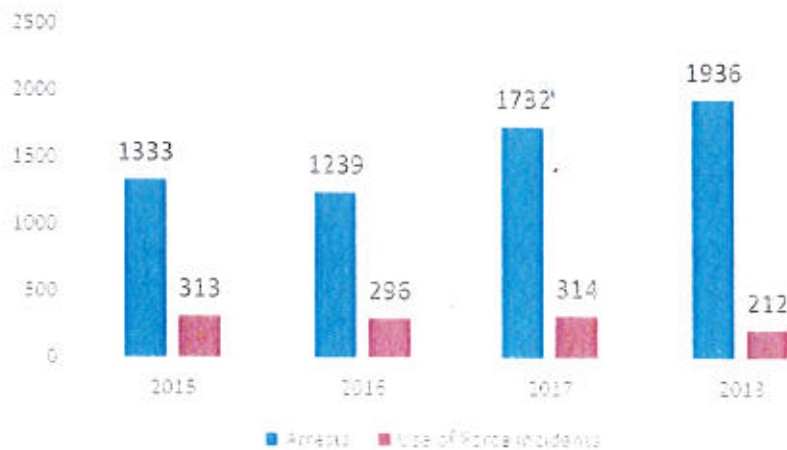
Use of Force Incidents - 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2016	37	24	32	13	24	31	30	20	14	20	29	22	296
YTD 2016	37	61	93	106	130	161	191	211	225	245	274	296	

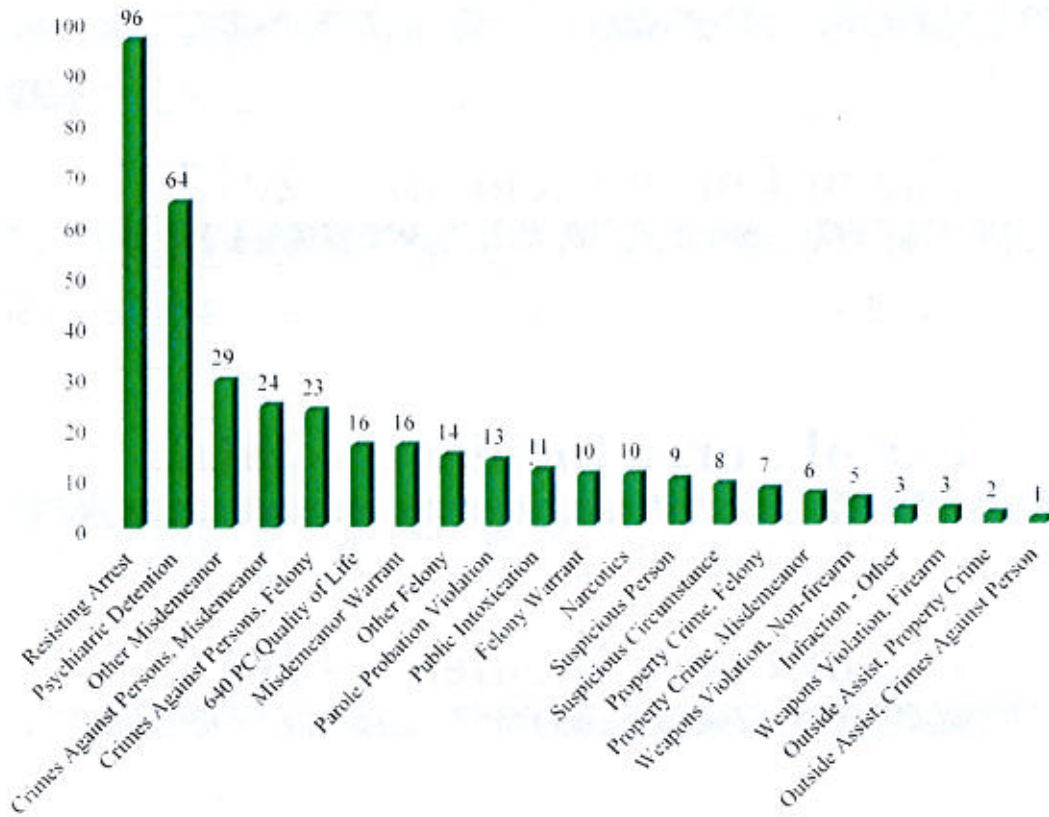
Use of Force Incidents - 2015

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
2015	17	19	34	20	24	22	30	29	30	28	33	27	313
YTD 2015	17	36	70	90	114	136	166	195	225	253	286	313	

The following data shows that calls for service and arrests increased during the last 4 years; however, use of force incidents decreased in 2018.

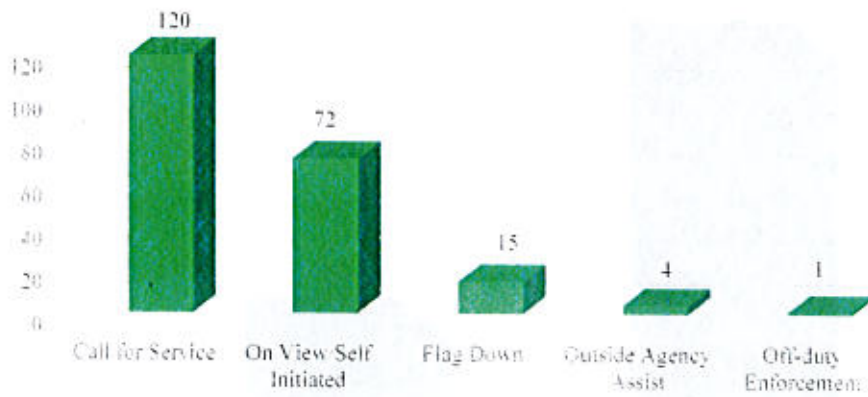


Use of Force Incident Circumstances

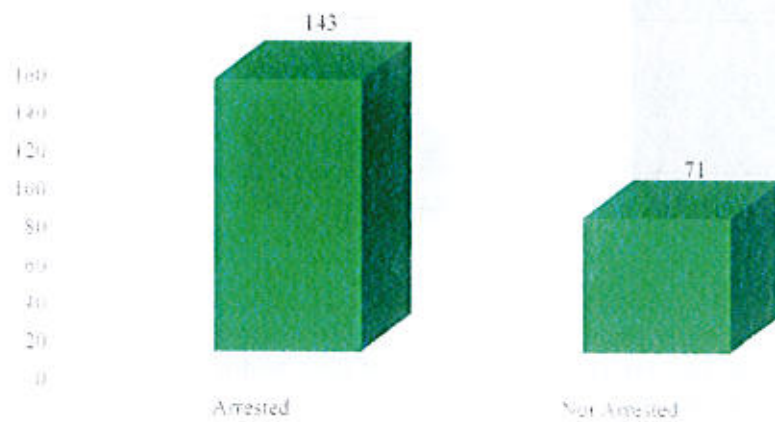


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Initiation of Incident

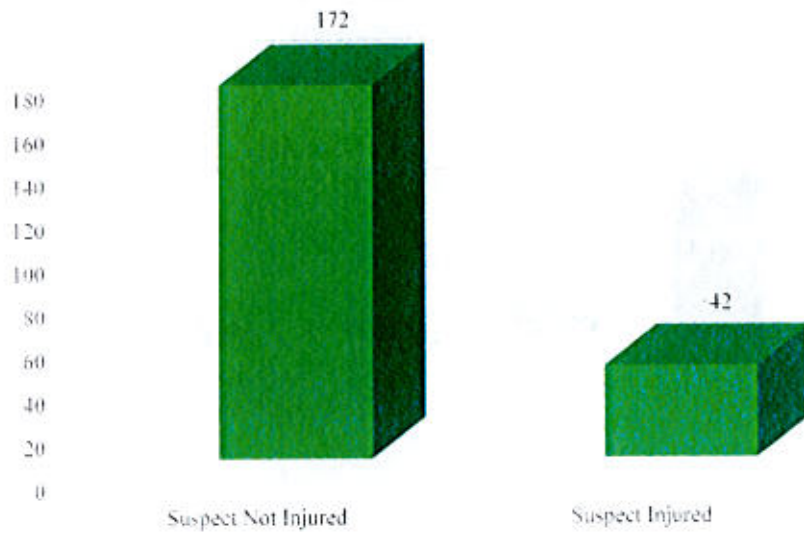


Suspect Custody Status

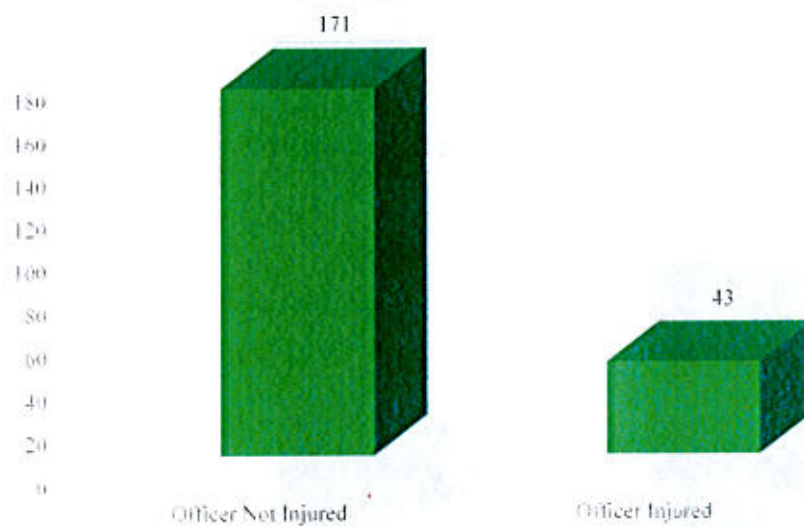


Note: this data shows that 33% of instances when force was used, the suspect was not arrested. It is noted that 64 incidents resulted in a psychiatric detention, which is not an arrest.

Suspect Injuries



Officer Injuries



Note: this data indicates that suspects were not injured in 80% of use of force incidents and officers were also not injured in 80% of incidents. This is an indication that officers are using minimal force upon suspects.

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Demographics from Use of Force Incidents

Age Groups of Involved Persons	Number of Persons	Percentage
under 20	36	16.2%
20 - 29	68	30.6%
30 - 39	48	21.6%
40 - 49	23	10.4%
50 and up	25	11.3%
no data entered	22	9.9%
Total	222	

Ethnicity/Gender of Involved Persons	Number of Persons	Percentage
Black Males	103	46.4%
White Males	30	13.5%
Black Females	29	13.1%
Hispanic Males	24	10.8%
Other Male	8	3.6%
Unknown, Male	7	3.2%
White Females	5	2.3%
Middle Eastern Male	3	1.4%
Hispanic Females	3	1.4%
Pacific Islander Males	1	0.5%
Asian Males	1	0.5%
Asian Females	1	0.5%
Unknown, Female	1	0.5%
Other, Transgender	1	0.5%
No data entered	5	2.3%
Total	222	

* There were 212 Use of Force incidents in 2018, and IAPro returned data for 222 persons associated with the 212 incidents. Some incidents involved more than one subject upon whom force was used.

REPORT TOPIC: TRAINING

Officers received the following advanced officer training in 2018:

Defensive Tactics/Arrest Control Techniques	4 hours
Impact Weapons	4 hours
Firearms Range Training	16 hours
Force Options Simulator	4 hours
Legal Update	1 hour 40 minutes

REPORT TOPIC: EQUIPMENT

An equipment issue related to Use of Force incidents was identified in 2018. The issue was with AXON Flex body worn cameras getting knocked off during a physical altercation, resulting in the camera pointing in a random direction. Stronger magnetic mounts were purchased, but even the stronger magnets are still susceptible to sliding apart. Also in 2018, officers were authorized to wear external carriers for ballistic vests. The external carriers allow for cameras to be clipped to the vest, and the camera is very secure. Many officers have switched to the external vest carrier, which has resulted in fewer incidents with the camera being knocked off. The Department will continue to look for additional reliable mounting solutions.

REPORT TOPIC: POLICY AND PROCEDURE

Each use of force incident is investigated by a supervisor and a report is written for review. The review procedure has included the on-duty Watch Commander, the Use of Force Review Board Chair, two members of the Use of Force Review Board, and the Patrol Operations Deputy Chief. Due to the number of individual reviewers, it generally takes months for an incident to make it through the review process.

The Department has decided to revise the review process so that the review can be completed more quickly. The chain of review will now become the on-duty Watch Commander, the Training Coordinator for Department Defensive Tactics, and the Patrol Operations Deputy Chief.

The View Opener

Orwell sought to awaken British and U.S. societies to the totalitarian dangers that threatened democracy even after the Nazi defeat. In letters before and after his novel's completion, Orwell urged "constant criticism," warning that any "immunity" to totalitarianism must not be taken for granted: "Totalitarianism, if not fought against, could triumph anywhere."

Since 1984's debut, we have assumed with Orwell that the dangers of mass surveillance and social control could originate only in the state. We were wrong. This error has left us unprotected from an equally pernicious but profoundly different threat to freedom and democracy.

FOR 19 YEARS, private companies practicing an unprecedented economic logic that I call *surveillance capitalism* have hijacked the Internet and its digital technologies. Invented at Google beginning in 2000, this new economics covertly claims private human experience as free raw material for translation into behavioral data. Some data are used to improve services, but the rest are turned into computational products that predict your behavior. These predictions are traded in a new futures market, where surveillance capitalists sell certainty to businesses determined to know what we will do next. This logic was first applied to finding which ads online will attract our interest, but similar practices now reside in nearly every sector—insurance, retail, health, education, finance and more—where personal experience is secretly captured and computed.

In the competition for certainty, surveillance capitalists learned the most predictive data come not just from monitoring but also from directing behavior. For example, by 2013, Facebook had learned how to engineer subliminal cues on its pages to shape users' real-world actions and feelings. Later, these methods were combined with real-time emotional analyses, allowing marketers to cue behavior at the moment of maximum vulnerability. These inventions were celebrated for being both

effective and undetectable. Cambridge Analytica later demonstrated that the same methods could be employed to shape political rather than commercial behavior.

Democracy slept while surveillance capitalism flourished. As a result, surveillance capitalists now wield a uniquely 21st century quality of power, as unprecedented as totalitarianism was nearly a century ago. I call it *instrumentarian power*, because it works its will through the ubiquitous architecture of digital instrumentation. Rather than an intimate Big Brother that uses murder and terror to possess each soul from the inside out, these digital networks are a Big Other: impersonal systems trained to monitor and shape our actions remotely, unimpeded by law.

Instrumentarian power does not want to break us; it simply wants to automate us. It does not care what we think, feel or do, as long as we think, feel and do things in ways that are accessible to Big Other's billions of sensate, computational, actuating eyes and ears. Big Other knows everything, while its operations remain hidden, eliminating our right to resist.

Because this power does not claim our bodies through violence and fear, we undervalue its effects and lower our guard. Instrumentarian power exiles us from our own behavior. It delivers our futures to surveillance capitalism's interests. And it undermines human autonomy and self-determination, without which democracy cannot survive.

Surveillance capitalists falsely claim their methods are inevitable consequences of digital technologies. But Orwell despised "the instinct to bow down before the conqueror of the moment." Courage, he insisted, demands that we assert our morals even against forces that appear invincible.

Seven decades later, we can honor Orwell's death by refusing to cede the digital future. Like Orwell, think critically and criticize. Do not take freedom for granted. Fight for the one idea in the long human story that asserts the people's right to rule themselves. Orwell reckoned it was worth dying for.

Zuboff is the author most recently of *The Age of Surveillance Capitalism* (2019)



In January 2017, 1984 topped Amazon's best-seller list after a Trump adviser popularized the term "alternative facts"

Zuboff and Orwell: Shoshana Zuboff reveals capitalism's most dangerous threat: surveillance. The new economic order of surveillance capitalism is a new order of knowledge and power. Her sweeping and unprecedented challenges to human autonomy, social control, and the very idea of democracy are beautifully written and deeply urgent. — ROBERT B. JOHNSON, author of *The Common Good and Saving Capitalism for the Many*, *NBC* professor

One very first page I was consumed with an overwhelming impression: needs to read this book as an act of digital self-defense. Why? The model George Zuboff demonstrates not only how our digital data are also now they are being rapidly and ruthlessly weaponized. — ADAM KIRBY, author of *The Changes Strategy*, *Guardian* writer, *Forbes*

P.R.C.,

Just thought you
might find Zuboff's
book as "deeply useful"
as Robert Reich and
Naomi Klein.

Received by PRC
OCT 17 2019

Joan

Lee, Katherine

From: bob tom <cranberrysauce23@gmail.com>
Sent: Tuesday, November 5, 2019 2:30 PM
Subject: a letter from Blair Beekman. Tuesday November 5, 2019. _____ a 2nd BAUASI public meeting. Revised letter.

Dear federal, state, &, local bay area govts. and communities,

I feel a good role for myself, at this time, is to simply ask, for the remainder of 2019, and into 2020 -

Is there a need, for a return, of a 2nd BAUASI public meeting process ?

And, how can there be, important, additional public oversight, for the several, BAUASI closed public meetings, that will not be fully connected to, the SF Card process.

John Lindsay Poland, of AFSC, has offered an interesting, low-key idea. That of, summary/meeting minutes, for the BAUASI, closed meeting programs.

A few words, or few sentence, summary description, of BAUASI closed meetings - can give the public, simple, necessary info. And can offer, both, the everyday public and govt., helpful additional thought, good reasoning, & needed oversight.

Phillip White, long-time project manager of CBRNE, and others of BAUASI, have had considerable worries, of an expanded CBRNE program. And, how this may effect, BAUASI programs, with closed public meetings.

A thank you again, to good beginnings, of CBRNE oversight & guideline ideas, and a developing BAUASI philosophy, of 'do no harm'.

To always look for, and work toward, good democratic practices, usually arcs towards, what is positive and hopeful. This is an issue, where additional oversight, should be welcomed.

This can be an important time, how BAUASI can connect, new ideas of accountability, & the use of SF Card, to the many people, of local Bay Area cities. And, their own work towards, more open, local dialogue, better democratic practices, and community sustainability.

sincerely,
blair beekman

p.s.

A reminder, that I hope it can become easier, for all of us, to begin to ask about, what has now been, several years, of developing good guidelines, dialogue, and workplans, at the local, state, and intl. level.

Its well intended, organization and decency, may be developing, important ideas, of peace, good reasoning, and stability,

This is a revised version, of my letter, from the week, of Sept. 25, 2019.