Police Review Commission (PRC)

POLICE REVIEW COMMISSION
SPECIAL MEETING
AGENDA

August 12, 2015
6:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL**

2. **APPROVAL OF AGENDA**

3. **PUBLIC COMMENT**
   (Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)

4. **APPROVAL OF MINUTES**
   Regular meeting of July 22, 2015, and Special meeting of July 29, 2015.

5. **CHIEF OF POLICE'S REPORT**
   Budget, staffing, training updates, and other items.

6. **OLD BUSINESS (discussion and action)**
   a. Policy investigation regarding the events of December 6, 7, and 8, 2014, and Council directive for an investigation into the events of December 6, as both are more fully identified in the regular meeting agenda of February 25, 2015; and including review of mutual aid practices and policies.
      i) Review and discuss factual findings.
      ii) Further discuss structure of report and workplan for completing it.
      iii) Continue review and approval of, or changes to, BPD recommendations in its report of the December 6 & 7, 2014 events.
   b. Report on National Night Out.

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Email: prc@cityofberkeley.info Website: www.cityofberkeley.info/prc/

7. **NEW BUSINESS (discussion and action)**
   a. Officer protection during responses to armed suspects.
   b. Status of revisions to Regulations for Handling Complaints Against Members of the Police Department.
   c. Disclosure of full Suspicious Activity Reports by BPD.

8. **CHAIR'S REPORT**

9. **PRC OFFICER'S REPORT**
   Status of Complaints; announcements.

10. **ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

11. **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.)

12. **ADJOURNMENT**

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Communication Access Information (A.R.1.12)
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Police Review Commission, located at 1947 Center Street, 3rd floor, during regular business hours.

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

COMMUNICATIONS FOR PRC SPECIAL MEETING
August 12, 2015

MINUTES

COMMUNICATIONS

Police Review Commission (PRC)

POLICE REVIEW COMMISSION
REGULAR MEETING
MINUTES
(unapproved)

July 22, 2015
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:10 PM**

Present: Commissioner Benjamen Bartlett
Commissioner Alison Bernstein
Commissioner George Lippman
Commissioner George Perezvelez (Vice Chair)
Commissioner Terry Roberts
Commissioner Ann Rogers
Commissioner Bulmaro Vicente

Absent: Commissioner Michael Sherman

PRC Staff: Katherine J. Lee, PRC Officer; Beneba Thomas, PRC Investigator.

BPD Staff: Sgt. Benjamin Cardoza, Sgt. Dave Lindenau, Officer Ryan Andersen, Officer Darrin Rafferty

A moment of silence was observed for: Sgt. Scott Lunger of the Hayward Police Dept., killed in the line of duty this morning; Sandra Bland, found dead in a Texas jail cell; and the five service members killed in Chattanooga, TN.

2. **APPROVAL OF AGENDA**

Motion to approve the agenda carried by general consent.

3. **PUBLIC COMMENT**

There was one speaker.

4. **APPROVAL OF MINUTES**

Motion to approve the regular meeting minutes of July 8, 2015. Motion carried by general consent.

5. **CHIEF OF POLICE'S REPORT**
None.

(In response to the Chair's inquiry, the PRC Officer distributed a copy of Capt. Frankel's explanation about Tasers being mentioned as a possible consequence in one of Lt. Schofield's dispersal orders captured on video.)

6. **OLD BUSINESS (discussion and action)**
   a. Policy investigation regarding the events of December 6, 7, and 8, 2014, and Council directive for an investigation into the events of December 6, as both are more fully identified in the regular meeting agenda of February 25, 2015; and including review of mutual aid practices and policies.

      i) Continue review and approval of or changes to BPD recommendations in its report of the December 6 & 7, 2014 events.

Motion to replace BPD's Recommendations #6 and #7 with the following: The PRC agrees that a lack of mission clarity hampered the BPD's success on December 6, but where the BPD sees lack of clarity as a tactical confusion about the priority of specific tasks, we find a strategic lack of clarity. Deployments during demonstrations should include clear and specific objectives. Field Commanders should be given specific guidelines and priorities to consider when making deployment decisions, including whether a given police action will improve the situation, or escalate tension and confrontation between police and protesters, and should make redeployment decisions proactively based on known situational awareness and the approved guidelines.
Moved/Seconded (Perezvelez/Bartlett) **Motion Carried**
Ayes: Bartlett, Bernstein, Perezvelez, Roberts, and Rogers.
Noes: None Abstain: Lippman, Vicente Absent: Sherman

Motion to replace BPD's Recommendations #9 and #10 with the following: BPD should review its operational deployment of its resources, such as bicycle, and parking enforcement officers, in crowd management roles in order to provide greater mobility, flexibility and accessibility. The review should focus on areas of opportunity focusing on the peaceful maintenance of events, crowd/department communication and violent element identifications. Training and resource proposals should be developed by BPD to achieve this end and should be reviewed with the PRC.
Moved/Seconded (Rogers/Bartlett) **Motion Carried**
Ayes: Bartlett, Bernstein, Perezvelez, Roberts, Rogers, and Vicente.
Noes: Lippman Abstain: None Absent: Sherman

Motion to replace BPD's Recommendation #16 with the following: Consistent with existing policy, dispersal orders should only be given if there is clear evidence that the focus of the crowd has become violent. If and when it is determined that a dispersal order is necessary, several quality dispersal orders should be given. BPD should record the orders to establish that the orders were audible to the crowd. We specifically recommend that BPD discontinue the practice of continuous dispersal orders.
Moved/Seconded (Perezvelez/Rogers)

Substitute motion to add to the main motion: after an initial dispersal order been given, if a crowd reassembles in a different location, that new location must be reevaluated to determine if it is an unlawful assembly, and a new dispersal order must be given.
Moved/Seconded (Lippman/Vicente) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

Motion to add to the main motion that the BPD should take appropriate steps to ensure that a dispersal order is audible throughout the entire crowd.
Moved/Seconded (Roberts/Perezvelez) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

Motion to adopt BPD's Recommendation #11 as written.
Moved/Seconded (Rogers/Roberts) **Motion Carried**
Ayes: Bartlett, Bernstein, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: Lippman Absent: Sherman

Motion to adopt BPD's Recommendation #13 as written.
Moved/Seconded (Perezvelez/Vicente) **Motion Carried**
Ayes: Bartlett, Bernstein, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: Lippman Absent: Sherman

Motion to adopt BPD's Recommendation #20 as written.
Moved/Seconded (Rogers/Perezvelez) **Motion Carried**
Ayes: Bernstein, Lippman Perezvelez, Roberts, and Rogers.
Noes: Bartlett, Vicente Abstain: None Absent: Sherman

Motion to adopt BPD's Recommendation #24 as written, but with the addition of "within 72 hours" at the end, so that the Recommendation reads: To comply with our existing policies an After Action Report (AAR)

should be written after each incident even if only in summary form, within 72 hours."
Moved/Seconded (Vicente/Perezvelez) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

(Following the initial vote on this motion, the Commission voted to reconsider it; the above reflects the vote on reconsideration.)

ii) Review and discuss event narratives
The PRC staff's compilation of the Commissioners' factual findings was discussed and some corrections made. **By general consent, each Commissioner is to inform staff what parts of the compilation, if any, they are unable to agree to.**

iii) Review proposed changes to general orders.

No action taken

b. Participation in National Night Out (August 4, 2015)

The PRC Officer announced that the BPD coordinator for this event said there was no list yet of participating groups yet, but that the event kick-off would occur at 5:30 p.m. at the PSB.

c. Whether to amend PRC Standing Rules regarding procedures for dividing the question.

Motion to adopt the Council's rule regarding dividing the question.
Moved/Seconded (Lippman/Vicente) **Motion Failed**
Ayes: Lippman, Vicente.
Noes: Bartlett, Bernstein, Perezvelez, Roberts, and Rogers.
Abstain: None Absent: Sherman

7. NEW BUSINESS (discussion and action)

a. What action should be taken regarding Mutual Aid Agreements for 2015.

The Mutual Aid Subcommittee will schedule a meeting.

8. CHAIR'S REPORT
None

9. PRC OFFICER'S REPORT
The BOI hearing convened on July 20 was not concluded because one of the subject officers left during the hearing due to a family emergency. A BOI hearing is being scheduled for August 7. PRC staff attended a BPD promotional ceremony this afternoon.

10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

11. PUBLIC COMMENT

There was one speaker.

Closed Session

12. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE

Complaint #2372.

Motion to approve above-referenced file for administrative closure.
Moved/Seconded (Rogers/Perezvelez) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

End of Closed Session

13. ANNOUNCEMENT OF CLOSED SESSION VOTE

The vote to administratively close Complaint #2372 was announced.

14. ADJOURNMENT

Motion to adjourn the meeting was carried by general consent.
Meeting was **adjourned** at 9:55 p.m.

Police Review Commission (PRC)

POLICE REVIEW COMMISSION

SPECIAL MEETING

MINUTES

(unapproved)

July 29, 2015
7:00 P.M.

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. **CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 7:04 P.M.**

   Present: Commissioner Benjamen Bartlett
   Commissioner Alison Bernstein (Chair)
   Commissioner George Lippman
   Commissioner George Perezvelez (Vice Chair)
   Commissioner Terry Roberts
   Commissioner Ann Rogers
   Commissioner Bulmaro Vicente

   Absent: Commissioner Michael Sherman

   PRC Staff: Katherine J. Lee, PRC Officer; Beneba Thomas, PRC Investigator.

   BPD Staff: Chief Michael Meehan (left 7:30 p.m.), Capt. Dave Frankel, Lt. Dan Montgomery (both left 8:40 p.m.)

2. **APPROVAL OF AGENDA**

   Motion to approve the agenda.
   Motion Carried by general consent.

3. **PUBLIC COMMENT**
   No speakers.

4. **APPROVAL OF MINUTES**

   Motion to approve minutes of July 15, 2015 Special meeting.
   Moved/Seconded (Rogers/Perezvelez) **Motion Carried by general consent**

5. CHIEF OF POLICE'S REPORT

Funeral tomorrow for Hayward Sgt. Scott Lunger; some BPD officers will be attending. City Manager Christine Daniel's last day is July 24; she left to be the Assistant City Administrator in Oakland. Deputy City Manager Dee Williams-Ridley has been named Interim City Manager; she appointed Gil Dong (Fire Chief) as Interim Deputy City Manager, and Avery Webb was moved from Deputy Fire Chief to Interim Fire Chief.

Capt. Greenwood is currently attending a 3-week senior police management course at Boston University. BPD held a promotional ceremony last week for Capt. Dave Frankel, Lt. Dan Montgomery, Sgt. Melanie Turner, and CSO Supervisor Sandra Phillips. This year's National Night Out has already broken records with over 90 groups signed up, compared with 58 last year.

Crime has been increasing here, consistent with trends throughout the region and nation, primarily in robberies, assaults and burglaries. He will be presenting the semi-annual crime report to City Council Sept. 15. Lots of hiring in department right now, including interviewing for a new budget manager; currently at 98% of budgeted sworn officers. Six officers are in field training and 7 more in academy. The Chief now has a Twitter account: BPDChiefMeehan.

In answering a Commissioner's question regarding the BPD's use of an armored vehicle earlier this week, the Chief said he will share the review with the PRC when it is ready. A Commissioner asked about a recent DUI checkpoint, and about a car stuck on a steep part of Marin Avenue. Regarding data collection on stops, the Chief said the contract with the Center for Policing Equity is undergoing legal review.

6. OLD BUSINESS (DISCUSSION AND ACTION)

a. Policy investigation regarding the events of December 6, 7, and 8, 2014, and Council directive for an investigation into the events of December 6, as both are more fully identified in the regular meeting agenda of February 25, 2015; and including review of mutual aid practices and policies.

ii) Continue review and approval of, or changes to, BPD recommendations in its report of the December 6 & 7, 2014 events.

Motion to adopt as an alternative to BPD Recommendation #12: The benefits of continuous police presence should be balanced against their possibly intimidating impact in determining whether officers should join in close proximity to a crowd.
Moved/Seconded (Lippman/Vicente) **Motion Failed**
Ayes: Lippman
Noes: Bartlett, Bernstein, Perezvelez, Roberts, Rogers
Abstain: Vicente Absent: Sherman

Motion to adopt as an alternative to BPD Recommendation #12, that reference is made to PRC Recommendations #8 and #9 above.
Moved/Seconded (Perezvelez/Lippman) **Motion Carried**

Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

By general consent, the Commission agreed to table consideration of Recommendation #15 until the next meeting, when Commissioners have had a chance to read the City Council resolution on the use of helicopters.

Motion to prohibit the use of CS gas for crowd management/crowd control purposes.
Moved/Seconded (Vicente/Lippman) **Motion Failed**
Ayes: Bernstein, Lippman, and Vicente.
Noes: Bartlett, Perezvelez, Roberts, and Rogers.
Abstain: None Absent: Sherman

Motion to adopt Commissioner Perezvelez's alternate Recommendation #18: BPD, in conjunction with the PRC, should review its policy regarding the use of CS gas and batons during crowd control and crowd management situations. Particular attention should be given to the kind of authorized baton strikes, to include the use of jabs, rakes or overhead strikes.
Moved/Seconded (Perezvelez/Bernstein) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

Substitute motion to add the clause, "and with the intent of putting substantial constraints on the use of CS gas in crowd control and crowd management."
Moved/Seconded (Perezvelez/Bernstein) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

Vote on main motion (Perezvelez/Bernstein) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

Motion to adopt BPD's Recommendation #17 but with the addition "and the PRC should review the proposed new script before it becomes BPD policy."
Moved/Seconded (Roberts/Perezvelez) **Motion Carried**
Ayes: Bartlett, Bernstein, Lippman, Perezvelez, Roberts, Rogers, and Vicente.
Noes: None Abstain: None Absent: Sherman

i) Discuss structure of report and workplan for completing it, including possible special meeting in August.

By general consent the Commission agreed to set a special meeting for August 12, 2015, starting at 6:00 p.m.; structure of the investigative report will be discussed.

ii) Review and discuss factual findings.

By general consent, the Commission made various changes to the staff's draft dated 7-29-2015; agreed that further comments on the factual findings should be supplied to PRC staff by a week from today; and staff to provide the next draft by Monday, August 10. At the next meeting, findings will be discussed from 6:00 p.m. – 6:30 p.m., and recommendations beginning at 6:30 p.m.

b. Participation in National Night Out (August 4, 2015).

Commissioners to notify PRC investigator Byron Norris if they are interested in going out together to various neighborhood groups.

7. CHAIR'S REPORT

Chair would like Commissioners to think about some of the language on our website; and why, when so many people seem upset about the police, so few complaints are filed.

8. PRC OFFICER'S REPORT

No new complaints filed since the last meeting. An article about citizen's academy was distributed at Commissioner Roger's request. A new General Order W-01, on the Right to Watch, was distributed; it is an update of an old Training Bulletin and now includes the right to videotape. Commissioner Perezvelez announced a new app from the ACLU that one can use to upload videotape of interactions with police. Download the app from www.mobilejusticecalifornia.org.

9. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

10. PUBLIC COMMENT

There was one speaker.

11. ADJOURNMENT

Motion to adjourn the meeting was carried by general consent.
The meeting was adjourned at 10:00 p.m.

COMMUNICATION No. 4323 4430

RESOLUTION NO. 51,408 -N.S.

ESTABLISHING POLICIES FOR USE OF DOGS AND HELICOPTERS BY THE POLICE DEPARTMENT OF THE CITY OF BERKELEY, AND RESCINDING THE PROVISIONS OF RESOLUTION NO. 48,630-N.S. AS THEY APPLY TO THE USE OF DOGS AND HELICOPTERS.

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

That the following policies for use of dogs and helicopters by the Police Department of the City of Berkeley are hereby established:

1. Police use of dogs from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

a. To apprehend suspects

(1) Where there is a threat to human life, and

(2) Where the suspect is reasonably believed to be armed with a deadly weapon, and

(3) Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect; or

b. To locate missing persons; or

C. To locate crime scenes.

Provided, however, that the use of dogs is explicitly prohibited for use in crowd control.

2. Police use of helicopters from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

a. To assist in case of a disaster; or

b. To assist in rescue efforts (specifically excluding the rescue of hostages); or

c. To assist in locating missing persons.

FURTHER, RESOLVED, that the provisions of Resolution No. 48,630-N.S. as they apply to the use of dogs and helicopters are hereby rescinded.

Approved as to form:

City Attorney

Copies sent 8/12/82

To: City Manager
Police Department

RESOLUTION

No. 51,408 N.S.

Dated July 15, 1982

Adopted by the Council of the City of Berkeley by the following vote:

Ayes: Councilmembers Bach, Dean, Feller, Sweeney, Washburn

Noes: Councilmembers Denton, Fukson, McDonald, President Newport

Abstaining: None

Absent: None

Eugene A. Cox Jr. Newport
Mayor and President of the Council

Attest Blythe Campbell
City Clerk and Clerk of the Council

City of Berkeley

CITY MANAGER'S OFFICE
2180 MILVIA STREET
BERKELEY, CALIFORNIA 94704

(415) 644-6580

CR-506 Public Hearing: 7:30 p.m.

FOR COUNCIL ACTION

July 15, 1982

To: Honorable Mayor and Members of the City Council

From: Daniel Boggan, Jr., City Manager

Subject: POLICY ON THE USE OF DOGS AND HELICOPTERS FOR LAW ENFORCEMENT PURPOSES; REVIEW OF MUTUAL AID PACTS AND AGREEMENTS

A. Need for Council Action

At their meeting of November 24, 1981, the Berkeley City Council referred the present Berkeley policy which prohibits the use of dogs or helicopters for a law enforcement purpose to the City Manager and the Police Review Commission with a request to consider the reasonableness and appropriateness of such a policy.

Pursuant to Council's request, the Police Review Commission reviewed the policy issue at meetings on January 13 and January 27, 1982, and voted to recommend the use of dogs and helicopters in certain situations as set forth in the attached report. In addition, the PRC has also recently reviewed all agreements, understandings and policies which exist between the Berkeley Police Department and other law enforcement agencies.

B. Background

On April 17, 1973, the voters of Berkeley passed Initiative Ordinance No. 4 (enacted as Ordinance No. 4640-N.S.) which provided for annual public hearings and Council approval of Mutual Aid Pacts between the Berkeley Police Department and all other law enforcement agencies. From 1973 until 1977, the Council followed a procedure for adoption of Mutual Aid Pacts which included annual review of the pacts by the Police Review Commission and the Council. On March 22, 1977, the Council passed Resolution No. 48,630-N.S., in which it approved all pacts for that year and specifically prohibited the use of dogs

for any law enforcement purposes and helicopters except in case of disasters or rescue efforts (excluding the rescue of hostages). Since 1977, the procedure required by the ordinance has not been followed. At the City Manager's request, the Police Department has prepared an update of all Mutual Aid Pacts which has been reviewed by the PRC and which is being presented for Council review at this time.

After reviewing the Police Review Commission Report on dogs and helicopters, I recommend that dogs be allowed only as set forth in that report, but that helicopters not be allowed.

Recommendation

That the Council adopt the attached Resolution which approves the Mutual Aid Pacts and regulates the use of dogs and helicopters as set forth therein.

Attachment

06

RESOLUTION NO. -N.S.

APPROVING MUTUAL AID PACTS AS RECOMMENDED BY THE CITY MANAGER AND RESCINDING RESOLUTION NO. 48,630-N.S. AS IT APPLIES TO THE USE OF DOGS AND HELICOPTERS.

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

That the Mutual Aid Pacts as recommended by the City Manager are hereby approved;

That Resolution No. 48,630-N.S. is hereby rescinded as it applies to the use of dogs and helicopters and the following policy is hereby adopted:

1. Police use of dogs from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

   A. To apprehend suspects

      1. where there is a threat to human life, and

      2. where the suspect is reasonably believed to be armed with a deadly weapon, and

      3. where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect; or

   B. To locate missing persons; or

   C. To locate crime scenes;

   D. Provided, however, that the use of dogs is explicitly prohibited for use in crowd control.

2. Police use of helicopters from other law enforcement agencies is prohibited.

Approved as to form:

_____

City Attorney

CITY OF BERKELEY

POLICE REVIEW COMMISSION
2121 McKINLEY AVENUE BERKELEY, CALIFORNIA (415) 644-6716
94704

JULY 15, 1982

FOR COUNCIL ACTION
PRESENTED TO COUNCIL
CITY OF BERKELEY
JUL 1 1982
OFFICE OF
CITY CLERK

To: Honorable Mayor and
Members of the City Council

From: Police Review Commission

Subject: 1. Revised Recommendation for use of Dogs and Helicopters

2. Background of the Recommendation

At its meeting of 1/27/82, the PRC recommended that police use of dogs be permitted under certain conditions. Since forwarding that recommendation to the Council, inconsistencies and loose language have been noted, and the Commission revised the wording of its proposal accordingly. The present language, therefore, represents the policy we would ask the Council to consider. We have also added a brief background of this matter for the Council's information.

The PRC recommends that police use of dogs should be permitted under the following conditions:

1. With the approval of the City Manager (except in circumstances where he/she is not immediately available, and then with the approval of the Chief of Police).

2. Where there is reason to believe that a threat to human life exists, and

3. Where there is reasonable cause to believe that a suspect is armed with a deadly weapon, and

4. Where the suspect is believed to be in a controlled, contained area and there are no other known occupants of the area other than the suspect.

5. Further, that the use of police dogs may be approved (#1 above) to locate missing persons or to locate crime scenes.

6. The use of dogs in crowd control is explicitly prohibited.

The PRC recommendation is based on the general premise that it is desirable to have alternatives to the use of deadly force, and the Commission's discussions centered on the question of whether dogs constitute such an alternative. Our conclusion was that, in the circumstances specified in the recommendation, dogs offer a significant advantage in apprehending a suspect without potentially fatal injury to himself or to police officers. The recommendation envisions a situation in which dogs would be most likely to be effective, and is closely modeled on the BPD regulation governing the discharge of firearms by officers.

Useful background information will be found in the materials attached: a 1979 report from a PRC committee (the "Louie report") which provides the factual basis for the Commission's recommendation, and "Information on History of Use of Dogs...", prepared by the PRC's Investigator in connection with a Commission inquiry. These reports clarify the important elements of dog use, pro and con.

Pro: Dogs are highly effective for searches in enclosed spaces.

> "Members of the committee came away from the ride-along experience observing the Richmond PD canine operation with the impression that dogs can be used safely and humanely in law enforcement, especially building searches, where the protection of human lives (bystanders, officers, and suspects) is of paramount importance." (Louie, pg. 5)

Con: Most of the arguments against dogs---considerations of cost, efficiency, training, etc.---do not apply in this case, since dogs would be borrowed from neighboring jurisdictions at no cost to the city. The most substantial reservation is the undoubted distaste felt for dogs because of their repressive use against civil rights demonstrators, in South Africa, etc. Any advantage gained must thus be weighed against the negative community reaction.

The PRC did not attempt to measure community feeling on this issue, on the grounds that the Council would be in a better position to do so. But while dogs have unpleasant associations in the abstract, we feel that their use is reasonable in specific instances in which they might prevent injury or death to officers or suspects. The suspension of the prohibition during the Stinky rape series in 1978 demonstrates that the community believes that there are worse things than the controlled use of dogs. It is not anticipated that dogs would be used with any frequency, but it is our recommendation that this option should be available should need arise.

The Commission further recommended that the use of helicopters by police should be approved under the following conditions:

1. With the approval of the City Manager (except in circumstances where he/she is not immediately available, and then with the approval of the Chief of Police).

2. Where there is reason to believe that a threat to human life exists, and

3. Where there is reasonable cause to believe that a suspect is armed with a deadly weapon, and

4. Where a helicopter would aid significantly in locating or containing the suspect.

5. Further, that the use of helicopters may be approved for locating missing persons, for rescue missions, hostage situations, and disasters.

6. The use of helicopters in crowd control is explicitly prohibited.

The Commission's rationale in approving limited use of helicopters is the same as for the use of dogs: that they should be available when they are likely to be effective in averting injury or death. Reservations about helicopters include community dislike for noise and "big brother" associations, and also the danger arising from the possibility of crashes. It is the opinion of the Commission majority, however, that helicopter use in these limited circumstances is potentially of great benefit, and that the safety question is no more pressing in this case than in that of the many non-police helicopters that fly over Berkeley every day.

Since Berkeley would not have its own dogs or helicopters, their use would naturally be subject to availability from the departments from which they would be borrowed. Even if our conditions were met, they might not be available, or other alternatives might be preferable. Nevertheless, the police should have a full range of options for the resolution of potentially violent situations. We are convinced that the use of dogs and helicopters would be a valuable addition to the present options when used according to this recommendation.

Police Review Commission

by S. Washburn
Stan Washburn, chair

Lee, Katherine

COMMUNICATION No. 4393

From: Meehan, Michael
Sent: Friday, July 31, 2015 11:23 PM
To: Lee, Katherine; Norris, Byron
Subject: July 27 Robbery Response

Kathy/Byron. The Commissioners asked for information regarding our robbery response on July 27.

The Berkeley Police Department responds to hundreds of robberies each year. We have a strong response to those incidents, particularly when suspects are armed with guns. Those who commit these crimes pose a particular danger and risk of committing similar crimes in the future. In the vast majority of these cases, Berkeley police respond with on-duty patrol officers. On July 27th, the circumstances and threat posed to residents and officers by a particular robbery elevated our response and tactics. The incident ended with no injuries excluding those committed by the suspect on the elderly victim.

On July 27th at approximately 8:30 a.m., the Berkeley Police Department received a 9-1-1 call of a robbery that had just occurred at a business in the 2400 block of Sacramento. The suspect, described as a male in his 20's, entered the business with a revolver, closed the business door and locked it behind him. He brandished the gun at the business owner, a sixty-year-old woman, showed the victim that the gun was loaded with five rounds, and demanded cash. The suspect threw the victim to the floor, giving her visible injuries.

Multiple witnesses saw the suspect run from the business and into the residential block of houses on the 2400 block of Edwards. One witness saw the suspect climb on top of a roof. Berkeley Police contained the block where the suspect had fled within moments of the last witness sighting.

An armed suspect with a demonstrated propensity for violence, on a rooftop, poses a particular danger to officers and residents. Searching a contained block for a violent, armed suspect is particularly dangerous. Entering unknown areas for an armed suspect poses the threat of ambush. The area the suspect fled to is a mixed residential and commercial block with proximity to multiple victims and potential risk to him, passing motorists and officers detaining him required a heightened tactical approach. When the normal police response is inadequate for the safety of the community, the suspect and officers, we consider using the Special Response Team (SRT).

Since this incident occurred in the morning hours, only one patrol team (approximately ten officers) was on duty and responding to calls for service in the City. This call depleted that staff and left just one officer for the entire City. When SRT responded, they were able to relieve several of the patrol officers on scene and allow those officers to return to citywide patrol service. For this response there were 13 SRT operators, 1 logistics officer and two negotiators.

SRT took control of the scene and requested an armored rescue vehicle from the Alameda Police Department as well as a search dog from the Oakland Police Department. Alameda responded with one driver and Oakland responded with one dog handle and his supervisor.

When exposing officers to an armed suspect with a propensity or history of violence, the use of the vehicle allows officers to safely move into a dangerous area to rescue, negotiate, or gain a safer position. The armored vehicle allowed officers to safely approach the roof where the suspect was last seen. The vehicle also allowed officers to safely drive around the contained area and announce that a dog would be used for searching. The ability to directly warn residents to stay safely indoors is critical in an incident like this. The warning also offers the suspect an opportunity to safely surrender and exit the block. The dog allows officers to safely search yards and dangerous areas without putting human lives at risk. Both these resources were provided to the City at no cost.

The incident was resolved safely and without injury other than those the suspect caused to the victim. Many officers involved were either on their normal work shift, or working on their training day. Beyond that, there was very little additional cost due to this operation. Costs, resource management and overall impact on the community are always an important part of the analysis, to be measured alongside community safety and, ultimately, the risk to human life.

Lee, Katherine

From: PRC (Police Review Commission)
Sent: Tuesday, August 04, 2015 10:44 AM
To: Lee, Katherine
Subject: FW: [bcw-discussion] Robber with 'silver teeth' evades Berkeley police | Berkeleyside

-----Original Message-----
From: Andrea Prichett [mailto:prichett@locrian.com]
Sent: Tuesday, August 04, 2015 10:13 AM
To: PRC (Police Review Commission)
Subject: Fwd: [bcw-discussion] Robber with 'silver teeth' evades Berkeley police | Berkeleyside

Dear PRC Commissioners,

I am writing to inquire about a few things related to this story (linked below) about a man who allegedly robbed a laundromat in July.

1. Does the Special Response Team routinely wear military gear in preparation for trying to catch a robber? What is the tactical logic that justifies this approach?

2. Whose armored vehicle came into Berkeley and is this part of a mutual aid request? Has the city authorized this tactic for routine police work? Since this was not a hostage situation, there was no barricaded subject, etc. I am wondering what policy or procedure explains how this type of vehicle is meant to be used?

I am concerned that there should be a policy review of how the Special Response Team Operates and what the people of Berkeley should expect. I am also concerned that our police have very little training in how to respond to civil unrest and mental health related cases. Perhaps rather than gearing up to fight a war against who knows what, we should be focusing our resources on the problems which our town actually faces.

Thanks for your consideration,

Andrea Prichett

http://www.berkeleyside.com/2015/07/27/breaking-police-search-berkeley-neighborhood-for-possibly-armed-robber/

COMMUNICATION No. 4393

Police Review Commission
Standing Rules

(Approved 4.8.2015; amended 7.15.2015)

A. PURPOSE

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

B. AMENDMENTS AND REVISIONS

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

C. AGENDA ITEMS – REGULAR MEETINGS

Individual commissioners shall submit agenda items to the commission secretary by 12:00 noon one week before the meeting date. (This will almost always be a Wednesday.)

D. COMMUNICATIONS

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

E. MEETING PROCEDURES

1. Agenda items shall be introduced by the commission member or staff member who proposed the item. The chair shall allow an initial period for discussion. When a motion is introduced and seconded, the chair may set a time limit of no less than two minutes for each commissioner for additional comments before putting the matter to a vote.

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

F. PUBLIC COMMENT

The chair, subject to the consent of the commission, may determine the time limit for each speaker and the total number of speakers.

G. POLICY COMPLAINTS AND REVIEWS

1. An inquiry into a policy, when initiated by a civilian filing a policy complaint form, is a "policy complaint."

   a) The procedures for handling a policy complaint are set forth in Section II.A.4.b. of the Regulations for Handling Complaints Against Members of the Police Department..

   b) Additionally, a public comment period shall be agendized immediately preceding consideration of the policy complaint, limited to comments on that complaint. Policy complainants will be allowed to speak for five minutes. Other members of the public will be allowed up to three minutes; the time allotted is subject to the discretion of the chair, who will consider the number of persons wishing to speak. Commissioners may ask policy complainants brief questions. The BPD will be given an opportunity to respond to the commission.

2. A commission-initiated policy review may commence upon a majority vote of the commissioners.

   c) Commissioners shall then determine how to proceed. Possible actions include, but are not limited to: considering the issue as whole commission, assigning a commissioner to research the issue, asking staff to investigate or research, or establishing a subcommittee. If a subcommittee is created it will seek BPD involvement in its policy review

and, upon completing its review, will present its conclusions and recommendations to the full commission.

d) The full commission may recommend to the BPD, City Manager, or City Council that the BPD adopt a new policy, revise an existing policy, or take no action.

H. REGULAR MEETINGS

Regular meetings shall be held on the second and fourth Wednesday of the month, except in the months of August, November, and December. The commission shall not meet in August, and shall meet only on one Wednesday of the month in November and December. Exceptions shall be made when a meeting day falls on a religious holiday.

Regular meetings shall commence at 7:00 p.m., and shall be held at the South Berkeley Senior Center and other locations as may be determined by the commission.

I. ELECTIONS

The elections for Chair and Vice-Chair shall occur at the first regular meeting in January whenever possible.

J. MUTUAL AID AGREEMENTS

The commission shall constitute a mutual aid subcommittee no later than the first meeting in February of each year to review the pacts between the BPD and other law enforcement entities.

K. ANNUAL REPORT

The commission secretary shall endeavor to present the annual report for the commission's approval no later than June 1 of each year. The Foreword shall be written by the commissioner who served as chair in the year of the report.

L. FAMILIARITY WITH BERKELEY POLICE DEPARTMENT

Within the first 6 months of their appointment, newly-appointed commissioners shall endeavor to:

1) complete a ride-along with a sworn police officer, and
2) meet with Chief of Police and his/her command staff.

M. KNOWLEDGE OF APPLICABLE LAWS AND RULES

Commissioners should be generally knowledgeable of the Police Review Commission's enabling Ordinance (Ordinance No. 4644-N.S.; B.M.C. Chapter

3.32), the Regulations for Handling Complaints Against Members of the Police Department, and these Standing Rules. They should also bring copies of these documents to all commission meetings.

COMMUNICATION No. 4391

Complaint Report

TO: City Of Berkeley Police Dept.,Clerk, City Manager or City Council, Police Review Commission

re: aka, Steve Oneal, (informant bully)

July 6, 2015

Dear Berkeley Police Chief:

Today 6 July 2015, I was walking my bike to my home at 2714 McGee when I stopped at the McGee Avenue Baptist church where I could see a man standing on the sidewalk and partly on my property and in my driveway. At the same time a small white van with an African American driver had been passing back and forth by nme and making two or more u-turns there nearly in front of my house.

As I got closer about a block away I could see that still standing there in my driveway head down seem to be looking down at his phone or whatever, there was aka, 'steve oneal', one of the twin demons of evil, the man who had kicked me and hit me about the face and head , knocking me to the ground in front of my home just 7 yrs earlier and the city of Berkeley refused to investigate or prosecute or arrest .

This bully police informant , former cop, has been coming back around our house for the past 2 years to harass, intimidate, stalk. to break in , burglarize and to vandalize and steal from our family.

Recall that the superior court of Alameda county denied the restraining order we petitioned the court for after the man suckered punched me from behind for no apparent reason in front of our house in 2008.

I am convinced the man was being a lookout for the break in or the attempted burglary of our house along with the BM in the white van , who kept circling around and near our house.
I approached the bully in front of my house, reminded him to stay off of our property and away from our house. This for the 4th time. This situation is unsustainable, can you help us to put a stop to it ? If you cannot, then tell us who can help us.

Charles and Kikuko Jackson 510-848-3755 2714 McGee Ave Berkeley,

Re: John doe, aka 'Steve Oneal'
(informant bully)

Recall that the days and weeks of the break ins and the attempted break ins took place at 2714 McGee avenue and on our side of the street of the very short block there is the one house on the corner, southbound an apartment building, then our house to the end of the block in question, a very short block. During the 7 attempted burglaries, there were parked inside this very small block that has only 80 steps from start to finish, many suspicious vehicles in all of the attempts, there were, two COMCAST CABLE vehicles parked on our side of the street with one man inside of each vehicle doing nothing except looking around the street, there were two vehicles with markings from the, ATLAS HEATING and AIR CONDITIONING, with one person per vehicle , one inside and the other outside with the hood raised, then there was the, AMERICAN LEAK DETECTION vehicles and a man inside looking towards our house but not getting out, this was a staged event that I used to participate in at KPIX-TV when I was stage manager there for 5 years, it gets better, always the REX LOCKSMITH vehicle seem to appear and would park his vehicle always directly in front of our house , driver would get out go across the street to the known informant Breunig house, they usually let him inside the fence where he would just watch over towards our house, then, the AANTEX. COM,PEST-RODENT-TERMITE control usually arrives, vehicle stops almost always parks as close to our house as he can, driver usually gets out, never consults with anyone, lets himself inside the the house at 1699 Ward next to ours starts to spray along side the bottom of their house, after he finishes he gets into his truck and sits and sits.

The white man, the informant, the bully, aka, 'steve oneal', one of the twin demons of evil, the man who abused, kicked and knocked a 71 year old 122lb African man to the ground in front of his house as the district attorney and the chief of police agreed that the African got what he deserved is always present in front of 2714 McGee , watching, lingering in front of and observing and being the lookout for the would be burglary and break in of our home.

We believe seven times break ins were prevented due to the alert Jackson family and relatives and friends' We have other evidence to show that aka steve oneal was involved in the break ins at 2714.

This Page Not Sent To BPD

COMMUNICATION No. 4391

Charles and Kikuko Jackson 2714 McGee Avenue Berkeley, Ca. 94703

June 7, 2015

COMPLAINT REPORT

TO: City of Berkeley Police Dept, copy to Clerk City Manager, Police Review Commission

Re: Assault and Battery Restraining Order Denied

Dear Berkeley Police Chief Meehan:

I was 71 when the assault occurred and my wife the witness was 73. The provoked an staged event happened in front of our home at 2714 McGee avenue, Berkeley, California

During 2008 I along with my family member have been under their constant relentless video camera surveillance team which includes Berkeley and oakland police departments and other local government agencies and the use to be friendly but now turned hostile neighbors that surrounds us since before 2002.

After the assault happened the BPD and the DA Tom Orloff, refused to arrest, investigate or prosecute the white, police informant who bullies the neighborhood for 50 yrs. And whose spouse , Ms. Oneal who is also an officer of the court, an African American attorney in Oakland, who condones the actions of the city government thug, who is employed by the city of Berkeley government we are told.

The assault and attack against me that day in front of my house was not unlike a lying in wait ambush.

It was swift, sudden sneak attack from behind. I was about 125 lbs and was also being treated with heart meds from bypass heart surgery 8 yrs earlier. It was abuse and elder abuse at that. I have been assaulted many times by police informants and former police officers and detectives here in Berkeley and Oakland and Richmond and in Pittsburg, Ca.

Regarding the Restraining Order: A man who has proven to be a danger and a threat to our family.

When my wife Kikuko and I petitioned to the court for an order to restrain the bully, I stated to the court at that time the man at that exact time was walking up and down back and forth slowly and sometimes lingering in front of our house, sometimes stopping directly in front of our house to look towards the front door before moving along only to return and to the same thing over and over again. You will recall the man struck me about the head and face area a sucker punch from behind. I am also a USAF 8 year veteran who has served in a war zone in Thailand and Vietnam and was rewarded nearly 5 months early out honorable discharge at my request for being there. I am also 78 yrs now, the court said no to the petition for the restraining order against the white police informant, neighborhood bully, even with the attack, the assault and battery and the elder abuse not withstanding. That was in 2009.

Today June 16, 2015 our family is filing a complaint with the city of Berkeley police department

Even after I was attacked and assaulted in front of my home by aka, 'steve oneal', 1640 derby street, Berkeley, who sneaked up on me from behind, he first kicked me from behind then, punched me about the head and face area from behind, knocked me hard to the concrete sidewalk where I fell near the steps of my own house, even as the thug informant stepped over me and calmly walked the 80 steps around the corner back to his house.

I was 71 yrs at that time. I was and still today a health care professional, a Certified nursing assistant and a Psychiatric Technician and we are duty bound to report and inform the state medical profession when we are aware of Elder abuse , mental or physical abuse. I did that with the city of Berkeley more than once all to no avail.

The city of Berkeley seemed not to care what age I might have been they refused to investigate, refused to prosecute or even arrest the bully aka steve oneal.

I petitioned and I pleaded to the alameda county superior court for a Restraining Order against the man at that time but the court said no definitely not.

Now fast forward to today 2015 this informant bully has returned to harassing our family every day standing, walking and lingering and doing other things in front of our house. And it creates a new situation that cannot and not will last.

Several months ago, aka steve oneal began to come around and stand in front of our house 2 sometimes three times every day. We believe this is when he began to commit crimes against us and our property.

I am convinced that he has at least taken part in the crime of burglary, attempted burglary, breaking and entering and vandalism against our house and to our property.

We believe the burglaries of home took place on or about March 23rd, 24th and March 30th and 31st, we further allege that the attempted burglary and break ins were attempted on April 7th, 13th and 14th , and again on April 20th, 21st, 27th, and 28th of that month. Then another burglary break in of our home occurred on May 27th and another act of vandalism happened on June 2nd 2015.

Our evidence has been cameras, eyewitnesses, neighbor citizens, our family, our relatives and citizens that live, work and reside on, around and near McGee avenue, Ward and Derby streets.

While 'steve oneal the informant bully is the main actor and ring leader of the burglary and break ins, he has been observed committing criminal acts of vandalism against the Jackson property on August 2013 and September 2014, spraying the flowers and vegetation and fruit trees on the Jackson property with the deadly dioxin agent orange type poison and numerous lemon trees and legal medical hemp plants over a 2 year period.

We further allege that the same evil twin demon used his 12 foot ladder to come onto our property which is adjacent to their property on the north side at 1640 Derby street, to spray and poison with the deadly round up, dioxin weed and plant killer to destroy three sections of the 80 year old hedges in the front of the Jackson property.

The criminal bully 'steve oneal' has been observed on the property near the front of the house and again in the backyard of the Jackson property.

This is the same man who in 2008 sneaked up on me and first kicked me on the calf of my leg, slugged me from behind knocking me to the ground in front of my house, stepped over me and calmly walked back to his own house leaving me on the ground physically abused, a 71 year old senior, while his own daughter screamed out loud, 'Dad what did you do that for'?

The police never came as they had promised us, they refused to investigate, refused to prosecute and refused to arrest their man the informant bully. The Restraining Order was denied, judge says definitely not.

Now, this evil demon, 7 years later, now he comes hither.

That is why we say that, We Have Lost All Respect We May Have Had For The City Of Berkeley and their Police Department and perhaps now is the time the city will support and protect us.

Yours Truly

Charles and Kikuko Jackson 510-848-3755

COMMUNICATION No. 4391

Complaint Report

TO: Clerk, Berkeley City Manager or City Council and Police Review Commission

July 4, 2015

Dear City of Berkeley:

In 2006 and again in 2008 we filed a complaint with the Berkeley Police Review commission and lost both times for lack of documentation.

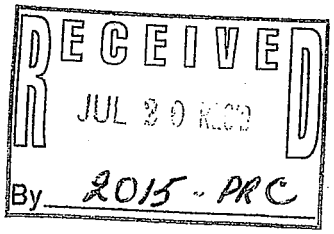
Police misconduct including discriminatory harassment, stalking, intimidation, assault and racial bias. Since then there have been many more assaults, intimidation, harassments, burglary and robbery against us that are too numerous to count.

Mr. Silva , the former director of the PRC in 2007 advised me just before I was to file the second complaint with the PRC for police misconduct , as to what he suggested I do, he stated that I should document all accusations by cc. a copy of complaints first to the Clerk, City Council or city manager and then to the BPD Chief of Police and then to the Police Review Commission and this is what we did.

Yesterday, June 2015 as I was leaving the senior computer class at the Ed. Roberts campus in Berkeley, A young woman Mariah, who I believe is one of the loyal informants of the network that have been following and harassing me and my family for 14 years now , wanted to chat with me about prop 47 , which is about persons being released from prison not being able to work, vote ,etc. It became clear to me as we talked she thought I was either a former criminal or maybe someone in my family had been in the prison system. Not so.

I reminded her that I was a US Air Force veteran of 8 years and retired back in 1990 from KPIX-TV as a News Editor after 25 years, I further informed her that I had became a Psychiatric Technician after retirement , which is a mental health nurse and before that I had worked for the then Gov. Brown State Athletic Commission for 10 years as an Inspector for Boxing, Wrestling and Karate, who are officers of the court of California.

I believe and I allege that the city of Berkeley police dept has and still engages in slander and defamation against me and our family.



This could be the reason so many people have shunned me and some of our neighbors have turned their backs on us in the recent past. Good friends we have known like the Cisneros family on ward the Sanders family and the Franks family , like Vicky and Bruce.and like sonny and maude and many others whose children and grand children

have grown up with ours for the nearly 50 years we have lived there at 2714 mcgee avenue

This seem to be a clear case of defamation by the chief Meehan and former chief Hambleton of Berkeley who have been slandering us around every corner and in front of people and our friends as if we were people who has committed crimes with repercussions that have followed me from Calif. To TN, GA, to Los Angeles and to Chicago where we have been followed and harassed and even assaulted for nearly 14 years now.

We are attempting to build our case to the city of Berkeley for discriminatory harassment, police misconduct, assault and battery, elder abuse, defrauding a customer , slander and defamation for the past 14 years up until now.

Thank You , We have more that will follow.

Charles and Kikuko Jackson
2714 McGee Ave.
Berkeley, California
510-~~848-3755~~ 708-4489

COMMUNICATION No. 4391

Charles and Kikuko. Jackson
2714 McGee Avenue
Berkeley, CA. 94703

4/8/2015

City Of Berkeley Police Dept
2700 MLK Jr Way Street
Berkeley, CA 94703

About one month ago, on a Monday, there was another break in of our house at 2714 McGee avenue. Some items were missing and some items were moved around inside the house by the robbers

On the same day a week later another attempted break in of our house may have been prevented by family members staying in the house and refusing to leave that morning.

Then on the following Monday and Tuesday of that month , my grand son and I may have stopped yet another attempted burglary and break in of our home by strangers lurking at the corners, police informants and by newly arrived tenants in the block @ 2700-2727 mcgee ave.

We are an African Asian family and have lived here in Berkeley for going on 50 years our children and grand children have attended and graduated from, BHS and CAL University and for many years our family has been mistreated and abused by the city of Berkeley and we have yet to find the reasons for it.

We have and will continue to fight back against this discriminatory treatment and harassment for over 13 years now.

We have appealed to the city council and city manager, pleaded for help from the law enforcement and the police review commission to no avail. All we have been able to get has been, harassment, stalking, profiling, break ins, elbows, kicked and assaults inside retail stores, on the Berkeley pier, in the city parks and too many incidents, in front of , around and near our home @ 2714 MCGEE AVE.

We have complained and filed claims with the Police review commission in 2006,08.

Mental Anguish and Elder Abuse

In 2008 I was attacked, kicked then hit in the head and face area from behind and knocked to the sidewalk and fell to the ground in front of our house , and left down there by, a.k.a. 'STEVE ONEAL', a white, known police informant, neighborhood bully, who sucker punched me from behind while I was walking to my home.

The hateful, white, bully police agent, who along with others apparently had been waiting for me to return home, approached my vehicle on the driver side and briefly prevented me from getting out of my car, saying he wanted to settle a score of some kind once and for all with me. After finally exiting my car and attempted to walk past the man to the 10 or so steps to my house, the city of Berkeley police informant, quickly followed me and just as I got past him, the man kicked me on the calf part of my leg and almost at the same time, suckered punched me hard in the face and head area which knocked me to the ground and sidewalk. He then walked away towards his own house just around the corner at 1640 Derby street, leaving me in pain laying on the sidewalk in front of my own house.

This was a violent , unprovoked assault against a 71year old , 122lbs senior. I was returning from my daily cardio walk from the Berkeley pier after doing rehab exercise while I was recovering from my recent open heart surgery at the VA hospital in San Francisco just a few weeks earlier, One might say I did have an egg shell heart at that time and while the sucker punch was violent and brutal it could have been deadly.

The city of Berkeley , Chief Hambleton, officer Lewis, internal affairs and even the DA Thomas Orloff all refused to investigate, arrest or prosecute the police informant neighborhood bully after he beat and assaulted me a 71 yr old , suffering from recent open heart surgery and left me dazed and hurt laying on the sidewalk in front of my own home.

We believe this is racial bias and the score he was attempting to settle was the unlawful provoked and staged incident and the falsified and made up report by the 4 police agents Myer,Wax,Wilson and Landrum, a fabricated police report that is constantly being used to unlawfully harass and intimidate, and physically assault our family, our daughter and her family, against our grand children and nearly all of relatives and our friends young and old around every corner every day from cant see morning to cant see night for going on fourteen years now. Help us to put a stop to this ongoing pattern of misconduct is already in the fourteenth year now.

We have filed complaints with chiefs, Meisner,Hambleton and Meehan. What we have gotten is more of the same for 13 years and ongoing in your face discriminatory harassment.

We want to file a lawsuit against the city of Berkeley in the coming days and we want you to tell us how to do it or to show us a better way

One of the main bad actors present at three of the attempted burglaries at our house is a white police informant bully, aka, 'Steve O'neal', lives about 80 yards just around the corner and whose property is adjacent to ours in the backyard on the north side and our families have had about half dozen conflicts and problems over the past nearly 5 or so decades that we have lived there..

To begin with, aka Steve, attacked me in front of my home in 2008. He kicked and hit me from behind knocking me to the ground in front of my steps and front door. I was 71 yrs. at the time, however the Berkeley law enforcement and the DA Mr Orloff all refused to investigate or prosecute the man even after I was sucker punched from behind and I did not fight back, however his daughter did help me up from the ground.

I filed a restraining order against the bully which the court quickly denied. Even after I reminded the judge that the man had slugged me from behind after I had walked past him on my way to my house after leaving my car. We all suspected he was a police security person at the time and now we know for sure and we are also sure he was and is involved in the break ins of our home. In 2008 we stated to the judge that he was pacing up and down in front of our house 2 or 3 times a day, lingering directly in front of our house every other day menacing. unsmiling and unfriendly back and forth in front of our house and allowing his little dog to poop on the sidewalk and near our front steps. Now he comes hither and now he is back 8 years later for more. Can you imagine that.

Yours Truly

Charles and Kikuko Jackson
510-~~848-3755~~ 708-4489