

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION
REGULAR MEETING
AGENDA**

**Wednesday, September 26, 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 September 12, 2018

- 5. CHAIR'S REPORT**

- 6. PRC OFFICER'S REPORT**

- a. Status of complaints; other items.
- b. Prioritizing new agenda items (**discussion & action**)

- 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. Homeless Encampment Subcommittee
- b. Prioritizing Safety for Sex Workers Subcommittee

9. OLD BUSINESS (discussion & action)

- a. Consider revised "Guiding Principles" for PRC adoption and other ideas related to addressing BPD staffing shortage.
From: Commissioner Matthews
(To be delivered.)

- b. Review policy on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone.
From: Commissioner Prichett
(To be delivered.)

- c. Issues surrounding the BPD Response to Protests on August 5, 2018:
 - i. Request After-Action report created after the August 5 protests.
 - ii. Examination of issues, including: pre-emptive confiscation of sound truck near Ohlone Park, and other "de-escalation" strategies used.
 - iii. Review policies, including General Order P-29, Sec. 7, related to the release of mugshots and the decision to release this information.From: Commissioner Prichett
(See materials attached to September 12, 2018 agenda packet.)

10. NEW BUSINESS (discussion & action)

- a. Lexipol Policies for review and approval:
From: Lexipol Subcommittee
 - I. Lexipol polices changed from General Order (G.O.)

Lexipol #	G.O.	Title
100	A-1	Law Enforcement Authority
103	P-18	Policy Manual
200	D-2, D-6, R-4, U-3	Organizational Structure and Responsibility
201	S-4	Special Orders
202	D-9	Emergency Management Plan
203	T-7	Training Policy
204	E-12	Electronic Mail
302	H-6, T&IB 247	Handcuffing
308	Council Res. 51,408-N.S.	Canines
310	D-5	Domestic Violence
311	S-6	Search and Seizure

II. No change from General Order

Lexipol	G.O.	Title
206	R-37	Retiree Concealed Firearms
401	B-4	Racial or Bias-Based Profiling
414	A-18	Use of Narcan (Naloxone)
508	A-2	Crossing Guard
611	D-1	Licensed Liquor Establishments, Conduct of
706	V-11	Rescue Vehicle
802	P-65, P-66, P-67	Property and Evidence
810	P-33	Computer Voice Stress Examinations
811	P-10	Burial Permits – Emergency
903	T-2	Transportation of Prisoners
1002	P-15	Special and Temporary Duty Assignments, Application and Selection Procedures
1037	C-46	Attendance - Conferences and Meetings

III. "New" – no corresponding General Order

Lexipol #	Title
101	Chief Executive Officer
102	Oath of Office
205	Administrative Communications
309	Officer Response to Calls
334	Anti-Reproductive Rights Crimes Reporting
336	Mandatory School Employee Reporting
345	Native American Graves Protection and Repatriation
416	Emergency Utility Service
417	Aircraft Accidents
419	Obtaining Air Support
1009	Smoking and Tobacco Use
1011	Seat Belts
1017	Meal Periods and Breaks
1018	Lactation Break Policy
1019	Payroll Record Procedures
1023	Personal Appearance Standards
1027	Department Badges

- b. The need for PRC to do outreach and what outreach efforts that the PRC might undertake.
From: Commissioner Matthews
- c. Amendment to Standing Rules to require that a commissioner must be present to be eligible to run for Chairperson or Vice-chairperson
From: Commissioner Allamby
- d. Understanding what laws and policies govern audio recording of traffic stops by BPD Officers.
From: Commissioner Prichett
- e. Consider commendation of Officer Stephanie Cole for her actions during a traffic stop involving a Berkeley Councilmember on July 19, 2018.
From: Commissioner Sherman
- f. Issues surrounding Commissioners' communications using personal devices and accounts being subject to Public Records Act requests, including whether Commissioners may be assigned City email addresses for Commission business.
From: Commissioner Ramsey
(See materials on pp. 95-98 of the Sept. 12, 2018 agenda packet.)
- g. Review requirements surrounding the preparation of After-Action Reports and whether release (or withholding) of such reports or parts thereof are compliant with the Public Records Act.
From: Commissioner Prichett
- h. Responsiveness of BPD management to PRC requests.
From: Commissioner Prichett

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.)

<i>Closed Session</i>

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. REVIEW OF ADMINISTRATIVE LAW JUDGE'S DECISION IN CALOCA APPEAL OF COMPLAINT #2434

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

15. ADJOURNMENT

Communications Disclaimer

Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees, are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the PRC Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary for further information.

 Communication Access Information (A.R.1.12)

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

SB 343 Disclaimer

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

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

PRC REGULAR MEETING ATTACHMENTS

September 26, 2018

MINUTES

September 12, 2018 Regular Meeting Minutes Draft Page 9

AGENDA-RELATED

Item 6.b. – Prioritization of PRC Tasks. Page 15

Item 8 – PRC Subcommittees List. Page 16

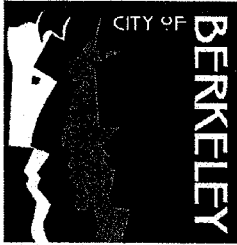
Item 9.c. – BPD After Action Report re August 5 Protests. Page 17

Item 9.c. – Article from www.theguardian.com, dated 9-14-18:
Berkeley police posted activists' mugshots on Twitter and celebrated retweets, emails reveal. Page 23

Item 10.a. – Lexipol policies for review *See separate packet*

Item 10.b. – PRC Outreach Subcommittee Meeting Notes, dated 3-1-17 Page 27

Item 10.e. – Memo dated 9-12-18 from Charles Clarke to PRC re:
suggested commendation for Officer Cole. Page 29



Police Review Commission (PRC)

DRAFT

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

**Wednesday, September 12, 2018
7:00 P.M.**

South Berkeley Senior Center
2939 Ellis Street, Berkeley

1. CALL TO ORDER & ROLL CALL BY CHAIR MATTHEWS AT 7:03 P.M.

Present: Commissioner Sahana Matthews (Chair)
Commissioner Gwen Allamby
Commissioner Kitty Calavita
Commissioner Andrea Prichett
Commissioner Ismail Ramsey
Commissioner Terry Roberts
Commissioner Michael Sherman

Absent: Commissioners: Ari Yampolsky, George Perezvelez

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood (left 8:25 p.m.), Lt. Angela Hawk

2. APPROVAL OF AGENDA

The agenda was approved by general consent.

3. PUBLIC COMMENT

There were 2 speakers.

4. APPROVAL OF MINUTES

The Regular Meeting Minutes of July 25, 2018, were approved by general consent.

5. CHAIR'S REPORT

Glad to be back and looking forward to what the PRC can accomplish the rest of this year.

6. PRC OFFICER'S REPORT

a. No new complaints filed since last meeting. A BOI was scheduled Aug. 31, but complainant did not show up, so case was dismissed. Decision on the Caloca appeal was received; administrative law judge overturned the one sustained finding. Will agendize a discussion of the decision for a closed session next meeting.

-- NACOLE Conference is Sept. 30 – Oct. 4; PRC Officer, Investigator Norris, Comm. Allamby will be attending, as will Chief Greenwood.

-- Annual Report draft is just about done and hope to get it to Commissioners early next week for extra time to read.

-- Meet and confer re proposed Charter amendment is ongoing. See memo from City Attorney in agenda packet attachments.

-- Also in packet, an email to Commissioners and article from 2017: commissioners are public officials for purposes of the Public Records Act and requests for your emails and other communications on personal accounts and devices are subject to disclosure. Further discussion to be agendized.

-- Sgt. Fomby has offered to do a session on de-escalation training for Commissioners. Sense of Commission to hold a special meeting for this purpose.

b. Prioritizing new agenda items (**discussion & action**)

Not discussed

7. CHIEF OF POLICE'S REPORT

Chief Greenwood reported:

-- Currently at 160 sworn officers; really 135 after academy, training, injury, and other leave accounted for. Couple officers who left have requested reinstatement; a couple who had job offers decided to stay. Having contract in place probably helped.

-- Putting together a group to work on recruitment and hiring, comprised of one person from each division. One component is attending recruiting events. Seeking Council approval for bonus program.

-- Contract with BPA ratified by Council. Lasts to mid-2020.

-- Narcan program launched. BPD has acquired several nasal inhalers for use on people experiencing an opioid overdose.

-- Barbershop Forum – a group from Oakland aiming to foster community-police relationships. Facilitate discussion in a safe space. BPD will participate in a forum on Sept. 24, 2018, at 6:00 pm. at the South Berkeley Senior Center.

-- Working on wellness and resiliency as a strategic objective. E.g.s: found vendor of healthy meals to deliver to Dept at night, when people don't have access to

healthy foods; replaced a traditional vending machine with one offering healthy options; installed 2 water dispensers to fill bottles and avoid disposables.

-- Rotation of shifts every 6 months; new timesheet coming up (Sept. 23). Ideally have 79 officers on patrol but might have only 73. This summer all officers worked at least 3 OT shifts.

-- Voluntary security camera registry program just began.

-- Supporting Berkeley High School's Law & Social Justice class for 3d straight year with ride-alongs and presentations by officers.

-- Body-worn cameras: anticipate policy going out around Sept. 28 or 29 and training to start Oct. 22. As officers are trained they will start wearing them.

-- Brought After-Action Report for the August 5 protest. Unaware that the response to Commissioner Prichett's PRA request was sent. Some sections of an AA report take a lot longer than 72 hours.

Chief Greenwood answered questions from Commissioners.

8. SUBCOMMITTEE REPORTS (discussion & action)

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

a. General Orders C-64, etc. Subcommittee.

Motion to dissolve the General Orders C-64, etc. Subcommittee and consider review of the Commanders' Guide in conjunction with any review that may occur of August 5, 2018 events.

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

Ayes: Allamby, Calavita, Matthews, Prichett, Ramsey, Roberts, and Sherman.

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

b. Homeless Encampment Subcommittee – awaiting City Manager's policy.

c. Lexipol Policies Subcommittee – Comm. Ramsey reported that the Subcommittee held two meetings and the next one will be Sept. 17. at 7:00 p.m. Will be bringing first batch for PRC review at the next meeting.

9. OLD BUSINESS (discussion & action)

a. How the PRC can request information from other City departments in the most efficient manner; review of City Attorney's opinion on whether a standing item, "Requests for information," is sufficient under the Brown Act.

Discussed; no action taken.

b. Follow-up to request for After-Action reports and other information from the BPD regarding dismantling of homeless encampments that have occurred in the past six months.

Comm. Ramsey withdrew item in light of Chief's representation that no After-Action reports were generated other than after the Feb. 2017 occurrence.

- c. Consider proposed "Guiding Principles" for PRC adoption and other ideas related to addressing BPD staffing shortage.

By general consent, the Commission agreed with Comm. Matthews's proposal that she flesh out the principles and distribute a revision for discussion at the next meeting.

- d. Review policy on use of body-worn cameras, including sufficiency of provisions on use of associated iPhone.

Motion to postpone this item until the next meeting.

Moved/Seconded (Matthews/Ramsey) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Prichett, Ramsey, Roberts, and Sherman.

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

10. NEW BUSINESS (discussion & action)

- a. Select Commissioner to attend International Association of Chiefs of Police (IACP) Conference in Orlando, FL, Oct. 6 – 9, 2018.

Motion to send Commissioner Ramsey to the IACP conference.

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

Ayes: Allamby, Calavita, Matthews, Prichett, Ramsey, Roberts, and Sherman.

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

- b. Issues surrounding the BPD Response to Protests on August 5, 2018:

- i. Request After-Action report created after the August 5 protests.

Motion to table all of Item 10.b. until after all other items on agenda.

Moved/Seconded (Sherman/Ramsey) **Motion withdrawn**

- ii. Request inventory of munitions **before and after** the protests.

Motion to request an inventory of munitions before and after the protests including original forms, original notes, or other documents showing what actually happened.

Moved/Seconded (Prichett) **Motion Failed for lack of second**

- iii. Examination of issues, including: pre-emptive confiscation of sound truck near Ohlone Park, and other "de-escalation" strategies used.

Motion to postpone the remainder of Item #10.b. to a future meeting.

Moved/Seconded (Matthews/Ramsey) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Ramsey, Roberts, and Sherman.

Noes: Prichett Abstain: None Absent: Perezvelez, Yampolsky

iv. Review policies, including General Order P-29, Sec. 7, related to the release of mugshots and the decision to release this information.
(See above).

c. Draft Commission Work Plan for 2018-2019 for review, revision, and approval.

Motion to accept the draft Work Plan.

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

Ayes: Allamby, Calavita, Matthews, Ramsey, and Sherman.

Noes: None Abstain: Prichett Absent: Perezvelez, Roberts
Yampolsky

c. Staff's proposed closure of Policy Complaint # 2433.

Motion to close the complaint, and when informing the complainant, remind her of the individual complaint filing process.

Moved/Seconded (Ramsey/Calavita) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Ramsey, Roberts, and Sherman.

Noes: None Abstain: Prichett Absent: Perezvelez, Yampolsky

d. Consider recommending a policy to prioritize safety for sex workers.

Motion to form a subcommittee on a policy to prioritize safety for sex workers.

Moved/Seconded (Ramsey/Matthews) **Motion Carried**

Ayes: Allamby, Calavita, Matthews, Prichett, Ramsey, Roberts, and Sherman.

Noes: None Abstain: None Absent: Perezvelez, Yampolsky

11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS

Attached.

12. PUBLIC COMMENT

There were 2 speakers.

13. ADJOURNMENT

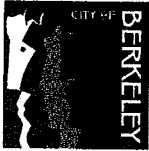
By general consent, the meeting was adjourned at 10:09 p.m.

Prioritization of PRC Tasks

Overall rank or priority	Tasks in order of rank (lower rank = higher priority)	Status 9.5.2018
1	-Body-Worn Camera Policy	Awaiting policy from BPD
4	-Fair & Impartial Policing - follow-up on recommendations	Council Task Force TBD
5	-G.O. U-2, Use of Force revision	Awaiting policy from BPD
7	-General Orders C-64, U-2, M-2 re Crowd Control [Subcomm] - review Commander's Guide to Crowd Control	In progress
10	-Review Lexipol policies [Subcomm]	In progress
14	-Process for considering informal complaints	To be agendized
14	-PRC Regulations re Commissioner challenges	Meet-and-confer requested
17	-Homeless Encampments [Subcomm]	In progress
18	-Outreach - publicize existence of PRC and its services to community	To be agendized Sept. 26
19	-Review of DUI checkpoints	To be agendized
20	-Media Credentialing	To be agendized (or to be reviewed as part of Lexipol review?)
22	-BPD's policy for shelter-in-place directive to schools	To be agendized
Awaiting response or PRC action otherwise completed.		
7	-Review BPD budget	Done via request for Financial and Performance Audit of BPD; sent to Council 3.8; awaiting response.
11	-BPD Accountability Plan for Training/Professional Development	Done. Ltr to CM 2.21; awaiting response
11	-June 20, 2017 (Review of BPD Response at Council meeting)	Draft to BPD 1.31. Per Chief 7.25, no response until litigation concluded.
14	-Armored Van Policy	Done. Ltr to Council 2.16. On 6.12 Council approved G.O. V-11, Emergency Response Vehicle, issued 6.13.
3	-Police Accountability Reforms (Increase PRC power)	Charter Amendment to Council; alternative by Mayor and Councilmbr Harrison to meet-and-confer 7.24. M&C not done in time for Nov. 2018 ballot but ongoing.
	--Right to Watch (G.O. W-1)	Proposed policy to Chief 11.2.17.
20	-Regional radio interoperability for common encrypted channels	PRC Officer has checked with Chief to confirm no further action practicable.

**POLICE REVIEW COMMISSION
SUBCOMMITTEES LIST
Updated 9-14-18**

Subcommittee	Commissioners	Chair	BPD Reps / Others
Homeless Encampments Formed 2-1-17 Renewed 1-24-18	Prichett Sherman	Prichett	
Lexipol Policies Formed 5-23-18	Perezvelez Ramsey Yampolsky	Perezvelez	Sgt. Samantha Speelman
Prioritizing Safety for Sex Workers Formed 9-12-18	Ramsey (awaiting further appointments)		



BERKELEY POLICE DEPARTMENT AFTER ACTION REPORT



“Say No to Marxism” at Civic Center Park “Stop the Hate” at Ohlone Park

Type of Occurrence: Protest / Counter Protest

Background:

On Feb. 1, 2017, a planned event featuring Milo Yiannopoulos on the UC Berkeley campus drew a large boisterous protest on Sproul Plaza. In the midst of that protest, a large group of over a 150 masked extremists stormed the campus, attacked police with fireworks and explosives, tore apart safety barricades, violently assaulted people in the area, vandalized and destroyed property in south campus and downtown, set multiple fires and threw a lit flare into a downtown bank. This group acted in a coordinated manner, indicating organization, clear goals, and a plan to disrupt the event, and deny those with whom they disagree the physical space to express first amendment protected speech.

Due to the actions of this group, the event was immediately cancelled due to safety concerns, and Yiannopoulos did not speak. This event brought national focus on the City of Berkeley and the University of California, and the issue of free speech.

In Berkeley, on February 1, April 15, and August 27, large coordinated groups of extremists took coordinated action and violently attacked people engaging in free speech activities, as well as police officers. These attacks resulted in significant injuries to both civilians and police officers.

On April 15, dozens of masked extremists entered Civic Center Park during an otherwise peaceful event, and ultimately attacked others in the park, as well as police officers, using a variety of weapons including chemical irritant sprays, explosive quarter sticks of dynamite known as “M-80s”, sticks, bats, bike locks, and wooden shields. An improvised explosive device was also recovered in the park.

On August 27, in another display of coordinated maneuver and direction, several hundred masked extremists arrived on the scene of an otherwise peaceful event in Civic Center Park, accompanied by a flatbed truck loaded with weapons and shields. Shields were off-loaded from the truck and distributed to masked extremists. Directions from an amplified sound system were given. A person on the truck used a loudspeaker to prepare the crowd for violent confrontation, warning that anyone who was concerned about violence should move away. The masked group formed a line with their shields, violently moved a person off of their own skirmish line, ignited smoke bombs, and ultimately entered the park illegally, armed with shields and weapons. Extremists subsequently attacked individuals in the park. They used their shields as weapons against others.

September 2017, Berkeley experienced 5 days of politically polarized protests and counter protests when Ben Shapiro spoke at Zellerbach Hall on the UC Campus, and later during a Milo Yiannopoulos-organized "Free Speech" week on campus.

In late July 2018, at a protest against a perceived right wing gathering in Oakland, a group clashed with Oakland Police and an improvised explosive device was thrown at officers, injuring six with shrapnel. Last year at a similar Civic Center Park event, as noted above, explosives were thrown at BPD, injuring several officers.

On Sunday, August 5, 2018, an unpermitted, non-city sanctioned event labelled "No to Marxism in America 2 / Say no to Communism" was slated to take place in Berkeley's Civic Center park. Several groups that have participated in violent behavior have indicated they would attend. One of the potential participants, Joey Gibson of Patriot Prayer, has been the focus of many of the events outlined above and was specifically targeted on August 27th, 2017. On June 3, 2018, Gibson/Patriot Prayer hosted an event in Portland, Oregon that resulted in violence by opposing groups of extremists.

In an apparent response, a second, unpermitted, non-city sanctioned event, labelled "Stop the Hate" was slated to occur in Ohlone Park. Based on prior similar events, we anticipated members of the Ohlone Park event would march to Civic Center Park to counter demonstrate.

Based on this information and the history of violence associated with multiple similar events in 2017, there was a strong possibility there would be violent assaults and other criminal activity between opposing groups on August 5th in Berkeley.

Command Post Information:

A Unified Operations Center was established at the PSB. This included:

- Unified Command with Berkeley Fire and Mutual Aid Partners
- Emergency Operations Center for citywide services.
- Mutual Aid was coordinated through the Alameda County Office of Emergency Services. Deployment was coordinated through the Unified Command Operations Center.

Arrest Information:

Overall, 20 individuals were arrested over the course the day.

Offense	# of charges
PC 242 (Battery)	1
PC 185 (Masked offender)	3
BMC (Municipal code)	13
PC 148 (Resist Arrest)	5
PC 405 (Riot)	1
PC 594 (Vandalism)	1
Weapons Violations	13

Injuries

Officer injuries: No officers reported injuries related to the protests.

Civilian injuries: BFD reports 3 medical responses. Of those responses, none required transport to a hospital.

Inventory of Chemical Munitions:

Pre-Event Inventory	Post-Event Inventory
GO CAN #1 Qty 2 CS 5230 Canisters Qty 2 CS 5231 Tri Chamber Qty 5 6210 White Smoke Qty 2 6210 Red Smoke	GO CAN #1 Qty 2 CS 5230 Canisters Qty 2 CS 5231 Tri Chamber Qty 5 6210 White Smoke Qty 2 6210 Red Smoke
GO CAN #2 Qty 2 CS 5230 Canisters Qty 2 CS 5231 Tri Chamber Qty 3 6210 White Smoke Qty 4 5210 White Smoke	GO CAN #2 Qty 2 CS 5230 Canisters Qty 2 CS 5231 Tri Chamber Qty 3 6210 White Smoke Qty 4 5210 White Smoke
GO CAN #3 Qty 15 CS 6230 Canisters	GO CAN #3 Qty 15 CS 6230 Canisters
GO CAN #4 Qty 14 OC Vaper Canisters Qty 12 OC 9440 Bangs	GO CAN #4 Qty 14 OC Vaper Canisters Qty 12 OC 9440 Bangs
Cardboard Box Qty 15 MK9 OC Foggers	Cardboard Box Qty 15 MK9 OC Foggers
Wood Crate Qty 30 5210 White Smoke	Wood Crate Qty 27 5210 White Smoke (3 deployed)
Gold Backpack Qty 4 5210 White Smoke Qty 4 CS Tri Chambers Qty 2 OC Vaper Canisters Qty 2 OC 9440 Bangs	Gold Backpack Qty 4 5210 White Smoke Qty 4 CS Tri Chambers Qty 2 OC Vaper Canisters Qty 2 OC 9440 Bangs
Blue Backpack Qty 4 5210 White Smoke Qty 4 CS Tri Chambers Qty 2 OC Vaper Canisters Qty 2 OC 9440 Bangs	Blue Backpack Qty 4 5210 White Smoke Qty 4 CS Tri Chambers Qty 2 OC Vaper Canisters Qty 2 OC 9440 Bangs

<p>Gold Vest Qty 3 5210 White Smoke Qty 2 CS Tri Chambers Qty 1 OC Vaper Canister</p> <p>Blue Vest Qty 4 5210 White Smoke Qty 2 CS Tri Chambers Qty 1 OC Vaper Canister</p>	<p>Gold Vest Qty 2 5210 White Smoke (1 deployed) Qty 2 CS Tri Chambers Qty 1 OC Vaper Canister</p> <p>Blue Vest Qty 4 5210 White Smoke Qty 2 CS Tri Chambers Qty 1 OC Vaper Canister</p>
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A total of 4 cans of Smoke were deployed.

Personnel Costs:

- Personnel costs: \$124,000
- Other costs: \$30,000

Property Damage:

- Trash cans set on fire IFO 2100 Center St.
- Vandalism to Patelco Credit Union – Smashed ATM at 2033 Shattuck Ave.
- Vandalism to Marines Recruiting Center – Smashed plate glass windows. 64 Shattuck Ave.
- Vandalism to 21 City of Berkeley vehicles parked at 2029 Berkeley Way. Arson to city vehicle.

*Cost estimates pending.

Overall Critique:

Planning and Preparation:

There was relatively short notice about the events. Once Patriot Prayer indicated they would attend the Civic Center Park event, the assessment was made that there was significant potential for violent counter-protest. Planning involved significant involvement of tactical leadership in developing tactical contingency plans. Their input was invaluable. Most of the commanders who would have leadership in the field were included in the planning process. This helped operations during the incident as they were involved, contributed and were oriented to the plan. The barricade plan and installation was smoother than past incidents. A commander was assigned to facilitate and monitor the installation. Hardscaping an outer perimeter allowed exclusion of threats posed by vehicles, as occurred in Charlottesville a year ago.

Mutual Aid meetings were held at BPD in the short lead-up. BPD established Unified Command at BPD in the Emergency Operations Center. Mutual Aid was provided by ACSO, Emeryville PD, San Leandro PD, Oakland PD, Hayward PD, UCPD and CHP totaling 202 officers. The Multi-Purpose Room was used exclusively for the Unified Command Post and

EOC which created plenty of space for mutual aid commanders. Other functions were moved to other areas of the PSB.

Response:

During the course of the events we handled multiple crowd management tasks and crowd control deployments, effected 20 arrests for individual violations. A truck laden with shields was towed when the occupants were taken into custody. Multiple weapons were confiscated including weapons hidden in large banners. Again, we observed a tactic where counter-protesters surrounded opponents with banners obscuring vision while counter-protesters kicked and punched opponents through the banner. Targeted arrests were made for weapons violations.

Crowd Management:

BPD Units took primary responsibility for creating a safe place for people to protest and counter protest peacefully. Armed individuals were disrupted early by patrols and weapons were seized. When crowds of protesters and counter protesters came together, BPD units were deployed close to the issue to deter assaults and intervene quickly with arrests for individual behavior. Armed groups indicated the need to use crowd control tactics to keep the groups apart to prevent violence.

Crowd Control:

A large crowd 500-1000 people formed containing a group of 100-150 people carrying weapons while wearing masks. The "No Hate" crowd was intent on confronting the "No to Marxism" protest in Civic Center Park with violence and were prevented multiple times from reaching the park by crowd control formations from BPD and Mutual Aid Partners. Eventually, a masked element attempted to breach skirmish lines and were repelled using smoke munitions and less-lethal projectiles, including ten rounds of 40mm and twenty rounds of FN303 impact rounds. This one limited engagement was effective in preventing serious violence on officers and keeping those involved away from the park. Throughout the event, Arrest support from transport units were able to quickly remove arrestees from the scene.

Marching:

The "No Hate" group containing armed counter protesters was monitored as it marched around downtown attempting to find a way into Civic Center Park. Due to the composition of the crowd we did not join the march. Crowd to officer ratios were not favorable to safely employ this tactic. We were unable to intervene and make arrests for significant acts of vandalism and arson as the group marched away following the confrontation with police. The crowd responsible for vandalism on Shattuck Ave and Berkeley Way joined another "Solidarity" event at Ohlone Park and removed masks, doffed black attire and left obvious weapons behind before many marched back to Civic Center Park. By this time, the "Say no to Marxism" protesters concluded their event and left for the day. The assessment was made that without a target to attack, the group could be allowed into Civic Center Park. Inability to get updates directly from overhead Mutual Aid Helicopters hampered situational awareness during the march.

Nothing further to report.

Prepared by: Lt. D. Montgomery

https://www.theguardian.com/us-news/2018/sep/14/berkeley-police-california-twitter-anti-fascist-protesters?CMP=share_btn_link

Berkeley police posted activists' mugshots on Twitter and celebrated retweets, emails reveal

City has an explicit policy of targeting protesters with mugshot tweets to 'help create a counter-narrative'

Sam Levin in Oakland

@SamTLevin

Email

Fri 14 Sep 2018 17.03 EDT Last modified on Sat 15 Sep 2018 15.38 EDT

A California police agency that published the names and photos of anti-fascist protesters on Twitter said it was creating a “counter-narrative” on social media and celebrated its high rate of retweets and “engagement”, internal records reveal.

The Berkeley police department (BPD) faced widespread backlash last month after posting the personal information of arrested activists online, leading to Fox News coverage and harassment and abuse against the leftwing demonstrators at a far-right rally. New emails have shown that the city has an explicit policy of targeting protesters with mugshot tweets, with the goal of using “social media to help create a counter-narrative”.

Officials have further praised the “unusually deep and broad publication and attention” to activists’ mugshots, saying it helped create a “narrative about the city’s ability to enforce the rule of law”.

The records have sparked fresh scrutiny of the northern California police department, with critics accusing law enforcement of aiding the “alt-right” by shaming anti-fascists online after making questionable arrests. City lawmakers, citing the Guardian’s reporting, have now proposed an ordinance that would ban police from posting mugshots on social media unless the arrested individuals posed an immediate public safety threat.

“It is devastating that BPD would endanger people for the sake of their public relations campaign,” said Andrea Pritchett, an activist with Berkeley Copwatch.

Police arrested 20 people on 5 August, and all were counter-protesters and anti-fascists who came to demonstrate against a far-right event, according to the National Lawyers Guild (NLG) of San Francisco, which is representing some of the activists.

Many arrested were cited for “possession of a banned weapon”, which police said included “anything” that could be used in a “riot”. Some were arrested for bandanas and scarves that

police considered “masks” and sign poles cited as “weapons”, according to the NLG, which is representing activists.

A spokeswoman for the local prosecutor’s office told the Guardian on Friday that the district attorney had declined to file charges for eight people and had no records for two others whose mugshots were tweeted. She did not immediately have information about the other cases.

The records, obtained by police accountability group Lucy Parsons Labs and reported by the East Bay Express, shed light on how officials internally have defined and justified the social media policy for protests. Officials said the “social media-driven protests” have created the need for a “Twitter protocol for mug shots” and acknowledged that the tweets would get “broad national exposure”. One police email had the subject line, “Info flow from Jail to Twitter.”

The policy also made clear that police would post mugshots on Twitter only when the arrests were “protest related”, drawing criticisms that the practice was aimed at discouraging free speech activities.

“They are just trying to punish people who haven’t had a trial,” said Blake Griffith, a Democratic Socialists of America activist whose mugshot was posted on Twitter last month. “They don’t really care whether or not we actually did anything wrong. They just care that they look good and that their response looks publicly justified.”

One protocol document officials wrote last year said police should post the name, age, city of residence, charges and booking photos on Twitter, noting that they would be “quickly reprinted across television, online and print media platforms”. Police received more than 8,000 retweets, 11,000 “likes” and 1.7m “impressions” (times people saw the tweets) in one case, the document said.

“They considered the likes and retweets, but they didn’t count the number of death threats that were made in the replies – and the rape threats,” said Griffith, who was cited for misdemeanor vandalism. The prosecutor, however, declined to file charges, a spokeswoman said.

Eddy Robinson, one of the first anti-fascist activists targeted under the Twitter mugshot policy last year, said he was shocked on Thursday to read that Berkeley had a policy outlining this tactic.

“I already felt like my civil rights had been infringed by that arrest,” said Robinson, who was jailed for a “banned weapon” because, he said, he was carrying protest signs. “To see that it was done in pursuit of a messaging goal was just bizarre.”

His mugshot was posted again when he was later accused of “participating in a riot”, but he was not convicted. His mugshot remains on Berkeley’s Twitter page.

“It seems fundamentally unethical,” he added.

Veena Dubal, a University of California law professor and former Berkeley police review commissioner, said the mugshot policy was “really deviating from the role of the police department, which is public safety”.

She said she was also stunned by the “counter narrative” language: “If the prevailing narrative is these rightwing, white supremacist rallies should be stopped, and we don’t want them in the city, then the ‘counter-narrative’ is we do want them in our city, and the counter-protesters are the problem.”

The documents have come to light at a time in which law enforcement in California and across the US have come under fire for their response to neo-Nazi rallies. Activists have repeatedly accused police of shielding far-right groups while aggressively targeting anti-fascists for prosecution – releasing records that could be used for “doxing”, the practice of publishing people’s personal information to encourage abuse.

Matthai Chakko, a city spokesperson who outlined the policy in the internal emails, defended the practice in an interview Friday, saying the strategy was a response to “exceptional circumstances” and “exceptional amounts of violence in Berkeley” at previous rallies.

He could not, however, provide specific details about any alleged acts of violence on 5 August when police posted mugshots. One individual was cited for “battery”, but he said he had no further information about the circumstances. Police reported smashed windows at the time, but said there were no injuries.

“What we’re trying to do is prevent violence,” he said. “Removing weapons from people before they get to the site of conflict is a strategy ... We have never identified anyone’s particular views.”

Asked if police considered possible abuse and doxing risks when creating the mugshot policy, Chakko declined to comment.

“They broke the law,” he said.

He also declined to comment on why the cases have repeatedly resulted in no formal charges or convictions, saying: “We are comfortable with our arrests.”

Outreach Subcommittee Meeting Notes

March 1, 2017

Bernstein, DaSilva
Norris

DaSilva was elected chair of the subcommittee.

Goal is to increase goodwill in Berkeley, with a focus on events in overly policed communities.

5 Prong Plan

(1) Community presentations

- PRC members to travel to community groups, churches, etc. to talk about the PRC
- Examples of events: Church events, neighborhood group events
- Examples of community groups: Adeline St. Corridor; Youth in Government (at Berkeley High); Parents of Children of African Descent (PCAD)
- Each commissioner to contact her/his council person and ask to be invited to the next community meeting to speak about the PRC.

(2) Collaborations

- PRC outreach committee to organize joint events with other organizations concerned about overlapping issues. Identify concerns determine how to work together.
- Example: Joint event with local chapter of NAACP

(3) Community Events to have PRC booths.

- 50th Anniversary Summer of Love/ Telegraph Ave
- Juneteenth Festival
- National Night Out

(4) Website & PRC Outreach material

- Redesign of PRC page, including Bernstein's photo
- Redesign of PRC outreach material (Norris will ask Ms. Lee if there is money for web development)
- Additional resource: A Student's Guide to Police Practices, Office of the Independent Police Auditor, City of San Jose
- Mr. Norris circulated the current media list. This is the list of media outlets to which the PRC sends its meeting notices. During the meeting more media outlets were added.
- The subcommittee added names of additional media outlets to which it could begin sending notices of meeting of particularly important topics.

(5) Travelling PRC meetings

- University of California, Berkeley

- Churches
- Etc.

Next steps:

1. Bring names of community groups to ask if a PRC member could make a presentation to next meeting
2. Report back to the PRC, including plan to do a series of events (solicit authority to plan and execute without full commission approval)

To: Police Review Commissioners
Gwen Allamby Kitty Calavita Sahana Matthews
George Perezvelez Andrea Prichett Ismail Ramsey
Terry Roberts Michael Sherman Ari Yampolsky
Cc: Police Review Commission Officer Katherine J. Lee
From: Charles Clarke, resident of BPD Beat 3 within City Council District 1
Re: Suggested Commendation of Officer Stephanie Cole, BPD
Date: September 12, 2018

Having listened to a certain BPD audio recording published by Berkeleyside, I suggest the PRC issue a letter of commendation to the BPD along the following lines:

The Police Review Commission hereby commends

Officer Stephanie Cole

of the Berkeley Police Department for her conduct of a certain traffic stop on July 19, 2018, for demonstrating in exemplary fashion the principle of fair and impartial policing in the finest tradition of the City of Berkeley.

I further suggest that the Commission approve issuing the commendation at soonest opportunity, for example at its next meeting on September 26, 2018.

Hear: <https://soundcloud.com/berkeleyside/bartlett-traffic-stop>

See: Emilie Raguso, "Berkeley councilman to cop who pulled him over: 'You know, we're voting on your contract right now'," Berkeleyside, August 23, 2018
<https://www.berkeleyside.com/2018/08/23/berkeley-councilman-to-cop-who-pulled-him-over-you-know-were-voting-on-your-contract-right-now>

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