

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION  
REGULAR MEETING  
AGENDA**

**November 18, 2015  
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. At this time, they may comment on any matter within the PRC's jurisdiction that is not on this agenda. Public comment on agenda items will be allowed at the start of each item.)*

**4. APPROVAL AND CORRECTION OF MINUTES**

a. For approval:

Regular Meeting of October 14, 2015  
Special Meeting of October 21, 2015

b. For correction of previously approved minutes:

Special Meeting of October 8, 2015

**5. CHIEF OF POLICE'S REPORT**

Budget, staffing, training updates, and other items.

**6. MID-YEAR 2015 CRIME REPORT**

Presentation by Berkeley Police Department.

**7. OLD BUSINESS (discussion and action)**

a. Whether to initiate a policy review based on the policy complaint filed by Stephen Pitcher, and what steps should be taken.

b. Mutual Aid Pacts:

i) Clarification of PRC recommendation to the Council regarding approval of Department of Homeland Security/Urban Area Security Initiative (UASI) program.

- ii) Update regarding receipt of Suspicious Activity Reports (SARs) summaries; clarification and review of prior recommendation regarding the agreement with the Northern California Regional Intelligence Center (NCRIC).
- c. Create a workplan by prioritizing policy reviews and other postponed matters, and decide how to proceed, which may include forming subcommittees.

**8. NEW BUSINESS (discussion and action)**

- a. Questions regarding BPD's lack of consultation with the PRC on the new Protest Guide.
- b. Consider dissolution of subcommittees:
  - i) Regulations
  - ii) Suspicious Activity Reporting (or consider renewal)
  - iii) Investigation Steering
- c. Review commendations of BPD staff from August through December 2014, and identify those worthy of particular recognition.
- d. Establish 2016 Regular Meeting schedule.
- e. Whether to have a Commissioners' holiday gathering; if so, date and place.

**9. CHAIR'S REPORT**

**10. PRC OFFICER'S REPORT**

Status of complaints; announcements.

**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 only on items NOT on the agenda at this time.)*

***Closed Session***

**13. VOTE ON PETITION FOR REHEARING**

Complaint #2361.

***End of Closed Session***

**14. ANNOUNCEMENT OF VOTE RESULTS FROM CLOSED SESSION**

**15. 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, 3<sup>rd</sup> floor, during regular business hours.

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



# COMMUNICATIONS FOR PRC REGULAR MEETING November 18, 2015

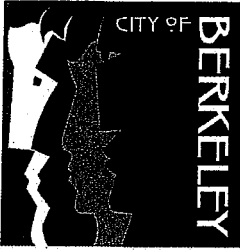
## MINUTES

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## COMMUNICATIONS

<b>Communications #1299</b> – Email from PRC Chair, dated October 27, 2015 re General Order N-17; Council Agenda Items from October 27, 2015.	Page 19
<b>Communications #4307</b> – PRC Workplan; August 7, 2015 memo to Chief Meehan re non-smoking law; subcommittee list as of 11-9-15.	Page 31
<b>Communications #1106</b> – BPD Commendation Letters.	Page 37
<b>Communications #4370</b> – Proposed PRC 2016 Commission meeting dates.	Page 63
<b>Communications #4272</b> – PRC 2015 Annual Commission Attendance Report.	Page 65
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# COMMUNICATIONS



Police Review Commission (PRC)

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

**October 14, 2015  
7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY VICE CHAIR PEREZVELEZ AT 7:00 P.M.**

Present: Commissioner Benjamin Bartlett  
Commissioner Jerry Javier  
Commissioner George Lippman  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Terry Roberts  
Commissioner Ann Rogers  
Commissioner Michael Sherman  
Commissioner Ari Yampolsky  
Commissioner Paul Kealoha-Blake (*temporary*)

Absent: Commissioner Bernstein (Chair)

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

BPD Staff: Lt. Dan Montgomery

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda carried by general consent.**

**3. PUBLIC COMMENT**

There were six speakers.

**4. CHIEF OF POLICE'S REPORT**

Lt. Montgomery said that Capt. Greenwood, who can't be here tonight, is the appropriate person to answer questions about Urban Shield. Commissioner Javier asked about BPD's operational agreement with UCPD and what outreach to students the two departments do regarding crime, including sexual assault

**5. 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) Discuss "Introduction" section of investigative report.

**By general consent, the Commission made a series of changes to the Introduction ("DRAFT 9-24-15 edited by Alison Bernstein"):  
p. 2, line 22; p. 3 lines 4-6, 8-14, 18-20, and 25-27.**

**Motion to adopt the Introduction section as amended**

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

Ayes: Bartlett, Javier, Lippman, Perezvelez, Roberts, Rogers, Sherman, and Yampolsky.

Noes: None

Abstain: None

Absent: Bernstein

- ii) Discuss "Discussion" section.

**By general consent, the Commission made a series of changes to the Discussion section ("From Commissioner Bernstein 10-12-15"):  
p. AB-1, lines 27-30; p. AB-2, line 22.**

**By general consent, the Commission made a series of changes to a separate draft of the Discussion section ("From staff 10-13-15"):  
p. 1, lines 16-17, 24-25, and 25-27; and, a sentence was added at the end.**

- iii) Discuss any remaining aspects of report.

(There was no further discussion on the report.)

- b. Consider the Mutual Aid Subcommittee's recommendation that the PRC urge the Council to end participation in the Urban Shield exercise funded under the Urban Area Security Initiative (UASI) program.

**By general consent, the matter was postponed to the October 21 meeting.**

- c. Whether to initiate a policy review based on the policy complaint filed by Stephen Pitcher, and what steps should be taken.

**By general consent, the matter was postponed to the November meeting.**

**6. CHAIR'S REPORT**

None.

**7. PRC OFFICER'S REPORT**

No new complaints filed since last update.



**8. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

On November 7, Rep. Barbara Lee and Councilmember Max Anderson are hosting a forum on institutional and structural racism.

**9. PUBLIC COMMENT**

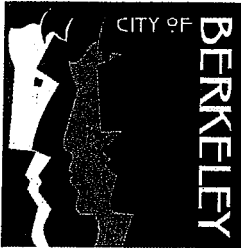
There were no speakers.

**10. ADJOURNMENT**

**Motion to adjourn the meeting carried by general consent.**

The meeting was **adjourned** at 10:10 p.m.





Police Review Commission (PRC)

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

**October 21, 2015**  
**6:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR BERNSTEIN AT 6:08 P.M.**

Present: Commissioner Benjamin Bartlett  
Commissioner Alison Bernstein (Chair)  
Commissioner Jerry Javier  
Commissioner George Lippman  
Commissioner George Perezvelez (Vice Chair)  
Commissioner Terry Roberts  
Commissioner Ann Rogers  
Commissioner Michael Sherman (arrived 6:30 p.m.)  
Commissioner Ari Yampolsky (arrived 6:20 p.m.)

Absent: None

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Michael Meehan (left 7:00 p.m.), Lt. Andrew Rateaver (left 9:00 p.m.), Lt. Dan Montgomery, Sgt. Veronica Rodrigues (left 8:40 p.m.), Sgt. Melanie Turner (left 8:40 p.m.)

**2. APPROVAL OF AGENDA**

Commissioner Rogers requested permission to speak following approval of the minutes.

**The agenda, including the above request, was approved by general consent.**

**3. PUBLIC COMMENT**

There were 9 speakers.

#### 4. APPROVAL OF MINUTES

On the special meeting minutes of October 8, 2015, a correction was made to reflect the maker (Rogers) and seconder (Bernstein) of the motion in New Business Item 8.b.

**The minutes of the October 8, 2015, as amended, were approved by general consent**

Commissioner Rogers announced that she is resigning effective November 9, 2015. She is serving on a BOI October 26 and 28, and this is her last Commission meeting.

#### 5. CHIEF OF POLICE'S REPORT

The Chief thanked Commissioner Rogers for her service.

He reported that, following a record low year of crime last year, we are continuing to see violent crime and property crime increase this year, but starting to turn. Of the authorized 176 sworn officers, staffing is currently at 171.

The Chief was asked about the revised Right to Watch policy; costs associated with recommendations in the PRC's investigative report; how the new beats have affected response times; and recent attempted abductions of young girls.

#### 6. OLD BUSINESS (discussion and action)

- a. Consider the Mutual Aid Subcommittee's recommendation that the PRC urge the Council to end participation in the Urban Shield exercise funded under the Urban Area Security Initiative (UASI) program.

**By general consent, the rules were suspended to allow BPD representatives and two public members to speak, and for Commissioners to ask them questions.**

**Motion to recommend, as an alternative to the Mutual Aid Subcommittee's recommendation: the Berkeley PRC continues to support BPD's involvement in Urban Shield, but it asks BPD to work with the PRC to decrease militarization, and encourages BPD to do outreach to the community to explain the benefits of Urban Shield.**

**Moved/Seconded (Rogers/Sherman) Motion Carried**

**Ayes: Bartlett, Bernstein, Perezvelez, Roberts, Rogers, and Yampolsky.**

**Noes: Javier, Lippman          Abstain: Sherman          Absent: None**

Before the above vote, the following actions were taken:

**Motion to *consider* a substitute motion to recommend that Council support the BPD's participation in Urban Shield but, in light of militarization concerns, ask BPD to refrain from participating for one year, and take that time to explain to the community the value of Urban Shield, and review and take corrective measures to prevent hyper-militarization of the BPD.**

**Moved/Seconded (Bartlett/Lippman) Motion Carried**

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

**Motion to adopt the substitute motion.**

Moved/Seconded (Bartlett/Lippman) **Motion Failed**

Ayes: Bartlett, Javier, Lippman, and Sherman

Noes: Bernstein, Perezvelez, Roberts, Rogers, and Yampolsky.

Abstain: None                      Absent: None

- b. 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) Discuss and approve "Discussion" section of report

**By general consent, the Commission approved suggested changes to the draft Discussion section (handout #4, containing revisions from Commissioners Roberts and Bernstein):**

**All of Commissioner Bernstein's changes were approved.**

**Commissioner Roberts' changes were approved except that p. 1, lines 23-25, p. 7 lines 28-33, and p. 8 lines 1-19 were not; and p. 3 line 10-11, and p. 4 lines 22-25 were revised.**

**The Conclusion (p. 8, lines 21-30) will be moved to the very end of the report.**

**By general consent, the Commission approved suggested changes on Commissioner Lippman's Discussion section (handout #5), except:**

**P. GL-3 lines 16 & 17, p. GL-4 lines 24-25, p. GL-5 line 6, and p. GL-6, line 27 were not; p. GL-3 lines 6-7 and p. GL-6 lines 13-14 were revised; and p. GL-5 lines 13-16 to be revised by staff to correct the quote.**

**Motion to change p. GL-3, sentence starting on line 20 to begin, "Given the existing record, the use of CS gas appears arbitrary, . . ."**

Moved/Seconded (Lippman/Sherman) **Motion Failed**

Ayes: Bartlett, Javier, Lippman, and Sherman.

Noes: Bernstein, Perezvelez, Roberts, Rogers, and Yampolsky.

Abstain: None                      Absent: None

**By general consent the Commissioners agreed to place the "Get 'um running" quote in the Findings, not the Discussion section; PRC staff to determine exact placement.**

**Motion to approve the Discussion section with revisions as approved above.**

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

Ayes: Bartlett, Bernstein, Javier, Lippman, Perezvelez, Roberts, Rogers, Sherman, and Yampolsky.

Noes: None

Abstain: None

Absent: None

ii) Discuss and approve any remaining aspects of report.

*a) Recommendations*

**Motion to approve the introductory paragraph to the Recommendations as written.**

Moved/Seconded (Sherman/Bernstein) **Motion Carried**

Ayes: Bartlett, Bernstein, Javier, Lippman, Perezvelez, Roberts, Rogers, Sherman, and Yampolsky.

Noes: None

Abstain: None

Absent: None

*b) Introduction*

**Motion to reopen the Introduction for revisions.**

Moved/Seconded (Lippman/Sherman) **Motion Carried**

Ayes: Bartlett, Javier, Lippman, Roberts, Sherman, and Yampolsky.

Noes: Bernstein, Perezvelez Abstain: Rogers Absent: None

(The version of the Introduction being discussed was handout #1 ("G. Lippman revisions, pages 1 & 3 only").)

**Motion to delete, on page 1, 1<sup>st</sup> paragraph, 2<sup>nd</sup> sentence, the phrase beginning, "unfortunately" through the end of the sentence.**

Moved/Seconded (Lippman/Sherman) **Motion Failed**

Ayes: Lippman, Sherman.

Noes: Bartlett, Bernstein, Perezvelez, Roberts, Rogers, and Yampolsky.

Abstain: Javier

Absent: None

**Motion to replace the above-discussed phrase beginning**

**"unfortunately" with the following: "the peaceful resolve of the vast majority of demonstrators was undermined both by violent individuals in the crowd and by tactics employed by the Berkeley Police Department."**

Moved/Seconded (Lippman/Sherman) **Motion Carried**

Ayes: Bartlett, Bernstein, Javier, Lippman, Roberts, Rogers, Sherman, and Yampolsky.

Noes: Perezvelez

Abstain: None

Absent: None

**By general consent, the Commissioners agreed to: capitalize Black in the first sentence on page 1; replace on page 3, 1<sup>st</sup> full paragraph, 2<sup>nd</sup> sentence, the language following "unsure" to "which departments are**

involved.”; and on page 3, 2<sup>nd</sup> full paragraph, use the phrase “up to 1500” in describing the crowd size.

**Motion to approve the Introduction as revised.**

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

Ayes: Bartlett, Bernstein, Javier, Lippman, Perezvelez, Roberts, Rogers, Sherman, and Yampolsky.

Noes: None

Abstain: None

Absent: None

*c) Minority Report*

**By general consent, the Commission asked staff to request an opinion from the City Attorney about whether a currently sitting commissioner may vote for a recommendation in the minority report when a predecessor in their seat, whether permanent or temporary, voted for the majority’s recommendation. The votes to be taken on the minority report may be revised depending on the answer.**

The Commissioners reviewed the Recommendations on the Minority Report (handout #7) and signed on as follows:

Recommendations #18 and #22 (CS gas), were combined on the report but at the meeting, #18 was deleted and Commissioners Bartlett, Lippman, and Sherman signed onto the minority opinion for #22.

Recommendation #29 (media credentialing): No one signed on.

Recommendation #31 (video surveillance): Bartlett, Lippman, Sherman signed on

Recommendation on mutual aid: Bartlett, Lippman signed on.

**By general consent, the Commission agreed that the recommendations of the minority report should remain together, at the end of the report; and staff may remove redundant language and reformat it consistent with the rest of the report.**

*d) Full report*

**By general consent, the Commission authorized staff to correct typographical and grammatical errors found as the final report is finalized.**

**Motion to approve the full Investigative Report.**

Moved/Seconded (Rogers/Lippman) **Motion Carried**

Ayes: Bartlett, Bernstein, Javier, Lippman, Perezvelez, Roberts, Rogers, Sherman, and Yampolsky.

Noes: None

Abstain: None

Absent: None

- iii) Authorize the Chairperson to represent the PRC before the City Council when the investigative report is presented.

**By general consent, the Commission authorized the Chair and the Vice-chair to represent the PRC before the City Council when the investigative report is presented (currently scheduled for the December 1, 2015 meeting).**

**7. NEW BUSINESS (discussion and action)**

Authorize the Chairperson to represent the PRC before the City Council when amendments to BPD General Order N-17, Suspicious Activity Reporting, are considered (currently on the October 27, 2015 agenda.)

**By general consent, the Commission authorized the Chair to represent the PRC before the City Council regarding the PRC's amendments to BPD General Order N-17.**

**8. CHAIR'S REPORT**

None.

**9. PRC OFFICER'S REPORT**

None.

**10. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

**11. PUBLIC COMMENT**

There were no speakers.

**12. ADJOURNMENT**

**Motion to adjourn the meeting carried by general consent.**

**Meeting was adjourned at 11:00 p.m.**



From October 8, 2015, minutes (approved October 21)

**Motion that the PRC adopt the following recommendation regarding the use of mutual aid: The conduct of mutual aid responders in their crowd control roles during the events of December 6 was a primary concern that the PRC heard from the public. The PRC believes that state law and existing mutual aid pacts require each agency to follow its own policies re use of force. We therefore believe that the BPD cannot enforce its use-of-force policies on mutual aid responders. We believe it is critical for BPD to communicate to mutual aid responders the values of the COB, including de-escalation tactics, before and during a crowd event. BPD should continue to review its briefing and communication practices to make every effort for mutual aid responders with our policies.**

Moved/Seconded (Perezvelez/Roberts)

**Friendly amendment to add, at the end: We request that the BPD make specific recommendations on strategies and procedures to achieve these goals.**

(Moved by Roberts; Accepted by Perezvelez)

**Motion, as amended, Carried**

Ayes: Bernstein, Javier, Perezvelez, Roberts, Rogers, and Sherman.

Noes: Lippman      Abstain: None      Absent: Bartlett,  
Yampolsky

Wording of corrected motion:

**Motion that the PRC adopt the following recommendation regarding the use of mutual aid: The conduct of mutual aid responders in their crowd control roles during the events of December 6 was a primary concern that the PRC heard from the public. The PRC believes that state law and existing mutual aid pacts require each agency to follow its own policies regarding the use of force. We therefore believe that the BPD cannot enforce its use-of-force policies on mutual aid responders. We believe it is critical for BPD to communicate to mutual aid responders the values of the COB, including de-escalation tactics, before and during a crowd event. BPD should continue to review its briefing and communication practices to make every effort that use of force for by mutual aid responders is consistent with our policies.**



Lee, Katherine

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**From:** Alison Bernstein <alibernstein@gmail.com>  
**Sent:** Tuesday, October 27, 2015 8:43 PM  
**To:** Lee, Katherine  
**Subject:** n-17 approval

Hi Kathy,

Assuming it meets with your approval, can you please send the following to the Commission?

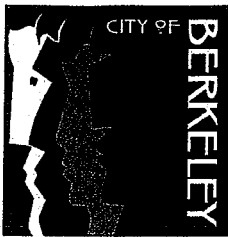
I attended the Council meeting tonight to discuss our proposed changes to General Order N-17 regarding the requirements for submission of SARS by BPD. The council adopted our proposed changes to the order. Additionally, the motion to approve was amended by councilmember Worthington to also seek the publication of the full mutual aid agreement with NCRC, as well as to provide the PRC with redacted or summaries of the current SAR reports. The City Manager said both those requests could be complied with. The motion as amended was adopted unanimously by the Council.

Best,

Alison

COMMUNICATION No. 1299





Office of the City Manager

23b

ACTION CALENDAR  
October 27, 2015

To: Honorable Mayor and Members of the City Council  
From: *DWR* Dee Williams-Ridley, Interim City Manager  
Submitted by: Michael K. Meehan, Chief of Police  
Subject: Revisions to General Order N-17

RECOMMENDATION

Accept the recommendations for revisions to General Order N-17 made by the Police Review Commission.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On June 19, 2012, a Special Meeting was held to provide information to the Council about community concerns regarding the Northern California Regional Intelligence Center (NCRIC) and the submission of Suspicious Activity Reports (SARS). Council also directed staff to return at the September 18, 2012 meeting with a new policy regarding submitting SARs to the NCRIC (Attachment 1 – General Order N-17). At this subsequent meeting N-17 was adopted. Currently, the Police Review Commission has submitted an information item suggesting additional revisions to General Order N-17.

Proposed Revisions to Suspicious Activity Reports

The Police Department is committed to collaborating with the Police Review Commission (PRC) on policy issues. In this case, had the PRC consulted with the Department there would have been no objection to including the additional language.

On May 6, 2015, the Police Review Commission recommended the police department add language directly from 28 CFR Part 23 subsections 23.20 (a) and (b).

Paragraph 4 subsection additions:

- (a) *A project shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.*
- (b) *A project shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business,*

*partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.*

Addition of new Paragraph 6:

*6 - SARs must not be submitted based on ideology, social or political opinion or advocacy or religious beliefs or association with a particular group. Criminal activity that would not ordinarily result in a SAR does not become worthy of a SAR report when the subject's speech or expression indicates a particular ideological viewpoint or association.*

The above recommendations were incorporated into General Order N-17 "Suspicious Activity Reporting and Relationship with the Northern California Regional Intelligence Center". In addition, the understanding with NCRIC had already been reduced to writing in the 2011 MOU Binder approved by Council and additionally set forth in General Order N-17.

**ENVIRONMENTAL SUSTAINABILITY**

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

**ALTERNATIVE ACTIONS CONSIDERED**

None

**CONTACT PERSON**

Michael K. Meehan, Chief of Police, 981-5700

**BERKELEY POLICE DEPARTMENT**

**ISSUE DATE: TBD**

**GENERAL ORDER N-17**

**SUBJECT: SUSPICIOUS ACTIVITY REPORTING AND RELATIONSHIP WITH THE  
NORTHERN CALIFORNIA REGIONAL INTELLIGENCE CENTER**

**PURPOSE**

- 1 - The terrorist attacks of September 11, 2001, and subsequent attacks throughout the world have demonstrated the necessity of an organized and integrated information sharing system at all levels of law enforcement. In order to prevent, prepare for, respond to, and investigate potential acts of terrorism and other violent criminal threats, it is necessary to establish an efficient system of communication whereby critical information can be quickly disseminated within the Berkeley Police Department (BPD) and to various local, state and federal law enforcement agencies.
- 2 - National guidelines have been developed and implemented throughout the United States through the National Criminal Intelligence Sharing Plan, the Findings and Recommendations of the Suspicious Activity Report Support and Implementation Project and the Nationwide Suspicious Activity Reporting Initiative (NSI) to establish a means for the sharing of information, known as Suspicious Activity Reporting (SAR). The information sharing plan was developed by law enforcement agencies to establish an all-crimes approach to gathering, processing, reporting, analyzing, and sharing of suspicious activity related to potential terrorism and crime. By maximizing information from citizens, law enforcement, and public safety officials, criminal acts can be detected and disrupted and incidents that have occurred can be properly investigated.
- 3 - The Berkeley Police Department will continue to attempt to detect crime before it occurs, including terrorism, through various means such as Suspicious Activity Reporting (SAR). The SAR program will provide a format for the Department to accurately and appropriately gather record, analyze and share suspicious activity or, in cases of named or identified individuals or groups, information that gives rise to a reasonable suspicion of criminal activity, including those activities related to foreign or domestic terrorism.

**LIMITATIONS**

- 4 - If the information gathered is developed into criminal intelligence, the Department will ensure that the information privacy and legal rights of all persons will be recorded and maintained in strict compliance with existing federal, state and Department guidelines regarding criminal intelligence systems as defined in 28 Code of Federal Regulations (CFR), Part 23 (including subsections 23.20(a) and 23.20(b)), the California Constitution and the California Attorney General's Model Standards and Procedures for Maintaining Criminal Intelligence Files and Criminal Intelligence Operational Activities and the California State Threat Assessment System Concept of Operations.
  - (a) A project shall collect and maintain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved

in criminal conduct or activity and the information is relevant to that criminal conduct or activity.

(b) A project shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.

- 5 - Non-violent civil disobedience is specifically exempted from SARs reporting, and such activities shall not be reported as SARs.
- 6 - SARs must not be submitted based on ideology, social or political opinion or advocacy or religious beliefs or association with a particular group. Criminal activity that would not ordinarily result in a SAR does not become worthy of a SAR report when the subject's speech or expression indicates a particular ideological viewpoint or association.

### POLICY

- 7 - Effective immediately, all sworn BPD personnel will document incidents with an actual or potential terrorism nexus or other suspected criminal activity and submit those proposed Suspicious Activity Reports as outlined in this policy. All Department members will adhere to the procedures and responsibilities described in this policy whenever potential terrorism related activity is encountered, observed or reported.

### DEFINITIONS

- 8 - Suspicious Activity: Behavior that may be indicative of intelligence gathering or pre-operational planning related to terrorism, or criminal activity. Suspicious behavior must have a criminal predicate (defined below), and must rise to the level of reasonable suspicion (defined below) in order to be reportable as a SAR in circumstances involving a named or identified individual or group.
- 9 - Criminal Predicate: The standard by which the determination as to whether information may be used to create a SAR is made in circumstances involving a named or identified individual or group. It means that there exists a "reasonable suspicion" based on the analysis of legally obtained information that the subject of the information is or may be involved in definable criminal conduct and/or activity that supports, encourages, or otherwise aids definable criminal conduct. For the purposes of this order, infraction violations will not be considered sufficient to establish a criminal predicate. The underlying offense must amount to a misdemeanor or felony.
- 10 - Reasonable Suspicion: Information which, when viewed in its totality, leads a person with appropriate training, specialized knowledge, and/or experience to conclude that a person, association of persons, or organization is involved in definable criminal conduct and/or activity that supports, encourages, or otherwise aids definable criminal conduct.



PROCEDURES

- 11 - Examples of behaviors that could be reported as a SAR are as follows (all of these behaviors have been verified as behaviors which have preceded and been linked to actual terrorist incidents as well as common criminal acts):

<b>DEFINED CRIMINAL ACTIVITY AND POTENTIAL TERRORISM NEXUS ACTIVITY</b>	
<b>ISE-SAR CRITERIA GUIDANCE Category Description</b>	
Breach/Attempted Intrusion	Unauthorized personnel attempting to or actually entering a restricted area or protected site. Impersonation of authorized personnel (e.g. police/security, janitor).
Misrepresentation	Presenting false or misusing insignia, documents, and/or identification, to misrepresent one's affiliation to cover possible illicit activity.
Theft/Loss/Diversion	Stealing or diverting something associated with a facility/infrastructure (e.g., badges, uniforms, identification, emergency vehicles, technology or documents {classified or unclassified}, which are proprietary to the facility).
Sabotage/Tampering/ Vandalism	Damaging, manipulating, or defacing part of a facility/infrastructure or protected site.
Cyber Attack	Compromising, or attempting to compromise or disrupt an organization's information technology infrastructure.
Expressed or Implied Threat	Communicating a spoken or written threat to damage or compromise a facility/infrastructure.
Aviation Activity	Operation of an aircraft in a manner that reasonably may be interpreted as suspicious, or posing a threat to people or property. Such operation may or may not be a violation of Federal Aviation Regulations.

<b>POTENTIAL CRIMINAL OR NON-CRIMINAL ACTIVITY REQUIRING ADDITIONAL FACT INFORMATION DURING INVESTIGATION<sup>1</sup></b>	
Eliciting Information	Questioning individuals at a level beyond mere curiosity about particular facets of a facility's or building's purpose, operations, security procedures, etc., that would arouse suspicion in a reasonable person.

Testing or Probing of Security	Deliberate interactions with, or challenges to, installations, personnel, or systems that reveal physical, personnel or cyber security capabilities.
--------------------------------	--

- 12 - Examples of behavior which cannot be reported as a SAR unless: 1) the activity rises to the level of criminal conduct, or 2) the person taking part in the activity is not identified, and therefore, not subject to possible investigation by state and federal investigative agencies:

Recruiting	Building of criminal operations teams and contacts, personnel data, banking data or travel data
Photography	Taking pictures or video of facilities, buildings, or infrastructure in a manner that would arouse suspicion in a reasonable person. Examples include taking pictures or video of infrequently used access points, personnel performing security functions (patrols, badge/vehicle checking), security-related equipment (perimeter fencing, security cameras), etc.

- 13 - **Employee's Responsibilities:** All personnel are reminded that Constitutional rights will be honored at all times and nothing in this policy diminishes Constitutional protections. Personnel are specifically reminded of Fourth Amendment protections and that persons cannot be arrested without probable cause, detained without reasonable suspicion, and that evidence cannot be seized except pursuant to a warrant or an existing recognized exception to the warrant requirement. Any BPD employee receiving any information regarding suspicious activity potentially related to terrorism shall:
- (a) Notify their direct supervisor.
  - (b) Notify a department Terrorism Liaison Officer (TLO)
  - (c) Document the incident as described in this policy.
- 14 - **Responsibilities of Supervisors:** Upon notification that personnel have received information regarding a potential SAR, the BPD Supervisor shall:
- (a) Determine if any further law enforcement response is needed, will consult with a BPD (TLO) if available and determine if immediate notifications to the Chief of Police, and/or the City Manager or his/her designee is required.
  - (b) Provide the information in written form to the TLO for consideration of SAR submittal.
  - (c) Review the reports and ensure the proper reporting has been completed.
- 15 - **Responsibilities of the TLO and TLO Coordinator (TLOC):** Terrorism Liaison Officers (TLOs) have received training in the identification, handling and reporting of potential

terrorism related incidents. TLOs will be available as a resource for SAR related incidents.

- (a) TLOs will review proposed SARs from officers, and supervisors, and forward them to the TLO Coordinator (TLOC) for further review. If the report meets sufficient criteria for submission as a SAR, the TLOC will submit it to the Operations Division Commander or his designee for submission approval.
- (b) The TLOC shall maintain a written log of all SARs submitted, and prepare an annual report to be provided to City Council.

16 - Responsibilities of the Operations Division Commander:

- (a) Review of proposed SARs, and approval/rejection as appropriate.
- (b) Forward all SARs to the City Manager and Chief for review
- (c) Ensure that a written log is maintained and an annual report prepared by the TLOC.

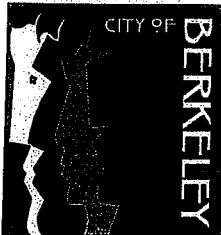
17 - Responsibilities of the NCRIC: It is the policy of the NCRIC to make every effort to accurately and appropriately gather, record, analyze, and disseminate information that could indicate activity or intentions related to threats to homeland security and submit such information to the Federal Bureau of Investigation – Joint Terrorism Task Force (FBI-JTTF) and the Nationwide Suspicious Activity Reporting (SAR) Initiative (NSI) in the form of an NSI suspicious activity report. These efforts shall be carried out in a manner that protects the information and the privacy, civil rights, and civil liberties of individuals. Suspicious activity information shall be recorded and maintained in strict compliance with existing federal and state guidelines.

18 - The NSI has established a unified process for reporting, tracking, and assessing terrorism-related SARs throughout the nation. The NSI adheres to the guidelines established by the Intelligence Reform and Terrorism Prevention Act and the Information Sharing Environment Suspicious Activity Reporting (ISE-SAR) Functional Standard. These guidelines call for all terrorism-related suspicious activity reporting to be routed through designated fusion centers for appropriate vetting and review before the information can be shared within the nationwide system. The NCRIC as a component of California's State Threat Assessment System has been designated as the review agents for all terrorism-related suspicious activity reporting in the region.

19 - The NCRIC will then make the decision to share the SAR information with the NSI based on the standards established by the NSI. The NCRIC is also responsible for ensuring that all TLOs, line officers and other first responders in the region have received appropriate training in the collection and reporting of terrorism-related suspicious activities and the responsibilities related to protection of privacy, civil rights and civil liberties of individuals. The NCRIC also works closely with the NSI Program Management Office to ensure a statewide implementation of suspicious activity reporting.

20 - Reporting a SAR: All Suspicious Activity Reports (SARs) will be submitted through the [www.ncric.org](http://www.ncric.org) website. When the SAR involves a criminal act or attempted criminal act, a written BPD police report shall be submitted (and BPD case number created) identifying the suspected criminal behavior and referencing the systems and personnel notified of the SAR.





Police Review Commission

**ACTION CALENDAR**

October 27, 2015

*(Continued from September 15, 2015)*

**To:** Honorable Mayor and Members of the City Council

**From:** Police Review Commission

**Submitted by:** Alison Bernstein, Chairperson, Police Review Commission

**Subject:** Recommended Changes to Berkeley Police Department General Order N-17, Suspicious Activity Reporting and Relationship With the Northern California Regional Intelligence Center

**INTRODUCTION**

At its October 28, 2014 meeting, the City Council directed the City Manager and Police Department (BPD), in consultation with the Police Review Commission (PRC), to review General Order N-17 in the first quarter of 2015. This directive was issued in conjunction with the Council's annual review and vote approving mutual aid agreements between the BPD and other law enforcement, military, and intelligence agencies.

**CURRENT SITUATION AND ITS EFFECTS**

Through its agreement with the Northern California Regional Intelligence Center (NCRIC) the BPD submits to it information related to potential terrorism and other violent criminal threats, in the form of Suspicious Activity Reports (SARs). The NCRIC accord was singled out for review last fall due to concerns that inappropriate and unnecessary information was being shared, raising the possibility that individuals' right to privacy and First Amendment rights were being violated.

Following the Council's October 2014 action on General Order N-17, the PRC established a Suspicious Activity Reporting Subcommittee. BPD command staff were present at the subcommittee's meetings. At its May 6 meeting, the PRC adopted the recommendation of the SAR Subcommittee to revise General Order N-17. (M/S/C Finley/Vicente. Ayes: Finley, Lippman, Rogers, Sherman, and Vicente; Noes: None; Abstentions: None; Absent: Bartlett, Bernstein, Perezvelez.) The recommended revisions, shown on Attachment 1, consist of adding language from 28 Code of Federal Regulations (CFR) Part 23, Criminal Intelligence Systems Operating Policies. While the General Order already states that those Federal guidelines must be followed, the PRC believes that restating certain pertinent sections in General Order N-17 will assist BPD in ensuring that all SARs it submits are appropriate.

The PRC clarified its direction to staff at its July 8, 2015, meeting, voting to send these recommended revisions directly to Council as an agenda item. (M/S/C Lippman/Vicente.

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

**ENVIRONMENTAL SUSTAINABILITY**

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

**POSSIBLE FUTURE ACTION**

The Council may direct the City Manager and Police Department to revise General  
Order N-17 as recommended here.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

None

**CONTACT PERSON**

Katherine J. Lee, Police Review Commission Officer, Police Review Commission, 510-  
981-4960.

**Attachments:**

1: General Order N-17 with recommended revisions redlined.

NOTE: Not attached here, to PRC Agenda packet for November 18, 2015 meeting, as it is  
redundant of redlined G.O. N-17 attached to City Manager/BPD's Council agenda item.

PRC To-Do List

11.12.2015

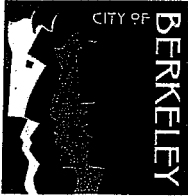
	Subject Date/Source	Notes
1.	McKinley Ave. Staging – policy review 1-14-15 PRC accepted complaint	BPD response and report 3-25-15. Further follow-up needed; inadvertently omitted from Investigative Report.
2.*	Investigation into BPD response on Dec. 7 & 8, 2014 2-10-15 PRC initiated	PRC voted to look into BPD action on Dec. 6, 7, & 8, but focused on Dec. 6 in response to Council referral.
3.*	Revision of General Orders, incl. C-64, U-2, M-2 2-10-15 Council referral	Much review work already done in course of investigation.
4.*	Body worn and dash cameras 2-10-15 Council referral	<i>Note: This is currently on Council's calendar for presentation at a March 29, 2016 work session; report must be ready by February 25.</i>
5.*	Outreach A. Bernstein	
6.*	Fair and Impartial Policing (includes racial profiling concerns and evaluation and review of recently-released stop data)	Related: PRC voted on 10-8 to co-host community-wide anti-bias training. Awaiting further details.
7.	Revive Transgender G.O. Subcommittee	This Subcomm., dormant during investigation, is tasked with preparing a proposed General Order on treatment of transgendered persons.
8.	Policy review re Smoking Control Ordinance (Carol Denney) 7-8-15 PRC accepted complaint	On 7-15-15, PRC authorized further action as memorialized in 8-7-15 letter from PRC Officer to Chief expressing concerns and making requests.
9.	Policy review re Identification of race on traffic citations (Tesfaye Tsadik) 7-8-15 PRC initiated	
10.	Policy review of Citations to bicyclists running red lights (Stephen Pitcher) <b>On Nov. 18 agenda for consideration</b>	(A. Bernstein would like to add "Idaho stop" issue)
11.	How to read CAD reports from Jan. 2015 agenda	Coordinate new date with Communications Center Manager.

\* Items lending themselves to the formation of new subcommittees.

**PRC To-Do List**

	<b>Subject Date/Source</b>	<b>Notes</b>
12.	G.O. W-1: Right to Watch G. Lippman	
13.	BPD acquisition of non-military armored vehicle A. Bernstein	
14.	Evaluation of City policies regarding seizure and storage of homeless persons' property A. Bernstein; prompted by public commenter	
15.	Propose all BPD Use of Force Reports be sent to PRC within 21 days A. Bernstein	
16.	Review of BOI procedures and underlying authority (Copley Press, PSOBRA, BPA v. COB, etc.) A Bernstein	
17.	Achieving agreement with BPD regarding consultation on all new and changes to G.O.s A. Bernstein	
18.	Commissioner training on law and police procedures PRC Officer/BPA	
19	Review of pending regulation changes, and discussion of possible actions, including promulgation and implementation of agreed upon regulation changes and report to Council	
20	Request for Intelligence report from Chief Meehan, as required under General Order C-1, for at least the last three years	





Police Review Commission (PRC)

August 7, 2015

To: Michael Meehan, Chief of Police

From: Katherine J. Lee, PRC Officer *KJL*

Re: PRC Concerns Regarding BPD Knowledge of City Non-Smoking Law

At its July 15, 2015, meeting, the Police Review Commission opened a policy review regarding the need to improve training in the BPD regarding the City's Smoking Pollution Program Ordinance (Berkeley Municipal Code Chapter 12.70), and voted on specific steps they wished to take in this review.

In general, the PRC is concerned about the level of familiarity that BPD officers have with the smoking ordinance, especially as it relates to electronic smoking devices. The ordinance was amended effective October 30, 2014 to regulate the use of e-cigarettes in the same way as traditional tobacco cigarettes but, according to the policy complainant, she encountered two patrol officers on June 17, 2015, who were unaware of this.

Specifically, the Commission requests that:

- The BPD take advantage of training that I have confirmed that our own Public Health Division employees could provide to your officers.
- The BPD's Training & Information Bulletin No. 276, "City of Berkeley Smoking Restrictions (BMC Chapter 12.70)," dated September 23, 2008, be revised to incorporate the regulation of electronic smoking devices as provided by the 2014 amendments to the ordinance.
- You inform the Commission how changes in City ordinances and other policies are communicated to members of your department.
- You, or someone you designate, attend a PRC meeting for the purpose of answering questions Commissioners have about the department's familiarity with the smoking ordinance. Please contact me to coordinate a mutually convenient meeting date.

Thank you for your attention to these requests.



**POLICE REVIEW COMMISSION  
SUBCOMMITTEES LIST  
Updated 11-9-15**

<b>Subcommittee</b>	<b>Commissioners</b>	<b>Chair</b>	<b>BPD Reps / Others</b>
<b>Regulations</b> Formed 6-26-13 Renewed 6-25-14 Renewed 6-24-15	Bernstein	Bernstein	Ofc. Bartalini  PRC Officer PRC Investigator
<b>Suspicious Activity Reporting</b> Formed 11-12-14	Bernstein Lippman		Capt. Harris Lt. D. Reece
<b>Transgender General Order</b> Formed 2-25-15	Bernstein Perezvelez	<i>Will rotate</i>	Capt. Harris
<b>Investigation Steering</b> Formed 4-8-15	Lippman Perezvelez	Lippman	Capt. Harris

*COMMISSION\POLICY SUBCOMMITTEES\SUBCOMMITTEES MEETINGS\CURRENT*



[REDACTED]  
[REDACTED]  
Berkeley, CA 94708

August 8, 2014

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

Dear Sir,

I am writing to commend one of your Berkeley police officers for recovering my son's stolen car within less than two hours after I reported it stolen, last Thursday, July 31, 2014. My son's 1996 Nissan Maxima (license [REDACTED]) was stolen from the 1500 block of Acton Street some time between July 23 and July 30, where it was parked near another son's house. He and his family were on vacation at that time and did not notice it was missing until July 30. I reported the car stolen on July 31 and filed a report at the police station about 9:30 am, to Officer L. Mesones, Badge #56. About an hour and a half later, Officer Mesones called me at my home to inform me that he had found the car on Sixth Street near Jones Street. My daughter-in-law came with me to reclaim the car, which had not been damaged, although the glove compartment had been emptied on the front passenger seat. There was nothing of value to be taken. Please note that my sons and I greatly appreciate the excellent police work in recovering this vehicle.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

cc. City Council Member  
Susan Wengraf

COMMUNICATION No. 1106

RECEIVED

AUG 11 2014

OFFICE OF THE CHIEF

August 8, 2014

Voicemail commendation for Captain Cynthia Harris from [REDACTED] attorney for [REDACTED] hired by the City to conduct an investigation [REDACTED]

Hi Captain Harris, this is [REDACTED] calling to apologize. It is Friday the 8<sup>th</sup> and I am truly regretting leaving the station today without formally saying goodbye and thank you for all the support you gave me throughout this investigation. And I'm feeling quite ashamed of that right now. That was a faux pas on my part and I do apologize. I'm always concerned about running to the next thing and you know since I'm paid by the hour and not spending anybody's time and so I'm very sorry and that led to rudeness. I totally appreciate all the time that you spent with me, your professionalism, your insights. I felt completely welcomed, supported. I just felt like your department is an incredible place and I really feel like you are a huge part of that. So, anyway, thank you, thank you and I apologize for not telling you this in person. Bye bye.

August 9, 2014

Michael K. Meehan  
Chief of Police  
City of Berkeley  
2100 Martin Luther King Way  
Berkeley, CA 94704

Subject: Appreciation for Service of Officer Robin Fuentes

Dear Chief Meehan,

I am writing to express my appreciation for the performance and service of Officer Robin Fuentes (Badge #73). She is a real asset to the community and you should be aware of her fine character and dedication to the citizens of Berkeley.

My sister [REDACTED] died in our family home at [REDACTED] on [REDACTED]. As soon as I got the phone call telling me of my sister's passing, I was put in touch with Officer Fuentes, who was at the family home in response to the 911 call related to my sister's death.

I phoned Robin to tell her I was on my way from Santa Cruz to pay my respects to my sister while her body was still in the family home, and that it would take me 2 hours to make the drive north. When I told Robin this she responded: "My responsibility is to make sure your sister is safe and taken care of until you arrive. I will stay here and see you when you get here". I can't begin to tell you the comfort this assurance provided me, that my dear sister would be looked after and protected until I arrived.

I grew up in Berkeley and am aware of the challenges the City and Dept. face in achieving its goals of providing community-based police services. Recruiting and retaining high quality officers is a real challenge. Officer Fuentes was at all times thoughtful, courteous, proactive and kind, a combination of qualities that every police officer should possess. The City of Berkeley is very fortunate to have someone of her caliber on the job and in service of its citizens.

On behalf of my family, Teresa's friends and the close-knit Sonoma Ave. neighborhood, please take the time to personally thank Robin for her outstanding service. We are deeply appreciative.

Sincerely,

[REDACTED]

**RECEIVED**

**AUG 12 2014**

**OFFICE OF THE CHIEF**

~~XXXXXXXXXXXXXXXXXXXX~~  
Berkeley, CA 94707

August 15, 2014

To the Supervisor of Detective Pon:

I am writing to you in praise of Detective Pon who has been handling case #14-35609. He left me a message today telling me that the suspect has been apprehended and will eventually make his way to Alameda County to answer his warrants. I am relieved that he has been caught and, for a while at least, will not be able to cause anyone else to go through the bad parts of what I have experienced for two months.

I especially appreciate Detective Pon's keeping me informed of progress in the case as soon as it happened. He has been clear and professional in his explanations. In my mind, Detective Pon deserves an A+ for communication, which reflects very positively on the Berkeley Police Department.

As the daughter of Frank J. Donohue, former New York State Trooper, I say Job Well Done! Thank you!

Sincerely,  
~~XXXXXXXXXXXXXXXXXXXX~~



**Macapagal, Jessee**

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**Subject:**

FW: Thank You BPD

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**From:** [REDACTED]@outlook.com]

**Sent:** Sunday, August 17, 2014 8:55 PM

**To:** BPD Webmail

**Subject:** Thank You BPD

Chief Michael Meehan and the Berkeley Police Department,

This is simply a note of support for all that you do to keep peace and order in our city. I know that law officers across the United States are suffering undeserved scrutiny and even attack at this time, and I would like to offer a voice of support.

The other night as I drove home after a late event, I was stopped at an intersection on Shattuck and University in Berkeley by a large crowd of protestors who filled the street in front of me waving signs and chanting anti-police slogans as they passed by. I realized this was a volatile situation but was soon comforted by the presence of multiple squad cars that surrounded my vehicle. It took half-an-hour to travel eight blocks and all the while I traveled within the police motorcade praying my rosary for the men and women in uniform next to me who kept their composure even as they were taunted and insulted. Though it must have been difficult to tolerate all of that on Friday night, I do believe that if you had not been present something far worse than the few incidents of vandalism would certainly have occurred.

I realized that night how important your presence is as you strive to maintain peace and order often at risk to yourselves. I realized also how grateful I am for this service you provide and wanted to assure you that, while there are loud voices of dissent around you, there are also many who silently support you in prayer and in deed.

Thank you for your dedicated service and example~

A grateful citizen,  
[REDACTED]

**Macapagal, Jessee**

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**Subject:** FW: Commendation For Officer Speelman

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**From:** Matt Hougan [REDACTED]@etf.com>  
**To:** BPD Webmail <bpdwebmail@ci.berkeley.ca.us>

Hello -

I wanted to send an email to call out some exceptional work and amazing service provided by two Berkeley Police Officers today.

This morning, my wife and I took our three kids to Grove Field to watch our oldest daughter play soccer. In the chaos of trying to get everyone out of the car and onto the field in time for the game to start, we somehow left the doors unlocked ... with an iPad and iPhone inside.

When we went back to our car after the game ended, the iPad and the iPhone were gone. It made us so sad: Upset that we lost those items and would have to replace them; frustrated that we had left the doors unlocked; and sad that someone would break into our car and steal our stuff.

We almost didn't report the crime. We've both lived other places where reporting crimes like that just meant paperwork and no action. But we were able to see the iPad on our "Tracking My Phone" app, so we decided we'd give it a try.

My wife met with Officer Speelman at the Police Station, provided our iTunes log-in, and was warned not to expect much. But two hours later, Officer Speelman and her colleague (whose name we can't remember - looking through your Beat line-up, the only name that rings a bell is Officer Snyder) had tracked down the suspect, recovered our iPad and brought everything back to headquarters. We went in, picked up the iPad, and were happy to have half of our stuff back and the suspect in custody.

But it got better from there. About five hours later, we received another call telling us that the iPhone was found as well, hidden away in a pocket in the suspect's backpack. The officer wanted to make sure we could come get it today, as otherwise, we might not get it back until Monday. So thoughtful!

It was amazing work all around. What impressed us most was not just the fact that the Berkeley PD jumped on the problem, tracked down the suspect and recovered our stuff (although that was pretty great), but the professionalism, courtesy and all-around awesomeness of the two officers.

It made us happy and proud to live in Berkeley.

Thanks for everything you do for the community.

Best regards,

[REDACTED]  
[REDACTED]

Berkeley

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CITY OF SAN LEANDRO • POLICE DEPARTMENT  
TEAMWORK • INTEGRITY • PROFESSIONALISM • SERVICE

SANDRA R. SPAGNOLI  
CHIEF OF POLICE

August 20, 2014

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

Dear Chief Meehan:

I am writing you this letter to advise you of the excellent police work performed by Berkeley Police Officer Stephanie Polizziani in helping us identify a female suspect in a shooting that occurred at Bayfair Mall in San Leandro on August 11, 2014.

Detectives from the San Leandro Police Department were able to obtain surveillance video from Bayfair Mall and disseminated photos of the suspects to local law enforcement agencies and the media. Officer Polizziani recognized one of the female suspects and quickly contacted our criminal investigations division to provide pertinent information including the suspect's cell phone number. As a result we were able to locate and detain the female suspect in addition to two male suspects involved in the shooting. This case has been presented to the Alameda County District Attorney and the two male suspects are being charged with attempted murder, assault with a deadly weapon and other firearm-related crimes.

Please pass on my personal thank you to Officer Polizziani for her commitment to duty and professionalism. Her assistance was greatly appreciated.

Sincerely,

Sandra R. Spagnoli  
Chief of Police

SRS/em

**RECEIVED**

**AUG 27 2014**

**OFFICE OF THE CHIEF**

**Jung, Roselyn C.**

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**From:** [REDACTED]@comcast.net]  
**Sent:** Thursday, August 21, 2014 7:41 AM  
**To:** Jung, Roselyn C.  
**Subject:** THANK YOU

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Officer Jung,

Thank you so very much for the thoughtful and helpful email you sent to my daughter. I am very grateful for your assistance.

I am a circuit court judge in New Hampshire who has her "baby" daughter( [REDACTED]) newly settling in Berkeley to attend law school. No matter what age they are , a mom worries about their safety, particularly when they are young and beautiful, :), and knowing this world as we see it every day in our work . So I am particularly grateful that you were so responsive and could put our minds somewhat at ease.

I am coming out next week to help her settle and to get a sense of the building she is in. If you are on shift at all that week I would very much like to meet you and personally thank you.

Let me know.

Be safe and am grateful as always for your commitment to law enforcement and community safety.

Best,  
[REDACTED]

To the dispatcher @  
911 & the officer who  
attend the call this Am  
Thanks a million for  
Saving my daughters  
- I wife to thank Berkeley  
Police Dept I don't  
have a daughter  
to hug. Thanks  
Great Job to  
all of you



To  
Berkeley Police Dept

Your kindness and generosity  
is appreciated today and always...  
And you deserve special thanks  
for making the day better -  
it really meant a lot!

Thanks  
your Dept & officer are  
in my prayers to protect  
to you all  
God Bless you

Ofe Ramey  
PSO Calhorn

Dear Berkeley Police,

My name is [REDACTED], I'm seventeen, and I live in Berkeley. I know that right now is a really difficult time to be a police officer, so I want to take this opportunity to say thank you very much for everything you do for our community. I appreciate that you have dedicated yourself to maintaining the integrity of our community and protecting us from people who would do us harm. I feel safe knowing that you are protecting me and will come if I need you.

With much gratitude and respect,

[REDACTED]

To, officer Hong and staff,  
On September 23 of this year,  
we were on the wrong end of a  
crime and you made everything  
right again. Your hard work  
was mindblowing and we think  
you're phenomenal. More than  
thank you [REDACTED]

HONG  
LIBED  
BARTALINI  
RADEY

14-56541

**Macapagal, Jessee**

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**From:** Morizono, Matt  
**Sent:** Thursday, October 02, 2014 9:43 AM  
**To:** Macapagal, Jessee  
**Subject:** Commendation For Officer Burcham

---

**From:** [REDACTED]  
**Sent:** Wednesday, October 01, 2014 5:00 PM  
**To:** Greenwood, Andrew; Meehan, Michael  
**Subject:** Officer Burchmann

Chief Meehan and Capt. Greenwood-

I just wanted to write and let you know that yesterday Officer Burchmann came to deal with a distraught student. I wanted to say that whatever training Officer Burchmann has had is phenomenal. He handled the situation really well. I was very impressed with his work and wanted to make sure the compliments made it to you.

Thanks,  
[REDACTED]  
[REDACTED]  
[REDACTED]



10/6/14

Dear Officer Nabozny,

Thank you so much for all of your help, support, and guidance during my time as president. I would not have been nearly as successful if it wasn't for you. You have been a great mentor to me and I am proud to call you a friend. I hope to be friends beyond my time as president + continue this great relationship. I thoroughly enjoyed all of our meetings + really appreciate all the necessary coffees you purchased for me! ~~Myself~~ I, and the rest of the brothers at SAE, respect you tremendously + appreciate all you have done for us. You genuinely care about the state of our chapter and the brothers within, and that does not go unnoticed. I could go on and on about how grateful I am and I would love to continue chatting over coffee and lunch in the future. You are a great person and I appreciate all you've done for me. Please enjoy this \$50 gift card to Caffe Strada!

Sincerely,

October 8, 2014

Dear Chief Meehan,

I received a service call at my residence today, from Sergeant Kusmiss, which was my first face to face contact ever with her. Her visit was in response to my initial meeting with our area beat officer whose name I can't recall since he never gave me his card. My emotional state was extremely agitated and intense this morning, which gave rise to my concerns of potential violence to others. This was all magnified and accelerated by the beat officer's responses and when he suddenly bolted in a huff.

Sergeant Kusmiss's interventions were calming. She was nonjudgmental and listened to what I was saying. To me her skills, her talents, and her knowledge, as it pertains to human relationships, is what makes the difference between a catastrophic tragedy and everyone walking away with a smile on their faces. Thank God for people like her. Please put an extra shrimp on the BBQ for her at your next police picnic.

Sincerely,

A large, irregular black redaction mark covering the signature area.A large, irregular black redaction mark covering the signature area.

**RECEIVED**

OCT 16 2014

OFFICE OF THE CHIEF

(Transcribed)

Oct. 23, 2014

Dear Officer Johnson,

I cannot Thank you enough for all your help, your counseling, which I needed tremendously, your caring side of you.

I am not able to put a face to the voice on the phone, but sure do appreciate the texts & phone calls. Keep up the Good work!

You deserve a raise!

I'm glad you are there for other families.

God Bless

(Name redacted)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] (o)  
[REDACTED] (h)  
[REDACTED]@hotmail.com

October 23, 2014

Chief of Police Michael Meehan,  
Berkeley Police Department,  
2100 MLK JR WY  
Berkeley, CA 94704.

Dear Michael Meehan, Chief of Police,

I am writing to convey my gratitude and appreciation for the actions taken by Officer Patrick, Badge #126 on Friday, October 17, 2014, when he helped find my [REDACTED], [REDACTED] after she went missing from her home. With skill, tact, and sensitivity, he communicated with me as he was looking for her, and he continued the search until he found her. He then arranged for her transfer to a hospital.

His actions, however, went beyond his obligation of duty as a police officer. He treated my sister with respect, perceptiveness, and humaneness. He immediately recognized how ill she was, and realized she needed further care in a hospital. He also noticed details in her home, which he recognized, as signs of her fragile state.

In his communications with me, as in his dealings with my sister, he was humane, sensitive, intelligent, and skilled. He empathized with how frightening the experience was for me and helped calm me. When I called him the next day to thank him, he spent considerable time on the phone with me, offering suggestions for my sister's future care that were helpful and perceptive, and which filled in a crucial piece of information that I and [REDACTED] have long been searching for.

I cannot commend him enough. Please also convey to him my deepest gratitude.

Yours truly,

[REDACTED]  
[REDACTED]  
[REDACTED]

RECEIVED

OCT 29 2014

OFFICE OF THE CHIEF

SACRAMENTO COUNTY



SHERIFF'S DEPARTMENT

SCOTT R. JONES  
*Sheriff*

October 27, 2014

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

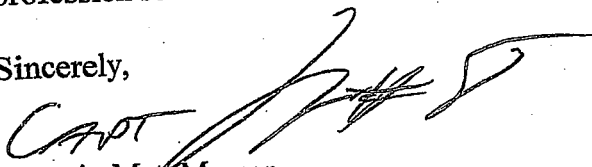
Dear Chief Meehan,

I wanted to take the time to thank Sergeant Emily Murphy for her kind gesture to my officers and to make you aware of her considerate actions. As you know, on Friday, October 24, 2014, Deputy Daniel Oliver was murdered while on-duty. Deputy Oliver was one of my Problem Oriented Police officers assigned to the North Division. His tragic loss has taken its toll on everyone in this division.

It was a pleasant and unexpected surprise for my personnel to receive a gracious gift of food from Sergeant Emily Murphy. On Sunday, October 26, 2014, Sergeant Murphy had a large (and expensive) order of pizza and wings delivered to our station house. It immediately lifted the spirits of my employees.

I hope you will pass on to Sergeant Murphy our deepest gratitude. Her unexpected act of kindness towards my staff was greatly appreciated by all. She is a wonderful example of why I love this profession so much.

Sincerely,

  
Captain Matt Morgan  
North Patrol Division

**RECEIVED**

**NOV 03 2014**

**OFFICE OF THE CHIEF**

**Macapagal, Jesse**

---

**From:** Macapagal, Jesse  
**Sent:** Tuesday, November 04, 2014 8:51 AM  
**To:** Macapagal, Jesse  
**Subject:** FW: Commendation For Officer Mathis, Singh, Schwarck, and Reserve Officer Fong

---

**From:** Morizono, Matt  
**Sent:** Wednesday, October 29, 2014 3:11 PM  
**To:** Macapagal, Jesse  
**Subject:** Commendation For Officer Mathis, Singh, Schwarck, and Reserve Officer Fong

---

**From:** [REDACTED] [mailto:[REDACTED]@montaag.com]  
**Sent:** Wednesday, October 29, 2014 12:23 PM  
**To:** Upson, Erik M.; Schwarck, Jess; Singh, Jitendra  
**Cc:** [REDACTED], [REDACTED], [REDACTED]  
**Subject:** Thank You!

Captain Upson,

Just wanted to send you a quick but huge thanks for the awesomely thorough and professional response we at [REDACTED] received last night from Officer Shwarck, Officer Singh, and Officer Fong. A few kids made their way into our design studio and took a couple computers in the early evening, and thanks to your team, all items were swiftly recovered within hours.

You and I met through the Leadership East Bay program a couple years ago when I was Operations Manager over at Berkeley Food and Housing Project. As we discussed then, during the six years I was in contact with your officers while managing over at Berkeley Patients Group, as well my years working up on Bancroft or on Center with BFHP, I have consistently been impressed with BPD's operations.

I've included the named officers on this email, and have cc'd [REDACTED] and my colleague [REDACTED]

All our best

[REDACTED]

[REDACTED]

[REDACTED] Berkeley, CA 94703, +1 916 296 5978

**Macapagal, Jesse**

---

**From:** Macapagal, Jesse  
**Sent:** Tuesday, November 04, 2014 8:50 AM  
**To:** Macapagal, Jesse  
**Subject:** FW: Thank you

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

**From:** [REDACTED]@gmail.com [mailto:[REDACTED]@gmail.com]  
**Sent:** Wednesday, October 29, 2014 1:56 PM  
**To:** Wilson, Brian D.  
**Subject:** Thank you

Greetings!

I wanted to express my gratitude to you in regards to Detective A. McDougall. I came down to the Berkeley Police Station last Thursday and met with Detective McDougall about a scooter I had purchased that had been previously reported as stolen and then sold to me as a legitimate vehicle. He has been helping me with a mess of paper work that the DMV and the towing company have had a difficult time helping me sort out. Detective McDougall has been kind, proactive & efficient, and helped sort out this issue in less than a week. I am very impressed with the Berkeley PD. Thank you so much for providing such an excellent and reliable presence in our community.

Best,  
[REDACTED]

**Macapagal, Jesse**

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**From:** Macapagal, Jesse  
**Sent:** Wednesday, November 05, 2014 9:35 AM  
**To:** Macapagal, Jesse  
**Subject:** FW: Commendation for Officer Victor Martinez

---

**From:** Morizono, Matt  
**Sent:** Tuesday, November 04, 2014 2:44 PM  
**To:** Macapagal, Jesse  
**Subject:** Commendation for Officer Victor Martinez

---

**From:** [REDACTED] [mailto:[REDACTED]@buurman.com]  
**Sent:** Monday, November 03, 2014 8:48 PM  
**To:** BPD Webmail  
**Cc:** White, Byron E.; [REDACTED]  
**Subject:** commendation for Officer Martinez

Hello there,

I would like to commend Officer Martinez for great community service delivered twice in fact in recent months to our home.

The first was regarding a stolen car - he put my husband and I at great ease, and in fact our car was recovered within 24 hours as he predicted.

He happened to also respond to a minor situation tonight: I was trying to teach our 6-year-old-daughter how to dial 911 in case of emergencies, and managed to accidentally/unintentionally connect to the dispatcher who promptly sent Officer Martinez out to make sure we were indeed all okay. He not only ascertained that there was no problem (again, very sorry to take up people's time with this), but also talked to our daughter to reinforce the message about real emergencies. I sent a note (see below) to all the Berkeley parents in her classroom about our experience, to help spread the word on what to tell their kids on how to use emergency services appropriately. Thank you Officer Martinez!

Best regards,  
[REDACTED]

[REDACTED]  
Berkeley, CA 94707

Begin forwarded message:



Nov 5<sup>th</sup> 2014

Dear Chief Neenan

Officer Hunt, Dodge 133 stands out as being an exceptional policeman and an individual

2 nights ago I encountered severe, severe depression and called 911 from the 711 in Shattuck

He and a quiet partner responded. He and I spoke for about 20 minutes. He left a distinct impression of one who cares about all he encounters. As saddened I was, I bounced lasers, EEG's & x-rays off him. Training at the Ramo Institute (NSA based in Santa Monica)

Berkley's Donald Pillsbury was my mental doctor. I worked out of his old office

Though Hunt probably has little interest in acquiring the title of Sgt - Lieut., I can think of no one better. Why? He is not fiddle shipping, but others around are inflated by him. He can outstate any one of you probably know

With the chaos in Canada, Sacramento, school method Seattle, hit & run in LA (3 children dead, 2 boys twin girls) police are needed. You and others are the immune system of the body. Without you, Society would die (kill head then)

One thing I've noticed is that those with 1st & last name having the same letter as their 1st & last name tend to be better at their jobs than others. Ansel Adams, Suzanne Saunders (no show) former KERN anchor.

JFK was my god father on inquiry to Leon Panetta at the Panetta Institute. Cal State Monterey Bay will enlighten you.

Bad things happen in 3's, do they not? Had dying of cancer blew his head off in a hospital before my eyes, age 5. I was in the 2nd car in Dallas behind CBS sitting next to the Sheriff who spoke of ambush's Benoit Clyde when the 3 shot went off (age 16). And a Bon to allow with RFX in LA when he too was killed (age 15)

Promote Hunt for the benefit of all

Sincerely  
~~XXXXXXXXXX~~

Dear Officer Singh, Officer Waite, and team—

11/17/14

I want to thank you for assisting me and my neighbors in the difficult time we've had the past few months with [REDACTED], our neighbor. I am incredibly grateful for your team's support, in continuing to come out to our aid, even though the situation felt hopeless at times. It is a horrible thing to feel unsafe in one's home, and I greatly appreciate the safety I feel once again at my apartment—which could not have happened without your team's efforts. Only through your hard work and diligence in addressing this situation—I am now able to feel at peace when walking home and living in South Berkeley.

I am incredibly grateful for the Berkeley PD, and our patrol officers. As this situation continues to evolve, I may call upon your help once again but I feel comfort in knowing that you are here to protect us, doing what you can to ensure the peace and safety of where I live and the surrounding neighborhood. Thank you.

Best,

[REDACTED]  
Berkeley, CA

*Thank you!*

[REDACTED]  
Berkeley, CA 94705  
November 18, 2014

Berkeley Police Department  
2100 Martin Luther King Way  
Berkeley, CA 94704

Re: Officer Fuentes

To Whom it May Concern:

Last Sunday morning my daughter's burglar alarm was activated and I received a call from Bay Alarm. I was asked if a Berkeley police officer should be sent to the house and I replied, "Yes".

I arrived fifteen minutes after the call to find Officer Fuentes in her car waiting for me. She was businesslike, efficient, friendly, and did a good job of investigating the area. She knew her job. She exemplified everything you would want in a police officer. I know many people are unhappy with the Berkeley police for one reason or another, but I have only admiration for officers like Ms Fuentes.

Please thank her for her assistance at [REDACTED] on November 16<sup>th</sup>.

Sincerely,  
[REDACTED]

RECEIVED

NOV 24 2014

OFFICE OF THE CHIEF

RECEIVED

NOV 24 2014

OFFICE OF THE CHIEF

**Macapagal, Jessee**

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**From:** Morizono, Matt  
**Sent:** Wednesday, November 26, 2014 6:20 AM  
**To:** Macapagal, Jessee  
**Subject:** Commendation for Officer Polizziani

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

**From:** [REDACTED] [mailto:[REDACTED]@bborucki.com]  
**Sent:** Sunday, November 23, 2014 11:06 AM  
**To:** Polizziani, Stephanie  
**Cc:** [REDACTED]@sbcglobal.net Family; [REDACTED]; [REDACTED]@yahoo.com  
**Subject:** Thank you for a Great Presentation

Dear Officer Polizziani,

Thank you for coming to our neighborhood meeting at the South Library Branch and giving us such useful and thought-provoking information. It was especially good to become acquainted with you and your on the ground approach to making our neighborhood safe and secure for our residents and visitors.

Our group of Oregon and Russell Street neighbors plan to meet again in 2 months to discuss emergency preparedness, and hope to strengthen our voice in the City of Berkeley thanks to your encouragement.

Sincerely,

[REDACTED]  
BerkeleyBowl Neighbors

## Macapagal, Jesse

---

**From:** Morizono, Matt  
**Sent:** Monday, December 01, 2014 1:01 PM  
**To:** Macapagal, Jesse  
**Subject:** Commendation for Officer Crews

---

**From:** [REDACTED] [mailto:[REDACTED]@comcast.net]  
**Sent:** Wednesday, November 26, 2014 9:17 PM  
**To:** BPD Webmail  
**Subject:** One of Berkeley's finest

To Whom It May Concern:

Officer Crews (Badge 107) is a credit to the Berkeley Police Department. On the evening of November 25th, there was a five car traffic accident on Tunnel Road. Officer Crews was stationed on Tunnel and Domingo to stop traffic from driving east into the area of the accident. Many of the drivers were rude and they complained loudly to Officer Crews. Officer Crews responded professionally, forcefully, and respectfully. She controlled the situation and removed the possibility of a hostile confrontation.

Thank you for hiring such good officers,  
[REDACTED]

**Macapagal, Jessee**

---

**From:** Morizono, Matt  
**Sent:** Monday, December 01, 2014 1:02 PM  
**To:** Macapagal, Jessee  
**Subject:** Commendation for Officer V. Martinez + R. Marin + E. Galvan

---

**From:** [REDACTED] [mailto:[REDACTED]@gmail.com]  
**Sent:** Monday, November 24, 2014 10:50 AM  
**To:** BPD Webmail  
**Subject:** thank you

I want to personally thank Officer Martinez (I do not know the name of the partner who was with him!) for checking and securing our home when our alarm went off last Wednesday afternoon, 11/19. When he called me from the premises to tell me everything was OK and how they had checked through our house, he was so professional, reassuring, and warm/personable....it put my mind at ease and that is just what I needed....so appreciate it. Please pass this on to him.

Sincerely,

[REDACTED]

[REDACTED]  
MFT/Counseling Services

[REDACTED]  
Food Blogger

[https://\[REDACTED\].wordpress.com/](https://[REDACTED].wordpress.com/)

**PROPOSED – POLICE REVIEW COMMISSION  
2016 Commission Meeting Dates**

Please complete this form and email it to the  
Commission Inbox by: **Thursday, January 7, 2016**

COMMUNICATION No. 4370

Name of Commission: \_\_\_\_\_

Commission Secretary: \_\_\_\_\_

**Please Note the Commission Meeting Dates for 2016 Below**

Please fill in meeting date below. If no meeting for the month is scheduled please note as "No Meeting."

*"Example"*

Month	Meeting Day and Date	Time
January 2016	Tuesday 1/05/16	7:00 pm

Month	Meeting Day and Date	Time
July 2016	No Meeting	

**2016 Meeting Dates**

Month	Meeting Day and Date	Time
January 2016	Wednesday 1/13/16	7:00 p.m.
	Wednesday 1/27/16	7:00 p.m.
February 2016	Wednesday 2/10/16	7:00 p.m.
	Wednesday 2/24/16	7:00 p.m.
March 2016	Wednesday 3/09/16	7:00 p.m.
	Wednesday 3/23/16	7:00 p.m.
April 2016	Wednesday 4/13/16	7:00 p.m.
	Wednesday 4/27/16	7:00 p.m.
May 2016	Wednesday 5/11/16	7:00 p.m.
	Wednesday 5/25/16	7:00 p.m.
June 2016	Wednesday 6/08/16	7:00 p.m.
	Wednesday 6/22/16	7:00 p.m.

Month	Meeting Day and Date	Time
July 2016	Wednesday 6/13/16	7:00 p.m.
	Wednesday 6/27/16	7:00 p.m.
August 2016	No Meeting	
September 2016	Wednesday 9/14/16	7:00 p.m.
	Wednesday 9/21/16*	7:00 p.m.
October 2016	Thursday 10/13/16**	7:00 p.m.
	Wednesday 10/26/16	7:00 p.m.
November 2016	Wednesday 11/09/16	7:00 p.m.
December 2016	Wednesday 12/14/16	7:00 p.m.

\* NACOLE conference is 9/25 – 9/29

\*\* Yom Kippur is 10/12

**Please Return via Email to:**

**The Commission Inbox-City Clerk Department**

Email: [Commission@CityofBerkeley.info](mailto:Commission@CityofBerkeley.info) Please contact Sheila Soo at x6916 with questions.

## 2016 City-Observed Holidays

<b>Holiday</b>	<b>Date</b>	<b>Day</b>
New Year's Day	January 1	Friday
Martin Luther King Jr. Birthday (Observed)	January 18	Monday
Lincoln's Birthday (Observed)	February 12	Friday
Washington's Birthday (Observed)	February 15	Monday
Malcolm X Day (Observed)	May 20	Friday
Memorial Day	May 30	Monday
Independence Day	July 4	Monday
Labor Day	September 5	Monday
Indigenous People's Day	October 10	Monday
Veteran's Day	November 11	Friday
Thanksgiving Holiday	November 24-25	Thursday - Friday
Christmas Day	December 25	Sunday
Christmas Day (Observed)	December 26	Monday



# 2015 Annual Commission Attendance Report

Reporting Period: November 1, 2014 through October 31, 2015

Commission: Police Review Commission

COMMUNICATION No. 4272

Commission Secretary: Katherine J. Lee

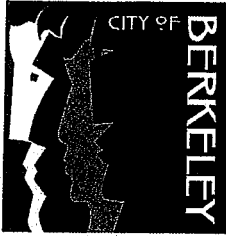
Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length	Tele-Conference?*
11-12-14		6 of 8	4	3	2.3	No
12-10-14		5 of 8	17	9	2.9	No
1-14-15		5 of 7	15	6	3.3	No
1-28-15	Yes - not enough commissioners					
2-4-15		5 of 9	2	0	3.4	No
2-11-15	Yes - not enough commissioners					
2-25-15		9 of 9	35	14	1.5	No
2-25-15		9 of 9	10	2	2.7	No
3-11-15		8 of 9	6	0	3.2	No
3-19-15		6 of 9	1	0	.9	No
3-25-15		6 of 9	1	0	2.9	No
4-8-15		5 of 9	1	0	2.6	No
4-22-15		4 of 7	1	0	2.3	No
5-6-15		6 of 8	0	0	2.9	No
5-13-15		7 of 8	1	0	2.5	No
5-20-15		6 of 8	2	2	2.8	No
5-27-15		4 of 7	3	2	2.3	No
6-3-15	Yes - not enough commissioners					
6-10-15		6 of 7	27	11	.7	No
6-10-15		6 of 7	27	8	3.6	No
6-17-15		6 of 7	9	9	2.8	No
6-24-15		7 of 8	3	1	3	No
7-8-15		6 of 8	10	6	3	No
7-15-15		6 of 8	7	2	2.9	No

# 2015 Annual Commission Attendance Report

Reporting Period: November 1, 2014 through October 31, 2015

7-22-15		7 of 8	9	2	2.8	No
7-29-15		7 of 8	6	0	2.9	No
8-12-15		7 of 9	12	7	3.6	No
9-9-15		8 of 9	10	5	3.1	No
9-16-15		7 of 9	5	2	2.3	No
9-24-15	Yes – not enough commissioners					
10-8-15		7 of 9	13	4	3.3	No
10-14-15		8 of 9	9	5	3.1	No
10-21-15		9 of 9	13	9	4.9	No
10-28-15	Yes – taking break					

\*\*Please indicate with a "Yes" or "No" whether or not any commissioners participated in the meeting via teleconference. If "Yes," please note how many commissioners participated via teleconference.



Police Department

COMMUNICATION No. 1853

October 28, 2015

To: Honorable Mayor and Members of the City Council  
The Police Review Commission

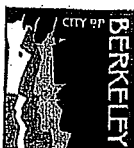
From: *DWR* Dee Williams-Ridley, Interim City Manager

Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the Use of Pepper Spray report that occurred on October 23, 2015. The authorization for this report comes from the City of Berkeley Council action taken September 16, 1997, directing that any use of "Oleoresin Capsicum" OC spray be reported to the City Council and the Police Review Commission via the Police Department's Chain of Command as a public record within seven (7) days of its use.

Attachment: Use of Pepper Spray Report 15-62466

cc: Gil Dong, Interim Deputy City Manager  
Michael Meehan, Chief of Police  
Mark Numainville, City Clerk  
Ann-Marie Hogan, City Auditor  
Matthai Chakko, Public Information Officer



**BERKELEY POLICE DEPARTMENT  
USE OF PEPPER SPRAY REPORT**



*(Note - this is a public document)*

This report is to be completed by any Department employee who use "Oleoresin Capsicum" OC spray during the performance of his or her duties. The authorization for this report comes from City of Berkeley Council action taken September 16, 1997, directing that any use of "OC" be reported to the City council and the Police Review Commission via the Police Department's Chain of Command as a public record within seven (7) days of its use.

**Date:** October 23, 2015  
Date of Pepper Spray Report

**From:** Officer J. Kelly #1  
Note: This form is to be completed by the Department employee using the spray. If that person is unable to complete this form due to injury, it shall be completed by his or her immediate supervisor.

**Case Number(s):** 15-62466

**Incident Date:** October 23, 2015

**Incident Time:** 0029

**Incident Location:** Kittredge St.

**Application was:**  **Effective**  **Ineffective**

**Subject:**  **Adult**  **Juvenile**

**Subject description:**

Sex	Height	Weight

**First Aid for Subject:** Paramedic responded and administered First Aid Yes  No

**Additional comments on First Aid rendered:** BFD washed subjects eye's with saline.

**Nature of Incident:**

PC 417 via metal pipe

**Summary and justification of the Actions of Officer(s) Involved:**

RECEIVED  
OCT 23 2015  
OFFICE OF THE CHIEF

Information redacted is protected  
from public disclosure by  
California Government Code  
6254 (f), (k).

On 10/23/15, at approximately 0029 HRS, Ofc. Mathis #80 attempted to stop Suspect at Kittredge St. Suspect took a fighting stance and he had a metal pipe in his hand he raised up over his head ready to strike Ofc. Mathis. Ofc. Mathis and myself gave several orders for Suspect to drop the pipe. Suspect refused to drop the pipe. He still had the pipe in his hand up over his head. Ofc. Mathis used a batton strike to Suspect's left leg. I told Suspect several times I was going to use pepper spray. Suspect was still refusing to drop the pipe. I used two half second bursts to pepper spray Suspect. Suspect was able to shield his face from the pepper spray with a sleeping bag he was holding. Suspect threw down the pipe and he attempted to run away before he was detained in handcuffs and arrested.

Please print and route through Chain of Command to the Office of the Chief.

AS-1  
AS-1 Duty Supervisor  
AS-1 Watch Commander AR L-4  
DECC4 Operations Captain  
DECC3 Chief of Police

