

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION  
REGULAR MEETING  
AGENDA**

**Wednesday, January 24, 2018  
7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT**  
*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers. They may comment on items on the agenda or any matter within the PRC's jurisdiction at this time.)*
- 4. APPROVAL OF MINUTES**  
Regular Meeting of January 10, 2018.
- 5. CHAIR'S REPORT**
- 6. PRC OFFICER'S REPORT**  
-- Status of complaints; other items.  
-- Prioritization of PRC tasks (discussion & action only as needed to clarify what the tasks entail).
- 7. CHIEF OF POLICE'S REPORT**  
Crime, budget, staffing, training updates, and other items.
- 8. SUBCOMMITTEE REPORTS (discussion & action)**  
Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:
  - a. General Orders C-64, etc. Subcommittee
  - b. Homeless Encampment Subcommittee  
Renew Subcommittee.  
Next meeting Jan. 31, 6:00 p.m.

- c. June 20, 2017 Subcommittee (Review of BPD Response at Council meeting)
  - i) Discuss and approve Subcommittee recommendations
  - ii) Dissolve Subcommittee
- d. Mutual Aid Pacts Subcommittee
  - i) Discuss and approve last subcommittee recommendation on remaining BPD agreements and understandings  
(See materials in January 10, 2018 agenda packet, p. 15.)
  - ii) Discuss and approve recommendation from subcommittee member:  
Law Enforcement Mutual Aid Plan  
(See materials in January 10, 2018 agenda packet, pp. 25-36.)
  - iii) Dissolve subcommittee or consider renaming

**9. OLD BUSINESS (discussion & action)**

- a. Review and consider next steps, including establishing a subcommittee, regarding City Council's November 14 action on broader or longer-term changes to PRC structure and authority.  
(See materials in January 10, 2018 agenda packet, p. 41.)
- b. Consider whether to accept Policy Complaint #2433 and, if accepted, what steps to take.  
From: PRC Officer  
(See materials in January 10, 2018 agenda packet, pp. 51-52.)
- c. Review specially equipped panel van use policy.  
From: Mayor Arreguin  
(See materials in January 10, 2018 agenda packet, pp. 45-49.)
- d. Decide how to address City Council referral regarding City's enrollment in the Department of Defense 1033 Program  
From: City Council  
(See materials in January 10, 2018 agenda packet, pp. 53-56.)
- e. Proposal for BPD Accountability Plan, including professional development/training of BPD officers, department budget, etc.  
From: Commissioner Prichett  
(See materials in January 10, 2018 agenda packet, p. 43.)
- f. Review and consider next steps regarding City Council's October 31, 2017 action revising the reporting requirements in General Order U-2, Use of Force.  
(See materials in January 10, 2018 agenda packet, pp. 37-40.)

**10. NEW BUSINESS**

- a. Establish subcommittee to review and make recommendations on Lexipol policies from BPD.
- b. Commendations of BPD personnel:
  - i) Establish process for review and communication back to BPD.

- ii) Review commendations of BPD personnel for January to August 2017 and direct PRC Officer to communicate to BPD.

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. PUBLIC COMMENT**

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

**Closed Session**

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

**13. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2424**

**14. CONSIDER WHETHER TO ACCEPT LATE-FILED COMPLAINT #2438**


**End of Closed Session**

**15. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**

**16. 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 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

**SB 343 Disclaimer**

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

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



# PRC REGULAR MEETING ATTACHMENTS

## January 24, 2018

### MINUTES

January 10, 2018 Regular Meeting Minutes Page 7

### AGENDA-RELATED

Item 6. – PRC Task list, revised 1-17-18. Page 13

Item 8. – PRC Subcommittees List as of 1-11-18. Page 14.a.

Item 8.b. – PRC minutes from February 1, 2017, re Establishment of Homeless Encampment Subcommittee. Page 15

Item 8.c. – January 16, 2018, Subcommittee findings and recommendations regarding BPD actions at the City Council meeting of June 20, 2017. Page 17

Item 10.a – List of 25 Lexipol Policies sent to PRC Officer Dec. 4, 2017. Page 23

Item 10.b. – Commendations of BPD personnel, January to August 2017. Page 25

### COMMUNICATION(S)

Email from BPD Chief, dated 1-15-18, attaching Principled Policing course outline. Page 127

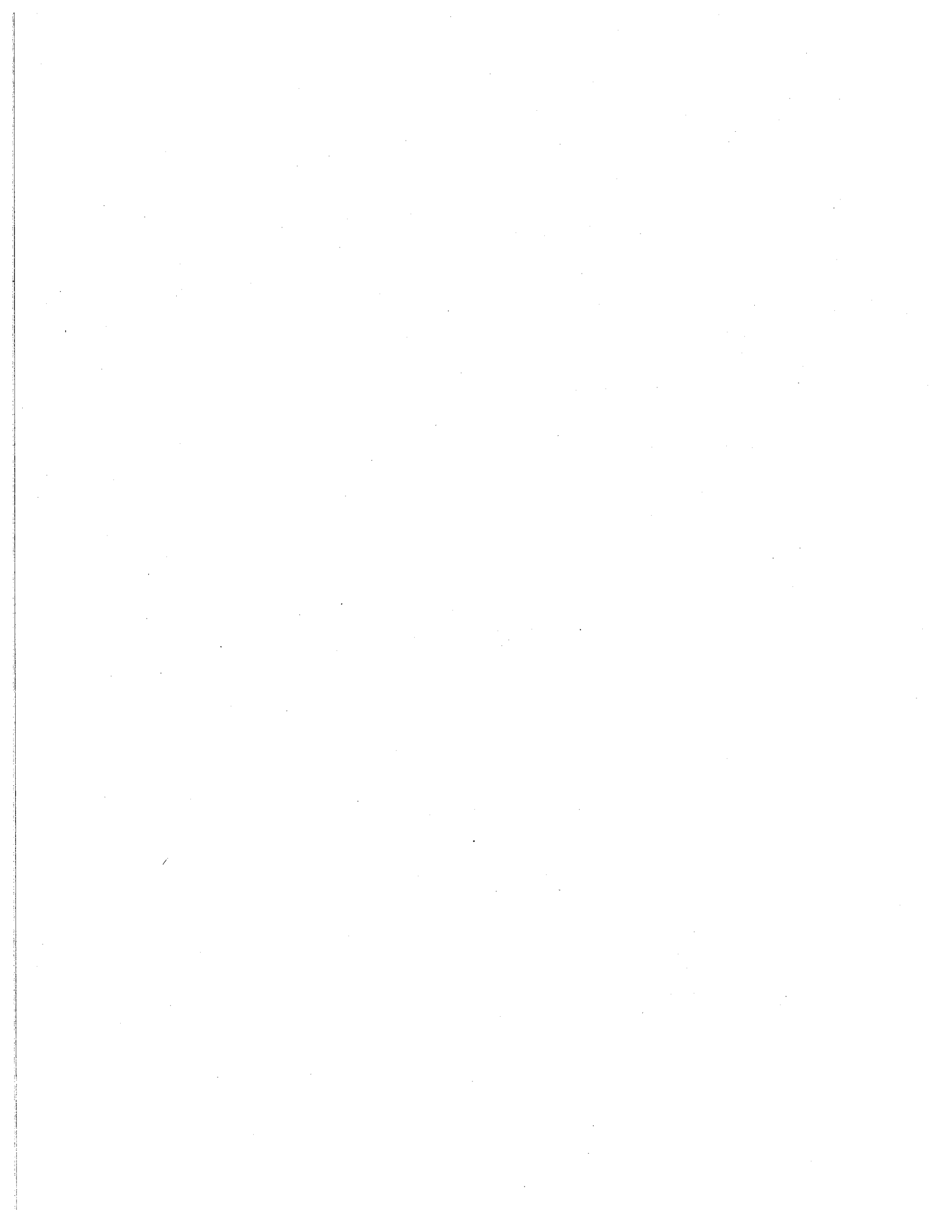
Email from BPD Chief, dated 1-16-18, attaching letter re NCRIC advisories. Page 139

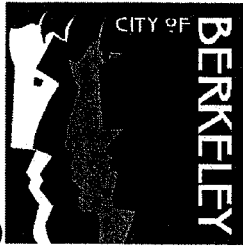
Commissioner Attendance Report for the period July 1 through December 31, 2017. Page 147

Email dated Jan. 8, 2018, from Blair Beekman. Page 149

Article from East Bay Express "Terror or Entrapment?" January 3-9, 2018 edition. (From Gene Bernardi) Page 151

KJL:mgm





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Police Review Commission (PRC)

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

**Wednesday, January 10, 2018  
7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

**1. CALL TO ORDER & ROLL CALL BY CHAIR LIPPMAN AT 7:10 P.M.**

Present: Commissioner George Lippman (Chair) (left 10:10 p.m.)  
Commissioner Gwen Allamby (Vice-Chair) (left 10:02 p.m.)  
Commissioner Clarence Ford (left 10:03 p.m.)  
Commissioner George Perezvelez  
Commissioner Andrea Prichett  
Commissioner Terry Roberts  
Commissioner Michael Sherman  
Commissioner Ari Yampolsky (arrived 7:45 p.m.)  
Commissioner Rigel Robinson (temporary)

Absent: Commissioner Sahana Matthews

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Sgt. Katherine Smith (left 8:25 p.m.); Sgt. Rashawn Cummings

**2. APPROVAL OF AGENDA**

**With the following changes: to remove the first portion of Item #9.b. at Commissioner Ford's request, and allow the complainant in Complaint #2435 (Item #14) to speak in closed session following Item #7; the agenda was approved by general consent.**

**3. PUBLIC COMMENT**

There were 6 speakers.

**4. APPROVAL OF MINUTES**

Regular Meeting of December 13, 2017.

**Motion to approve Regular Meeting Minutes of December 13, 2017**

Moved/Seconded (Roberts/Robinson) **Motion Carried**

Ayes: Allamby, Ford, Lippman, Prichett, Roberts, Sherman, and Robinson.

Noes: None Abstain: Perezvelez Absent: Matthews, Yampolsky

**5. CHAIR'S REPORT**

-- At its Jan. 23, 2018 meeting, the Council will be considering the Surveillance Ordinance from the PRC, though Council might not take a vote that night.

-- Also on Jan. 23 Council agenda is the PRC's report on Fair & Impartial Policing, as an Information Item.

-- Commissioner Sherman reported on Council's consideration of PRC's recommendation to repeal the recent change to the Pepper Spray policy.

**6. PRC OFFICER'S REPORT**

-- Two new complaints filed since the last PRC meeting.

-- Two BOIs upcoming. Please respond promptly when PRC investigator asks you (Commissioners) to serve on a BOI.

-- List of tasks distributed. Will issue a survey asking to categorize items from #1 - #5. Imperative that the long list of tasks be prioritized.

-- No responses yet re jail and property room tour for those who didn't attend last time.

-- Cards from Peter Dumont of Star Alliance were passed along; he is offering to do a presentation to the PRC.

-- Will follow up with Chief on list of officers who had undergone CIT training and curriculum of Principled Policing training.

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

Sgt. Smith reported on behalf of the Chief:

-- Command staff is working on staffing issues; planning for March 28 timesheet and will report to PRC when finalized.

-- Captains will be rotating: Capt. Reese from Professional Standards to Operations; Capt. Louis from Operations to Support Services; Capt. Hart from Support Services to Professional Standards; Capt. Spiller will remain in Investigations.

Sgt. Smith answered questions from the Commissioners.

**8. SUBCOMMITTEE REPORTS (discussion & action)**

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

- a. General Orders C-64, etc. Subcommittee – Next meeting tentatively Weds., Jan. 17, 2018.



- b. Homeless Encampment Subcommittee – Have been going through the various policies; every City department seems to have their own protocols on how a person retrieves their property. Next meeting Tuesday, Jan. 16, 2018, 7:00 p.m. at South Berkeley Senior Center.
- c. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting) – Had its last meeting just before this meeting and will be presenting a report and recommendations to the Commission on Jan. 24.
- d. Fair & Impartial Policing Subcommittee  
-- Dissolve Subcommittee

**Motion to dissolve the Fair & Impartial Policing Subcommittee**

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

Ayes: Allamby, Ford, Lippman, Perezvelez, Prichett, Roberts, Sherman, Yampolsky, and Robinson.

Noes: None

Abstain: None

Absent: Matthews

- e. Mutual Aid Pacts Subcommittee
  - i) Discuss and approve remaining subcommittee recommendations:
    - A. NCRIC (Northern California Regional Intelligence Center)  
**Motion to support the current policy for one year while the PRC fully studies the matter in cooperation with the City Manager and the BPD, and make specific recommendations when the study is complete.**  
Moved/Seconded (Roberts/Perezvelez)  
**Substitute motion to recommend a one year moratorium on BPD's participation with NCRIC while PRC reviews the City Manager/BPD-supplied information about how the BPD-NCRIC relationship functions.**  
Moved/Seconded (Allamby/Prichett) **Motion Carried**  
Ayes: Allamby, Ford, Lippman, Prichett, and Robinson.  
Noes: Roberts, Sherman, and Yampolsky  
Abstain: Perezvelez                      Absent: Matthews
    - B. All remaining BPD agreements and understandings  
*(Item postponed to the next meeting.)*
  - ii) Discuss and approve recommendation from subcommittee member:  
Law Enforcement Mutual Aid Plan  
*(Item postponed to the next meeting.)*
  - iii) Dissolve subcommittee or consider renaming  
*(Item postponed to the next meeting.)*

## 9. OLD BUSINESS (discussion & action)

- a. Review and consider next steps regarding City Council's October 31, 2017 action revising the reporting requirements in General Order U-2, Use of Force.  
*(Item postponed to the next meeting.)*
- b. Proposal to create a new subcommittee to identify where more civilian authority and oversight over the police department is warranted, with the goal of recommending changes to or a restructuring of the Police Review Commission.  
*(This portion of item withdrawn by Commissioner Ford.)*
  - i.) Review and consider next steps regarding City Council's November 14 action on broader or longer-term changes to PRC structure and authority.  
*(Item postponed to the next meeting.)*
- c. Proposal for BPD Accountability Plan, including professional development/training of BPD officers, department budget, etc.  
*(Item postponed to the next meeting.)*
- d. Review specially equipped panel van use policy.  
*(Item postponed to the next meeting.)*
- e. Consider whether to accept Policy Complaint #2433 and, if accepted, what steps to take.  
*(Item postponed to the next meeting.)*
- f. Decide how to address City Council referral regarding City's enrollment in the Department of Defense 1033 Program.  
*(Item postponed to the next meeting.)*

## 10. NEW BUSINESS

- a. Elections of PRC Chairperson and Vice-Chairperson

**Motion to postpone the elections of Chairperson and Vice-chairperson to the next meeting.**

Moved/Seconded (Robinson/Prichett)

**Substitute motion to hold elections now.**

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

Ayes: Allamby, Ford, Perezvelez, Roberts, Sherman, and Yampolsky.

Noes: Lippman, Prichett, Robinson Abstain: None Absent: Matthews

**Motion to nominate Michael Sherman for PRC Chairperson**

Moved/Seconded (Perezvelez/Roberts)

**Motion to nominate Sahana Matthews for PRC Chairperson**

Moved/Seconded (Robinson/Prichett)

Vote:  
Allamby – Sherman  
Ford - Matthews  
Lippman - Matthews  
Perezvelez - Sherman  
Prichett - Matthews  
Roberts - Sherman  
Sherman - Sherman  
Yampolsky – Matthews  
Robinson - Matthews

**Sahana Matthews was elected PRC Chairperson**

**Motion to nominate Michael Sherman for PRC Vice-Chairperson**  
Moved/Seconded (Yampolsky/Robinson)

**Motion to nominate George Lippman for PRC Vice-Chairperson**  
Moved/Seconded (Prichett/Allamby)

Vote:  
Allamby – Lippman  
Ford - Lippman  
Lippman - Lippman  
Perezvelez - Sherman  
Prichett - Lippman  
Roberts - Sherman  
Sherman - Sherman  
Yampolsky – Sherman  
Robinson - Lippman

**George Lippman was elected PRC Vice-Chairperson**

**11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

**12. PUBLIC COMMENT**

There were 2 speakers.

***Closed Session***

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

**13. PETITION FOR REHEARING IN COMPLAINT #2422**

**Motion to accept the staff recommendation to deny the Petition for Rehearing in Complaint #2422.**

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

Ayes: Perezvelez, Roberts, Sherman, Yampolsky, and Robinson.  
Noes: Prichett Abstain: None  
Absent: Matthews, Allamby, Ford, Lippman

**14. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2435**

*The complainant was allowed to address the Commission in closed session following Item #7.*

**Motion to approve Complaint #2435 for administrative closure because the complaint is frivolous.**

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

Ayes: Perezvelez, Prichett, Roberts, Sherman, Yampolsky, and Robinson.

Noes: None Abstain: None

Absent: Matthews, Allamby, Ford, Lippman

**15. RECOMMENDATION FOR ADMINISTRATIVE CLOSURE IN COMPLAINT #2424**

*(Item postponed to the next meeting.)*

***End of Closed Session***

**16. ANNOUNCEMENT OF CLOSED SESSION ACTIONS**

**17. ADJOURNMENT**

By general consent, the meeting was adjourned at 10:25 p.m.

PRC Task List

Updated 1.8.2018  
 Revised 1.17.2018 (in bold)

Rank as of Oct. 2017	Task	Notes
	<b>SUBCOMMITTEES</b>	
3	General Orders C-64, U-2, M-2	Review Commander's Guide. Also, 2 issues from Dec. 7 & 8 Subcommittee.
2	Fair & Impartial Policing (Dissolved 1.10.18 but follow-up to 11.14.17 Council item, PRC's report, and CPE report forthcoming.)	PRC's Report released; on Council 1.23.18 agenda as Info Item.
9	Homeless Encampments	Work continuing.
5	June 20, 2017 (Review of BPD Response at Council meeting)	Work continuing.
4	Mutual Aid Pacts (Non-subcommittee work on certain MOUs may continue after approval of MOUs in 2018)	2018 MOUs discussed 12.13.17, continuing 1.10.18, <b>1.24.18</b> (subcommittee established yearly). Keep apprised of Council Committee work.

	<b>OTHER</b>	
11	Outreach – publicize existence of PRC and its services to community	Subcommittee dissolved 9.6.17 but some work could occur at Commission level.
8	Review BPD budget	Chief's answers to PRC questions discussed 6.14.17 and to be continued; agendized but postponed twice. [Subsumed by Accountability Plan?]
13	BPD's policy for shelter-in-place directive to schools.	Agendized 3.22, 4.12, 5.24, 6.14, 7.12.17 but postponed.
12	Media Credentialing Subcommittee	Dissolved 4.12.17; possible resurrection to be discussed early 2018.
14	Regional radio interoperability for common encrypted channels (Dec. 2014 post-incident recommendation #1)	At 2.8.17 meeting, determined only this and Recommendation #14 (re technology, which will be addressed by Surveillance Ord.) remain to be considered by PRC.
1	Increase PRC power or create new structure (Police Accountability Reforms)	Referral from Council and related item from Commissioner agendized 12.13.17 and 1.10.18, <b>1.24.18</b> .
	BPD Accountability Plan for Training/Professional Development	Agendized 10.11, 11.15, 12.13.17, 1.10.18, <b>1.24.18</b> .

**PRC Task List**

Updated 1.8.2018  
 Revised 1.17.2018 (**in bold**)

	Revision of G.O. U-2, Use of Force	Agendized 11.15, 12.13.17, 1.10.18, <b>1.24.18.</b>
	Armored Van Policy	Per Mayor's 11.21.17 request, agendized 12.13.17 and 1.10.18, <b>1.24.18.</b>
	Dept. of Defense 1033 Program	Referral from Council 11.14.17; agendized 1.10.18, <b>1.24.18.</b>
Not yet agendized	Review of DUI checkpoints	Raised Fall 2017.
	Commendations of BPD personnel – discuss process and review.	Latest set received from BPD 11.22.17. <b>Agendized 1.24.18.</b>
	Review Lexipol policies	First group received from BPD 12.4.17. <b>Agendized 1.24.18.</b>
	BPD staffing shortage	Raised 12.13.17.
	BWC policy	Raised 12.13.17.

	<b>PENDING (to return to the PRC when ready)</b>	
7	PRC Regulations regarding Commissioner challenges	Meet & confer requested by BPA.
9	Consideration of informal complaints	To be agendized when staff report ready.

**POLICE REVIEW COMMISSION  
SUBCOMMITTEES LIST  
Updated 1-11-18**

<b>Subcommittee</b>	<b>Commissioners</b>	<b>Chair</b>	<b>BPD Reps / Others</b>
<b>General Orders on Crowd Control C-64, U-2, M-2</b> Formed 1-13-16 Renewed 3-22-17	Lippman Perezvelez Prichett	Perezvelez	Lt. Michael Durbin
<b>Homeless Encampments</b> Formed 2-1-17	Prichett Sherman Yampolsky	Prichett	
<b>June 20, 2017 (Review of BPD Response at City Council Meeting)</b> Formed 7-12-17	Matthews Prichett Roberts  <i>Public member:</i> Elliot Halpern	Roberts	Chief Andrew Greenwood Sgt. Sean Ross
<b>Mutual Aid Pacts</b> Formed 11-15-17	Matthews Lippman	Matthews	Capt. Dave Reece





Agenda Item #8. b.  
Homeless Encamp. Subcom.  
PRC meeting of Jan. 24,  
2018

Excerpt from approved PRC minutes of February 1, 2017

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

- ...
- c. Open a policy investigation into police enforcement action on homeless encampments, to include an inquiry that identifies who is issuing the directive to conduct enforcement; who are the parties involved in deciding to issue such a directive; what costs (personnel, equipment, and other) has the BPD incurred to undertake the enforcement actions; and whether the BPD's enforcement actions were lawful and appropriate, including, but not limited to, the following areas: BPD involvement in seizure of property (or supervising such seizure); BPD compliance with and accommodations made for the Americans with Disabilities Act (ADA); allowing the public the Right to Watch under General Order W-1, compliance with First Amendment protections of free speech during extended protests. Determine next steps for investigation, including possible formation of a subcommittee

**Motion to open a policy investigation that will include but not be limited to an inquiry that identifies who is issuing the directive to conduct enforcement; who are the parties involved in deciding to issue such a directive; what costs (personnel, equipment, and other) has the BPD incurred to undertake the enforcement actions; and whether the BPD's enforcement actions were lawful and appropriate, including, but not limited to, the following areas: BPD involvement in seizure of property (or supervising such seizure); BPD compliance with and accommodations made for the Americans with Disabilities Act (ADA); allowing the public the Right to Watch under General Order W-1, compliance with First Amendment protections of free speech during extended protests.**

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

Ayes: Bernstein, DaSilva, Lippman, Prichett, and Vicente.

Noes: Perezvelez      Abstain: None      Absent: Roberts, Yampolsky

**Motion to create a subcommittee for the purposes of conducting the policy investigation.**

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

Ayes: Bernstein, DaSilva, Lippman, Prichett, and Vicente.

Noes: Perezvelez      Abstain: None      Absent: Roberts, Yampolsky

*Chair Bernstein appointed Commissioners Prichett, Yampolsky, and herself to the newly-formed subcommittee; Chair Bernstein removed herself from the Fair & Impartial Policing Subcommittee.*



To: The PRC

From: Terry Roberts, Chair, June 20<sup>th</sup> Subcom

Re: Subcom findings and recommendations regarding BPD actions at the city council meeting of June 20, 2017

Date: January 16, 2018

The subcom has met 9 times during the last few months in public session to hear, evaluate and investigate the actions of BPD at the June 20, 2017 council meeting. We have reviewed reports, videos, photos, policies, including all the info below, and conducted a noticed public meeting on the matter on Oct. 4, 2017 where 12 people testified.

A list of the information reviewed:

1. Dispatch reports and tapes.
2. Discussions with Sgt. Ross and Chief Greenwood (at our first meeting).
3. The individual supplemental reports of all the other officers involved that night.
4. The related BPD policies: C-64, U-2, and U-4.
5. Four videos or clips of the meeting. One was the city camera recording the meeting. The others were from private sources including local TV stations.
6. Photos provided by the public.
7. The audio recording of our public hearing on Oct. 4, 2017.
8. Individual emails sent to us by the public: Ms. Sussman-10/4/17; Ms. Shamban--10/3/17; Ms. Liss--10/4/17; and a letter from the Pacific Media Workers Guild dated 6/23/17.

Our findings and recommendations are shown on Attachment A.

In summary, the subcom recognizes the fact that BPD faced an unknown threat when 4-5 people rushed the stage near the end of the council meeting with the possibility of many others in the auditorium following. BPD acted according to their view of the situation to restore order from the illegal act of intentionally disrupting a public meeting, and to be prepared to address other possible actions by the crowd that may threaten the safety of all involved. BPD had the right and responsibility to act. But after our review of the actions that night, it is the subcom's opinion that BPD could have taken alternative actions to mitigate or avoid the confrontations that occurred and did not comply with certain aspects of BPD general orders, including: missed opportunities to deescalate the situation inside the building which resulted in an elevated confrontation between BPD and protesters outside the building; inadequate advanced planning; avoiding a reported confrontation with the media; use of batons without a previous dispersal order; and avoiding command discontinuity in managing the incident which made it unclear as to who was in charge of the incident and responsible for the outcome.

The question of whether the appropriate training was received by responding officers to handle this type of situation effectively, including deescalation training, is still an open question that needs an answer from BPD.

It is the subcom's opinion that if the opportunity to deescalate the situation inside the building was recognized earlier by BPD and given a high priority, the confrontation outside would likely have not occurred or would have been mitigated. BPD indicated that the arrests in the building were meant to deescalate a perceived escalating situation. But in fact, the arrests served to escalate the confrontation outside the building.

We now need a response from BPD and the City Manager to our questions and observations in the findings, and indicating what actions will be taken to improve BPD's response and avoid reoccurrence of similar problems in the future.

The subcom recommends that our attached findings and recommendations be adopted by the PRC and referred to BPD and the City Manager for a response within 90 days. The subcom approved the findings and recommendations at its January 10, 2018 meeting on a vote of 3 Ayes (Prichett, Halpern, Roberts) with 1 absent (Matthews) and authorized the chair to submit the recommendations to the PRC.

## Attachment A

### June 20th PRC Subcommittee (Subcom) Findings and Recommendations to the PRC Regarding BPD Actions at the Council Meeting of June 20, 2017

January 16, 2018

1. **General Findings.** Most of the problems caused that night could have been mitigated if deescalation strategies were used inside the building at the time the banner and some individuals jumped up on the stage, thereby avoiding the ensuing outside confrontation with the crowd. BPD indicated that they initially were concerned with the safety of the councilmembers and were trying to restore order resulting from the illegal act of intentionally disrupting a public meeting (BMC 13.36.045). It is clear that BPD had the right and responsibility to act to stop the illegal activity, maintain order, and to effectively deal with any threats to themselves, the council or the public. But the council meeting video shows that: 1) BPD seemed to quickly realize that once the councilmembers were safe there was no imminent threat by those on the stage; 2) there seemed to be adequate time for BPD to deescalate the situation inside the building; 3) officers including the Chief were walking around calmly on stage seemingly indicating there was no urgent or active threat. But there was no apparent attempt to deescalate the situation inside the building.
2. **Deescalation vs. escalation.** Initially this was a difficult situation for officers because when people rushed the stage BPD had no idea if the protesters had weapons or posed a threat to councilmembers, officers or the public. But it is the subcom's opinion that after BPD discovered that councilmembers were not threatened and that no additional people were jumping up on stage, there was still time to deescalate the situation inside the building as it was apparent that the meeting was effectively ending. One form of deescalation inside might have been detention of those on stage for a short time, but not an arrest. Other possibilities might have been a cite and release strategy and/or communicating directly with the crowd still remaining in the building. There were likely other strategies BPD could have used to deescalate. If deescalation strategies were used it is the subcom's opinion that the crowd confrontation outside would have been minimized or avoided.
3. **Advanced Planning.** There should have been more advanced planning for this event. It was clear that this council meeting presented added potential conflict due to the controversial issue being considered and the number of people known to be attending (the venue was changed to accommodate more people.) Therefore, BPD should have prepared more in advance by contacting the anti- Urban Shield group to reduce any potential for conflict, staffed the event with a greater number of officers, and had a clearer plan for backup officers' response for various scenario situations. General Order (GO) U-4 (pg. 1, #4) requires that a Special Order be developed and distributed for events that are scheduled in advance. While no written Special Order was issued, the number of officers staffing the event was increased from 2 to 5. Sgt. Ross indicated that a council evacuation plan and routes had verbally been communicated to the officers assigned to the event. A clearer policy for advanced planning for this type of event is needed. Why wasn't the anti-Urban Shield group contacted in advance?

4. **Last Minute Assignment.** Sgt. Ross was assigned as the officer in charge (incident commander), but he received the assignment about 1 hour before the meeting because the originally assigned sergeant (Sgt. Kusmiss) could not be there at the last minute. In the subcom's opinion, the proper advanced planning should have occurred by Sgt. Kusmiss long before Sgt. Ross was assigned to the event, but that did not occur. Sgt. Ross could have contacted the anti-Urban Shield group leader for a short discussion when he arrived at the meeting, but that also did not occur.
5. **Incident Commander.** While Sgt. Ross was the incident commander, Sgt. Fomby took charge when the crowd moved outside. This resulted in some discontinuity in command responsibilities making it unclear who was in charge of the incident and responsible for the outcome. GO C-64 (pg.7, #43, March 9, 2017 version in effect at the time of the incident) requires that during spontaneous events the senior officer present will assume the role of incident commander. There were other more senior officers present that did not appear to assume command. Why did this transition in command not occur?
6. **Call for Backup.** As shown the videos, and based on witness testimony, only 4 or 5 people rushed and climbed up on the stage. There were another 25-30 people that were below the stage but not trying to climb up onto the stage. The remainder of people in the auditorium were not threatening to rush the stage area. Based on our understanding of the events we are concerned that BPD may have escalated the overall sense of confrontation, both inside and outside, by using a Code 3 Cover call for backup and indicating that hundreds of protesters were taking over the stage during a city council meeting. Was Code 3 Cover appropriate for these circumstances? Preplanning the backup for this event would likely have reduced the heightened sense of confrontation of both officers and protesters.
7. **Applicable General Orders.** It is unclear which GO applies to this situation. If BPD GO U-4 (Unusual Occurrences) applies (the chief has verbally indicated that U-4 should apply to this event), then the incident commander could have been a sergeant (pg. 1, #5). But if BPD GO C-64 (First Amendment Assemblies) applies then the incident commander should have been a lieutenant or captain (pg. 4, #18 and pg. 7, #43, March 9, 2017 version). It is the subcom's opinion that U-4 applied inside the building but that C-64 applied outside the building because the situation had been escalated to crowd management after two people were arrested inside the building and were about to be transported to jail. Information is needed from BPD as to how these GO's apply, why the transition from inside the building to outside the building was managed as it was, and how the situation outside the building could have been better managed to deescalate tensions.
8. **Training for this situation.** It is also unclear if BPD provides adequate training for all sergeants and other officers who may, either by assignment or in the moment, be called upon to be incident commanders. Deescalation should be a first priority, whenever possible, as indicated in C-64 (pg. 1, #2, March 9, 2017 version). It is the subcom's opinion that incident commanders should not be assigned to this type of event unless they have received deescalation and other appropriate training. The attitude of incident commanders and officers in charge should be to try to deescalate prior to using force. It is our understanding that BPD's deescalation training focuses only on dealing with individuals and does not cover crowd management. If this is true it creates a major impediment to successfully managing crowd situations. We need to hear from BPD as to which training the lead officers had in preparation

- for successfully managing the June 20 event, and what will be done department-wide to address any training gaps for future similar situations?
9. **Baton Use.** C-64 (pg.2, #6c2, March 9, 2017) indicates BPD shall not use batons for crowd management purposes prior to a dispersal order being given unless exigent circumstances exist. While it remains to be determined if C-64 technically applies in this situation, the spirit and the intent of the policy should have been applied to BPD's actions that night. In the subcom's opinion, C-64 and best practices for deescalation and crowd management in those circumstances called for a dispersal order to be given---yet none was given.
  10. **Use of force report.** GO U-2 covers use of force. A use of force report was required under U-2 (pg. 7, # 26C, March 9, 2017 version) due to an injury to a person's arm while being cuffed and arrested inside the building, and to a man's head outside the building, but no use of force reports were filed. Note: U-2 (pg. 4, # 18b) indicates that if there is use of force during "unusual occurrences" then a supplemental report must be filed. While officers did file supplementals, the subcom believes that a use of force report should have been filed because it focuses on specific questions needing answers, i.e., injuries incurred, medical treatment, corroborating photographs or videos, and the supervisor's and captain's comments and recommendations (U-2, pg. 10).
  11. **After Action Report.** An after-action report is required by C-64 (pg. 14, #72, March 9, 2017 version), but none was filed. C-64, #72 requires:

"At the conclusion of an event the Incident Commander shall ensure that an After Action Report is prepared within 72 hours. (a) An After Action Report shall document arrests, injuries, property damage, personnel costs, inventories of less lethal munitions, CS gas and smoke and an overall critique of the police preparation and response. (b) An After Action Report should include information in sufficient detail to help others prepare for the event if it, or a similar event, should occur in the future."

This report is critical for BPD to fully understand what actually happened and how to prevent the same problems from reoccurring in future similar events. To our knowledge BPD still has not reviewed and critiqued its performance that night for lessons learned.

12. **Media Treatment.** There was also a report of a BPD confrontation with a media representative with a press pass outside the building, indicating that the reporter was repeatedly pushed, struck in the arm with a baton, and her camera pushed in her face. This is documented in the letter dated June 23, 2017 to the Mayor and Chief Greenwood from the Pacific Media Workers Guild. We are told by the Guild that this complaint has not been addressed. Some of these same issues were reported in the Black Lives Matter protests. What will be done to address this issue for: a) the June 23<sup>rd</sup> complaint; and, b) a department-wide policy change that will prevent a continuation of the problem?

## **Recommendations**

As can be seen in the findings, questions remain about which general orders apply, why certain decisions were made by BPD, the levels of training and advanced planning, and others as noted, which need a response from BPD and City Management. That process now needs to occur to ensure accountability and to improve BPD's performance in the future.

The subcom recommends that the PRC do the following:

1. That the subcom findings and recommendations shown herein be adopted by the PRC and referred to the Police Chief and City Manager.
2. That the BPD and City Manager be requested to submit a report back to the PRC within 90 days specifically addressing the issues and questions in each of the findings above and stating what specific actions will be taken to improve BPD's response to these types of incidents in the future.



Lee, Katherine

**From:** Speelman, Samantha M.  
**Sent:** Monday, December 04, 2017 5:08 PM  
**To:** Lee, Katherine  
**Subject:** Lexipol Policies 1 of 3  
**Attachments:** 101 Chief Executive Officer PRC.docx; 102 Oath of Office PRC.docx; 103 Policy Manual PRC.docx; 200 Organizational Structure PRC.docx; 204 Electronic Mail PRC.docx; 205 Administrative Communications PRC.docx; 206 Retiree Concealed Firearms PRC.docx; 302 Handcuffing and Restraints PRC.docx; 307 Vehicle Pursuits PRC.docx; 308 Canines PRC.docx

I'm sending you 25 of the Lexipol policies, they are out of order since others are in various stages of research and approval.

10 of 25

1	101	Chief Executive Officer
2	102	Oath of Office
3	103	Policy Manual
4	200	Organizational Structure and Responsibility
5	204	Electronic Mail
6	205	Administrative Communications
7	206	Retiree Concealed Firearms
8	302	Handcuffing
9	307	Vehicle Pursuits
10	308	Canines
11	309	Officer Response to Calls
12	310	Domestic Violence
13	311	Search and Seizure
14	312	Temporary Custody of Juveniles
15	313	Adult Abuse
16	314	Discriminatory Harassment
17	315	Child Abuse
18	318	Victim and Witness Assistance
19	319	Hate Crimes
20	320	Department Use of Social Media
21	323	Report Preparation
22	324	Media Relations
23	330	Death Investigation
24	331	Identity Theft
25	332	Communications with Persons with Disabilities



September 19, 2016

To: A. Greenwood, Chief of Police  
Via Chain of Command

From: Sgt. Stines #S-30

**Re: Commendation for Exemplary Service in pursuit of Departmental Goals**

I want to take this opportunity to commend the notable police work of Officers Pierantoni, Bledsoe, Nabozny, Coats, Burcham, Ledoux, and Ordaz.

On September 19<sup>th</sup>, 2016 at 102 2hrs BPD received reports from the resident a [REDACTED] that her son [REDACTED] had been smoking drugs for about a week and was making threats to hurt her and her other son. When Officers Coats and Nabozny arrived [REDACTED] brother was coming out of the apartment followed by [REDACTED] brother was telling [REDACTED] to get away, and was clearly frightened. [REDACTED] saw the police officers arriving, and quickly went back inside, emerging soon after with a knife in his hand. He began making threats to kill the officers and his family.

[REDACTED] mother came out of the apartment and managed to get her son to give her the knife. During this tense standoff, Officers Nabozny and Coats communicated calmly and clearly with the involved parties. They took what could have easily become a tragedy and deescalated the situation using solid tactics and training. The officers directed [REDACTED] mother and brother to flee down the staircase, as [REDACTED] ran back into the apartment locking himself inside.

As this was unfolding responding officers set up a perimeter, and secured the block.

[REDACTED] opened up the living room window and began screaming at officers below; threatening to come down and stab them.

Over the next three hours, officers held the perimeter while Ofc. Pierantoni negotiated with [REDACTED] [REDACTED] several times threw glass bottles at officers, spit out the window and was seen playing with a lighter.

MH arrived on scene and gave negotiators the information that [REDACTED] had a propensity to violence until he was detained.

After some time [REDACTED] asked for Swisher Sweets. Swisher Sweets were purchased and brought to the scene. Ofc Pierantoni negotiated with Guiza to exit the apartment and agreed to toss him the Swishers.

As [REDACTED] came down the stairs, Officers Ordaz and Ledoux silently approached from the back stairs and secured the entrance to Guiza's apt. They also successfully secured the landing with less lethal cover for the officers approaching [REDACTED] in the parking lot. [REDACTED] turned and saw that he was

surrounded. Officers Bledsoe, Coats, and Nabozny swiftly and successfully took [REDACTED] into custody with no injury to any of the involved parties.

Of special note, Ofc. Pierantoni stood in the driveway in an attempt to focus [REDACTED] attention and attacks on him throughout the incident. [REDACTED] made repeated threats targeting other officer's race and gender, and would become increasingly agitated if he saw an officer that he had expressed prejudice against. This limited our ability to switch other negotiators into the primary position for fear of further escalating the situation. Ofc. Pierantoni stood in the direct sunlight, sweating in his blue wool uniform but never taking his eyes off the subject, nor losing sight of the location of the other officers on the scene. His situational awareness, and clever use of volume and tone to refocus the subject on him, (if the subject became distracted by another officer's movement) was masterful.

There was an intense burden of responsibility placed on Ofc. Pierantoni as he was being physically attacked by the subject -- throwing glass bottles and metal objects at him -- while being expected to keep the conversation with the subject moving towards a resolution. This was a scene that even the most experienced officers found truly exceptional.

He placed himself in personal danger, not in a reckless manner, but in accordance with his oath to protect life and property, and accepting the cost of that oath to his personal health and well-being. He understood that the subject was alternatively homicidal and suicidal, and at one point was balancing precariously on the ledge of his 2nd story window. A fall from which height if he landed poorly on the concrete driveway could easily have resulted in his death.

All of the above named officers displayed exceptional professionalism, patience, and bravery as they faced mentally ill, armed suspect. Their actions comported with the finest traditions of the Berkeley Police Department and are worthy of commendation.

Respectfully Submitted,

Sgt. C Stines #S-30

9/18/15

Dear Officer Loeliger,

I want to thank you for helping me with my case. You helped me feel safe, and you were very serious about my case. I appreciate all of the work and effort you have done for me. Thank you for putting this "man" behind bars, where he can't make another person a victim. One day, I hope to be in law enforcement, specifically an FBI Investigator. But, I also hope to be just like you and Sheriff Greg, making the community a safe place. Once again, thank you very much.

Sincerely,

[Redacted Signature]

September 29, 2016

To: Andrew Greenwood, Interim Chief of Police  
From: Cynthia McClellan, Assistant Management Analyst, Fiscal Services  
Re: Commendation/Acknowledgement: Officer Jessyca Nabozny, Team 1

Dear Chief Greenwood:

I would like to express my gratitude and appreciation for Officer Jessyca Nabozny's exemplary display of one of the department's values of service and being "committed to proactive law enforcement and problem solving". Her assistance during the months of July and August with procuring grant-related items for the 2015/2016 Selective Traffic Enforcement Program (STEP), Office of Traffic Safety Grant, was crucial in its overall success. According to Fiscal Services Manager, Chuck Gunter, "we [Police Department] expended just under 97% of our grant which is excellent...and this is another factor OTS considers in future grant awards" (The 2015/2016 grant award was \$180,000, and the Office of Traffic Safety reimbursed **\$174,044** for expenditures from 10/1/15 through 9/30/16).

During Officer Nabozny's tenure as an Area Coordinator, she researched various vendors that sold traffic, pedestrian, and bicycle safety supplies. The benefit of having these supplies would serve multiple purposes. They would be available for various 2014/2015 grant-related operations, in addition to being distributed during Solano Stroll and National Night Out. Because safety and educational supplies weren't included in the 2014/2015 grant, Officer Nabozny was advised to wait until the following 2015/2016 grant term. One year later, when the items were allowed in the 2015/2016 grant, she had returned to Patrol. Concurrently, the Traffic Division had some staffing challenges and there was the probability that staff wouldn't have time to purchase these items using grant funds. This would subsequently mean returning funds allocated for these purchases to the Office of Traffic Safety.

In July, I reached out to Officer Nabozny for her assistance, and although she had returned to patrol, she agreed without hesitation, to assist me with procuring grant-related supplies. While still performing her patrol duties and obligations, she reached out to vendors, and made the initial contact that led to the purchase of 50 youth/child bicycle helmets, 523 small reflector lights, 900 coloring books and 500 book marks.

Her assistance was vital to making the September 30, 2016 grant purchasing deadline. Furthermore, Officer Nabozny provided her time and extended her assistance without seeking accolades. She did it because she is a genuinely good person and officer, striving to make things better one act at a time.

RECEIVED  
DEC 30 2016  
OFFICE OF THE CHIEF

Dear Officer Cerletti,

Two months have passed since I hit a young Berkeley student on the morning of October 12<sup>th</sup>. My husband and I thank you, again, for your kindness to us on that very sad day.

Before supper each evening, we include the young lady in our prayers. We pray for her good healing and recovery from the trauma that I caused her. We thank God for you.

I just completed my third session with a doctoral student in Behavior Medicine in the Kaiser Psychiatry Department. I was diagnosed with Acute Stress Disorder (AST), so we are working on desensitizing. For now, I am using Uber and Lyft.

With prayer, the love of my sweet husband and therapy sessions, I will be able to forgive myself.

As my husband and I prepare for this Season of Giving, we want to thank you, Officer Cerletti. You are truly a gift to us.

December 20, 2016

Thank You!

*May God continue to daily protect you  
and keep you safe.*

*Merry Christmas and a Happy 2017 to  
you and your love ones, Officer Cerletti!*

*Sincerely,*



December 17, 2016

Dear Chief Greenwood,

I called today for assistance regarding a dispute with a neighbor. I spoke with sergeant Tate who immediately sent officer Muratovic to my home. The officer was personable, helpful and above all, professional. I am so impressed. These are our law enforcement officers who never make the nightly news. I think these two deserve a star after their names. Thank you.

With respect,



*Off Muratovic, Sgt Tate,  
Thanks for your work &  
the positive impression you made  
on Mr. [redacted] - stars after your  
names - nice! AGC*

RECEIVED  
DEC 29 2016  
OFFICE OF THE CHIEF



Dear Chief A. Greenwood,  
Peace Be Unto You!

As an elder Muslim African-  
American male I,

if ; BELIEVE  
BLACK LIVES MATTER TOO!

ON Sunday, 12/4/16 APPROXIMATELY  
9:22 pm I OBSERVED WHAT  
APPEARED TO BE THREE (3)  
WHITE BERKELEY OFFICERS  
RESOLVING AN ALTERCATION  
AT THE CREME STORE,  
CHANNING WAY AT TELEGRAPH.

Thank you to Sgt Cummins

Det. Hon. Lester, Yu + Tillberg

for your professionalism and the  
considerable positive impression you  
left on Mr. ... His sincere  
appreciation per your ... Thank you! A.C.

ALTHOUGH I DON'T KNOW  
THE BERKELEY CODE BOOK  
OF PROCEDURES FOR  
OFFICERS... I AM AWARE  
OFFICERS REFLECT THE  
LEADERSHIP STYLE AND  
MANAGEMENT DICTATES OF  
THE CHIEF.

PERSON WHO WAS CAUSING  
TROUBLE AND BEHAVIOR WHICH  
APPEARED DANGEROUS WAS AFRICAN  
AMERICAN. YOUR OFFICERS  
RESPECTED HIM MORE THAN  
HE RESPECTED HIMSELF, AND  
THEY DEMONSTRATED CARE FOR  
SAFETY OF ALL SURROUNDINGS

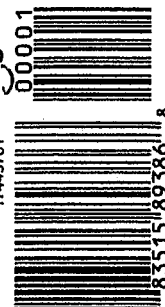
(OVER)

to receive -  
Thank you! A.C.

THEY LISTENED ACTIVELY,  
THEY KEPT SITUATIONS SAFE...  
I WAS SO CONFIDENT IN  
THEIR FAIRNESS THAT I  
LEFT WITHOUT 2ND GUESSING  
THE OUTCOME.

I KNOW YOU WILL SAY  
THEY JUST DID THEIR JOBS.

These Tender Thoughts  
are to say thank you  
for excellence sake. My  
daughters live in Berkeley,  
one is an ASSOCIATE PROFESSOR  
AT CAL - Your office's are  
good people



Sincerely,

4238304  
\$1.95 TETY54933-00Y  
TENDER THOUGHTS GREETINGS  
1820 MATHESON BLVD. MISSISSAUGA, ONTARIO L4W 0B5  
©AGC, LLC MADE IN U.S.A.



## Gonzalez, Manuel

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**From:** Gonzalez, Manuel  
**Sent:** Thursday, January 19, 2017 7:50 AM  
**To:** Gonzalez, Manuel  
**Subject:** Commendation for PSD Huceby

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**From:** Ross, Sean B.  
**Sent:** Monday, January 16, 2017 8:40 PM  
**To:** Durbin, Michael R. <[MDurbin@cityofberkeley.info](mailto:MDurbin@cityofberkeley.info)>  
**Subject:** Commendation for PSD Huceby

Lieutenant Durbin,

On 01/16/17 I was assigned an investigation where an unidentified subject allegedly threatened a City Council member. The subject was from out of state and had an extremely common name, therefore making it difficult to identify him. I went to the Communications Center to seek help from RB1 with getting information from another state, however the RB1 operator was busy. PSD Huceby was working Control and asked if I needed help. I explained the situation and she offered to do records checks in her spare time even though she was working Control. I gave her the information I had on the suspect and within about (10) minutes she had the suspect fully identified!!!

This has been characteristic of all of my experiences with PSD Huceby as she is always willing to dig in and help. PSD Huceby fully supports the efforts of officers on the street and in this case identified the suspect in a fairly sensitive investigation. Her participation in this case went above and beyond what is expected of a dispatcher working Control and is worthy of commendation.

Respectfully submitted,

Sergeant Ross

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Thursday, February 09, 2017 10:20 AM  
**To:** Gil, Sergio  
**Subject:** FW: Accommodation for Oliver Brown

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**From:** Terry, Renita G.  
**Sent:** Friday, January 27, 2017 2:25 PM  
**To:** Garrett, Lyesha <[lgarrett@cityofberkeley.info](mailto:lgarrett@cityofberkeley.info)>  
**Subject:** Accommodation for Oliver Brown

Hi Lyesha,

On January 26, 2017, I received a phone message from Ms. [REDACTED] who lives at [REDACTED]. In her message she stated she was a senior and it was difficult to get Her garbage and recycling out in front of her home. Officer Brown was able to get a car moved and assisted her in putting her cans out. She stated her interaction with him was He was so kind and courteous.

She also mentioned that she was a former Police Commissioner and it really made her happy that we have people like Officer Brown and felt we should know this.

Please assist me in forwarding this accommodation forward so that Oliver can be recognized for his kind and courteous act.

Thank you  
Renita Terry, PES

**Gil, Sergio**

---

**From:** Gil, Sergio  
**Sent:** Thursday, February 09, 2017 10:09 AM  
**To:** Gil, Sergio  
**Subject:** FW: Officer Cerletti - commendation

From: [REDACTED] [mailto:[REDACTED]]  
Sent: Thursday, February 02, 2017 8:20 AM  
To: BPD Webmail <bpdwebmail@cityofberkeley.info>  
Subject: Officer Cerletti

I'm writing to commend Officer Cerletti (Serial 144). He stopped me this morning for a moving violation (at Cedar/Acton), and throughout our interaction was polite, respectful, and professional. As a resident of that neighborhood (who had a momentary yet regrettable lapse of attention), I'm glad he was there to make that intersection safer.

[REDACTED]  
[REDACTED]  
[REDACTED] 92

# BERKELEY POLICE DEPARTMENT



To Sergeant White and the Jail Chain of Command Respectively  
From CSOS A. Escamilla-McNie  
Subject: Commendation for CSO Brenda Logan

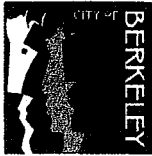
I would like to thank and commend CSO Logan for going above and beyond on 2/3/17 and 2/4/17. On these particular days, the jail was significantly down in staffing due to last minute illnesses, jail school, and normal staff days off. It came to my attention that day shift on 2/4/17 would go down to one CSO, which is below minimal staffing. I called CSO Logan last minute to see if she was willing to adjust her schedule so there would be coverage for the jail. I explained the situation to her and without hesitation, she immediately stepped up:

CSO Logan throughout the years has always been willing to work many hours and help with staffing needs and coverage. I would like to thank her for her time and service as it does not go unnoticed. It is much appreciated.

Thank you for your hard work,

CSOS Alicia Escamilla-McNie





**BERKELEY POLICE DEPARTMENT MEMORANDUM**



To Chief Andrew R. Greenwood via Chain of Command Date 2/16/17  
From Sgt. Marble #S-20 *AMR*  
Subject **Commendation for Officer Kelvin Gibbs #140**

I am writing this commendation to recognize and praise Officer Gibbs for his above and beyond performance during a routine traffic stop. Of specific note, his excellent customer service and representing the Berkeley Police Department well.

On 9/29/16 at approximately 2330 hours, I received a call in the Sergeant's office from [REDACTED]. [REDACTED] said that moments earlier, he was driving his car when he was pulled over by Officer Gibbs. [REDACTED] said that Officer Gibbs addressed him in a calm, cool, and collected manner. [REDACTED] specifically mentioned that Officer Gibbs was "not aggressive" at all. Officer Gibbs explained to [REDACTED] that he pulled him over for a defective taillight. [REDACTED] told Officer Gibbs that over the last two months, he has had a problem with that specific taillight. He told him that he fixed it numerous times but that the light just kept going out, and that he has been pulled over numerous times because of it.

Officer Gibbs told [REDACTED] that he used to work on cars and asked [REDACTED] if he could take a look at the taillight. [REDACTED] was shocked and allowed Officer Gibbs to examine the taillight, even though he did not have to. [REDACTED] said that Officer Gibbs explained what might be the problem and gave him a possible solution to try. [REDACTED] was "completely caught off guard" when Officer Gibbs let him go with a warning. [REDACTED] said that all the other police officers issued him a fix-it ticket for the taillight.

[REDACTED] explained that he was a Military Veteran and that he had to call Officer Gibbs' supervisor and explain what a "special police officer" we have in Officer Gibbs, especially because of the recent tension between police and the general public.

Due to Officer Gibbs' communication skills and compassion, he turned a traffic detention into a very positive police contact for [REDACTED]

In closing, I respectfully request that this memorandum be processed as a commendation for Officer Gibbs for his exemplary service.

To All,

I took this phone call on 9/29/16. I misplaced my notes and recently found them. That is why this is coming in late! Sorry about that!

Marbs

Detective Fuentes,

2/22/17

Thank you so much for your  
care and support to my daughter.

You created a safe  
space for my daughter and she  
expressed how comfortable she felt  
sharing a difficult experience.

I also appreciate all of the  
information & resources you explained  
to me. You were one of the most  
helpful people I spoke to, & gave

me a place "to start", as we  
navigated a sometimes confusing  
U.C. process.

The work you do is so important  
& you helped my girl & me in a  
very difficult <sup>Hallmark</sup> time.

Thank you so very much.

Sincerely,

... PAPER FROM  
WELL-MANAGED FORESTS  
MADE IN CHINA



THANK YOU

PLEASE  
FOR OFFICERS DRISCOLL #71 OFFICER SMITH #00  
& DET. FUENTES #73  
THANKS,  
HEARON  
SGT. PHILIPS 5-17

February 22, 2017

Dear Officer of the Chief of Berkeley Police Department,

I am writing this letter to express my gratitude to the City of Berkeley Police Department. I also wish to praise the officers and detective who assisted our family. I meant to write this letter months ago to share my thoughts.

My daughter was sexually assaulted in Berkeley during September 2016. She was traumatized by the assault and reluctant to report until she recognized a photo of the assailant posted in the Daily Californian about a week later. She was home visiting us, called Berkeley Police Department, and we drove over to give her report.

Officer Driscoll (Badge #71) and Officer Smith were the two officers that interviewed my daughter, along with a female victim advocate present for support [REDACTED]. These officers were professional and extremely kind to my daughter in a very challenging time. She was terrified from her experience and terrified about re-telling the event. My daughter was in a state of high trauma and disbelief at this time. Your officers made her feel safe, maybe for the first time since the event, and enabled her to report what had happened to her. I waited in the after-hours area while my daughter gave her report, per her request. Officer Smith came out several times to check on me, and to provide information regarding time and next procedures. Both officers demonstrated kindness and empathy, as well as providing clear information regarding a difficult and novel experience for us. The interview was lengthy and the officers also had my daughter show them the location of the assault. When it was over, and we were in the car headed home my daughter stated "Now I have two police officers I consider friends." That statement told me how safe she felt, and they were part of the first steps in her process to heal.

At a later time, my daughter met with Detective Fuentes. My daughter expressed feeling very supported and strong affinity with Detective Fuentes. I also had the opportunity to speak with Detective Fuentes and felt similar. My daughter's assault occurred in a building owned by UC Berkeley, and her case was transferred from Berkeley PD to UC Berkeley PD. Detective Fuentes helped support my daughter with this transition. She also provided me with information regarding resources to access at UC Berkeley regarding these kinds of crimes. I am very grateful that Detective Fuentes shared this information with me, for it was not presented clearly to my daughter or myself via the UC Berkeley avenues.

Currently, my daughter's case is being handled by Alameda County District Attorney and in process in Criminal court. It has been a long, arduous process. I do recognize that the individuals who help in moments of extreme duress are "heroes". Officer Driscoll, Officer Smith and Detective Fuentes were those people for us. Thank you for maintaining a staff that is professional and responsive, and that exhibits skill and compassion.

Sincerely,

[REDACTED]

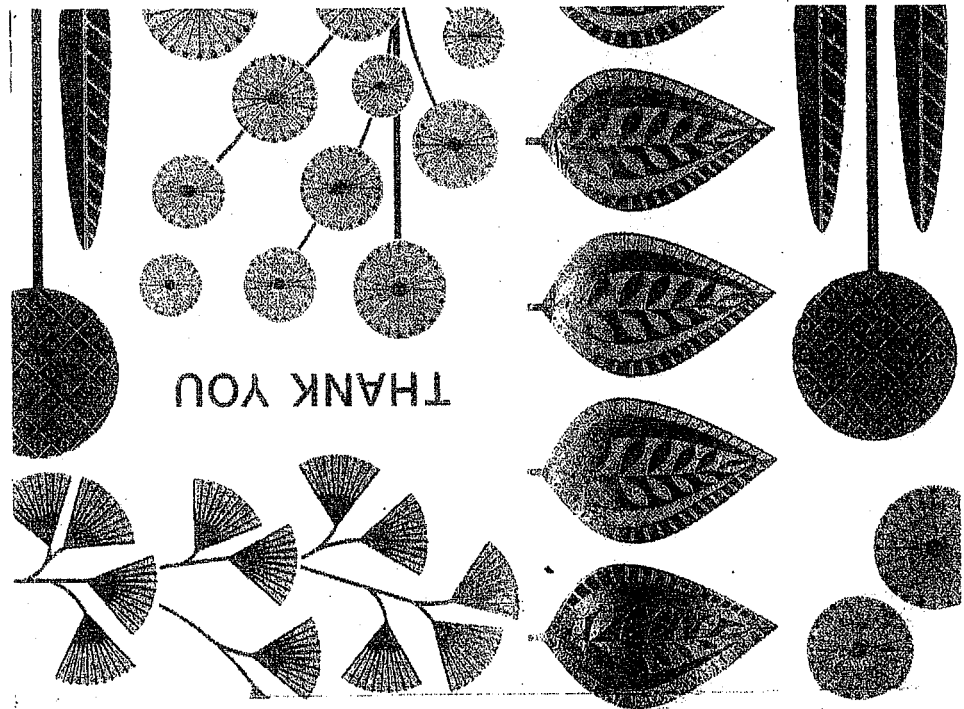
[REDACTED]

Officer Driscoll,

2-22-17

I want to thank you for the kindness and assist you gave to my daughter -  
- - - back in September. It was a very difficult experience for her (+ our family) but you provided a sense of safety, and a forum for her to file the report. I often think about that night, and it was such a relief to bring her to you and have your assist in this process.

I apologize for the lateness of this



THANK YOU

letter.... for I am grateful every day that Emily reported this assault & that she was received with compassion

Sincerely..

*[Handwritten signature]*

MADE WITH PAPER FROM WELL-MANAGED FORESTS  
MADE IN CHINA

## Gil, Sergio

---

**From:** Gil, Sergio  
**Sent:** Thursday, February 23, 2017 12:03 PM  
**To:** Gil, Sergio  
**Subject:** FW: Traffic Assistance to Patrol

**From:** Durbin, Michael R.  
**Sent:** Wednesday, February 22, 2017 2:38 PM  
**To:** Murphy, Emily J. <EJMurphy@cityofberkeley.info>  
**Cc:** Louis, Jennifer A. <JLouis@cityofberkeley.info>; Spiller, Edward <ESpiller@cityofberkeley.info>; Files, Randolph <RFiles@cityofberkeley.info>; Ross, Sean B. <SRoss@cityofberkeley.info>; Delaluna, Patricia <PDelaluna@cityofberkeley.info>; Stines, Christian O. <CStines@cityofberkeley.info>  
**Subject:** Traffic Assistance to Patrol

Sergeant Murphy,

Please thank Motor Officers Cerletti, Murray and Cole for their assistance yesterday at the stabbing that occurred on [REDACTED]. Officers Cerletti and Murray were the first on-scene; they were tremendously helpful in bringing calm to a chaotic situation and gathering information leading to the direction of flight of the suspect. They also stayed on scene and assisted with statements which freed up officers to conduct a widespread search for the suspect. Officer Cole was one of the officers who assisted in the search for the suspect; my understanding is that she covered a lot of the marina on her motorcycle, including areas that could not be easily accessed by a patrol vehicle. Officer Cerletti was one of the last officers on scene at the school because he also conducted an in-field show up with one of the witnesses.

Please share my appreciation with Officers Cerletti, Murray and Cole. I am sure that I am also speaking for the Team 1 and Team 2 sergeants and officers. Officers Cerletti and Murray should also know that the staff at the school told Officer Nabozny that they appreciated how the officers on scene delicately and professionally handled the situation.

Lieutenant Mike Durbin L-3  
Operations Division  
Phone Direct: (510) 981-5795  
Lieutenant's Office: (510) 981-5801  
[mdurbin@ci.berkeley.ca.us](mailto:mdurbin@ci.berkeley.ca.us)

[REDACTED]



: Durbin, Michael R.  
**Sent:** Tuesday, February 28, 2017 10:25 AM  
**To:** Louis, Jennifer A. <JLouis@cityofberkeley.info>  
**Cc:** Stines, Christian O. <CStines@cityofberkeley.info>; Delaluna, Patricia <PDelaluna@cityofberkeley.info>; Jung, Roselyn C. <RJung@cityofberkeley.info>  
**Subject:** FW: Appreciation: Work of Officer Ordaz

Captain,

I am requesting that you submit the e-mail below from Minuteman Press as an external commendation for Officer Ordaz.

I would like to add the following:

Officer Ordaz's success was a result of a weeklong effort on his behalf that required constant monitoring and contacts. Ultimately, enforcement and an arrest was necessary. Officer Ordaz also coordinated with Public Works and the Community Service Bureau to make sure that the clean-up efforts went smoothly.

I agree with the comments from Minuteman Press that this was a difficult job. Nevertheless, Officer Ordaz handled it in line with our Mission – through proactive law-enforcement and problem solving.

**From:** Scott, Christopher  
**Sent:** Friday, February 24, 2017 10:46 AM  
**To:** Delaluna, Patricia <PDelaluna@cityofberkeley.info>; Hurtado, John <jhurtado@cityofberkeley.info>  
**Cc:** Harrington, Phillip <PHarrington@cityofberkeley.info>; Durbin, Michael R. <MDurbin@cityofberkeley.info>  
**Subject:** Fwd: Appreciation: Work of Officer Ordaz

Please see note from business thanking PW staff and Ofc Ordaz for efforts in in the west.

Sent from my Verizon, Samsung Galaxy smartphone

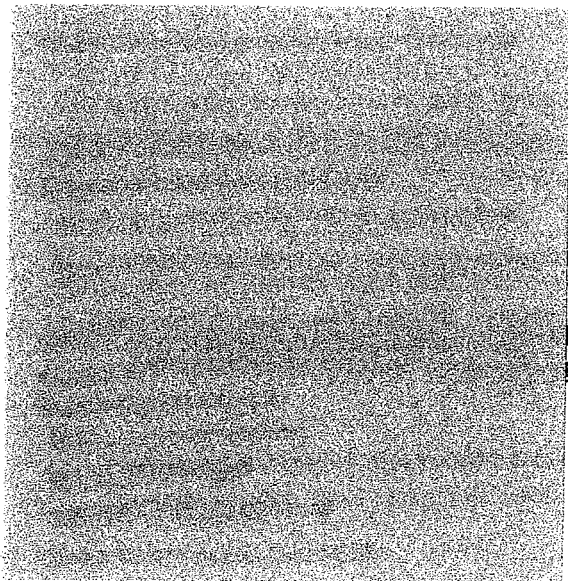
----- Original message -----

**From:** ~~Fred Fassot <fred.fassot@minutemanpress.com>~~  
**Date:** 2/24/17 10:13 AM (GMT-08:00)  
**To:** BPD Webmail <bpdwebmail@cityofberkeley.info>  
**Cc:** ~~Debbie Davala <Debbie.Davala@minutemanpress.com>~~, "Scott, Christopher" <CScott@cityofberkeley.info>  
**Subject:** Appreciation: Work of Officer Ordaz

To Berkeley Police Department,

We want to thank Officer Ordaz for help in the clean-up of encampments next to our property on Fifth Street. We appreciate that this is a very difficult job. It sure makes a big difference to us now that the area around our business is again clean. We also thank people from Public Works who assisted in hauling away debris.

Sincerely,



[Redacted signature line]

[Redacted signature line]

[Redacted signature line]



**Berkeley Police Department  
Memorandum**



To: Chief Greenwood via chain of <sup>of command</sup> Date: 03-01-2017  
command

From: Lt. K. Reece #L-7 <sup>(KP)</sup>

Subject: **Employee Commendation for CSO McDaniels**

On 02-24-17 I became aware of an incident where a suspect attempted to escape from custody while he was in the sally port and CSO McDaniels assisted in bringing this suspect back into custody. I then spoke to CSO McDaniels and the involved officer. The involved officer was grateful of CSO McDaniels assistance.

Shortly after midnight 02-24-17 a patrol officer arrested a suspect for a narcotics violation. The suspect was then transported to the Berkeley Jail to be booked. Sometime between the transport and the time the suspect was about to be walked into the jail the suspect had slipped one hand out of the handcuffs, freeing up his hands. To hide this, the suspect kept his hands behind his back, simulating that he was still handcuffed. As the officer was about to walk the suspect into the jail the suspect sprinted away from the officer and ran south out of the sally port.

McDaniels was inside the control booth of the jail with one of his partners when he saw the suspect sprint away from the officer. McDaniels immediately directed his partner to open the interior jail doors so that he could assist the officer. CSO McDaniels sprinted out of the jail and was the first person to get to the officer. At this time the officer had tackled the suspect and was struggling to handcuff the suspect who was still resisting. CSO McDaniels was able to control one of the suspect's arms and assisted in handcuffing the suspect before other police officers arrived to assist.

I want to commend CSO McDaniels for his brave and swift actions to assist an officer in need. He saw a situation develop in front of him and recognized the officer was in need of assistance and did not hesitate to help. His actions were well above what is required of him and are a fine example of his bravery and team spirit.





# Commendation

**To:** Andrew Greenwood, Interim Chief of Police, via the chain of command *[Signature]*

**From:** Sergeant Veronica Rodrigues #S-24

**Date:** 3/5/2017

**Re:** Commendatory work by Officer Donovan Edwards #135, Officer Jason Baker #112, Officer Neil Egbert #103, Officer Pock #123, Officer Latorop #55, Officer Jones #14.

On February 25, 2017 at approximately 9:08 p.m., Officer Edwards and Officer Baker observed a black Volkswagen parked in a disabled parking space in the parking lot of Extra Space Storage at 601 Cedar Street in our city. Officer Edwards conducted a record check of the Volkswagen which revealed the vehicle was registered to [REDACTED], a known Berkeley resident and burglar.

Officers Edwards and Baker conducted an investigative vehicle stop and contacted [REDACTED] in the back seat of the Volkswagen. A record check of [REDACTED] revealed she was active to felony probation for PC 530.5 (identify theft) with a four way search clause. [REDACTED] told officers [REDACTED] was inside of the Extra Space Storage.

Based on [REDACTED]'s admission and [REDACTED]'s criminal history, Officer Edwards and Baker suspected they interrupted a commercial burglary and requested additional units.

Officer Edwards and Officer Pock detained [REDACTED] walking out of one of the Extra Space Storage buildings carrying several boxes (suspected stolen property). [REDACTED] was later found to be active to misdemeanor probation for PC 466 (possession of burglary tools).

Officers surrounded the building [REDACTED] was observed walking out from. Officer Pock heard the distinct sound of a person inside the storage building prying metal and wood. Officers made entry into the building and contacted Vega inside the building and in possession of a screwdriver.

Officer Pock conducted a more extensive search of the interior of the building prowled by [REDACTED] and [REDACTED] and located 6 storage units that had been burglarized.

A probable cause/search incident to arrest of [REDACTED] revealed \$5,568 dollars in cash, a methamphetamine smoking pipe and additional burglary tools.

March 5, 2017

A probable cause search/search pursuant to [REDACTED]'s probation of the Volkswagen yielded approximately 2 ounces of methamphetamine packaged for sale (59.12 grams), ammunition, numerous suspected stolen items, a significant amount of burglary tools, and identity theft profiles.

[REDACTED] was arrested for multiple counts of PC 459, HS 11378, HS 11379, PC 496, PC 12022.1, PC 30305 and PC 466.

[REDACTED] was subsequently arrested for PC 459, PC 496, PC 1203.2, and HS 11350(A).

A probation search of [REDACTED] purse revealed identify theft profiles containing personal identifying information for several people.

A subsequent probation search of [REDACTED]'s apartment was conducted in Albany. Officer Egbert led a team of officers for this search and located a stolen firearm and additional identity theft profiles. Officer Egbert obtained a Mirandized statement from [REDACTED] in which she admitted the stolen gun belonged to her. The firearm was within access to [REDACTED]'s 14 and 11 year old children.

[REDACTED] was arrested for PC 530.5, PC 29800, PC 273A, PC 466 and PC 1203.2.

Officer Lathrop obtained a search warrant for [REDACTED]'s residence at [REDACTED]. [REDACTED]'s girlfriend, M [REDACTED], was contacted inside of the residence. [REDACTED] is also a known burglar and methamphetamine user/seller. A search of the residence revealed a bicycle that was stolen from a residential burglary in Contra Costa County. Officers also located indicia for a storage locker rented under [REDACTED]' name. Officer Lathrop later obtained a Mirandized statement in which [REDACTED] admitted the bicycle belonged to her.

Further investigation by Officer Edwards of the suspected stolen property recovered from the scene found the items in [REDACTED]'s possession were stolen.

On 02-26-17, using information obtained from the search warrant conducted at [REDACTED], Officer Jones obtained a search warrant for [REDACTED]' storage locker in Richmond. The search revealed additional ammunition. [REDACTED] is a convicted felon and the charge of PC 30305 was added.

The Alameda County District Attorney charged all four suspects with numerous felony counts. At the time of this writing, three out of the four suspects remain in custody.

I would like to commend the above listed officers for their outstanding work on this case. This case is an excellent example of the teamwork and quality police work done on a daily basis by the members of this police department. All of the officers in this case and their proactive police work, persistent investigative abilities and diligent work ethic led to the arrest of 4 significant criminals, the recovery of a considerable amount of stolen property and methamphetamine and the prevention of future burglaries and other crimes in our city.

THIS IS A GREAT EXAMPLE OF HOW PROACTIVE POLICEWORK & EFFECTIVE TEAMWORK CAN RESULT IN SOUND ARRESTS THAT DIRECTLY REDUCE CRIME IN BERKELEY.

2

PLEASE ADD SGT CUMMINGS TO THIS LIS AS THE SCENE SUPERVISOR AT 601 CEDAR AND SGT RODRIGUES WHO OVERSAW THE PROBATION & SEARCH WARRANT SERVICES THAT STEMMED FROM THE STOP ON CEDAR

**From:** [REDACTED]  
**Date:** March 9, 2017 at 5:33:05 PM PST  
**To:** "Louis, Jennifer A." <JLouis@ci.berkeley.ca.us>  
**Cc:** Margo Bennett <bennettm@berkeley.edu>, Andy Greenwood <agreenwood@ci.berkeley.ca.us>, "Hawk, Angela F." <AHawk@ci.berkeley.ca.us>, <MKusmiss@ci.berkeley.ca.us>  
**Subject:** Appreciation for BPD's Assistance on 3/8/17

Hi Jen,  
Please relay/forward my sincere thanks to your personnel (listed below) for their assistance yesterday afternoon at two separate priority incidents occurring during the same time frame.

Lieutenant Hawk  
Sergeant Kusmiss  
Officer Ramey #128  
Officer Dozier #119  
Officer Del Rosario #99  
Officer Gardner #121  
Officer Libed #149  
Officer Mathis #80  
Officer Singh #10  
Officer Driscoll #71

In the first incident, UCPD received multiple reports of a suspicious person seen inside three separate buildings in the Unit 1 residential complex. One of the RPs also stated that he had just been robbed by the individual at gunpoint. Unit 1 is consisted of six multi-story buildings and a central underground facility. Under Lt. Hawk and Sgt. Kusmiss' direction, BPD established a good perimeter, which freed up UCPD officers to conduct a room-by-room search of the entire complex in a timely manner.

As the above incident progressed, UCPD responded to a call of a suspected drunk driver who was driving on a campus pedestrian pathway and was combative with the officers when they arrived. Since we've depleted all of our on-duty personnel at this point, one of your officers responded to provide prisoner transport in case it's needed.

We appreciate your personnel's quick response to our request for assistance. Their professionalism and willingness to help speak highly of your department and the collaboration between our agencies.

Alex



**Alex Yao**  
*Police Captain*

*1 Sproul Hall  
Berkeley, CA 94720-1199  
(510) 643-9597*

**UCPD Berkeley**



UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

POLICE DEPARTMENT

ROOM 1 SPROUL HALL  
BERKELEY, CALIFORNIA 94720-1199

March 10, 2017

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

Dear Chief Greenwood, *Andy*

I would like to take this opportunity to thank you for the response and assistance members of the City of Berkeley Police Department (BPD) provided to UCPD during two priority incidents (a robbery/man-with-a-gun call in Unit 1 residential complex and a suspected drunk driver on a campus pedestrian pathway) on Wednesday, March 8, 2017.

Your officers were instrumental in the success of the operation at Unit 1 and served to fill a crucial need at the suspected drunk driver call. When UCPD contacted your department for assistance, your personnel responded quickly and their professionalism speaks highly to the quality of your organization. I heard nothing but praise for your officers.

This was an outstanding example of inter-agency collaboration and your personnel contributed greatly to the successful conclusion of these incidents. I would like to commend all involved BPD personnel listed below:

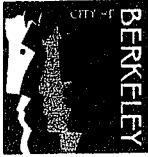
- |                         |                      |
|-------------------------|----------------------|
| Lieutenant Hawk #L2     | Officer Gardner #121 |
| Sergeant Kusmiss #S6    | Officer Libed #149   |
| Officer Ramey #128      | Officer Mathis #80   |
| Officer Dozier #119     | Officer Singh #10    |
| Officer Del Rosario #99 | Officer Driscoll #71 |

Please relay our gratitude to the members of your department for their assistance and a job well done!

Sincerely,

Margo Bennett  
Chief of Police

*Thanks everybody  
for your teamwork and  
support of our UCPD colleagues  
I was meeting with Chief Bennett  
as this untolded and can attest  
to the Capt Yag's appreciation  
of BPD's response -  
thank you.  
ALG-C-1*



BERKELEY POLICE DEPARTMENT MEMORANDUM



To Interim Chief Andrew Greenwood, <sup>AGC</sup> Date March 13<sup>th</sup>, 2017  
 via chain of command

From Crime Scene Supervisor, Andrea Cardoza #CS1A <sup>AGC</sup> <sup>MS</sup> <sup>CS</sup>

Subject Commendation for CSO Dorin Lee #459

On Monday, February 6<sup>th</sup>, 2017 the Berkeley Police Department digital management system, VeriPic, sustained a system wide failure. The system failure lasted several weeks creating severe backlogs throughout the department. One such backlog was Records Requests. These requests are submitted to the crime scene unit on a daily basis and are quite time consuming in the research, preparation, and delivery required to complete each request. While VeriPic was inoperable the crime scene unit accumulated approximately a month's backlog of Records Requests. With such a substantial backlog overtime was made available to expedite the completion of these requests. CSO Dorin Lee took it upon himself to clear the backlog of over 35 Records Requests over the course of one weekend. He was able to complete this enormous task during his regular shifts. His dedication and diligence relieved a heavy burden from the unit.

I believe CSO Dorin Lee should be commended for his hard work and willingness to go the extra mile.

Wow!  
 CSO Lee,  
 Thank you for your  
 proactive work in supporting  
 your team's work - seeing  
 + filling a need proactively  
 is characteristic of the best -  
 of the best, and I appreciate it!  
 AGC - 3/15/17

ASFU

~~Association of Sports Field Users ♦ 2439 Russell Street ♦ Berkeley, CA 94705  
510-897-3333 ♦ FAX: 510-897-9501 ♦ info@asfu.org  
501-Cg-TAX-ID-918820208~~

March 13, 2017

Chief Andrew Greenwood  
City of Berkeley Police Department  
2100 MLK  
Berkeley, CA  
94704

Dear Chief Greenwood,

I manage the Tom Bates Sports Complex for the City of Berkeley and have worked with city staff for over twenty years. I wanted to take a few moments of your time to let you know about the outstanding job of policing and community relations that has been done by Officer Chris Scott around the homeless situation at the Gilman underpass. Much of people's perception of how well government is working is a function of how responsive are the people when the community needs government to step in and provide a solution.

I am/was well aware that the Gilman situation was a "hot potato" that almost everyone in the COB wanted to go away. But city homeless staff looking the other direction with talks about "programs that are available" or politicians congratulating themselves on adding 20 shelter beds for people who didn't want to use them wasn't going to solve the problem. For most of us who were dealing with the problem on a day-to-day basis getting responses like these, which we knew would have no impact, was just increasing the frustration with how ineffective and clueless were city staff and the politicians.

Officer Scott on the other hand clearly understood the situation from the perspective of the parents, children and people using the fields. He was extremely responsive, taking time to explain the administrative and policing issues related to the problem and he clearly understood that providing more outreach workers wasn't going to "fix" anything. While I fully understand that Officer Scott wasn't the person who negotiated with Caltrans to fence the area, his interactions with the community made him the ONLY person who the community felt understood the issues. BPD and the COB can use more people like Officer Scott.

Sincerely,

*Ofc Scott,  
Thank you for your  
tenacity & persistence in  
addressing this issue, in the  
face of near-non-stop resistance  
and friction! Well Done!  
ACU  
3/15/17*

Alameda-Contra Costa Youth Soccer (ACCYSL) ♦ Albany-Berkeley Girl's Softball League (ABGSL) ♦ Albany-Berkeley Soccer Club (ABSC)  
Berkeley Co-Ed Soccer ♦ Little League ♦ Berkeley Bears Baseball ♦ Blues Women's Rugby ♦ Berkeley Boosters PAL  
Berkeley Unified School District ♦ Berkeley Youth Rugby ♦ California Junior Lacrosse ♦ California Youth Football (CYF)  
City of Berkeley Department of Parks and Recreation ♦ College Preparatory School ♦ East Bay Men's Senior Soccer (EBSS)  
Golden Gate Women's Soccer League (GGWSL) ♦ Mavericks Soccer Club ♦ Mersey Soccer Club ♦ St. Mary's High School ♦ King Soccer  
Bay Area Disk ♦ University of California ♦ Albany Co-Ed Soccer ♦ THEB Soccer Club ♦ Berkeley RFC ♦ Norcal Athletics ♦ Ramos Soccer

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Tuesday, March 21, 2017 8:13 AM  
**To:** Gil, Sergio  
**Subject:** commendation

[REDACTED]

**Sent:** Tuesday, March 14, 2017 10:26 AM  
**To:** Rateaver, Andrew <[ARateaver@cityofberkeley.info](mailto:ARateaver@cityofberkeley.info)>  
**Subject:** Thanks

Lt. Rateaver,

I just wanted to thank you again for your presence at the Ed Robert's Campus on Sunday. It's always appreciated to have local law enforcement coordination at her public events, and so I just wanted to thank you for taking the time to provide coverage for that. I know that Rep. Lee personally appreciates it as well.

Thanks again, and I look forward to working with you in the future.

[REDACTED]

3-21-17  
For Chief Greenwood  
Chief Berkeley Police Dept

Sir

Subject: Officer  
Corey Shebondy

On Mar 16 my brief case was stolen from my normally locked car. Officer is cool with a collected mind. No pretense - he quickly asked the right questions and in an hour found a few of my brief case's contents.

Using the iphone app it has he located my ipad & some papers in a garbage can 5 blocks from your office. He is bright, and very personable - just ask my

Peruvian wife. She hopes  
we get robbed again.

Sincerely,

9  
/

Pricelers!  
Can't for that tell  
comment + won't try...  
well do, Ok. Nobody!  
Thank you.

AGC-1

3/23/17

~~BA 24708~~

CRANE & CO.  
© ALL RIGHTS RESERVED

# Commendation

To: Andrew R. Greenwood, Interim Chief of Police, via chain of command  
From: Lieutenant Mike Durbin L-3 *MO L-3*  
Date: 3/21/2017 *J. Stines*  
Re: Commendatory Police Work Case # [REDACTED]

---

On 1/31/17 at 0600 hours, the Berkeley Police Department received multiple calls about a woman yelling from her 3<sup>rd</sup> floor apartment window at [REDACTED]. Shortly thereafter officers learned that she was threatening to jump out of one of the windows. Upon arrival officers discovered that there was a baby inside the apartment and the woman in crisis was the mother. At times she could be seen holding her baby near the open window. Operations personnel from Teams 1 and 4 as well as on-duty personnel from other divisions who heard the call responded to help. Over the next hour or so officers spoke to the woman through the door of the apartment. After much discussion, officers were able to convince the woman to come out of the apartment.

Neither the woman nor the baby in the apartment were injured during this incident.

Many officers were required to make sure this unique and volatile situation ended peacefully. The following officers deserve to be recognized for their individual efforts.

**Sergeant Stines** was one of the first officers on scene. As the first supervisor to arrive he immediately assumed command of the incident and started putting the necessary pieces in place including a contact team, negotiators, containment, and high ground for intelligence gathering.

**Sergeant Jung** was the first negotiator on scene. She and former negotiator, **Officer Warren**, initiated contact with the woman from the hallway. **Detective Kelly** self-dispatched to the scene and was the first non-Operations negotiator to arrive. Upon arrival, Detective Kelly assumed the role of primary negotiator and Officer Warren took over the role of

secondary. This allowed Sergeant Jung to supervise from the hallway and act as liaison to Sergeant Stines at the Command Post.

Officer Castle and Officer Cerletti also self-dispatched to the scene. Officer Cerletti identified the open window and got eyes on the interior of the apartment. Team 4 Officers Hogan, J. Smith, Coria and Edwards arrived quickly and asked for assignments despite being at the end of their graveyard shift. Officers S. Martinez, Flores, and Ludovico were positioned under the open window with orders to attempt to catch the baby should he be thrown from the apartment. Officers Ordaz, Jackson, Nabozny, Burcham, and Pickett were assigned to the contact / entry team. They were asked to be ready to force entry to the apartment at a moment's notice to protect the baby and save the mother.

Burcham

Once containment was set and the contact team and negotiators were staged outside the door, Officers Cerletti and Castle were able to work their way onto the roof of the [redacted] building across [redacted]. From there they were able to provide invaluable intelligence about the layout of the apartment and the location and condition of the inhabitants. They communicated clearly, and efficiently; helping both the officers at the door, and the supervisors in the field to maintain good situational awareness.

After about an hour of on and off communication, Officers Kelly and Warren were able to convince the woman to come to the door.

All the officers on scene that day should be commended for their rapid responses, their diligence in seeking out constructive roles, and their patience and professionalism in an extremely tense situation. The look of relief, and release of tension in the shoulders of all those officers on scene was clearly visible once we knew the apartment's inhabitants were safely away from the window.

*This case is an example of the high quality of our negotiators, the spirit of teamwork and compassion, and yet another case where Berkeley officers reached a successful outcome. I whole heartedly support this commendation.*

*JHC2*

*Thanks to everyone involved in this incident - your dedication + professionalism are emblematic of the very best traditions of BPD - outstanding!*

*AJC 3/23/17*



**Greenwood, Andrew**

---

**From:** [REDACTED]  
**Sent:** Thursday, March 23, 2017 7:47 PM  
**To:** Greenwood, Andrew; Williams-Ridley, Dee; Grogan, Jovan  
**Cc:** Arreguin, Jesse L.; 'Eric Berkholt'  
**Subject:** RE: Threatening phone call in regards to immigration

*AK Breaux*  
[REDACTED]

Thank you. I got several calls from the officer assigned to look into this. He was extremely thorough. He ended up calling the number and making contact with the gentleman, who was remorseful. He was in Missouri and had been watching too much Fox News and Breitbart, and got all worked up. He has never been to California but decided to call councilmembers to express his view that if we have locked doors and windows for our houses, we ought to be in favor of locking out immigrants from our country as well. It sounds like the officer spent a lot of time giving they guy free therapy for his severe case of right-wing news overdose.

Please convey my thanks to your force for spending so much time looking into this, and providing assurances that this gentleman is far, far away, and is sorry for the calls he made. Good work!

[REDACTED]  
[REDACTED]  
[REDACTED]

Let's stay in touch!  
[Click here](#) to be added to my email distribution list

*The test of our progress  
is not whether we add more to the abundance  
of those who have much  
it is whether we provide enough for those who have little.*

- Franklin D. Roosevelt

**From:** Greenwood, Andrew [mailto:AGreenwood@cityofberkeley.info]  
**Sent:** Thursday, March 23, 2017 3:31 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Threatening phone call in regards to immigration

Greetings,

I'm having dispatch enter a call and an officer will contact Brandon using the numbers below.

My apologies for not getting this out yesterday.

The best approach for cases such as this is to have the person who received the communication report it directly to BPD Dispatch at [REDACTED]. This will result in an officer being dispatched to handle to case.

Combined with an email to the CM, DCM, and me, calling Dispatch will ensure we get a timely PD response (eliminating me as the intermediary), connect the reporting party/witness directly with the officer, and keep us all in the loop, in terms of situational awareness...



**Gil, Sergio**

---

**From:** Gil, Sergio  
**Sent:** Wednesday, April 05, 2017 10:18 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thanking Officer Jumaane Jones for his friendly explanation of something I was concerned about, but am at alot more ease with now.

---

**From:** [REDACTED]  
**Sent:** Wednesday, March 22, 2017 6:16 PM  
**To:** BPD Webmail <[bpdwebmail@cityofberkeley.info](mailto:bpdwebmail@cityofberkeley.info)>  
**Subject:** Thanking Officer Jumaane Jones for his friendly explanation of something I was concerned about, but am at alot more ease with now.

3/22/17

Community Services Bureau Officer Jones (hope I spelled his first name right---Badge #160) willingly gave me 10-15 minutes this afternoon, on the phone, listening to me well and responding with helpful information. Thank you, Ofcr. Jones and BPD for showing, and encouraging him to show, such responsiveness!

If feasible, please leave my name and contact information off the BPD website and all locations that are easy for the public to access. But if this is seen by other persons than Ofcr. Jones and BPD Supervisors and Administrators, the City Manager's Office, and the like, I'll not be embarrassed at all---of course! I see you've done so (such redacting) on the Commendations and Praise webpage, where I was glad---and not surprised---to see many prior letters and notes from the public.

Thank you,

[REDACTED]

[REDACTED]

Berkeley resident since 1989 (current stint)



**NAPA COUNTY OFFICE OF SHERIFF-CORONER**

1535 AIRPORT BOULEVARD  
NAPA, CALIFORNIA 94558-6292  
(707) 253-4501

**JOHN R. ROBERTSON**  
Sheriff - Coroner

March 23, 2017

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

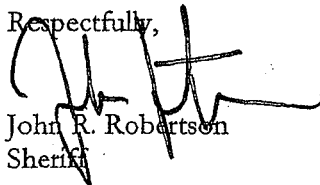
Dear Chief Greenwood,

I wish to express my department's appreciation to Detective Darrin Rafferty for his assistance to my investigators on March 20, 2017.

The Napa Sheriff's Office was investigating a particularly serious and violent crime in Oakland and the investigators were in the need of a forensic cellular phone extraction expert on short notice. The involved parties consented to a search of their phones but only if it could be conducted in a very timely manner. My investigators contacted Detective Rafferty and he stayed well past the end of his normal shift and extracted information related to our investigation. His assistance and ability to quickly extract this information has proved invaluable for our ongoing investigation.

Please pass on the thanks of the Napa Sheriff's Office and the people of Napa County to Detective Rafferty for his assistance.

Respectfully,

  
John R. Robertson  
Sheriff

RECEIVED

MAR 29 2017

OFFICE OF THE CHIEF



CITY OF  
**HAYWARD**  
HEART OF THE BAY

March 30<sup>th</sup> 2017

Dear Chief Greenwood:

I wanted to express my thanks and appreciation to the below listed members of the Berkeley Police Department (BPD) for their assistance with our wiretap operation Winter Storm. This was a very complex investigation that took place over several months. The BPD's assistance included the service of multiple search and arrest warrants, stemming from this extensive investigation. In the end, several violent suspects were arrested and multiple guns were seized, resulting in a safer environment for our community.

Sergeant Hong  
Sergeant Lindenau  
Sergeant Landrum  
Detective Grant  
Detective White  
Detective Parsons  
Detective Lathrop  
Detective Lee

I want to personally thank the above BPD employees for their assistance as well as the dedication and professionalism they exemplified.

Respectfully,

Mark Koller  
Interim Chief of Police

RECEIVED  
APR 14 2017  
OFFICE OF THE CHIEF

POLICE DEPARTMENT

300 WEST WINTON AVENUE, HAYWARD, CA 94544  
TEL: 510/293-7000 • FAX: 510/293-7183 • TDD: 783-8884





# Commendation

To: Andrew Greenwood, Chief of Police, via the chain of command  
From: Sergeant Veronica Rodrigues #S-24 *VR* *op L-1 J. Hester*  
Date: 3/30/2017  
Re: Commendatory work by Officer Nick Hom #89, Officer Donovan Edwards #135, Officer Daniel Breaux #15

On [redacted] Berkeley Police Officers responded to a report of suspected auto burglars standing next to a vehicle.

[redacted] was contacted after he matched the description of one of the suspects. A record check of [redacted] revealed several warrants, totaling \$50,000. A search incident to arrest of [redacted] revealed heroin (1.01 grams AGW) wrapped in tinfoil concealed in the baseball hat he was wearing. [redacted] was also found to be in possession of \$2,320 in cash.

[redacted] was contacted as the front passenger of the vehicle. A records check of [redacted] revealed an outstanding warrant. She was subsequently arrested. When [redacted] was removed from the vehicle a clear plastic bag containing ½ ounce of suspected methamphetamine was observed in plain view on the floorboard between the seat and door.

[redacted] who initially verbally identified himself as [redacted] was located asleep in the back seat. A subsequent parole search of him revealed heroin (.44 Grams AGW) in his front left jean pocket. Washington was arrested and booked at the BPD Jail. A stipulation of [redacted] probation was that he had a curfew.

A strong odor of fresh marijuana was detected from the inside of the vehicle. A probable cause search/probation search of the vehicle revealed a digital scale with noticeable methamphetamine and marijuana residue on the surface, drug packaging and a spent .45 caliber casing.

[redacted] were arrested and booked at Berkeley Jail.

During booking [redacted] was found in possession of additional heroin.

Officer Hom obtained a signed search warrant for [redacted] residence.

March 30, 2017

Officer Edwards and Officer BreauX volunteered to stay past their shift to assist Officer Hom with the search warrant.

A search of [REDACTED] residence revealed over 1,000 pills of 5 different types of opiates, additional drug packaging, digital scales, a loaded AR-15 assault pistol (without a serial number), dozens of ammunition in various calibers, an embossing machine, a card reader/writer, and an access card stock.

A search of [REDACTED] cell phone revealed text message conversations that indicated narcotic sales.

Officer Hom obtained a Mirandized statement from [REDACTED] where he admitted the methamphetamine found in his car, the pills, and the assault pistol belonged to him.

[REDACTED] was additionally charged with various narcotic and weapon offenses.

The Alameda County District Attorney charged Manning with numerous felony counts. At the time of this writing, [REDACTED] remains in custody.

I would like to commend the above listed officers for their outstanding work on this case. This case is an excellent example of the teamwork and quality police work done on a daily basis by the members of this police department. Officer Hom's proactive police work and persistent investigative abilities in addition to Officer Edwards and Officer BreauX's selfless assistance led to the arrest of a violent criminal, the recovery of a dangerous weapon and the prevention of future violent crimes and drugs being sold in our community and surrounding cities.

*Officer Hom, Edwards, BreauX,  
Great police work & great call,  
Solid stop, tenacious search & follow-through,  
teamwork & the majestic power of the  
search warrant! Great work by all,  
Thank you! ASC-1 4/1/17*





# Commendation

To: Andrew Greenwood, Chief of Police, via the chain of command  
From: Sergeant Veronica Rodrigues #S-24. *RV 4/24/17 JH*  
Date: 4/2/2017  
Re: Commendatory work by Officer Neil Egbert #103, Officer Edwards #135, Officer Emelson #108, Officer Ludovico #26 and Detective Bejarano #52

On March 23, 2017 at approximately 5:55 pm, Berkeley Police Officers were dispatched to a report of a physical altercation at the intersection of [REDACTED]. The reporting party stated a black male and hispanic male were fighting while two other black males looked on.

The reporting party later advised dispatch that the two black male onlookers were carrying firearms. The reporting party described one of these subjects with the gun as a black male wearing a black jacket.

Officer Egbert drove northbound on [REDACTED] Street approached [REDACTED] Street and saw three black males walking southbound on the east side of the street.

One of the subjects, later identified as [REDACTED], had a swollen eye that was consistent with being in a physical altercation. Another subject, later identified as [REDACTED], matched the description of one of the males with a gun. Officer Egbert gave verbal commands to all three and attempted to detain them. They all refused to comply and continued walking eastbound on Oregon Street.

[REDACTED] and the third subject, later identified as [REDACTED], eventually stopped and were detained at gunpoint. [REDACTED] took off running southbound on [REDACTED] from [REDACTED] Street. Officer Egbert broadcasted [REDACTED]'s description and direction of flight. Officer Egbert was calm and provided a clear description of Jackson. Officers conducted a check for [REDACTED] but were unable to locate him.

Officers conducted an in-field show up and the witness positively identified [REDACTED] as one of the subjects involved in the physical altercation. The witness identified [REDACTED] as one of the subjects who had a firearm. The same witness later positively identified [REDACTED] in a photo lineup as the other subject with a gun. Officer Emelson and his trainee, Officer Ludovico, established a good rapport with the witness and obtained an excellent written statement from them. This statement resulted in

the arrest of [REDACTED] and [REDACTED] as well as the subsequent identification of [REDACTED] as the third suspect.

[REDACTED] and [REDACTED] were placed under arrest for [REDACTED]

Officer Egbert conducted a search of the path taken by [REDACTED] and [REDACTED] for any discarded evidence. In the bushes in front of [REDACTED] Officer Egbert found a black Beretta 9mm handgun loaded with a high capacity 30 round magazine. This was the same area where Officer Egbert saw the subjects walking past prior to stopping them.

A resident who lived across from [REDACTED] advised they had a surveillance camera that pointed in the area of where the firearm was recovered. The surveillance footage clearly showed Pree turn towards the bushes and appear to remove something from his waistband and discard it approximately 10 seconds before Officer Egbert arrived on scene.

Officer Egbert obtained a Mirandized statement from [REDACTED] where he later admitted that he had the gun in his waistband and had discarded it in the bushes.

During the interview [REDACTED] gave Officer Egbert consent to search his phone. A search of the phone revealed several pictures of [REDACTED] holding the black Beretta 9mm handgun loaded with the high capacity ammunition magazine.

Pree was out on bail for felony gun possession out of South San Francisco Police Department.

Officer Egbert later obtained a Mirandized statement from Aomer wherein he admitted the Beretta handgun found in the bushes of [REDACTED] belonged to him.

On [REDACTED] Detective Bejarano listened to Pree's jail house phone calls. [REDACTED] called [REDACTED] and they spoke of another gun. Officer Emelson and Officer Ludovico went back to California Street and found a loaded Taurus 9mm semi-automatic handgun in the bushes one house north of where the Beretta 9mm was found.

Officer Egbert subsequently obtained a signed search warrant for [REDACTED] a DNA sample, his vehicles, and residence at [REDACTED] apartment 2 in Berkeley. Officer Edwards obtained a search warrant for [REDACTED]'s cell phone.

On [REDACTED], Officer Egbert, the Detective Division and the Special Investigations Bureau conducted the search warrant for Jackson. Jackson was taken into custody on probable cause for firearm possession.

Detective Bejarano interviewed Jackson for 2 hours and obtained a confession from him. He confessed to being with [REDACTED] and [REDACTED] possessing the Taurus 9mm "for protection," and tossing the gun in the bushes.

[REDACTED] was out on bail for two other Berkeley arrests in 2016 and had been the target of several

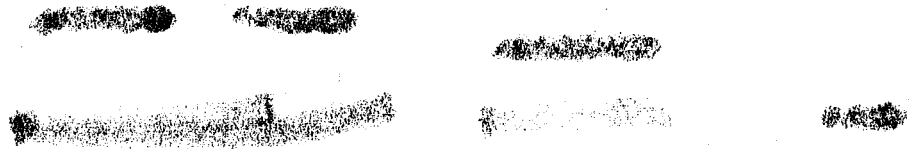
April 2, 2017

shootings in Berkeley over the last year. He was also prohibited from possessing a firearm due to a prior juvenile conviction for robbery.

The Alameda County District Attorney filed charges on both [REDACTED] and [REDACTED] for unlawful possession of a firearm. [REDACTED] was later charged with multiple felony gun possession offenses with various enhancements. A curfew and stay away order was also requested prohibiting [REDACTED] from being a [REDACTED] and the [REDACTED]

I would like to commend the above listed officers for their outstanding work on this case. This case is an excellent example of the teamwork and cooperation between the Operations Division and the Investigations Division. This case also demonstrated the quality of police work done on a daily basis by the members of this police department. Officer Egbert's proactive response and investigative persistence along with Officer Emelson and Officer Ludovico's thorough investigation and interview of the witness and Detective Bejarano's investigative follow up and crucial interview of Jackson led to the arrest and charging of three dangerous criminals that were responsible for violent crimes and numerous shootings in our city. These arrests likely prevented future violent crimes and shootings in our community and surrounding cities.

Offs Egbert, Edward, Emelson,  
Ludovico, and Det. Bejarano:  
Thanks to all of you for your work, getting  
two guns, + three suspects off the street, averting  
violence + keeping the neighborhood safe. Great  
eye spotting them, and getting the detention,  
solid teamwork, investigation, interviews, confessions -  
Awesome case!  
Thanks to all of you!  
G.C.  
4/2/17





## BERKELEY POLICE DEPARTMENT MEMORANDUM



**DATE:** April 5, 2017  
**TO:** Chief of Police Andrew Greenwood  
**FROM:** Sergeant Frank Landrum #S-2

**SUBJECT:** Commendation for Det. Mike Parsons #74 re: Chase Bank 211 [REDACTED]

I would like to thank and commend Det. Mike Parsons for the outstanding investigation of the Chase Bank Robbery that occurred on [REDACTED] in Berkeley and the subsequent arrest of the suspects.

Mike has had a great record of successful investigations while assigned to the Berkeley Robbery detail, and this robbery case highlighted the attributes that demonstrate what Mike is about—positive attitude, tenacious work ethic, leadership, a down-to-earth personality that allows him to relate well to people from all walks of life, and great instincts and abilities as an investigator.

The case started as a bank robbery investigation of a male suspect armed with a pistol, dressed in a security guard uniform, face covered up, wearing gloves, and speaking in a unique dialect. In other words, there was no forensic evidence that would give a glimpse into a possible lead or suspect.

What Mike found out as he was obtaining a statement from the victim teller was that the suspect caused immense psychological fear and anxiety for that teller. Undaunted by the challenges of putting the victim at ease, Mike showed the patience and empathy that are his trademark and he was able to obtain a thorough statement.

Mike quickly organized an effort to notify local agencies and the FBI. He soon found out that the Berkeley robbery was related to three other robberies—two in Oakland and one in Alameda. In one of the robberies in Oakland, a getaway car was seen on video although the car had no license plates. A grainy picture of the suspect running outside was also obtained.

OPD was not able to follow up on those leads and even Mike initially did not find stop data on the getaway car when he did a record check on [REDACTED]. I believe most investigators would have stopped and waited for more information and/or robberies to come to them before continuing with the investigation. However, Mike has great street smarts and investigative prowess that kept him searching for a glimmer of light in a dark tunnel that hopefully would lead to a positive outcome.

That light came when Mike conducted another record check on [REDACTED] the same database he checked on [REDACTED]. The getaway car he was trying to find was a white Dodge Challenger with dark racing stripes and no plates. Conventional thinking would say that finding a car with no specific data is almost impossible. Yet Mike found that OPD in fact stopped a similar car and identified a driver—[REDACTED]

██████████ Interestingly enough, OPD suspected that the car could be a possible getaway car, but no further investigation of that car or driver was undertaken.

Mike shifted the investigation into overdrive. He began by investigating ██████████ on multiple fronts. Mike found numerous clues on Facebook including a picture of ██████████, ██████████'s Dodge with San Leandro paper plates, and evidence of ██████████'s employment.

Mike's varied experience in the department including extensive knowledge of conducting surveillance operations helped him to organize an effort to surveil Jerron's residence in Oakland that eventually led to finding a person who appeared to be similar in appearance to the robbery suspect. Further surveillance organized by Mike led to that second suspect being identified as ██████████. ██████████'s record check of ██████████ showed that he was on Federal Probation for Bank Robbery. Numerous surveillances were conducted to further bolster the case.

Eventually, Mike obtained arrest warrants for ██████████ and ██████████ and a search warrant for ██████████'s (and ██████████'s) residence. Mike's leadership capabilities were clearly demonstrated as he organized the planning and operation to execute the search warrant operation. For instance, I had the opportunity to watch Mike brief an FBI surveillance crew the day prior to the search warrant. Watching Mike lead that briefing was like watching a scene from a movie with Mike playing the lead actor except Mike wasn't acting. I was proud to know that I was part of that meeting that day as Mike represented the Berkeley Police Department in a most professional manner.

The search warrant operation went smoothly and was hugely successful. The suspect's security uniform was found, two firearms used in the robberies (including a Fremont robbery that occurred the weekend prior to the search warrant) were found, and both suspects were arrested.

In the final analysis, Mike solved what was most likely a series where the suspects would have gotten away with it. Fortunately for the community members of Berkeley as well as Oakland, Alameda, and Fremont, Detective Mike Parsons was the person at the plate and hit a home run. We are fortunate in the Berkeley Police Department to have Mike on our team.

# Commendation

*G.C-1*  
To: Andrew R. Greenwood, Chief of Police, via chain of command

From: Lieutenant Mike Durbin L-3 *MD L-3 J#2*

Date: 4/12/2017

Re: Commendatory Police Work Case #17-09074

---

On [REDACTED] approximately 1511 hours officers responded to [REDACTED] west of the railroad tracks to a report of an adult male slashing tents with a sword and brandishing the individuals inside the tents. As officers responded to the scene the suspect left eastbound on [REDACTED]. Additional callers stated that the suspect was still carrying the sword and slashing at objects as he walked.

Sergeant Ross, Sergeant Jung and Officer Gardner were the first officers on scene. Sergeant Ross determined a rally point to intercept the suspect and deployed the [REDACTED]. Sergeant Jung and Officer Gardner deployed their duty weapons. The officers confronted the suspect on Gilman Street between 5<sup>th</sup> and 6<sup>th</sup> Streets. At that time the suspect was threatening a male with the sword; he had it in a raised position and was just yards away from the intended victim. The officers on scene acted quickly and ordered the suspect to drop the sword, but he did not comply. Sergeant Ross fired several rounds of less lethal munitions at the suspect who initially responded by turning in the opposite direction. Sergeant Ross fired several more rounds of less lethal munitions at the suspect which proved successful in getting the suspect to follow commands to drop the sword and get on the ground. The suspect was then taken into custody.

The subsequent investigation revealed that the suspect had assaulted an adult female at the tents with the sword and the male victim was an associate of the female victim. The suspect was arrested for two counts of assault with a deadly weapon.

Sergeant Ross, Sergeant Jung, and Officer Gardner should be commended for their quick response, quick decision making, and utilizing their training in a tense and quickly evolving situation. If not for their actions that day, this incident may have ended quite differently. Furthermore, this degree of

April 12, 2017

restraint and swift decision making in potentially lethal encounters is the expectation of the public. The attached Berkeley Daily Planet article written by a citizen on [REDACTED] response to this incident supports this claim.

Absolutely outstanding work -  
Thank you for your professionalism  
and superior performance!  
AGC  
4/24/17



CURRENT ISSUE PREVIOUS ISSUE NEXT ISSUE SEARCH THE PLANET CONTACT US

SHARE [social icons]

Friday  
February 24, 2017

# THE BERKELEY DAILY PLANET

FRONT PAGE COLUMNISTS ARTS & EVENTS THE WEEK FULL TEXT

## Public Comment

### Berkeley Police get it right

Robert Cheasty

Friday February 24, 2017 - 02:37:00 PM

Kudos to the Berkeley police for disarming the "Homeless man arrested for slashing tents in Berkeley" and for using non-lethal force to do it. This story could have easily been "Homeless Man Brandishing a Sword and Slashing at Tent Dwellers Shot and Killed by Police."

SHARE [social icons]

In order to encourage and support the right kind of response we need to acknowledge when the police conduct is admirable. In this instance a poorly trained officer could have easily reacted with fear and shot the man slashing with his sword. Thankfully the officers responding were properly trained and showed great restraint and respect for human life all the way around.

At a time of too many stories with tragic endings and suspects killed at the scene, we owe a great debt of thanks to the supervisors at the Berkeley Police Department for seeing that the line officers are getting the training necessary to deal with very dangerous situations while using the least amount of force required.

Congratulations to the City of Berkeley and to its Police Department.

*Robert Cheasty is a former mayor of Albany.*



#### Links we like:

- [www.BerkeleyArtsFestival.com/](http://www.BerkeleyArtsFestival.com/)
- [www.berkeleycouncilwatch.com/](http://www.berkeleycouncilwatch.com/)
- [Richard Breneman: Eats, Shoots 'n' Leaves](#)
- [Thomas Lord: BerkeleyNativeSun.com](#)
- [Jane Stillwater's Web Log](#)



Email to subscribe at [berkeleydailyplanet.com](mailto:berkeleydailyplanet.com). and get free email updates.



### The Pepper Spray Times

Read The April Issue (and please support Grace Underpressure with a donation :-)

Donate



**Gil, Sergio**

---

**From:** Gil, Sergio  
**Sent:** Tuesday, April 18, 2017 10:31 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thank You

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

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Tuesday, April 18, 2017 8:23 AM  
**To:** Delaluna, Patricia <PDelaluna@cityofberkeley.info>  
**Cc:** BPD Webmail <bpdwebmail@cityofberkeley.info>  
**Subject:** Thank You

Dear SGT. Delaluna,

This is [REDACTED] the Freelance cameraman from NBC News with the black Suburban parked in front of the PD last Saturday. I just wanted to say Thank You for being so kind to us and congratulations on your upcoming retirement. I truly hope you enjoy your retirement and hope you get to go out and do some of those things we all look forward to when we don't have to clock in somewhere.

I'm sure you will be missed at BPD as you are an outstanding representative of the Berkeley Police Department! Happy Retirement!

Cheers

[REDACTED]

**Greenwood, Andrew**

---

**Subject:** Commendation

I received the below email this afternoon; please determine the officers' involved, and process as a commendation.

**From:** [REDACTED] On Behalf Of [REDACTED]  
**Sent:** Tuesday, April 18, 2017 1:07 PM  
**To:** Avellar, Anna <AAvellar@cityofberkeley.info>  
**Cc:** Smith, Brandon C. <BCSmith@cityofberkeley.info>; Wengraf, Susan <SWengraf@cityofberkeley.info>  
**Subject:** Re: FW: Safety Meeting Request

Dear Anna

Ironically, there may have been an attempted break-in at our home last night. There was a man walking on our deck outside our bedroom talking to someone else at 10:30 PM. I yelled and dialed the police. The police arrived within 8 minutes!! The two officers were extraordinarily polite and helpful. My wife and I wanted to let the police know how much their intervention was appreciated and how well-trained the officers were.

[REDACTED]

**Gil, Sergio**

---

**From:** Gil, Sergio  
**Sent:** Tuesday, April 18, 2017 8:06 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thank you

**From:** [REDACTED]  
**Date:** March 27, 2017 at 19:16:52 PDT  
**To:** <[jmacapagal@cityofberkeley.info](mailto:jmacapagal@cityofberkeley.info)>  
**Subject:** Thank you

Officer Jessee, *Macapagal*

I want to say thanks to you, and the other officers and the sergeant, who so respectfully and efficiently handled [REDACTED]. Please extend my gratitude to them all.

I got a call from the SF medical examiner's office later the afternoon of 3/15 with the news that his body was found on Baker Beach. How you handled the initial phone call with me, the house search, and explanations for what was going on helped to ground me somewhat in the immediate aftermath.

I do not want to take possession of the items, the rifle and bullets, that you took into your inventory. Please let me know if there's anything I need to do to be done with that.

With great appreciation,  
[REDACTED]

**Gil, Sergio**

---

**From:** Gil, Sergio  
**Sent:** Tuesday, April 18, 2017 8:07 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thank you for your work

**From:** [REDACTED]  
**Sent:** Monday, March 27, 2017 6:40 PM  
**To:** Bartalini, David C. <[DBartalini@cityofberkeley.info](mailto:DBartalini@cityofberkeley.info)>  
**Subject:** Thank you for your work

Hi Officer Bartalini,

Today as I parked my car I noticed one man acting very aggressively towards another man. I parked, stood to the side, and realized I was watching the aftermath of a very minor auto accident. One of the people involved was very aggressive, taking every opportunity to intimidate the other. I watched as another witness got involved trying to stand up for the person being harassed. As the mood was escalating, I saw you pull up and calmly approach the people. From my point of view, your choice to have a relaxed demeanor and easy pace was exactly what was needed, it didn't add any fuel to the man who was being aggressive.

I know police work is tough and you don't get a lot of positive acknowledgments these days, so I just wanted to write and say thank you for your work. I'm sure there will be many more situations that need deescalation in the future and from what I saw today you are skilled at navigating that.

Best of luck out there,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Gil, Sergio**

---

**From:** Gil, Sergio  
**Sent:** Tuesday, April 18, 2017 8:05 AM  
**To:** Gil, Sergio  
**Subject:** FW: Excellent Job!

**From:** [REDACTED] [mailto:alfonso.naanan@yahoo.com]  
**Sent:** Wednesday, April 12, 2017 12:16 AM  
**To:** Bartalini, David C. <[DBartalini@cityofberkeley.info](mailto:DBartalini@cityofberkeley.info)>  
**Subject:** Excellent Job!

Officer D.C. Bartalini "Waly"

Sir. I would like to express my sincere thanks and appreciation for your excellent job in helping me find my car yesterday afternoon. I am sorry I was wrong in leading you in the wrong place maybe due to my physical exhaustion. But with your intelligent interrogation and questions you led me in the right place. Without your help in finding my car, I will be in trouble with my engineering job for the rest of the week.

Again thank you very much and May God Blessings shower you and your family this Easter.

[REDACTED]

## Gil, Sergio

---

**From:** Gil, Sergio  
**Sent:** Tuesday, April 25, 2017 7:53 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thank you

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

From: Rateaver, Andrew  
Sent: Tuesday, April 18, 2017 1:45 PM  
To: [Cueva, Lolita](mailto:LCueva@cityofberkeley.info) <LCueva@cityofberkeley.info>  
Cc: Roller, Rico <RRoller@cityofberkeley.info>; Greenwood, Andrew <AGreenwood@cityofberkeley.info>  
Subject: Thank you

Before too much time passed, I wanted to personally thank you for your support this past Saturday.

I know you went out of your way to make sure I was nourished and rested. You, on more than one occasion, offered to get me something to eat or drink, and pointed out my different options as I was moving in and out of the rehab center you had so carefully set up.

I know that food you even left out for me probably went uneaten for the entire day because of my operational tempo. Please let me assure you, I sincerely appreciate your efforts.

Most times, when I am operational, I eat very little. That does not mean that I don't appreciate your presence and all your efforts.

Thank you:

You ran and essential part of the operation! All of us appreciate it, especially me.

Thank you again

Rat

Sent from my iPhone

[REDACTED]

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

---

Re: Thanks to Officer Greg Michalczyk

Dear Chief:

I was the victim of a hit and run on April 23, 2017 and Officer Greg Michalczyk was the responding officer who handled the case, [REDACTED]

I am sending this letter to you as a way of thanking Officer Michalczyk not only for his initial, patient handling of the situation the night of the 23<sup>rd</sup>, but for following up with me regarding additional information he learned about the incident.

First, at the scene of the accident, Officer Michalczyk was very, very patient with me. While I was on the phone with my insurance company – which took forever – he waited and took reports from the other witnesses. He made sure I was all right, and he gave me all the information I needed to make sure I could follow-up with him for more information. He even apologized for needed to leave about an hour after the accident (which I later learned was in response to the crime at the Whole Foods on Gilman). Suffice it to say he had a busy night, but that I would never have noticed given the way he treated me with kindness.

Second, when I emailed him this week to find out if he had any more information, he responded immediately and set up a time to talk a few days later. We talked last night and the information he provided to me is critical to making sure my insurance company does not charge me the deductible because of a gap in coverage. I appreciate the time that Officer Michalczyk took to call me and to explain the situation and to provide me with the license plate number of the truck that hit me.

So, please put this letter in his personnel file with my thanks.

[REDACTED]

[REDACTED]  
Officer Greg Michalczyk



30 April 2017

Dear Chief Greenwood -

I am writing to commend Officer Zach Nash for his kindness and professionalism when he was called out to help me last night. The issue was nothing major or life threatening - merely an attempted theft of my much-beloved bike. The thief had destroyed the lock mechanism, and so I couldn't get my lock unstuck. I had ~~so~~ hoped that the police might have some ~~tool~~ tool to help me break the lock, which of course they do not, but that is beside the point. Officer Nash was sympathetic, understanding, and ~~was~~ even offered to drive by my bike a few times overnight to keep an eye on it. He ~~must~~ have seen I was worried about leaving the bike overnight. Anyway, I don't know if it was down to his watchful eye or not, but I was happy to find the bike still there the next morning when I arrived with a locksmith!

Mary Ann's

[Redacted signature]

[Redacted address]

[Redacted]

[Redacted]

5/9/9PM


Dear Officer C. Sheelandy.

I am [REDACTED] from Fourth St Flowers.  
Thank you very much for helping  
me on Monday 5/8 at 4<sup>30</sup> PM.  
Without your guidance I do not know  
what will happen, maybe I'll lose  
my life when I go to bank get the  
money. It was very scary. Thank  
you also for staying there until my  
daughter showed up. I am  
sorry that I do not know

the other policeman's name. <sup>2</sup>

These two arrangements are for both of you. please keep them out of the sun, please let me know if there is anything

I can do for you

my husband found the number from Verizon, it is . he ~~called~~

~~you~~ E mail you about this number. We will be on vacation from 5/15 to may 26. That goes →

By yours,

~~By yours,~~

**Gil, Sergio**

---

**From:** Gil, Sergio  
**Sent:** Tuesday, May 09, 2017 8:56 AM  
**To:** Gil, Sergio  
**Subject:** FW: Officer Chris Flores

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

**From:** [REDACTED]  
**Sent:** Wednesday, May 03, 2017 7:19 PM  
**To:** BPD Webmail <[bpdwebmail@cityofberkeley.info](mailto:bpdwebmail@cityofberkeley.info)>  
**Subject:** Officer Chris Flores

I just read about Officer Chris Flores traffic stops in Berkeley (Berkeleyside) which resulted in the removal of two weapons off the streets. Even though we live in Oakland, I wanted to give him a shoutout for his exemplary work.

Thank you, sir!

[REDACTED]

Sent from my iPad



Alameda County  
**District Attorney's Office**  
Nancy E. O'Malley, *District Attorney*

To: Andrew Greenwood, Chief of Police, Berkeley Police Department  
From: Matthew Wendt DDA  
Re: Letters of Appreciation, Sgt. David Marble, Sgt. Todd Sabins, BPD Report Number [REDACTED]  
[REDACTED]  
Date: 5/9/17

Chief Greenwood, attached are letters of appreciation detailing the outstanding job Sgt.'s Marble and Sabins did investigating the murder of [REDACTED]. The letters are long overdue but I hope they can find their way into each officer's performance file to memorialize what assets they must be to your Department.

Sincerely,

---

Matthew C. Wendt  
Deputy District Attorney  
Alameda County



Alameda County  
**District Attorney's Office**  
Nancy E. O'Malley, District Attorney

**To: Andrew Greenwood, Chief of Police, Berkeley Police Department**  
**From: Matthew Wendt DDA**  
**Re: Letter of Appreciation, Sgt. Todd Sabins, Badge #S-19, BPD Report Number [REDACTED]**  
**Date: 5/3/17**

In recognition of outstanding accomplishment above and beyond the call of duty.

Sgt. Sabins was instrumental in the early stages of an investigation into a brutal shooting, which resulted in the death of one citizen and serious wounding of another. Sgt. Sabins identified and preserved key pieces of evidence uncovered in the critical hours after the crime, further investigated leads generated and coordinated with other units within the Berkeley Police Department to identify and arrest multiple suspects.

On October 26, 2010 two men approached [REDACTED] who were standing in front of Johnson's House of Style Barbershop on Sacramento St. in Berkeley, and opened fire at point blank range with semi-automatic hand guns. Both victims were struck multiple times, [REDACTED] would die from his wounds later that day, [REDACTED] would suffer a lengthy hospitalization from his.

Immediately after 911 calls of the shooting were received by Berkeley Police Dispatch Sgt. Sabins rushed to the scene to assist in the investigation. Once there he realized that the barbershop and a laundromat, just to the South, were equipped with external video systems which he had officers check and seize. The videos showed the entirety of the shooting, a good view of one of the assailant's face and clothing and the fact that one of the shooters appeared to shoot the other in the back of the leg. Following the instincts of a high performing, thorough police officer, Sgt. Sabins had officers on his team check with local hospitals to see if any such gunshot victims had been admitted in the hours after this shooting. The officers discovered that defendant [REDACTED] had been recently admitted into a Richmond hospital with just such a gunshot wound. Refusing to slow the pace of this already very fruitful investigation, Sgt. Sabins immediately went to the



defendant's hospital room and found that several items of the defendant's clothing matched those of the shooter's on the video, and during an interview with [REDACTED] he was able to tie the defendant into a ridiculous, never corroborated story of where he was during the time of the shooting. All of which turned out to be key pieces of evidence used at trial against defendant Wallace in Alameda County Superior Court case number [REDACTED]

Sgt. Sabins continued a diligent effort to identify additional suspects in the shooting and in coordination with other BPD units was able to develop solid evidence which showed defendant [REDACTED] to have been the get-away driver for [REDACTED] and the (as of yet) unidentified other shooter.

Sgt. Sabins' outstanding efforts produced an abundance of evidence against both defendants which caused defendant [REDACTED] to plead guilty for his participation in the shooting for a sentence of 13 years state prison, and was more than sufficient for a jury to find [REDACTED] guilty of 1<sup>st</sup> degree murder and attempted murder. Wallace was eventually sentenced to 118 years to life in state prison.

Sgt. Sabins' efforts also gave the family of the slain victim a sense of justice and helped remove from the community two dangerous, violent criminals.

Sgt. Sabins' initiative, perseverance and total dedication to duty reflected great credit upon himself, and were keeping within the highest standards of law enforcement executed by the Berkeley Police Department on a daily basis.

Sincerely,



---

Matthew C. Wendt  
Deputy District Attorney  
Alameda County



Alameda County  
**District Attorney's Office**  
Nancy E. O'Malley, *District Attorney*

**To: Andrew Greenwood, Chief of Police, Berkeley Police Department**  
**From: Matthew Wendt DDA**  
**Re: Letter of Appreciation, Sgt. David Marble, Badge #S-20, BPD Report**  
**[REDACTED]**  
**Date: 5/3/17**

In recognition of outstanding accomplishment above and beyond the call of duty.

Sgt. Marble successfully lead a comprehensive homicide investigation into the brutal murder of one man and serious wounding of another over the course of a six year period that resulted in the successful prosecution of two of the people responsible for the crime.

On October 26, 2010 two men approached [REDACTED] and [REDACTED], who were standing in front of Johnson's House of Style Barbershop on Sacramento St. in Berkeley, and opened fire at point blank range with semi-automatic hand guns. Both victims were struck multiple times, [REDACTED] would die from his wounds later that day, [REDACTED] would suffer a lengthy hospitalization from his.

Immediately after 911 calls of the shooting were received by Berkeley Police Dispatch Sgt. Marble rushed to the scene and assumed control of the busy, chaotic crime scene. Sgt. Marble did an outstanding job in ensuring the scene was properly secured and searched for all traces of evidence that might be useful to police and prosecutors in their pursuit of these men and anyone who assisted them in the commission of the crime. Under Sgt. Marble's leadership vital evidence and witnesses were discovered at the scene which lead to the swift arrest of one of the shooters, [REDACTED], at a nearby hospital. [REDACTED]'s arrest also uncovered additional physical evidence tying him to the crime and a totally unbelievable, uncorroborated story given to Sgt. Marble in custody which denied [REDACTED] the ability to manufacture a false alibi once the case went to trial some years later.

Sgt. Marble's hard work and determination paid off again in the days just after the crime as his investigation was able to develop, seize and secure additional evidence which showed [REDACTED] have been the getaway

driver for [REDACTED] and the other (as of yet unidentified) shooter. Sgt. Marble sifted through a large and complicated amount of evidence, witnesses and suspects and was able to bring to the District Attorney's Office a clear, concise set of facts which allowed this office to charge [REDACTED] and [REDACTED] for the murder and attempted murder of these two men in 2010.

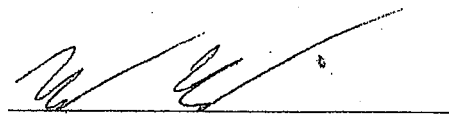
Over the next six years Sgt. Marble continued to diligently work to make the case stronger for the several prosecutors ready to take it to trial. When the case did go to trial Sgt. Marble spent multiple additional hours securing witnesses and evidence, and preparing for his testimony, which added greatly to the strength of the case.

Sgt. Marble's outstanding efforts helped produce a strong case against both defendants which resulted in defendant [REDACTED] pleading guilty to his involvement in the shooting for a sentence of 13 years state prison, and lead the jury to find [REDACTED] guilty of 1<sup>st</sup> degree murder and attempted murder. [REDACTED] was eventually sentenced to 118 years to life in state prison.

Sgt. Marble's efforts also gave the family of the slain victim a sense of justice and helped remove from the community two dangerous, violent criminals.

Sgt. Marble's initiative, perseverance and total dedication to duty reflected great credit upon himself, and were keeping within the highest standards of law enforcement executed by the Berkeley Police Department on a daily basis.

Sincerely,



Matthew C. Wendt  
Deputy District Attorney  
Alameda County

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Tuesday, May 09, 2017 8:56 AM  
**To:** Gil, Sergio  
**Subject:** FW: commendation

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**From:** [REDACTED]  
**Sent:** Tuesday, April 18, 2017 12:29 PM  
**To:** BPD Webmail <[bpdwebmail@cityofberkeley.info](mailto:bpdwebmail@cityofberkeley.info)>  
**Subject:** commendation

To Whom It May Concern:

On Friday, March 31st, my mom, who suffers from dementia, left the apartment and wandered. I called the Berkeley Police Department to ask for assistance in finding her. I was later told that a concerned citizen also called in. Fortunately, my mom was brought home safely.

I would like to take this time to express my sincere gratitude and appreciation to the department and in particular, the efforts of Officer Horn. He made my mom feel very safe and comfortable in an upsetting situation.

Sincerely,

[REDACTED]

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Tuesday, May 16, 2017 8:31 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thank you

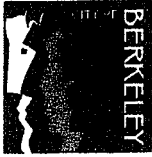
[REDACTED]  
**Sent:** Tuesday, May 02, 2017 11:00 AM  
**To:** BPD Webmail <bpdwebmail@cityofberkeley.info>  
**Subject:** Thank you

To Whom it May Concern,

I want to let you know how much I appreciate the prompt, courteous, and compassionate help I received Sunday night from Cheryl (don't know last name) and Officer Coria. I live in Tennessee and I had an emergency with a family member who lives in Berkeley. They worked together to find him and make sure he got to the hospital for emergency care. They were efficient and kind and I thank them from the bottom of my heart.

Sincerely,  
A very grateful mother

*PSD Contreras -  
Ofc. Coria -  
Thanks for helping Mr. Hooper  
when she needed help most!  
Your good work was felt  
across the country!  
AG  
C-1  
5/21/17*



BERKELEY POLICE DEPARTMENT MEMORANDUM



May 28, 2017

To: Chief Greenwood
Via Captain Louis
Via Lieutenant Okies
From: Sergeant Jennifer Wilson
Re: Commendation for Officer Chris Flores

On April 28, 2017, at 2200 hours, Officer Flores was on patrol and observed a vehicle with a headlight out. He initiated a traffic enforcement stop on the [redacted] and contacted the driver.

Upon contact, Officer Flores smelled an odor of marijuana coming from inside the car and conducted a probable cause search. During the search, Officer Flores located a loaded .357 revolver concealed in a bag on the driver side floorboard. The revolver was reported stolen from a Sacramento area gun dealer. Officer Flores arrested the suspect who has since been charged for felony possession of a firearm.

The following night, on April 29th at 2300 hours, Officer Flores was on patrol again on the [redacted] and made an enforcement stop on a vehicle with expired registration tabs. He contacted the driver and smelled an odor of marijuana coming from inside the vehicle.

Officer Flores conducted a probable cause search and located a loaded Glock pistol concealed inside of a backpack on the front passenger seat of the car. The gun was not registered. Officer Flores arrested the suspect, who is being prosecuted for felony possession of a firearm.

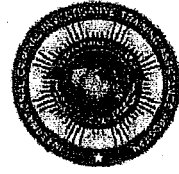
In two consecutive car stops, Officer Flores initiated stops and developed field investigations in which he recovered loaded, concealed and illegally possessed guns. These cases highlight Officer Flores' incredible talent, ability and commitment to preventing violence.

Officer Flores - Thank you for your continuing proactive police work, getting guns off our streets, making our community safer! Good work! (Signature) 5/13/17

U. S. DEPARTMENT OF JUSTICE  
Criminal Division

*International Criminal Investigative Training Assistance Program  
(ICITAP)*

*United States Embassy  
05, Chemin Cheikh Bachir El-Ibrahimi  
Algiers, Algeria.*



Chief Andrew Greenwood  
Berkeley Police Department  
2100 M.L.K. Jr Way  
Berkeley, CA 94704

June 5, 2017

RE: USDOJ/ICITAP Sponsored Algerian Gendarmerie Study Tour

Dear Chief Greenwood:

On behalf of the US Department of Justice's International Criminal Investigative Training Assistance Program, (ICITAP), I would like to convey to you our sincere appreciation for the assistance that Berkeley Officer Chris Waite gave to the Algerian ICITAP Program's recent Study Tour to the Bay Area.

ICITAP hosted four members of the Algerian National Gendarmerie Department of Special Intervention (DSI) during a weeklong trip to Northern California where they were exposed to local law enforcement tactical teams, support units, and training at California POST.

The purpose of the trip was to share with the DSI "Best Practices" as applied by various law enforcement agencies in Northern California. The DSI is a highly trained counterterrorism and anti-transnational crime unit operating on the front line of the fight against terrorism in North Africa. In that respect, the DSI benefited from the information shared by your Officer Waite who delivered a very interesting presentation on the development and training of "Rescue Task Forces". In addition, he showed the DSI how to develop practical exercises for active shooter scenarios. The DSI plans to use them in their own training in the future.

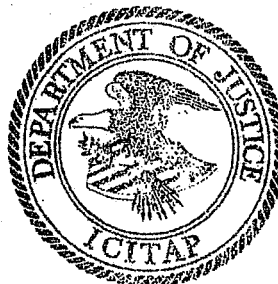
I again want to express my appreciation for making a part of this Study Tour a success. The cooperation and professionalism as exhibited by your Department through Officer Waite will benefit the US DOJ as it continues to engage our foreign partners in the fight against terrorism and transnational crime.

Sincerely,

**DARREL G. HART**

*Program Manager - Senior Law Enforcement Advisor (Attaché)  
US Department of Justice - ICITAP-Algeria  
US Embassy - Algiers  
+213 770-08-2110*

Note: Embassy Algiers work schedule is Sunday - Thursday



IF YOU WANT TO KNOW MORE ABOUT ICITAP, PLEASE GO TO: [HTTP://WWW.JUSTICE.GOV/CRIMINAL/ICITAP/](http://www.justice.gov/criminal/icitap/)

UNIVERSITY OF CALIFORNIA  
BERKELEY



210 Barrows Hall, MC 1950  
Berkeley, CA 94720-1950  
510 642-6323  
510 642-9515 fax  
<http://polisci.berkeley.edu>

CHARLES & LOUISE TRAVERS  
DEPARTMENT OF POLITICAL SCIENCE

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

Re: Officer Xiao Ren, Badge no. 90

Dear Chief Greenwood:

I am taking the opportunity to commend one of your officers, Officer Xiao Ren, for his prompt and courteous response to my request for timely assistance.

I am a resident of an Assisted Living Facility in Berkeley [REDACTED] and my wife and I have arranged a schedule to communicate—to assure each other that we are both well. On Thursday evening, June eighth, at the appointed time, I called my home [REDACTED] and received no response. Since our communication is a welfare call, my wife always makes provision that she can answer our landline telephone. I continued to call for almost an hour. I also called her cell-phone, on the chance that she had been called away on an emergency. I still did not receive a response. I cannot convey to you how distraught I was. My wife was alone at the house. Fearing a household emergency, I called 911—and received an immediate and professional response from the operator. She took down the information required and informed me that an officer would be dispatched to determine the circumstances at the house. Within a very short time period my wife called me. She had fallen asleep and the volume of the landline phone had somehow been reduced—and her cell-phone was in another room!

My relief was transcendent! She told me that the officer had rapped on her window and awakened her. She had not heard any of the dozens of calls I had made. She told me that Officer Ren was very compassionate and helpful. Before he left he asked if he could be of any further service. She thanked him profusely, but thanks could hardly be sufficient.

I am asking that a record be made of my gratitude. I know this kind of service adds to the work of your officers and to the cost of your operation. I can only say I am indebted to the Berkeley Police Department in a manner I can hardly express. Thank you and your officers for everything you do.

Yours gratefully,

[REDACTED SIGNATURE]

RECEIVED

JUN 15 2017

OFFICE OF THE CHIEF



From: [REDACTED]  
Sent: Saturday, June 10, 2017 1:48 PM  
To: BPD Webmail <bpdwebmail@cityofberkeley.info>  
Subject: Commendation for Officer Xiao Ren, #90

Dear Chief Andrew Greenwood:

I want to convey you my appreciation and gratitude to one of your officers, Xiao Ren, Badge No. 90, for his helpfulness and kindness.

Last Thursday evening, Officer Ren responded to my husband, Professor [REDACTED]'s call for a wellness check on me. My husband no longer lives at home but is in the [REDACTED]. He calls me every evening at 6:30 pm. On Thursday, June 8, I had fallen asleep and for some reason my landline phone wasn't ringing, and my cellphone was in my bathroom. After calling in vain for an hour and fearing for my safety, my husband in desperation called the Berkeley Police.

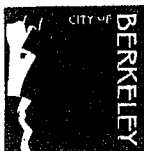
Officer Ren took the time and trouble to check in on me. He eventually woke me from my sleep my tapping on my bedroom window. I was so embarrassed! But Officer Ren was very kind, saying that he was just glad I was okay.

It's officers like Xiao Ren who give me confidence in the Berkeley Police Department and also the assurance that the taxes we pay are put to good use.

I am thanking Officer Ren separately with a Thank You card that he should receive on Monday.

Sincerely,

[REDACTED]  
Professor Emerita



## BERKELEY POLICE DEPARTMENT MEMORANDUM



**Date:** June 19, 2017  
**To:** Chief Greenwood via Capt. Hart via Lt. Reece  
**From:** Sergeant David White – Berkeley City Jail  
**Subject:** COMMENDATION FOR CSO Jay Elliott and CSO Ben Wynn

The following is a commendation for Community Service Officers Jay Elliott and Ben Wynn, which shows an example of their dedicated service to the Berkeley City Jail and Berkeley Police Department.

This commendation is unusual because it is not often we have Jail detainees make the effort to return to the police department and request that our CSO's be commended for their professionalism and excellent service. That is exactly what happened in this case. A community member, Mr. Wilson Buckley stated that he wanted to share his feelings with the Berkeley Police Department regarding our Community Service Officer's commitment to their job and their professionalism.

"Sergeant White I just wanted to let you know that I was informed during my days off that detainee [REDACTED] was very pleased with the service that both CSO Elliott and CSO Wynn provided. He also called into the jail on 5/07/2017 and stated that he wanted to commend them for their efforts and for the professional way he was treated while in custody at the Berkeley Jail.

I wanted to make sure that Jay and Ben are commended for their efforts. I tried reaching Mr. Buckley several times but there was no answer.

Please take a moment to commend them on a job well done!

Thank you very much,"  
SCSO Chris Calhoun

CSO Elliott and CSO Wynn manage their duties as Community Service Officers with integrity and professionalism. The aforementioned commendation is an excellent example of CSO Elliott and CSO Wynn's commitment to their job and to the citizens they serve.

**Gonzalez, Manuel**

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**From:** Gonzalez, Manuel  
**Sent:** Tuesday, June 20, 2017 12:18 PM  
**To:** Gonzalez, Manuel  
**Subject:** FW: Officer Coria commendation

**From:** [REDACTED]  
**Sent:** Friday, June 16, 2017 4:54 PM  
**To:** BPD Webmail <bpdwebmail@cityofberkeley.info>  
**Subject:** Officer Coria commendation

I would like to commend Officer Coria and his colleague (did not catch that Officer's name unfortunately) for responding promptly and professionally to my report of a home break-in on 5/26/17 in Berkeley. Officer Coria kept me in the loop as he investigated the situation, from checking in on our home from the neighbor's yard and then ultimately clearing the house when my in-laws arrived to open the home. He was extremely professional, polite and thorough in his review of the break-in and luckily it was a false alarm. It may sound like a cliché but I feel safer knowing he and the second officer are protecting Berkeley citizens.

Thank you,

[REDACTED]

From:  
Sent: Wednesday, June 28, 2017 11:10 AM  
To: BPD Webmail <bpdwebmail@cityofberkeley.info>  
Subject: Commendation

Dear Chief Greenwood,

At around 8:30pm on June 23rd, my family was out dining at a local restaurant and the on duty watch commander was sitting next to us for his meal break. He was very nice to my 2 1/2 year old son and gave him a sticker! A few minutes later, he rushed out of the restaurant to respond to an emergency, leaving his food sitting on the table. A short while later, he returned, hoping to get his food. Unfortunately, the restaurant staff had already thrown it away. He was extraordinarily polite to the restaurant staff when he realized what had happened, despite the disappointment of not being able to finish his meal. I appreciate that he was so quick to respond to the incident despite the fact that it interrupted his meal and that he was so gracious to the restaurant staff when he returned. When I talked to him when he returned, I found out that he had been responding to a possible life threatening medical emergency. I was very pleased to find out that the police respond to life threatening medical emergencies and that they take them very seriously. In a situation like the one he responded to, he could have made a very big difference if the patient had needed immediate intervention.

Thank you,

Berkeley Police Department

Parking Department

6/28/17

To whom it may concern,

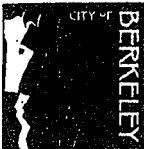
I need to commend an employee of yours. My husband and I were experiencing a very stressful day. He was to be reevaluated for a denied claim from the VA. We live in Concord and do not know Berkeley well. His appointment was on Alcatraz St. We left our home early and arrived early for the appointment. We found a parking spot near the BART tracks. In a little while parking attendant, D. Smith drive by and parked next to us. We smiled to each other, and she soon got out and got a loaf of bread from a truck. We admired the bread, and she then walked over to the truck and got a loaf for us! We shared a prayer for my husband's success with his appointment. She was so kind. She did not have to go out of her way for us, but she did. You have an amazing employee in D. Smith. Please honor her and acknowledge her as an exemplarily employee.

Thank-you,

3692 Montreal Cir.

Concord CA 94520

D. Smith you probably remember, my  
husband's name is



BERKELEY POLICE DEPARTMENT MEMORANDUM



July 1, 2017

To: Chief A. Greenwood  
Via Captain J. Louis *45-211 Act. Captain*  
Via Lieutenant J. Okies

From: Sergeant M. Parsons, S-35 *MPs. 35* *dp-1*

Re: Commendation for Officer N. Egbert #103

On 1/6/17 Ofc. Egbert stopped a vehicle for expired registration on Adeline/Harmon St. Egbert made contact with the driver and a record check of him revealed an out of state non-extraditable warrant for having a concealed weapon.

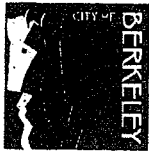
Ofc. Egbert detained the driver based on the warrant. In plain view, Ofc. Egbert saw an open bottle of beer and a bottle of Hennessy on the rear passenger floor board. During a probable cause search for alcohol Ofc. Egbert located a loaded Smith & Wesson 9 MM semi-automatic handgun. There was one round in the chamber and a loaded magazine. A records check of the driver also revealed that he had a prior felony conviction for carrying a concealed weapon.

The driver was placed under arrest for several firearm related offenses.

This case is just another example of Ofc. Egbert's fantastic instincts and his relentless pursuit of finding outstanding cases. Ofc. Egbert should be commended for his efforts and effectiveness as Berkeley Police Officer. This is a fantastic example of Ofc. Egbert's dedication to the job and the safety of the community.

Respectfully,  
Sgt. M. Parsons S-35

*M. Parsons S. 35*



BERKELEY POLICE DEPARTMENT MEMORANDUM



July 1, 2017

To: Chief A. Greenwood  
 Via Captain J. Louis *ES 2011 ACT. CAPTAIN*  
 Via Lieutenant J. Okies

From: Sergeant M. Parsons, S-35 *SP5.35* *ofci*

Re: Commendation for Officer D. Breaux #15

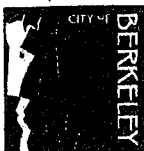
On 6/25/17 Ofc. Breaux stopped a vehicle for failing to stop at a stop sign and for expired registration in the driveway of [redacted] St. The vehicle didn't stop initially which created extra alertness for Ofc. Breaux. [redacted] St has been a problem location in West Berkeley for many years and still is a location plagued with quality of life issues, ie: drug dealing, gambling, drinking in public and disturbances just to name a few.

Ofc. Breaux made contact with the driver Jason Holman (known drug dealer) on probation with a 4-way search clause and passenger Laquon walker also on 4-way search conditions. Ofc. Breaux also smelled an odor of marijuana emanating from inside the vehicle. During a probable cause search for marijuana and a probation search, Ofc. Breaux located a loaded, concealed .22 pistol with 5 rounds loaded in the magazine under the front passenger seat. An AFS check revealed that the gun was reported stolen out of San Francisco. Neither occupant claimed ownership of the firearm. Based on proximity, both the driver and passenger were arrested on various weapon violations.

Ofc. Breaux should be commended for his outstanding instincts in developing probable cause and his investigative ability. For every weapon taken off the streets means that a life is saved. This is a fantastic example of Ofc. Breaux's commitment to the job and the safety of the community.

Respectfully,  
 Sgt. M. Parsons S-35

*M. Parsons #5.35*



BERKELEY POLICE DEPARTMENT MEMORANDUM



July 1, 2017

To: Chief A. Greenwood  
Via Captain J. Louis  
Via Lieutenant J. Okies

*FS 2-11 ACT-CAPTAIN*

From: Sergeant M. Parsons, S-35

*MP S.35 404*

Re: Commendation for Officer X. Ren #90

On 6/24/17 Ofc. Ren stopped a vehicle multiple vehicle code violations in the area of Chilton/Parker St. Ofc. Ren made contact with the five occupants in the vehicle and immediately smelled a strong odor of marijuana emanating from the vehicle. Ofc. Ren also saw an open container inside the vehicle.

Ofc. Ren made contact with the driver and saw objective symptoms of intoxication. Ofc. Ren conducted an initial investigation for DUI based on the objective symptoms of alcohol intoxication while assisting officers stood by with the other occupants. Ofc. Ren moved to conducting a probable cause search for marijuana. Assisting officer (Ofc. Muniz) assisted in a probable cause search of the rear occupant. As the subject took off his jacket to throw back inside the vehicle the jacket hit the ground making a loud sound consistent with sounds of a gun. Officer Muniz located a .45 cal. firearm with the magazine in the subject's pocket. All of the other occupants were handcuffed at that point.

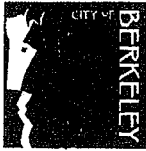
Once the scene was secure, Ofc. Ren continued with the search of the vehicle based on probable cause. Ofc. Ren located approximately 4 1/2 ounces of marijuana (both in marijuana and concentrated cannabis form), \$450 in mixed denominations, a digital scale, indicia, cell phone and unused packaging all consistent with street level drug sales. The driver was arrested for both possession for sales and transportation of marijuana and the rear passenger was arrested for weapons violations.

Ofc. Ren should be commended for his outstanding efforts in developing probable cause for the stop along with his observations of the occupants upon contact. Taking this gun off the street in my mind has saved someone from being injured in our city. This is a fantastic example of Ofc. Ren's dedication to the job and the safety of the community.

Respectfully,  
Sgt. M. Parsons S-35

*M. Parsons S-35*





**Berkeley Police Department  
Memorandum**



July 3, 2017

To: Chief Greenwood  
Via Captain J. Louis *KS ACT. CAPTAIN*  
Via Lieutenant J. Okies

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

Re: Commendation for Officer J. Muniz #30

This is a cumulative commendation covering the first six months of 2017.

On 01/27/17 at about 2134 Hrs. Ofc. Muniz was partnered with Ofc. Morillas. In the area of Ward St. and Mable St. they stopped a vehicle for having no license plates. Upon contact they smelled the odor of marijuana coming from the vehicle. They removed the occupants from the vehicle and began to investigate for possession of marijuana.

The passenger, ~~████████████████████~~, was acting nervous and was clearly trying to hide something. He gave a false name and was quickly detained in hand cuffs. A pat search revealed a loaded Glock 10mm with an extended magazine. Jackson was arrested and booked at BPD

On 02/19/17 at about 0238 hrs. Ofc. Muniz stopped a vehicle on Sacramento St at Alcatraz for no license plates. When he contacted the occupants and found the driver was driving on a suspended license. He had the occupants exit the vehicle and as the passenger got out Ofc. Muniz recognized the slide of a pistol sticking out from under the seat. He retrieved the gun and found it to be a S&W .40 cal semi-auto pistol. Ofc. Muniz arrested the driver and booked him at BPD.

On 03/09/17 Ofc. Muniz contacted two subjects sitting in a car in front of 2320 Warring. Upon contact he noticed the smell of marijuana and during a search of the suspects he located bags of marijuana on each of them. A further search of the car revealed a loaded Taurus 9mm in a blue backpack in the trunk. A check revealed the gun to be stolen out of Houston TX. Both subjects were arrested and booked at BPD.

On 06/03/17 Ofc. Muniz stopped a vehicle at King St and Alcatraz Ave for a registration violation. He contacted the driver and found he was on probation with a search clause. Ofc. Muniz removed him from the vehicle and located an S&W MP 9mm semi-auto pistol in the

subject's waistband. A further search of the vehicle revealed 243.15 gm of marijuana, scales and packaging. The subject was arrested and booked at BPD.

On 06/24/17 Ofc. Muniz responded to assist Ofc. Ren on a vehicle stop at Chilton St. and Parker St. Ofc. Muniz assisted by getting the passengers out of the car for a probable cause search. As one of the passengers got out, he turned to throw his jacket into the car. The jacket missed the car and landed on the ground making a "thud" sound consistent with a gun. Ofc. Muniz handcuffed the subject and recovered a loaded Kahr .45 cal semi-auto pistol in the jacket. The subject was arrested and booked at BPD.

Ofc. Muniz demonstrates a continuous determination to be proactive and make the streets of Berkeley safe. He is an asset to the Berkeley Police Department and should be commended for his efforts.

Respectfully,  
Sgt. T. Sabins S-19



**Berkeley Police Department  
Memorandum**



July 3, 2017

To: Chief Greenwood  
Via Captain J. Louis *✓ S-19 ACT CAPTAIN*  
Via Lieutenant J. Okies

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

Re: Commendation for Officer J. Loeliger #7

On 05/19/17 at about 1930 hrs. Officer's responded to the area of Chestnut St and Virginia St in regard to an armed robbery that had just occurred. Dispatch radioed the suspect description and a description of the vehicle they had fled in. Officer's scoured the area searching for the suspects.

Within minutes Ofc. Loeliger spotted a vehicle matching the description at the intersection of Virginia St and Fourth St. Numerous officer's responded to assist on the high risk stop. The vehicle was stopped and the occupants were detained.

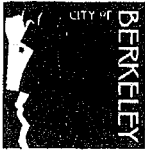
Seeing that the detainees matched the suspect description, Ofc. Loeliger left the scene and retrieved the victim for an infield show up. The suspects were positively identified and a search of the vehicle revealed the victims property and the semi-auto pistol that was used to commit the robbery.

His investigation and arrest in this case led to the closure of another very violent armed robbery committed by the same suspects a week prior.

It is this type of diligence that make Ofc. Loeliger an asset to the Berkeley Police Department. He should be commended for the work he puts forth to serve this community.

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





**BERKELEY POLICE DEPARTMENT MEMORANDUM**



To Chief Andrew Greenwood, via the Chain of Command Date July 5, 2017

From Officer Jennifer Coats *JC* *MDL-3* *FS #2-11* *ACT. CAPT.*

Subject **Commendation for Special Olympics Torch Run**

I would like to take the opportunity to thank and commend the Officers, PEOs and Crime Scene Staff who assisted in this year's Torch Run for Special Olympics. The members of the Berkeley Police Department have always been strong believers in community. Many of our members give back by participating in charitable organizations raising awareness for various causes.

*see next page*

On June 20, 2017, several members of the Berkeley Police participated in the Torch Run for Special Olympics. BPD members joined hundreds of law enforcement personnel around Northern California to carry the "Flame of Hope," culminating at the opening ceremonies for Summer Games held at UC Davis. The participants received the "Flame of Hope" from members of the UC Berkeley Police Department and ran through Downtown Berkeley, north along Martin Luther King to The Alameda and finished by traveling west on Solano Avenue ending at Peralta Avenue in Albany, where the torch was passed to members of the Albany Police Department.

Logistically, this event could not have taken place without members from the Traffic Bureau, Support Services and Operations Divisions. They assisted with traffic control and followed the runners along the route, ensuring their safety.

As the participants were running, there were many community members along the route cheering on our participants and thanked them for running for such a worthy cause. I would like to commend this year's participants and thank the many members who made this year's run memorable.

Respectfully Submitted,

Personnel who participated or assisted with the event:

Captain Jennifer Louis	Sergeant Emily Murphy	Sergeant Andrew Frankel
Lieutenant Kevin Reece	Officer Nikos Kastmiller	Officer Susan Lee
Officer Essex Combong	Officer Scott Castle	CS1 Andrea Cardoza
Officer Alex Villarroel	Officer Ryan Murray	CSO Alicia Escamilla-McNie
Officer Brandon Smith	Officer Tommy Syto	Officer Xiao Ren

Parking Enforcement Officer Sandra Davis

Parking Enforcement Officer Crusetta Cooper

Parking Enforcement Officer Shaunette Pinson

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Wednesday, July 12, 2017 8:15 AM  
**To:** Gil, Sergio  
**Subject:** FW: Commendation for Wynn

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**From:** Calhoun, Christopher  
**Sent:** Wednesday, May 24, 2017 4:24 PM  
**To:** White, David  
**Subject:** Commendation for Wynn

Hey Sgt. White! I think a commendation is well deserved for CSO Wynn. For the past few months, Wynn has taken an effort to replace the plastic spoons being used in the jail. We have had a few incidents in the jail with detainees attempting to 1056 themselves by breaking up the plastic spoon and penetrating their skin. Wynn has taken time by calling other facilities to figure out what utensils they use, making video footage of the dangers of the broken spoons, and researching the pricing of the spoons to make them as most cost efficient for the department as possible. This, in my opinion, shows the attention to detail and the initiative to take action in protecting not only the safety of the detainees, but to his fellow CSO's.

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Thursday, July 27, 2017 8:01 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thank you  
**Attachments:** image001.jpg

**From:** Melissa Fitzgerald [mailto:Melissa.Fitzgerald@cityofberkeley.info]  
**Sent:** Monday, July 17, 2017 9:48 PM  
**To:** Coria, Cesar <CCoria@cityofberkeley.info>  
**Cc:** Rateaver, Andrew <ARateaver@cityofberkeley.info>  
**Subject:** Thank you

Dear Officer Coria,

I just wanted to take a moment to say THANK YOU for taking the time during your shift last week to enforce the 3 ton weight limit on Cedar Street. The recent uptick in truck traffic has had a profound effect on the quality of life and safety in our neighborhood. (We have lived in our home at [REDACTED] for the last 31 years.)

While traffic enforcement can monitor what happens during regular weekday hours, we have noticed that many drivers (particularly Safeway semi's) actively choose to ignore the laws on evenings and weekends, assuming that they will not be cited during 'off' hours. Providing some enforcement during these non-traditional hours makes a huge difference.

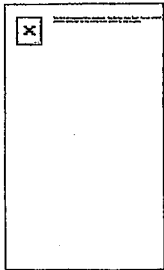
~~Your actions did not go unnoticed, and we very much appreciate your efforts.~~

---

Have a great evening,

[REDACTED]

[REDACTED]  
General Manager  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]





July 26, 2017

To: Personnel & Training

From: A. Greenwood, <sup>AGC</sup> Chief of Police

Re: Berkeleyside posting; commendation

Please process the below letter posted in Berkeleyside earlier today as a commendation for Lt. Mike Durbin, Sgt. Rosie Jung, Lt. Kevin Schofield, and Capt. Dave Reece.

I've reached out to Ms. Wolfe to thank her already, so there is no need to do a letter to her.

Thanks!

\*\*\*\*

## Berkeley Police Department: Seeing compassion in action

An early-morning encounter in a Berkeley coffee shop between a man and some police officers prompts a response:

By Guest contributor

July 26, 2017, 10:09 a.m.

By ~~Ariane Wolfe~~

*Ariane Wolfe is a parishioner and lay minister at All Souls Episcopal Parish in Berkeley and works at the UC Berkeley College of Engineering.*

July 26, 2017 — 7:10 a.m. or so, Philz Coffee, Shattuck Avenue, downtown Berkeley.

I'm writing this to commend the two Berkeley police officers I saw this morning while I was having tea at Philz. I don't know who they were and didn't want to bother them to ask — but maybe they'll get to see this and know that their kindness didn't go unnoticed.

A loud shout and swearing broke out from downstairs, following a crash. Angry yelling from a deep voice. Everyone stopped to see what was happening, and a man who looked a bit out of sorts, and like he might be one of Berkeley's too-many un-homed residents came stamping up the stairs, adding an extra, heart-felt "Shit!" and "F\*ck!" as he reached for some napkins at the water station.

He appeared very upset and perhaps a bit volatile, then looked up to see a table of officers and their friends (or co-workers out of uniform?) looking at him. They had been having a boisterous, laughing conversation and were smiling at the man — not condescendingly but genuinely, in sympathy, and the man seemed to pull himself together a little and apologized. He had just spilled all his coffee, I think, on himself in part.

One of the uniformed officers made a light comment about understanding, then asked if he could help in some way. The shift in the man was dramatic. He actually stopped his motion, where he had been hunched over and scowling, and his face relaxed as he straightened and answered, quietly. I didn't hear what he said but I think he asked for another coffee... whatever it was, the officer smiled and said, "of course", and walked over to accompany the man back downstairs.

The scene could have played out so differently — and perhaps that's what others in the room expected. There is enough unease between some of the police and residents, especially if they're assumed to be part of the homeless population, that it could have gotten more tense rather than less. But these two officers and the others at their table responded calmly and with compassion — and it made all the difference, diffusing the tension in the room and bringing a solution rather than conflict.

It was also a beautiful show of human kindness and the simple things we can do to make another's day easier. I noticed earlier that someone — who I think was random and unknown to the group with the officers — had paid for their coffees when they weren't looking. Kindness leading to kindness.

It's been a lovely early morning hour and I wanted to share it, with my gratitude to the officers of the Berkeley PD who went out of their way to make someone's life a bit easier.

Dear Officer Cerletti,

Just wanted to thank you  
so much for taking the time,  
and having the patience to  
answer my questions about  
how I might defend myself  
if necessary while staying  
on the good side of the  
law, not easy questions  
to ask, but I appreciate  
your understanding.

We need more  
officers like you.

 →

as I told you, I am simply  
in awe of police  
officers.

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Wednesday, August 16, 2017 8:39 AM  
**To:** Gil, Sergio  
**Subject:** FW: Badge 25 Jesse Macapagal

**From:** [REDACTED]  
**Sent:** Saturday, August 12, 2017 12:17 PM  
**To:** BPD Webmail <[bpdwebmail@cityofberkeley.info](mailto:bpdwebmail@cityofberkeley.info)>  
**Subject:** Badge 25 Jesse Macapagal

I had to call the police Friday night because my employee was being disgruntled and would not leave my shop in West Berkeley. Jesse Macapagal showed up and I just wanted to say that he showed up quickly and handled everything respectfully, professionally. I was very impressed the way he communicated and helped alleviate a possibly dangerous situation. Please thank him. Good work to him and the Berkeley Police Department.

[REDACTED]



8-14-17

Chief Greenwood

Berkeley Police Department

Chief Greenwood,

I feel compelled to write a commendation for Officer Cerletti for his extraordinary display of professionalism and patience he demonstrated here on July 26, 2017.

Officer Cerletti responded to the Berkeley City College in reference to a difficult non-student refusing to leave the campus after being told and warned multiple times by campus security. Calling the police was a last resort. Upon his arrival, Officer Cerletti was given the details of the case then made contact with the responsible.

The responsible had some mental health issues and was very uncooperative both physically and verbally when asked to leave and identify herself. I admit, I was shocked with the time provided and effort Officer Cerletti put in with the responsible to resolve this situation. Based upon the uncooperative nature of the responsible, the responsible was ultimately arrested for trespass.

Please extend my opinion of Officer Cerletti's work performance as exceptional!



[Redacted name]

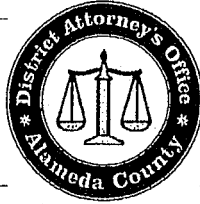
[Redacted title]

RECEIVED  
AUG 16 2017  
OFFICE OF THE CHIEF

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

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

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

Dear Chief Andrew Greenwood,

I am writing to commend the performance of Berkeley Police Officer Samantha Martinez for her investigation and testimony in the recent case of People v. [REDACTED]. Officer Martinez had completed field training just months before the events of December 22, 2016 that led to assault charges being filed against [REDACTED]. Officer Martinez was the first on scene, the first to contact [REDACTED], and the first to contact the victim, [REDACTED].

Officer Martinez showed tremendous poise, professionalism, and compassion throughout the investigation that day. Despite being a relatively new patrol officer, she showed initiative by conducting follow up investigation with the victim, as well as attempting to interview additional witnesses to the incident. Most impressive to me however, was her performance during the trial. Officer Martinez testified extremely well. Her confidence, composure, and poise impressed both me and the District Attorney Inspector assigned to the case. Her dedication to the case was clear, and she went above and beyond the call to ensure that the justice was served. Thanks in large part to her performance the jury convicted [REDACTED] of felony assault.

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

Sincerely,

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

Nick Homer  
Deputy District Attorney  
August 17, 2017

██████████

██████████

██████████

██████████

██████████



**Lee, Katherine**

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**From:** Greenwood, Andrew  
**Sent:** Monday, January 15, 2018 11:52 AM  
**To:** Lee, Katherine  
**Subject:** Principled Policing e-file  
**Attachments:** Principled Policing.pdf

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

Kathy,

Attached is the course outlined POST approved for the BPD class.

The first session was Dec. 28; two more sessions are in the January, and February, respectively.

Cheers,

Andy G.

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



**PROCEDURAL JUSTICE & IMPLICIT BIAS**  
**EXPANDED COURSE OUTLINE**  
**Page 1 of 10**

**TITLE:** PRINCIPLED POLICING: A DISCUSSION OF PROCEDURAL JUSTICE AND IMPLICIT BIAS

**DATE:** TBD

**HOURS:** 8.0

**LEARNING NEED:**

**Procedural Justice** is a research-based and cost-effective paradigm that was designed to increase peace officers' ability to improve the public's confidence and trust in law enforcement agencies. One of the main principles of **Procedural Justice** is the development of a spirit of teamwork between law enforcement agencies and community members. This sense of cooperation leads to a reduction in criminal activity and an overall improved quality of life with in the community. Research indicates that procedural justice increases citizens' voluntary compliance during law enforcement contacts in addition to improving the relationship of trust with community members.

**Implicit Bias** can be defined as the thoughts or feelings about social groups of which people may be unaware, yet can influence their decisions and actions. People can act on **Implicit Bias** despite good intentions, strong motivations, or the sincere desire to be egalitarian. Although **Implicit Bias** is common, it is not inevitable. It is more likely to influence people in some situations than in others and combating **Implicit Bias** requires some understanding of the situational factors that induce it. Law enforcements' ability to develop an insight into **Implicit Bias** is central to their comprehension of a prime factor that can destroy the public's trust in law enforcement agencies. This course will empower law enforcement with the knowledge necessary to begin to address implicit bias within their respective departments.

This course melds the principles of Procedural Justice and Implicit Bias in order to create a broad awareness of these two important concepts. Law enforcement can improve trust and relationships between law enforcement agencies and their communities by using these principles to evaluate their policies, procedures and training within our department. In addition, developing an understanding of these two concepts will enable law enforcement to improve safety and well-being for the public and law enforcement alike.

**PROCEDURAL JUSTICE & IMPLICIT BIAS**  
**EXPANDED COURSE OUTLINE**  
Page 2 of 10

**OUTLINE**

**I. Introduction**

**A. Introductions- class set up**

1. Options for opening the course
  - a. AG Video
  - b. Chief's Office
  - c. Police Chaplain
2. Welcome and brief statement of purpose
  - a. Instructor and student introductions
3. Introduction to the course content
  - a. Learning objectives
  - b. Course content – briefly review each module
  - c. Brief background on the development of the course
  - d. What the course isn't
4. Introduction to course participation
5. Participation in the course is essential, express opinions while respecting others
6. Class participation – questions, discussions, small group work
7. Housekeeping

**B. Course Overview: The course is not about discipline.**

1. The course is about validating what you are already doing, its awareness for those that may not be doing it, and for some it may be corrective.
2. Advise students that a test is administered at the conclusion of the course.

**C. Administration of the Pretest: A pretest is administered to the students before any course material is revealed. The pretest is designed to measure each students' knowledge of the subject matter that comprises the course. The results of the pretest will be compared to results of the final examination that will be administered at the conclusion of the course.**

**.5 hour**

**II: Module One: Interactive Nature of Procedural Justice, Legitimacy and Policing Goals.**

**A. OVERVIEW: Module 1 defines police legitimacy and procedural justice and provides video examples of procedural justice. It introduces the "Four Principles of Procedural Justice". This module offers an opportunity to discuss and discover how procedural justice benefits staff and supports their Department's goals for policing.**

**B. Teaching Objectives: Upon completion of this module, clear connections will be made between:**

1. Individual officers' goals,
2. The code of ethics

**C. Learning Objectives: Upon completion of this module, students will be able to:**

## PROCEDURAL JUSTICE & IMPLICIT BIAS

### EXPANDED COURSE OUTLINE

Page 3 of 10

1. Define procedural justice,
  2. Define police legitimacy, and
  3. Explain how procedural justice leads to greater police legitimacy
  4. Explain how these concepts relate to addressing crime
- D. The students will participate in a **Learning Activity** to assess their knowledge or initial perceptions of Police Legitimacy and Procedural Justice. While in groups using their own words and real life experiences they will define/describe the terms of “police Legitimacy” and “Procedural Justice”. As the groups report the instructors will facilitate a group discussion to ensure the students understand the concepts of Police Legitimacy and Procedural Justice.
- E. Building on the concepts learned the instructors will show a video of a resisting subject (using the Taser Mike Video) and conduct a facilitated discussion regarding the officers’ use of Procedural Justice and Police Legitimacy.
- F. DEFINE AND CLARIFY
1. What is police legitimacy?
    - a. The public view of the police as entitled to exercise authority in order to maintain social order, manage conflicts, and solve problems in the community.
  2. What is procedural justice?
    - a. The procedures used by police officers and other justice system actors, where citizens are treated fairly and with proper respect as human beings
- G. FOUR PRINCIPLES OF PROCEDURAL JUSTICE
1. Voice
  2. Neutrality
  3. Respectful Treatment
  4. Trustworthiness
- H. BENEFITS OF PROCEDURAL JUSTICE FOR LAW ENFORCEMENT.
1. Safety
  2. Lower stress
  3. Fewer complaints
  4. Greater cooperation
  5. Voluntary compliance and support for police actions
  6. Lower crime, greater public safety
- I. EVIDENCE OF THE ABOVE BENEFITS
1. Sunshine and Tyler 2003 – if the public views the police as legitimate they will be more likely to assist the police with crime prevention (i.e., reporting crime or calling for help) and to give police a wider range of discretion to perform their duties.
- J. The students will participate in a **Learning Activity** while using easel pads, they will list the goals of Peace Officers. The groups will compare and contrast the views they had as their careers began and the goals they have at this point in their careers.

**PROCEDURAL JUSTICE & IMPLICIT BIAS**  
**EXPANDED COURSE OUTLINE**  
Page 4 of 10

**K. GOALS OF POLICING**

1. Social order
2. Crime prevention
3. Be fair and impartial
4. Ensure constitutional rights
5. Safety, be effective, offer support
6. Serve and protect the public
7. Generate and hold public trust
8. Racial reconciliation

**L. CALIFORNIA LAW ENFORCEMENT CODE OF ETHICS**

1. Code of ethics emphasizes principles of procedural justice

**1 hour**

**III: Module Two: Expectations and Legitimacy**

**A. OVERVIEW:** Module 2 presents a more in-depth look at cynicism, and its impact on police legitimacy and procedural justice. It offers an opportunity to discuss police and community expectations of each other and examine actions that build trust.

**B. Teaching Objectives:** Upon completion of this module, the following concepts will be clear:

1. The role cynicism plays in the profession of policing
2. The importance of public support for policing efforts
3. How citizen and law enforcement expectations can conflict and cause harm to positive relations
4. How procedural justice can address cynicism and support officer wellbeing

**C. Learning Objectives:** Upon completion of this module, students will be able to:

1. Compare and contrast citizen and law enforcement expectations
2. Understand the role cynicism plays in procedural justice and police legitimacy
3. Discuss the need for public support
4. Articulate the necessity for law enforcement to serve as role models for police legitimacy

**D. CYNICISM**

1. Define cynicism as it relates to the profession of policing
  - a. A cynic expects nothing but the worst in human behavior. Cynicism is the antithesis of idealism, truth, and justice-which are the virtues that police officers swear to uphold.
  - b. How some police come to view things, how cynicism affects police at both the personal and professional levels
  - c. External Procedural Justice
  - d. Internal Procedural Justice
  - e. Categorizing stressors

## PROCEDURAL JUSTICE & IMPLICIT BIAS

### EXPANDED COURSE OUTLINE

Page 5 of 10

- i. Officer safety and hypervigilance
- ii. Us vs. Them mentality

#### E. STRESSORS

1. What affects police but we don't talk about
2. How it plays out at work
3. How it plays out outside of work

F. The students will participate in a **Learning Activity** that identifies stressors for law enforcement from their perspective. Each group will list and report out on the stressors affecting peace officers.

#### G. IMPACT OF CYNICISM

1. On officer health and well being
2. On interactions and relationship with the public
3. Community's version of cynicism

H. The student will participate in a **Learning Activity** that identifies the expectations of law enforcement from the community and expectations that law enforcement has of the community. The instructor will facilitate a discussion of the differences and similarities between the two lists created by the group. Generally, the exercise results in two lists are very close or identical.

#### I. EXPECTATIONS

1. The Golden Rule
2. The Platinum Rule
3. Expectations, commonalities, and conflicting narratives
4. Community and police need each other to meet expectations
5. Procedural Justice and Police Legitimacy contribute to voluntary compliance

#### J. POLICE LEGITIMACY

1. Why people obey the law:
  - a. Deterrence
  - b. The right thing to do
  - c. Fear the consequences of their failure not to
2. Authorities are legitimate
  - a. Define legitimacy; legitimacy reflects trust and confidence in police, acceptance of authority, actions perceived as morally correct and appropriate
3. Lawfulness vs. legitimacy

1 hour

### IV: **Module Three:** Procedural Justice

A. **OVERVIEW:** Module 3 is an in-depth look at procedural justice. It examines each of the four tenets or principles, how they relate to decision-making, the policing process and how

**PROCEDURAL JUSTICE & IMPLICIT BIAS**  
**EXPANDED COURSE OUTLINE**  
**Page 6 of 10**

treatment affects the public's assessment. This module also offers an opportunity for students to discuss personal experiences with procedural justice.

- B. Teaching Objectives: Upon completion of this module, the following concepts will be clear:
1. The principles of procedural justice,
  2. How applying procedural justice principles in interactions with citizens can positively impact officer safety and mitigate the stresses and challenges of police work, and
  3. How procedural justice affects outcomes and increases police legitimacy, in particular in communities of color
  4. The necessity for law enforcement to support Procedural Justice
- C. Learning Objectives: Upon completion of this module, students will be able to:
1. Explain how utilizing procedural justice can support the objectives of police work and mitigate the challenges/stresses of police work
  2. Demonstrate retention of knowledge pertaining to procedural justice principles
  3. Understand that process is equally if not more important than the outcome.
  4. Explain how procedural justice can have a positive impact on their department
- D. PROCEDURAL JUSTICE
1. Justice and procedural justice
- E. PROCESS MATTERS
1. Citizens' assessment
  2. Assessment = Outcome + Process
  3. Role of procedural justice to perceptions of legitimacy
  4. Quality of treatment and quality of decision-making
- F. VOICE
1. Listening to the explanation, demonstrating understanding
  2. Perspective being valued
  3. Feeling of input and inclusion in the process
  4. Nonverbal communication factors into voice
  5. Perception is what counts
  6. Supports officer safety and wellbeing
- G. NEUTRALITY
1. Conveying neutrality through unbiased decision-making
    - a. Implicit bias introduction (agency options to introduce the topic.)
  2. Showing decision is applied equally allows people to see neutrality
  3. Explaining decision-making process contributes to transparency
- H. The student will participate in a **Learning Activity** that will assess the negative impact of labeling on the community and law enforcement. A facilitated discussion will follow on the power of negative labels and the effects on how the police provide service to the community. Thereafter,



## PROCEDURAL JUSTICE & IMPLICIT BIAS

### EXPANDED COURSE OUTLINE

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the discussion will focus on how law enforcement can impact their officers' descriptive terms of their community.

#### I. RESPECT

1. Treating people with respect and dignity validates them as a human being
2. Respect for the person, respect for rights
3. Contributes to officer safety and voluntary compliance

#### J. TRUSTWORTHINESS

1. Intentions and character
2. Acting in a benevolent and caring way, showing that officer is trying to do what's best
3. Listening to people's accounts
4. Explaining police actions showing awareness and sensitivity to people's concerns

#### K. EXAMPLES AND PERSONAL STORIES

1. Doctor example
2. Other examples

#### L. RESEARCH

1. Study of California street stops--- Quality of treatment (.59) and decision making (.17) matter more to citizen voluntary acceptance than the favorability of the outcome for the citizen (.12)
2. Fair vs. unfair treatment, good vs. bad outcomes

**1.5 hours**

#### V: **MODULE 4: HISTORICAL AND GENERATIONAL EFFECTS OF POLICING**

- A. Overview: Module 4 examines the historical and generational effects of policing. It provides an opportunity to better understand the impact of the racialized legacy of policing on present day policing practice and policy. By the end of this module, students are expected to understand the concepts of deposits and withdrawals and relate them to procedural justice.
- B. Teaching Objective: Upon completion of this module, the following concepts will be clear:
  1. Historical and generational effects of policing
  2. Experiences of policing in communities of color
  3. How perceptions and expectations affect policing, and
  4. What can be done at the individual and agency level, deposits and withdrawals?
- C. Learning Objective: Upon completion of this module, students will understand:
  1. Why relationships are strained and that police/law enforcement has, and still is, used as a tool of corrupt governments to implement unjust laws both in the US and in other countries
  2. How communities in which officers serve are products of that history and that reality
  3. Why officers need to understand this and how this impacts the common goal of a safer community and better relationships with the public

## PROCEDURAL JUSTICE & IMPLICIT BIAS

### EXPANDED COURSE OUTLINE

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4. Deposits and withdrawals and the role of procedural justice in making more deposits
5. The impact that law enforcement can have on this process

#### D. INTRODUCTION OF CIVILIAN/COMMUNITY INSTRUCTOR (Agency options on instructor)

1. Community partner speaking from personal experience
2. Commitment to thorough analysis of law enforcement impacts and interactions for all communities with low levels of trust with law enforcement
3. Commitment to a different future for black and brown communities affected by crime

#### E. HOW DID WE GET HERE?

1. Police used to enforce racist laws
2. Historic experiences of policing in communities of color
3. Current instances of misconduct
4. Examples of personal narratives, supporting data

#### F. WHAT CAN WE DO?

1. Community bank account, deposits and withdrawals
2. Growth vs fixed mindset, research and implications
3. Every interaction as an opportunity for a deposit – making every interaction count
4. Working together
5. Proactive involvement by law enforcement

- G. The student will participate in a **Learning Activity** regarding the historical relations between the black and brown communities. Through a facilitated discussion, the students will relate their professional experiences in law enforcement regarding the gradual elimination of discrimination against members of their communities. This is typically a very rich discussion with significant student participation.

**1.5 hours**

## VI: MODULE 5: IMPLICIT BIAS CONCEPTS FOR LAW ENFORCEMENT

- A. Overview: Module 5 introduces the concept of implicit bias and describes the science and research behind it. This module offers an opportunity to learn about how implicit bias is the product of an interaction between normal psychological functioning and the world we live in, but can have a profound impact on decision making and outcomes for line staff and law enforcement.

#### B. TRANSITION INTO MODULE

1. Perception in communities with low trust in law enforcement that they are not getting procedural justice from police; legitimacy is damaged
2. What is getting in the way of “procedural justice for all”?
  - a. Historical relations could be one barrier.
  - b. Cynicism could be another barrier.
  - c. Implicit bias may be yet another barrier.

**PROCEDURAL JUSTICE & IMPLICIT BIAS**  
**EXPANDED COURSE OUTLINE**  
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**C. MODULE OBJECTIVES:**

1. Definition of implicit bias
2. Sources of implicit bias
3. Scientific studies of implicit bias
4. Combating implicit bias

**D. WHAT IS IMPLICIT BIAS?**

1. Provide working definition of implicit bias and distinguish it from explicit bias
  - a. Thoughts and feelings about social groups that can influence people's perceptions, decisions, and actions without awareness.
2. Discuss the building blocks for implicit bias (i.e., stereotyping and prejudice)
3. Stereotyping is considered universal, yet the content of stereotypes about specific social groups is culturally specific.
4. In the U.S., African Americans are highly associated with crime. The Black-crime association is well documented in the social scientific literature and is also frequently at the heart of police-community tension across the U.S. Therefore, we will use it as a primary example of how implicit bias operates (keeping in mind, of course, that people can hold implicit biases about a variety of social groups).

**E. WHERE DOES IT COME FROM?**

1. The Black-crime association is supported by actual crime statistics.
2. The Black-crime association is supported by media.

**F. HOW DOES IT AFFECT US?**

1. What We See (e.g. the mere presence of Black faces facilitates the detection of weapons)
2. How We Act (e.g. in shoot/don't shoot computer simulations people are faster to shoot Blacks with guns than Whites with guns; people are also more likely to mistakenly shoot Blacks without guns)
3. Where We Look (e.g., people who are prompted to think of violent crime look toward Black faces and away from White faces)
4. How We Interpret Behavior (e.g., people interpret the actions by a Black person to be more threatening, aggressive, and criminal than those same actions by a White person)
5. How We Interact (e.g., people leave inter-racial interactions feeling cognitively depleted and physically stressed)
6. The Bias of Others (e.g., police officers are often placed in situations where they are forced to act on the bias of others in the community)

**G. HOW CAN WE ADDRESS IT?**

1. Addressing implicit bias is critical to procedural justice
2. How can law enforcement agencies design systems and processes to protect officers from implicit bias and improve police-community relations?
3. Discuss seven evidence-based strategies

**2 hours**

**PROCEDURAL JUSTICE & IMPLICIT BIAS**  
**EXPANDED COURSE OUTLINE**  
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**VII: Module 6: Conclusion**

- A. Test Administered to Students
  
- B. Course Evaluation: At the end of the class, students are requested to complete a brief evaluation of the course and the instructors.
  
- C. Certificate: Students who participate for the entire class will receive a certificate of completion.

**.5 hour**

**Lee, Katherine**

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**From:** Greenwood, Andrew  
**Sent:** Tuesday, January 16, 2018 12:20 PM  
**To:** 'J. George Lippman'  
**Cc:** Lee, Katherine; Williams-Ridley, Dee  
**Subject:** RE: NCRIC advisories  
**Attachments:** NCRICAdvisoriesResponse01162017.pdf

Cmsr. Lippman,

Please see my letter, attached, in response to your email below.

As you will see, NCRIC advisories provide timely, important information, which supports our Department's efforts to keep our community safe.

I am asking the City Manager to convey this letter to the Mayor and Council and to the Ad Hoc Subcommittee on NCRIC as well.

I would also ask that Ms. Lee distribute the information to the PRC as well.

I hope you find the information useful.

Best regards,

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

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

**From:** J. George Lippman [mailto:george@igc.org]  
**Sent:** Monday, December 11, 2017 8:20 AM  
**To:** Greenwood, Andrew <AGreenwood@cityofberkeley.info>  
**Cc:** Lee, Katherine <KLee@cityofberkeley.info>  
**Subject:** NCRIC advisories

Chief,

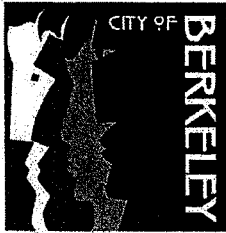
As part of the PRC's annual review of "mutual aid" MOUs, our subcommittee met last week to discuss NCRIC, among other BPD relationships.

Captain Reece suggested I ask you for access to NCRIC advisories that come in to BPD. I believe these are emails that are sent frequently to the department.

We will discuss the MOU packet during the commission meeting this Wednesday evening, December 13. It would be good if I could have a look at these messages prior to that meeting. If you prefer, I could schedule a time to come to your office or to the PRC.

Thanks very much,

George Lippman  
Chair, Police Review Commission



Police Department

January 16, 2017

George Lippman  
Vice-Chair, Police Review Commission  
(via email)

Dear Mr. Lippman,

This is in response to your December 11, 2017 email, in which you requested that I provide you with "access to NCRIC advisories" that come to BPD members. As you are aware, the Berkeley City Council convened an Ad Hoc Committee to focus on the Berkeley Police Department's relationship with the Northern California Regional Information Center (NCRIC). Given their interest, and to ensure transparency in providing information, I am providing this information not only to you, but to the Ad Hoc Subcommittee on NCRIC, the Mayor and Council, and the Police Review Commission as well.

This letter contains the following information related to NCRIC Advisories:

1. A summary of the three types of email advisories I receive from NCRIC, including general descriptions of types of information and advisory, and the specific regulations regarding the specific prohibitions against sharing the actual bulletins with non-law Enforcement personnel.
2. A list of examples of training opportunities as passed along in NCRIC advisories.
3. An endnote containing The Suspicious Activity Reporting (SAR) Criteria Guide, with defined Criminal Activity and Potential Terrorism Guide, and descriptions of *potential* criminal or non-criminal activity requiring additional information during vetting.

**NCRIC Advisories:** NCRIC distributes three kinds of advisory emails, as follows:

1. Training Opportunity Advisories pass along information regarding Training classes from a variety of sources. For example, BPD hosted a class on January 4, and our training flyer was conveyed through training advisories.
  - Emotional Survival for Law Enforcement (**Hosted by Berkeley PD**)
  - Fentanyl Trends, Recent Seizures and Safe Handling Practices for First Responders
  - Search Warrants A-Z
  - Drug-Endangered Children Investigations

- Marijuana Update: A Look at Recreational and Medical Cannabis & the Changing Laws
- San Bernardino Terror Attack
- Law Enforcement Ground Combatives Course
- Drugged Driving Investigations/Drug Abuse Recognition
- Chasing Cell Phones
- Interview and Interrogation for Drug Investigations
- 80 Hour Major Drug / Narcotics Investigator Course
- Open Source/Social Media
- Chasing Money
- Law Enforcement In-Flight Tactical Familiarization
- Drug Cartels
- Drug Interdiction and Conducting Complete Traffic Stops

2. **Unclassified/Law Enforcement Sensitive Information (abbreviated as "U/LES")**

Advisories, such as:

- a. Briefs including safety awareness information, wanted persons notices, details regarding training information to identify criminal techniques, counter-terrorism information, current criminal alerts and analysis and summaries of recent Suspicious Activity Reports (SARs). SARs are always described with an initial "rating" for additional context: Actionable, Elevated, Preliminary, Criminal, No Nexus. The rating of the SAR may be adjusted as further information is developed regarding the incident and the specific suspicious behavior by the NCRIC and partner public safety agencies. Please see the SAR Criteria Guide, provided in an endnote.
- b. Situational Information Reports. These reports provide specific information regarding criminal incidents, including terrorism events.

Note: NCRIC rules<sup>1</sup> do not allow the sharing of specific U/LES briefs beyond law enforcement, whose training and regulations requires maintaining the due process and privacy rights of all people. An exception is for emergencies when the release is required to save lives and/or property.

3. **Unclassified/For Official Use Only Information (abbreviated as "U/FOUO")** Advisories, such as:

- a. Briefs including safety awareness information, wanted persons notices, details regarding training information to identify criminal techniques, counter-terrorism information, current criminal alerts and analysis and summaries of recent Suspicious Activity Reports (SARs). SARs are always described with an initial "rating" for additional context: Actionable, Elevated, Preliminary, Criminal, No



Nexus. The rating of the SAR may be adjusted as further information is developed regarding the incident and the specific behavior by the NCRIC and partner public safety agencies. Key law enforcement investigative data is removed to protect the integrity of criminal investigations.

- b. Alert Bulletins provide information on recent events, often with accompanying analysis providing threat information and analysis. Key law enforcement investigative data is removed to protect the integrity of criminal investigations.

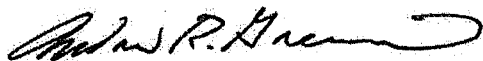
Note: NCRIC rules<sup>ii</sup> do not allow the sharing of specific U/FOUO briefs beyond public safety and critical infrastructure/key resource protection personnel, unless an emergency requires saving lives and/or property. In these cases as well, maintaining privacy and due process is critical.

**A note on SARs:** As you know, BPD reports to Council every SAR made by our agency. In their SAR Criteria Guide<sup>iii</sup>, NCRIC describes criminal activity and potential terrorism as they relate to assessing SARs below. I am including this information for your reference in this document.

I realize this information is perhaps more wide-ranging than one might expect. However, NCRIC LES and U/FOUO Situational Awareness and Alert bulletins provide timely, important information to our agency, which in turn supports our ability to assess and mitigate risk, understand the dynamics of notable incidents, and work to keep our community safe.

It is in the interest of transparency that I provide this comprehensive response, including the NCRIC information related to evaluating and contextualizing SARs-related information in the end notes. I hope you find this information helpful.

Sincerely,



Andrew R. Greenwood  
Chief of Police  
Berkeley Police Department

cc: Mayor J. Arreguin  
Berkeley City Council  
Ad Hoc Subcommittee on Urban Shield and NCRIC  
Police Review Commission Officer K. Lee

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<sup>i</sup> Can "Law Enforcement Sensitive" (LES) information and/or intelligence received from the NCRIC be shared with non-NCRIC members? (From NCRIC's Frequently Asked Questions webpage)  
LES information and intelligence received from the NCRIC can be shared with a person who is not a member of the NCRIC based on the criteria outlined below; however, under no circumstances unless permission is provided in advance by NCRIC management can a document be forwarded or reproduced.

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The sharing of information and/or intelligence should be accomplished verbally or when necessary the specific information should be replicated in a separate document.

- The individual who is receiving the information and/or intelligence is employed by a law enforcement agency and serves in a position that requires access to LES information as part of his/her duties.
- The individual must be a US citizen or permanent legal resident of the United States.
- The individual must have a "need to know" the specific information or intelligence that will be shared; i.e. the information/intelligence strongly relates to the individual's professional responsibility or specific duty.
- For further information please review the information provided via the following links: [Safeguarding Sensitive but Unclassified Information](#) and [28 CFR \(Code of Federal Regulations\) Part 23 Guidelines](#)
- For questions please contact the NCRIC Duty Officer at [dutyofficer@ncric.ca.gov](mailto:dutyofficer@ncric.ca.gov)

**ii Can "For Official Use Only" (FOUO) information and intelligence received from the NCRIC be shared with non-NCRIC members? (From NCRIC's Frequently Asked Questions webpage)**

FOUO information and/or intelligence received from the NCRIC can be shared with a person who is not a member of the NCRIC based on the criteria outlined below; however, under no circumstances unless permission is provided in advance by NCRIC management can a document be forwarded or reproduced. The sharing of information and/or intelligence should be accomplished verbally or when necessary the specific information should be replicated in a separate document.

- The individual who is receiving the information or intelligence is employed and in a position responsible related to the protection of persons and/or property, emergency response or recovery efforts.
- The individual must be a US citizen or permanent legal resident of the United States and must understand that he or she is receiving sensitive information and that they have an equal responsibility to safeguard it.
- The individual must have a "need to know" the specific information or intelligence that will be shared; i.e. the information/intelligence strongly relates to the individual's professional responsibility.
- For further information please click on the following link: [Safeguarding Sensitive but Unclassified Information](#)
- For questions please contact the NCRIC Duty Officer at [dutyofficer@ncric.ca.gov](mailto:dutyofficer@ncric.ca.gov)

**iii SAR Reporting Criteria Guide; Defined Criminal Activity and Potential Terrorism**

**Breach/Attempted Intrusion**

Unauthorized personnel attempting to enter or actually entering a restricted area, secured protected site, or nonpublic area. Impersonation of authorized personnel (e.g., police/security officers, janitor, or other personnel).

**Misrepresentation**

Presenting false information or misusing insignia, documents, and/or identification to misrepresent one's affiliation as a means of concealing possible illegal activity.

<b>Theft/Loss/Diversion</b>	Stealing or diverting something associated with a facility/infrastructure or secured protected site (e.g., badges, uniforms, identification, emergency vehicles, technology, or documents {classified or unclassified}), which are proprietary to the facility/infrastructure or secured protected site.
<b>Sabotage/Tampering/ Vandalism</b>	Damaging, manipulating, defacing, or destroying part of a facility/infrastructure or secured protected site.
<b>Cyber Attack</b>	Compromising, or attempting to compromise or disrupt an organization's information technology infrastructure.
<b>Expressed or Implied Threat</b>	Communicating a spoken or written threat to commit a crime that will result in death or bodily injury to another person or persons or to damage or compromise a facility/infrastructure or secured protected site.
<b>Aviation Activity</b>	Learning to operate, or operating an aircraft, or interfering with the operation of an aircraft in a manner that poses a threat of harm to people or property and that would arouse suspicion of terrorism or other criminality in a reasonable person. Such activity may or may not be a violation of Federal Aviation Regulations.

In addition to the Criteria guide above, NCRIC provides guidance where the SAR activity being reported may be *potentially criminal*, or *non-criminal*, and *requires additional information* during vetting:

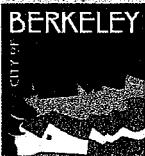
**Potential Criminal or Non-Criminal Activity Requiring Additional Information During Vetting**

These activities are not inherently criminal behaviors and may include constitutionally protected activities that must not be documented in a SAR unless there are articulable facts or circumstances that clearly support the determination that the behavior observed is not innocent, but rather reasonably indicative of pre-operational planning associated with terrorism. Race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity must not be considered as factors creating suspicion (but attributes may be documented in specific suspect descriptions for identification purposes). The activities listed as "Potential Criminal or Non-Criminal Activity" are not inherently criminal behaviors and are potentially constitutionally protected; thus, additional facts or circumstances must be articulated in the incident.

<b>Eliciting Information</b>	Questioning individuals or otherwise soliciting information at a level beyond mere curiosity about a public or private event or particular facets of a facility's or building's purpose, operations, security procedures, etc., in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person.
<b>Testing or Probing of Security</b>	Deliberate interactions with, or challenges to, installations, personnel, or systems that reveal physical, personnel, or cybersecurity capabilities in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person.
<b>Recruiting/Financing</b>	Providing direct financial support to operations teams and contacts or building operations teams and contacts; compiling

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	<p>personnel data, banking data, or travel data in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person</p>
<b>Photography</b>	<p>Taking pictures or video of persons, facilities, buildings, or infrastructure in an unusual or surreptitious manner that would arouse suspicion of terrorism or other criminality in a reasonable person. Examples include taking pictures or video of infrequently used access points, the superstructure of a bridge, personnel performing security functions (e.g., patrols, badge/vehicle checking), security-related equipment (e.g., perimeter fencing, security cameras), etc.</p>
<b>Observation/Surveillance</b>	<p>Demonstrating unusual or prolonged interest in facilities, buildings, or infrastructure beyond mere casual (e.g., tourists) or professional (e.g., engineers) interest and in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person. Examples include observation through binoculars, taking notes, attempting to mark off or measure distances, etc.</p>
<b>Materials Acquisition/Storage</b>	<p>Acquisition and/or storage of unusual quantities of materials such as cell phones, pagers, radio control toy servos or controllers; fuel, chemicals, or toxic materials; and timers or other triggering devices, in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person.</p>
<b>Acquisition of Expertise</b>	<p>Attempts to obtain or conduct training or otherwise obtain knowledge or skills in security concepts, military weapons or tactics, or other unusual capabilities in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person.</p>
<b>Weapons Collection/Discovery</b>	<p>Collection or discovery of unusual amounts or types of weapons, including explosives, chemicals, and other destructive materials, or evidence, detonations or other residue, wounds, or chemical burns, that would arouse suspicion of terrorism or other criminality in a reasonable person.</p>
<b>Sector-Specific Incident</b>	<p>Actions associated with a characteristic of unique concern to specific sectors (e.g., the public health sector), with regard to their personnel, facilities, systems, or functions in a manner that would arouse suspicion of terrorism or other criminality in a reasonable person.</p>



# Commissioner Attendance Report

For the period July 1 through December 31, 2017

Commission Name:

Police Review Commission

Secretary Name:

Katherine J. Lee

Commissioner Last Name	7/12	7/26	Aug	9/6	9/27	10/11	10/25	11/15	12/13
1 Allamby	Attended	Attended	N/A	Attended	Attended	Attended	Attended	Attended	Attended
2 Ford	Leave of Absence	Leave of Absence	N/A	Attended	Attended	Attended	Attended	Attended	Leave of Absence
3 Lippman	Attended	Attended	N/A	Attended	Attended	Attended	Attended	Attended	Attended
4 Matthews	N/A	N/A	N/A	Attended	Attended	Attended	Attended	Attended	Absent
5 Perezvelez	Leave of Absence	Leave of Absence	N/A	Attended	Absent	Attended	Absent	Attended	Absent
6 Prichett	Attended	Attended	N/A	Attended	Attended	Attended	Attended	Attended	Attended
7 Roberts	Attended	Attended	N/A	Attended	Attended	Attended	Leave of Absence	Attended	Attended
8 Sherman	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Attended	Attended
9 Yampolsky	Attended	Attended	N/A	Attended	Leave of Absence	Attended	Attended	Leave of Absence	Absent
MI			N/A						

### Instructions for Completing the form

This report tracks attendance of current commissioners at REGULAR commission meetings. Special meetings and subcommittee meetings are not included.

1. Gather your 2017 REGULAR meeting dates and roster of current commissioners.
2. Enter dates of REGULAR meetings. Add columns as needed if you had more than one REGULAR meeting in a month.
3. Enter the names of your current commissioners in the column provided. Add rows if needed for commissions with more than 9 members.
4. For each meeting, select from the dropdown options to indicate whether the commissioner attended the meeting, had an approved leave of absence/excused absence, or was absent.
5. For meetings prior to the commissioner's appointment, choose "N/A"

**6. Return to City Clerk Department by the deadline. Call us at x6908 with any questions about filling the form!**

Lee, Katherine

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**From:** bob tom <cranberrysauce23@gmail.com>  
**Sent:** Monday, January 08, 2018 5:20 PM  
**Subject:** a letter from Blair Beekman. Monday January 8, 2018. \_\_\_\_\_ In looking for good, reasonable thinking, in early 2018.

Dear city and county governments, of Alameda, and the Bay Area,

I am sorry for the hour.

I think the recent protests, to the Alameda County, Board of Supervisors, to audit the Sheriff of Alameda County, and his budget and policy ideas. seems a good intentioned, and well thought out idea.

The current immigration experiment, in immigration raid and detention policy, of the new Trump Administration, and agreed upon by Sheriff Ahern, seems it is simply too hostile, militarized, and badly reasoned.

I feel the Trump Administration, can still try to work on, their own plans and ideas, within more respected, guidelines and standards, of immigration raid and detention policies, that have been developed, over the decades.

It may be a time, to begin to look at and return to, more thoughtful, long term ideas and goals, and good practices, in the future of immigration, and refugees, in this country.

And, without having to resort to, new, mostly short term, experimental, badly communicated, hyper militarized ideas, in the ICE raid process, now being tested in local neighborhoods, in the Bay Area, and across the country, at this this time.

This is a recipe, for a local neighborhood disaster. There seems ways to question immigration, without applying thumbscrews.

To note, there is a budding peace movement, growing around the ideas, of less militarized, better reasoned, accountable local community, neighborhoods, and government,

To note, with the study and help, of the state of California, the U.N, the ACLU, and others, well established ideas, of peace and social justice, civil rights and civil protections, to help re-build good, healthy communication, and more peaceful, accountable, democratic practices, in local neighborhoods and communities, of the Bay Area, have begun to take root, in the past few years.

It is now beginning to work its way, around California, and around the country. Its intentions are to address, and help end, the confusion, opacity, and overall bad reasoning, after fifteen years of war, this country has been in, since 9/11/01.

It is a part of, a series of ideas, in peace, better reasoning, and ideas in social responsibility, helped being set up by the U.N., and the state of California, at this time, based on human rights, civil rights, and worker rights.

We should already be quietly gathering, all around the Bay Area, here in early 2018, as local government, and as everyday people together.

Together, we can seriously ask the federal government, to end a few, of its more badly reasoned, non communicative ICE raid practices, at this time.

In learning to leave, the bad reasoning of war, and the time of 9/11/01, it is also important to continue the ideas, in good human rights practices, at ICE detention facilities, as well.

And finally, a good luck, at this time, to all of the people in Oakland, at this time, and their attempts to create an immigration policy, that speaks to our collective, good future.

sincerely,

blair beekman  
san jose, ca.



# Five recent Bay Area counterterrorism cases raise questions as to whether the FBI has enticed troubled young Muslim men to attempt acts they wouldn't have otherwise committed

When news broke last July that a federal grand jury indicted on Oakland men on terrorism charges, the case had a familiar ring to it. The U.S. Justice Department flipped news media to the case and reporters scrambled to obtain freshly unsealed court records in which prosecutors described a startling, if unlikely plot: 22-year-old Berkeley High School graduate Amer Alhaggei was accused of conspiring to bomb gay bars in San Francisco and UC Berkeley's dorms, scheming to distribute airborne-laced cocaine at nightclubs, and even planning to light fires in Tilden Regional Park.

The alarming story saturated local media for a day. The unmistakable message was that the FBI had prevented deadly attacks.

But then, like other Bay Area alleged terrorist plots, the story disappeared. So, too, did the defendant, looked away in Alameda County's Glenn Dyak jail in downtown Oakland, awaiting trial. Was an attack really averted? Or is there more to the story?

Since Alhaggei's indictment was unsealed five months ago, there's been no new information available. This is partly because his family and attorney are reluctant to speak to the media (they declined interview requests from the *Express*). But it's also because the government obtained a gag order to keep secret information about the FBI's counterterrorism operations through the regional Joint Terrorism Task Force — a multi-agency effort that includes local police forces.

Information relevant to "ongoing national security investigations and prosecutions" might fall into the hands of foreign powers or terrorists warned prosecutors in a gag order lashed in December 2016, one month after the FBI first arrested Alhaggei and seven months before his case would become known to the public. If anyone involved in Alhaggei's case divulges confidential materials, they could be criminally prosecuted.

A side effect of this secrecy is that the public is only presented with the government's speaking allegations at the outset. More complicated questions about the FBI's methods typically go unanswered.

But what is known about Alhaggei's case fits a pattern. He was one of the Bay Area terrorism prosecutions in the past five years, according to the *Express*' search of federal court records. Like the defendants in the other four cases, Alhaggei had not committed a violent crime prior to his arrest. In fact, all of the Bay Area's so-called terrorists have been charged only with attempted crimes — four with attempting to provide "material support" to a terrorist organization and one with attempted use of a weapon of mass destruction. Three suspects were heavily assisted by undercover FBI agents posing as terrorists.

And all five of the Bay Area's terror suspects share something else in common: They're young and Muslim, and each of them had been struggling with mental health issues and family problems.

This has led civil rights groups to question whether the FBI is unfairly entrapping Muslim youths, especially those experiencing depression or psychosis. "These cases are built around the fact that they're young, Muslim men," said Lara Khavari, executive director of the Arab Resource and Organizing Center in San Francisco. "And they're literally getting charged and punished for something they've never done."

"It's a tactic that's been aimed almost exclusively in recent years at the Muslim and South Asian communities," said John Crow, a retired ACLU attorney from the Bay Area who spent years researching the FBI's counterterrorism activities. "If you're a young, troubled young Muslim, you're much more likely to be targeted, and you'll end up dealing with FBI JTTF agents in an entrapment scenario."

The San Francisco Joint Terrorism Task Force

is one of more than 100 such field offices in the country. It's led by counterterrorism agents in the FBI's San Francisco field office, but local police departments including Oakland, Hayward, Fremont, and Alameda participate in it.

This JTTF's most recent bust was of a 26-year-old protester who, after a divorce, later custody of two children in a series of events that his father described to reporters as having "crushed him." He allegedly planned to attack San Francisco's West 30 on Christmas.

The Bay Area terrorism cases are also similar in that after the initial flurry of media coverage, the cases disappear from sight. Defendants face a patchwork of laws, including legal bills, and even a lack of access to the warrants used to implicate them. Courts routinely side with prosecutors and withhold government materials and evidence, ruling that they're national security secrets.

But JTTF agents say they can't afford to second-guess whether a person is simply joking or fantasizing about acts of violence they would otherwise never commit.

"Where there is an expressed intent, there is not a choice for the government," said FBI Assistant Special Agent in Charge Craig Fair. That means using undercover agents, sophisticated raises, local police resources, and powerful surveillance tools to keep close tabs on those who express support for using violent tactics against non-combatants to advance a political ideology.

"We are a law enforcement agency," said Assistant Special Agent in Charge Marina Mayo, who directly oversees the FBI San Francisco field office's counterterrorism team. She said it's not her agents' role to provide mental health counseling. The goal is to prevent another 9/11 on San Bernardino.

But in the process, is the FBI turning vulnerable young men grappling with mental health problems into a manufactured threat to justify the existence of a sweeping counterintelligence program — the Joint Terrorism Task Force — about which little is known?

Or is the bureau making clutch early interventions before a person can take the next steps to carry out an attack here or overseas?

Since Donald Trump's election, some civil rights groups have called for a reassessment of local police participation in the FBI's counterterrorism

See also "Canter-Terrorism Officials Helped Track Protesters," *E Bay Express*, Apr. 15-21, 2015



investigations, especially since the president has promoted controversial policies, including racial profiling and travel bans based on nationality. Last year, San Francisco pulled out of the JTTF. And Oakland officials voted to conduct a public review of their police department's involvement in the task force — although the city has decided to remain in the JTTF, at least for now.

**B**y all accounts, Matthew Llaneza suffered from a serious mental illness his entire life. In the fourth grade, he complained to his mother, Dora Tume, that his head "felt funny." His teachers said he was constantly disruptive. His problems extended to a lack of functional motor skills. For example, after a year of trying unsuccessfully to teach Matthew how to change a bicycle tire, his father, Steve Llaneza, gave up. His stepfather once observed him hopelessly trying to drill a hole in wood. Llaneza couldn't grasp the fact that the drill was in reverse.

He barely fit the profile of a sophisticated terrorist. Yet despite the fact that Llaneza had no criminal record, the FBI put him under surveillance in 2010 after he made statements online about "engaging in violent jihad." It's unclear how the FBI intercepted these statements — the bureau has a large number of analysts, agents, and informants dedicated to ferreting out information from social media and other open sources that don't require a search warrant — but, according to court records, a confidential informant later told the bureau that Llaneza expressed support for the Taliban.

In 2011, while he was living in a trailer in front of his father's San Jose home, Llaneza had a mental health crisis. Concerned, his father convinced police and paramedics to put Llaneza under an involuntary psychiatric hold. During this hold, Llaneza's father recovered an assault rifle from the trailer and turned it over to the San Jose Police Department, which is part of the FBI's Joint Terrorism Task Force.

The weapon — which Llaneza legally acquired while living in Arizona and brought to California — increased the FBI's interest. FBI agents monitored Llaneza's probation check-ins. They also began paying Llaneza's employer, a plumber, to work for them as a confidential informant. The plumber's updates on Llaneza's mental condition filled many pages of FBI reports, most of which remain sealed.

The FBI purchased a vehicle, provided simulated bomb-

making materials, and secured a storage locker. Federal agents assembled the fake bomb, and the undercover agent who gained Llaneza's confidence accompanied him to a

Bank of America branch on Hegenberger Road in Oakland where, on February 7, 2013, Llaneza attempted to detonate the bogus weapon.

Some of these reports — excerpts of which were disclosed during his federal criminal case — detailed Llaneza's mental disabilities. The informant noted that Matthew had the mind of a little child and was slow and drowsed while his body often acted uncontrollably.

Later on, in the course of their employment, the informant noted that Matthew had been meditated to the point that he could not hold a shovel, an agent wrote in another report.

The plumber told the FBI that Llaneza was no longer interested in collecting weapons and wanted to stay out of trouble, and that while he would boast about being able to build bombs, he "always rebuts his boast by saying he wants to stay away from weapons and explosives in accordance with his probation." By early 2012, the informant told the FBI that Llaneza seemed "harmless."

But FBI agents, after gathering other information through an investigatory process known as an "assessment," determined that Llaneza was a national security threat. What this information was, how it was gathered, and who made this determination remains unknown. Assistant Federal Prosecutor Jerome Matthews, who represented Llaneza, was unable to acquire these records. "The details about what know what favors the FBI considered of how the assessment was performed," Matthews explained in a court filing.

Regardless, the FBI assessment set in motion an undercover sting in which an FBI agent posing as a Taliban leader planned a bank bombing with Llaneza. The FBI purchased a vehicle, provided simulated bomb-making materials, and secured a storage locker. Federal agents assembled the fake bomb, and the undercover agent who gained Llaneza's confidence accompanied him to a Bank of America branch on Hegenberger Road in Oakland where, on February 7, 2013, Llaneza attempted to detonate the bogus weapon.

The following day, the feds issued press releases about Llaneza's arrest. The FBI had foiled a bank bombing, newspapers and TV news reported.

"There's a timeline for how these cases play out," said Zahra Biloo, director of the Council on American-Islamic Relations. San Francisco Chapter in a recent interview. "There's an initial

flurry of media coverage, and then it goes dark. And in many cases, these suspects are in solitary confinement for long amounts of time."

Llaneza was described in the press as a radicalized Muslim terrorist — he converted to Islam in 2004 at a San Jose mosque. Prosecutors said he wanted to spark a civil war by prompting a government crackdown after the bombing.

Sensing that media was missing crucial parts of the story, Biloo contacted religious leaders in San Jose to figure out what actual ties Llaneza had to the broader Muslim community. She couldn't find much. "No one I reached out to knew who he was," said Biloo. "This wasn't a deeply religious kid who was going to the mosque and was radicalized at the mosque."

Biloo pushed back against the narrative that this was an Islamic terrorist plot. Instead, it appeared to be a case in which a mentally disabled man was recruited by FBI agents posing as the Taliban. The real threat wasn't Llaneza. It would have been the person or organization that had the influence and resources to recruit a person like Llaneza, provide him with a vehicle, a bomb, a storage locker, and other technical and logistical resources.

Llaneza's attorney eventually had a clinical psychologist Scott Lines conduct an evaluation. Llaneza exhibited a "high degree of suggestibility," Lines wrote.

"An idea occurs to him, or in the case of his alleged offense conduct, is offered to him, and when he is made, the irrational idea conforms to the idea to stimulate chaos and disorder," wrote Lines. "This, in turn, makes him easily susceptible to financial or other compensatory manipulation."

Llaneza's case never went to trial, so details about the FBI's investigatory methods were never disclosed. Lines, however, reported one significant thing: Undercover agents offered Llaneza food, clothing, and marijuana, among other rewards, if he would participate in the bomb plot.

Llaneza told Lines, "when the FBI asked me to meet this one to do the bombing, I felt more compelled because they helped me out." Llaneza believed that his co-conspirator would send him to Afghanistan where he would be "given a field of weed," a drug he'd previously used to treat



the symptoms of his psychiatric disorder.

"In other words, it was the false promise of being gifted with a life of ease and ready access to marijuana, which he has found helpful in managing his mood swings, that influenced him to engage in the alleged offense conduct, rather than any deep-seated criminal or terrorist leanings," concluded Lanes.

But defeating the FBI and the DOJ in a federal counterterrorism case is exceedingly difficult. So, on Feb. 27, 2014, Llaneza pled guilty to attempted use of a weapon of mass destruction. During the sentencing phase, prosecutors justified their case and dismissed questions about whether the FBI had entrapped Llaneza. "The public needs protection from mentally ill criminals at least as much as it needs it from any other criminal," wrote Assistant U.S. Attorney Andrew Caputo.

Llaneza was sentenced to 15 years in prison.

As with Llaneza, the FBI first zeroed in on Alhaggagi by monitoring social media. Assistant U.S. Attorney Waqar Hasib told a judge during a December 2016 hearing — a month after Alhaggagi was arrested and seven months before his case would be unsealed — that "an individual who was working for the FBI struck up an online conversation with Alhaggagi because they shared an interest in ISIS."

According to the FBI, Alhaggagi made threats of indiscriminate and politically motivated violence. He also disclosed to the FBI informant that he lived in the Bay Area and recently applied for a job with a local police department. The government claimed Alhaggagi wanted to become a cop in order to steal weapons, but his sister told his attorneys he was genuinely interested in a law enforcement career.

Using this information, the FBI canvassed Bay Area police agencies and eventually discovered Alhaggagi's July 23, 2016 employment packet at the Oakland Police Department. That's how the FBI identified him and launched an undercover sting operation. Later, when FBI agents moved in to arrest Alhaggagi, they asked OPD to call him in for what he thought would be a job interview. "That was entirely a ruse by the Oakland Police Department," Hasib explained to a federal judge shortly after Alhaggagi's arrest.

He added that the Oakland police were only "aware in a limited sense" about why the FBI wanted them to carry out the job interview.

Even so, the FBI has forged a close partnership with Bay Area police agencies. The bureau says the law-enforcement relationships created in the JTTF are critical to preventing terrorism.

But the feds and local police are also tight-lipped about details. The FBI denied the *Express* FOIA request seeking records about the numbers of Bay Area police officers deputized as JTTF agents and how many cases the JTTF has investigated over the past decade in Northern California,

among other information.

When asked about the JTTF, Oakland police have claimed over the years to have no records to disclose or that documents are confidential. In 2014, for example, OPD denied three Public Records Act requests for the memorandum of understanding between Oakland and the FBI that allows OPD cops to become deputized JTTF agents. The MOU was made public this year after the city's privacy commission requested it, confirming OPD's JTTF participation since 2007.

In a recent interview, FBI officials declined to say how many local police departments participate in the JTTF or how many local police officers work on federal counterterrorism cases. But they clarified that local police typically assign one officer to liaison through the JTTF.

Assistant Special Agent in Charge of the FBI's San Francisco field office Craig Fair said there are more than 20 different officers assigned to the Bay Area's JTTF. "Most of them are federal," he said, adding that the bureau "would love more local participation."

"We consider local law enforcement to be our partners," said Assistant Special Agent in Charge Marina Mayo. "The expertise those agencies bring is priceless." This includes the eyes and ears of patrol officers and detectives and street-level informants.

Fair used a hypothetical scenario to explain the JTTF's value. In an active shooter situation, "if a task force officer is embedded in a squad, he can quickly provide us with information, such as if there is anyone else out there."

But the JTTF's activities have caused alarm in Muslim and Arab communities. Christina Sinha, an attorney with the Asian Law Caucus in San Francisco, said one of the biggest problems pertains to assessments.

"An assessment involves a range of information gathering about a person," explained Sinha. "It can include surveillance, interviews, and reviews of public information that's online." But Sinha said assessments, unlike criminal investigations, don't require a reasonable suspicion standard. Anyone can become a target of a JTTF assessment based on a random tip. And local cops have frequently helped the FBI conduct assessments, even though local police in California aren't supposed to pursue investigations unless they have, at minimum, a reasonable suspicion that a crime took place.

Sinha's legal practice involves counseling people who are the subject of a JTTF assessment. "We've tried to figure out how many people they're contacting and how many assessments are conducted annually," said Sinha, who worries that the JTTF opens many cases on baseless grounds that might result in violations of people's privacy, or worse.

"The majority start when people call on their neighbors who they're annoyed with or about a Muslim tourist who is taking a picture of a bridge," she said.

FBI officials acknowledged that most



“It’s as though it’s not possible for a non-Muslim to be a terrorist.”

of the tips they receive don’t lead to the opening of a formal investigation. Fair said the FBI’s San Francisco field office got between 1,300 and 1,400 terror-related leads last year. In an average year, the field office conducts about 1,000 assessments. These can range from a single interview with a witness to a lengthy program of surveillance and information gathering before the agency opens a formal case.

The FBI defends the use of assessments as a discrete way of weeding out bad tips without having to open a resource-consuming and potentially disruptive investigation that involves DOJ attorneys. “We have a principle of least intrusive means,” said Fair.

Mayo added that assessments aren’t conducted for every tip. It’s usually when a person expresses a willingness to commit violence. “We would conduct an assessment if somebody said, ‘I want to blow up an abortion clinic,’” she explained.

And the FBI is adamant that race and religion play no part in guiding its assessments. “Our focus is solely on behavior,” said Fair. “We are not looking at the Muslim community.”

But Billoo of the Council on American-Islamic Relations, who also counsels people who are contacted by local police and FBI agents working through the JTTF, said some of her clients — she’s had well over 100 in the past seven years — didn’t appear to have made statements that could be construed as a criminal threat before the JTTF requested an interview. Instead, some simply made a business trip or took a vacation.

“I had a client who went to Islamic school in Mauritania and told [customs officers] at the airport when they returned,” said Billoo. “They were visited by the FBI a few months later.” She advised several other people who did nothing more than travel to some of the countries that were roiled by the Arab Spring protests of 2010 to 2012 and were later contacted by JTTF agents.

“They’d say, ‘You’re not in trouble. We’re not investigating you. But we want to know if you can help us understand what is happening over there,’” said Billoo.

And when an FBI agent knocks on your door, many people aren’t aware of their right to not consent to an interview. People may also be unaware that what they say goes in a file and is considered national security intel and might be used later in a criminal case.

The JTTF’s files can be accessed by the FBI and other law enforcement agencies in the task force, including the Immigration and Customs Enforcement Agency (ICE). It’s unclear how long the FBI retains the information or whether, if any of it is inaccurate, a person can get it changed. Billoo said it’s difficult not to notice that the FBI is paying special attention to Muslim

communities and that other religious, racial, or ethnic groups rarely report being the subject of bureau assessments. “As far as I have seen, if a case gets filed against a white supremacist, it’s because they actually carried out what they say they’re going to do,” said Sinha. “It’s as though it’s not possible for a non-Muslim to be a terrorist.”

Fair and Mayo said that domestic terrorism investigations are carried out by a different team of agents than those who are focused on terror suspects with links to foreign organizations. They denied that domestic terrorists, which they said can include anarchists, sovereign citizens, and animal rights groups, are subjected to less scrutiny by the FBI. “The domestic terrorism squad is working on skinheads — things on the left and right,” said Fair. “We’re constantly inundated with the latest intel.”

But the perception that Muslims are subjected to heightened scrutiny was underscored in 2012 when the ACLU of Northern California, Asian Law Caucus, and *San Francisco Bay Guardian* obtained FBI records revealing that JTTF agents visited mosques under the premise of “community outreach” but ended up entering the information they gathered into assessment files.

Fair characterized the revelation as a misunderstanding that’s done lasting damage to the bureau’s ability to work alongside Arab and Muslim communities. He said JTTF agents who made the visits used a default option from a computer program’s dropdown menu to categorize the outreach efforts. They picked “positive intel disseminated” because, according to Fair, they didn’t have another option like “community outreach.” But “positive intel disseminated” meant the FBI considered the information intelligence for national security and law enforcement purposes shared with members of the JTTF.

The FBI said it changed the community outreach program afterward to establish a clearer line between outreach and investigations.

But with the election of President Donald Trump — whose campaign speeches included the Islamophobic lie that he personally witnessed thousands of New Jersey Muslims cheering the 9/11 attacks and promises to create a “Muslim registry,” a travel ban from Muslim-majority nations, and other racially motivated policies — the JTTF’s activities came under greater scrutiny in San Francisco. The city’s police commission opted last February not to renew the city’s agreement with the FBI, and so SFPD officers are no longer members of the terrorism task force. Civil rights groups explained in a letter to the city’s police commission that SFPD officers working through the JTTF would be assisting in





FBI investigations under the authority of the Trump administration.

Also last year, Oakland's privacy commission recommended, and the city council adopted, oversight measures that will require city officials to review their police department's JTF participation to ensure CPD officers don't violate state and local privacy and civil rights laws. Oakland, however, didn't move to end its participation in the JTF.

The FBI didn't oppose either city's actions, but in a nod to how his agency has struggled recently to gain trust in the Bay Area, Fair said, "the national political narrative has not helped us."

**D**uring the past decade, the FBI changed its playbook for counterterrorism cases. After 9/11, FBI looked for Al Qaeda-type militant groups dependent on the finances and direction of foreign leadership. But in the mid-2000s, and especially following the rise of the Islamic State in 2014, FBI agents started targeting people they defined as self-recruited threats who, without direction, are inspired to assist foreign terrorist groups.

Most newer cases involve young Muslim men accused of attempting to join ISIS overseas or attempting to attack a U.S. target, according to a recent report by Karen Greenberg of Fordham University's Center on National Security. The government charged 95 of these ISIS-related cases between March 2014 and June 2016, the report added. Men were attracted at least in part by social media, and many had expressed some form of social alienation, loneliness, or identity issues," wrote Greenberg.

Two of the Bay Area's recent terrorism cases illustrate this trend in terrorism prosecutions: Islam Natsheh and Adam Shaf.

After Natsheh's parents separated when he was young, he became estranged from his mother, and by age 18, was experiencing severe depression, according to court records. In a letter submitted to a federal judge after Natsheh was arrested in late 2015, a family friend recalled an incident in which Natsheh locked himself inside

his bedroom for one week without food and water. The friend called to help. "I can still hear him sobbing over the phone about how depressed and hopeless he was feeling. He didn't want to feel this way and didn't know what to do."

Natsheh medicated himself with marijuana and prescription opioids. "He became dependent on drugs in order to escape the pain of reality," his father wrote in a letter to the court.

His attorney, Assistant Federal Public Defender Candis Mitchell, wrote in a memo that, in a search for meaning and while despairing over his personal life and the plight of Arab civilians being killed in multiple wars from Syria to the Palestinian territories, Natsheh sought a way to intervene. But Mitchell added, "despite his interest, Mr. Natsheh never took the step to acquire any weapons training or combat skills." She called him an impetuous and vulnerable young man "searching for greater purpose."

The FBI called him a self-recruited terrorist. In August 2015, JTF agents interviewed Natsheh after they identified him through social media posts in which he shared ISIS propaganda. He voluntarily, and without an attorney, answered their questions. He acknowledged sharing controversial videos, including the execution of a Jordanian bomber pilot by ISIS, but he also "denounced holding any radical beliefs" and "denied having any intention to commit an act of violence against the United States or other government," according to federal prosecutors' summary of the case.

Shortly after, the Spanish Guardia Civil national police provided the FBI with information that allegedly tied Natsheh to a Spanish woman who had been arrested while attempting to travel to Syria to join ISIS. The woman's phone had Natsheh's contact information. A few months later, after Natsheh purchased round-trip tickets from San Francisco to Turkey, the FBI interviewed him at San Francisco International Airport.

According to prosecutors, Natsheh admitted to JTF agents that he intended to "fight with ISIL to help the people" of

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FEDERAL BUREAU OF INVESTIGATION  
THIS REPORTING DOCUMENT

Form Classification:

Source ID:

Date:

Case Agent Name:

Field Office:

Special Agent:

Date of Contact:

Classification/Assignment:

Type of Contact:

Location:

Country:

City:

State:

Date of Report:

Substantive Case File Number:

Source Reporting:

(U) A Confidential Human Source (CHS), who is willing to testify, provided the following information:

(U) [redacted] while staying to and from work at LAZARUS boasts on his ability to make bombs. According to the CHS, LAZARUS has stated that he knows how to build a bomb from scratch. LAZARUS went into great detail about how to build a bomb, including how to acquire a volatile phone as a trigger mechanism. Furthermore, LAZARUS says that he has been building bombs since he was a child, and says that the last time LAZARUS built a bomb and detonated it was when he was a child in Arizona. However, [redacted]

Syria. He was arrested the next day and charged with attempting to provide material support to a foreign terrorist organization.

Unlike other Bay Area terrorism cases, Natsheh's arrest and prosecution received little media attention. He pleaded guilty in December 2016 and was sentenced to five years in prison.

Adam Shaf, a 24-year-old Fremont resident, was charged in 2015 with attempting to provide material support to a terrorist organization after he allegedly made statements praising the Al-Nusra Front, a lesser-known rebel group in the Syrian Civil War. Shaf traveled to Turkey allegedly in order to cross into Syria. The material he was accused of trying to provide

was himself.

The FBI first began surveilling Shaf after his father reported him missing while the family was vacationing in Egypt in August 2014. According to court records and FBI files, Shaf's father told U.S. Embassy officials that he was worried his son might have been "recruited" by "extreme imams." But he didn't mention any specific terrorist organizations.

What had actually happened, according to Shaf's attorneys and prosecutors in the case, is that Shaf and a friend, Abdul Niazi, flew to Turkey for two days to check on the Syrian refugee situation at the Istanbul airport. While there, Shaf handed out money and food before returning to Cairo,



The government maintained it was a trial run that Shafi didn't go through with, while his attorneys maintained it was a humanitarian trip.

After Shafi returned to Cairo, his father wrote the embassy that all was resolved and requested that the government close any case it may have opened. In response, the FBI opened a full investigation. Two agents interviewed Shafi's parents upon their return to Fremont. Agents also interviewed Shafi and Niazi. The two young men maintained they went to Turkey to see the condition of refugees.

Then came an anonymous phone call to the FBI's Los Angeles field office. The caller claimed to be a friend of Yusuf Niazi, Abdul's older brother. Yusuf allegedly told the anonymous tipster in a phone conversation that his younger brother had tried to travel to Jordan to join ISIS. Yusuf, according to law enforcement records, had a criminal history and had been subjected to multiple restraining orders taken out by his father, whom Yusuf abused. He also was known to threaten violence against Abdul Niazi, so his motives in telling his friend that his younger brother and Shafi attempted to join ISIS were questionable.

Even so, JTTF agents hid near Shafi's house in Fremont and observed him exercising with his younger brothers in a park near his family's home. They described his exercise regimen as "paramilitary style" and surmised that he was training for combat after they saw him doing calisthenics and crawling on the ground. Shafi's lawyers say it was an innocent exercise routine and pointed out that boot camp-style workouts are very popular.

Meanwhile, sometime after Shafi's father reported him missing, the FBI obtained a Foreign Intelligence Surveillance Act warrant to intercept phone calls and search through text and email messages sent and received by Shafi. The warrant is a source of controversy because FISA was created by Congress to provide the FBI with a means of obtaining foreign intelligence that can't reasonably be obtained by normal investigative techniques. In other words, it wasn't meant to be used in criminal investigations involving U.S. citizens, such as in the case of Shafi and his friend Niazi, where, if law enforcement had probable cause to think a crime had been committed, or was about to be, it could have obtained a regular search warrant. FISA is a national security tool designed for use on non-U.S. citizens.

But the FBI used a FISA warrant to gather Shafi's communications. Later, the bureau obtained a standard criminal search warrant for Shafi's phone, computer, and email account. Contained in the intercepted communications was a conversation in which Shafi talked about wanting to join the Al-Nusra Front and live in Syria and condemning America as an "enemy," according to prosecutors.

Use of FISA to obtain some of this evidence makes defending his case difficult, say Shafi's attorneys. Neither he nor his

counsel are allowed to view the warrant application and information contained in it, making it extremely difficult to challenge the admissibility of evidence obtained through it. They moved to have the FISA materials disclosed, but the government responded by obtaining a letter from U.S. Attorney Jeff Sessions stating that allowing Shafi and his attorneys just to see the warrant application would "harm the national security of the United States."

After reviewing the FISA materials without Shafi or his attorneys present, U.S. District Judge William Orrick, who oversees the case, decided in favor of the government. According to Orrick, the FBI had probable cause to believe Shafi was working as an agent of a foreign power when he traveled to Turkey, allegedly with the goal of entering Syria.

Complicating Shafi's case even further is his imprisonment under conditions his attorneys say constitute "solitary confinement." Prosecutors and Orrick call it "administrative segregation." Whatever the phrase for it, Shafi has been held alone, in a small cell in Oakland's Glenn Dyer Jail for approximately a year awaiting trial. He is allowed out of the cell for only one hour every two days and has very limited human contact. Orrick acknowledged in a hearing more than a year ago that administrative segregation is "not at first blush something that seems tenable for a very long period of time," but Alameda County officials say it's for Shafi's own safety. Assistant U.S. Attorney Candace Kelly told Orrick that Shafi's isolation was due to a possible threat overheard by a sheriff's deputy: "Not all prisoners are patriots."

Shafi's attorneys have also accused Alameda County sheriff's jail guards of illegally searching his cell and confiscating materials for his case, including notes that Shafi prepared for his attorneys regarding phone calls that were intercepted by the FBI using the FISA warrant. Sheriff's deputies then handed the materials over to FBI agents who provided copies to prosecutors in the case, according to court records.

The FBI's pre-Christmas sting operation targeting Everitt Jameson also resembled the typical script for a counterterrorism case. FBI agents first noticed Jameson on social media after an informant said he allegedly made statements in support of ISIS. Undercover agents later met with him and offered to provide ammunition and bomb making materials.

His family members said the allegations took them by surprise and that Jameson had been suffering from depression related to his recent divorce and the loss of his children in a custody battle.

Just before Jameson was arrested, he told undercover JTTF agents posing as ISIS leaders, "I don't think I can do this after all. I've reconsidered."

But the FBI says they recovered firearms and a notarized will from his home.

Jameson's arrest, and the unsealing of his

indictment in Fresno, became a major news story with headlines like "Pier 39 Christmas terror plot defused by undercover sting" and "Man planned Christmas attack on San Francisco's Pier 39, was inspired by Islamic State."

And like other terrorism cases, much of the evidence in Jameson's case will likely be sealed. His case has entered the dark phase where things move slowly, and new information is scarce.

At his last court hearing on Dec. 14, Shafi was escorted by federal marshals into a San Francisco federal courtroom wearing a red and white striped jumpsuit. Sitting in the audience were his parents, brother, and sister, along with several family friends and supporters. The hearing was short. Shafi had already lost his motion to dismiss and motions challenging evidence obtained through the FISA warrant, as well as a motion against his solitary confinement and denial of bail that was appealed to the Ninth Circuit.

But those failed legal motions had done more to shine light on the FBI's investigatory tactics than virtually anything else in recent years. And his defense attorneys have provided a record that, when compared to his initial media portrayal as an insidious terrorist, has at least resulted in a more balanced account of a shy, if troubled, young Muslim man.

The hearing lasted just a few minutes while his attorneys and prosecutors talked about a trial timeline. Shafi was only able to glance at his family on the way into and out of the court before heading back to solitary.

Alhaggagi's last hearing in October was similar. He was led into court in shackles. About a dozen of his family members were present. The defense and prosecution talked about a possible trial timeline. Alhaggagi's attorney, Mary McNamara, told U.S. District Court Judge Charles Breyer that the case presents many of the same problems as that of Shafi, and Alhaggagi intends to go through with a trial, if necessary, to defend himself.

Unlike suspects in many other terrorism cases, Shafi and Alhaggagi haven't pled guilty. Both men maintain that the government has taken their emails, texts, and statements and then pieced these intercepts together to imply guilt where there is only, at worst, what one of Alhaggagi's previous attorneys, Assistant Federal Public Defender Hani Meena Fakhoury, called "very stupid, inappropriate, and disturbing puffery" that is not criminal.

But mounting a criminal defense against FBI accusations of terrorism is expensive and complex.

It's also one of the only ways that previously secret or rarely disclosed details about the JTTF's methods — whether they're nick-of-time prevention tools or webs of entrapment — can be examined by the broader public.

