

Police Review Commission (PRC)

**POLICE REVIEW COMMISSION  
REGULAR MEETING  
AGENDA**

**Wednesday, July 11, 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 June 27, 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. OLD BUSINESS (discussion & action)**

- a. Proposed "Guiding Principles" for PRC adoption and other ideas related to addressing BPD staffing shortage.  
From: Commissioner Matthews

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

- a. Presentation by Chief Greenwood and other BPD staff regarding the BPD's development of Lexipol policies.
- b. Whether to request information from the BPD regarding dismantling of homeless encampments that have occurred in the past six months.  
From: Commissioner Ramsey
- c. How the PRC can request information from other City departments in the most efficient manner, and whether a standing item, "Requests for information," is sufficient under the Brown Act.  
From: Commissioner Prichett
- d. Commendations of BPD personnel, August through December 2017; and of Ofc. Megan Jones  
From: PRC Officer

**10. 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 – appoint additional members
- c. Lexipol Policies Subcommittee
- d. June 20, 2017 Subcommittee (Review of BPD Response at City Council meeting) – renew subcommittee

**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. PRESENTATION OF ADMINISTRATIVE CLOSURE IN COMPLAINT #2440**

**End of Closed Session**

**14. ANNOUNCEMENT OF CLOSED SESSION ACTION**

**15. ADJOURNMENT**

**Communications Disclaimer**

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**Communication Access Information (A.R.1.12)**

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

**SB 343 Disclaimer**

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

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



# PRC REGULAR MEETING ATTACHMENTS

## July 11, 2018

### MINUTES

June 27, 2018 Regular Meeting Minutes Page 7

### AGENDA-RELATED

Item 8.a. – Proposed PRC “Guiding Principles.” Page 11

Item 9.d. – BPD commendations, Aug. – Dec. 2017; and Ofc. Megan Jones. Page 13

Item 10. – PRC Subcommittees List updated 6-29-18. Page 49

### COMMUNICATION(S)

Memo to the Mayor and City Council members from the PRC Vice-Chair, dated 7-2-18: Proposed Charter Amendment to Restructure the Police Oversight Body and Proposed Revisions from Mayor Arreguin (Items 32a and 32b of the City Council’s July 10, 2018 agenda). Page 51

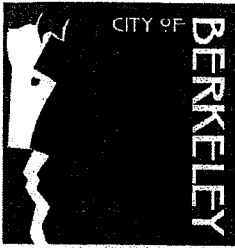
Commissioner Attendance Report for the period January 1 through June 30, 2018. Page 53

Memo to the Police Review Commissioners from the PRC Officer, dated 7-20-17: Friendly amendments and substitute motions. Page 55

BPD General Order D-21, DNA Sample Collection, issued 6-22-18. Page 57

KL:mgm





Police Review Commission (PRC)

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

**Wednesday, June 27, 2018  
7:00 P.M.**

South Berkeley Senior Center  
2939 Ellis Street, Berkeley

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

Present: Commissioner George Perezvelez (Vice Chair)  
Commissioner Gwen Allamby  
Commissioner Andrea Prichett  
Commissioner Ismail Ramsey  
Commissioners Terry Roberts  
Commissioner Ari Yampolsky  
Commissioner David Ritchie (*temporary*)  
Commissioner Cooper Price (*temporary*)  
Commissioner Tristan Harper (*temporary*)

Absent: Commissioners Kitty Calavita, Sahana Matthews (Chair), Michael Sherman

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Lt. Angela Hawk, Sgt. Rashawn Cummings

**2. APPROVAL OF AGENDA**

**Motion to approve the agenda, with the postponement of Item #10.b., presentation of Lexipol polices, to the July 11 meeting.**

Moved/Seconded (Ritchie/Ramsay) **Motion Carried**

Ayes: Allamby, Perezvelez, Prichett, Ramsey, Roberts, Yampolsky, Harper, Price.

Noes: None Abstain: Ritchie Absent: Calavita, Matthews, Sherman

**3. PUBLIC COMMENT**

There were 5 speakers.

#### 4. APPROVAL OF MINUTES

- a. Item #10.c. of Regular Meeting of May 23, 2018.

**Motion to approve Item #10.c. of the Regular Meeting Minutes of May 23, 2018**

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

Ayes: Allamby, Perezvelez, Prichett, Ramsey, Roberts, Yampolsky, Harper, Price, Ritchie.

Noes: None    Abstain: None    Absent: Calavita, Matthews, Sherman

- b. Regular Meeting of June 13, 2018.

**Motion to approve the Regular Meeting Minutes of June 13, 2018**

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

Ayes: Allamby, Perezvelez, Prichett, Ramsey, Roberts, Yampolsky, Harper, Price.

Noes: None    Abstain: Ritchie    Absent: Calavita, Matthews, Sherman

#### 5. CHAIR'S REPORT

- Included in today's agenda packet is BART's Annual Report on the Use of Force.

#### 6. PRC OFFICER'S REPORT

- a. -- One new complaint filed last week.

-- Included in today's agenda packet: articles about actions of the Council Subcommittee on Urban Shield; and PRC's recommendations on BPD's MOUs with other law enforcement agencies, dated March 2018. BPD is presenting MOUs to Council at its July 24 meeting.

- b. Prioritizing new agenda items (discussion & action)  
(Not discussed)

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

Lt. Hawk reported on behalf of Chief Greenwood:

-- Currently using mandatory overtime for staffing. 155 sworn officers; but not all are available, due to injury, illness or vacation.

-- Several officers participated in the S.F. Pride Parade, and were well received.

-- Lexipol presentation will be July 11.

Lt. Hawk 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 – on hiatus until Comm. Calavita returns.



- b. Homeless Encampment Subcommittee – on hiatus until Comm. Sherman returns. Also grappling with obtaining needed information.
- c. Lexipol Policies Subcommittee – Had their first meeting today before this meeting. Comm. Perezvelez was elected Chair. Subcommittee has some threshold questions and would like redlines and notes from BPD.

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

- a. Continue discussion on response to Charter amendment proposal from Mayor Arreguin and Councilmember Harrison's suggested revisions.

**Motion to present our original proposal to the Council; i.e., that we stand by it; could also send a letter with it as to why we don't want major changes.**

Moved/Seconded (Ritchie/Allamby)

**Friendly amendment: to forward the PRC proposal to the Council without a letter of explanation.**

Moved by Ramsey; Accepted by Ritchie and Allamby

**Friendly amendment: to send a letter to the Council saying why the Commission feels the work of its subcommittee and the full Commission is important and valid.**

Moved by Perezvelez; Not accepted by Ritchie or Allamby

**Motion, as amended, Carried**

Ayes: Allamby, Ramsey, Roberts, Yampolsky and Ritchie.

Noes: Prichett, Halpern, Price Abstain: Perezvelez

Absent: Calavita, Matthews, Sherman

- b. Follow-up on report and presentation from Center for Policing Equity at May 9, 2018 Commission meeting, and Council's April 24, 2018 recommendations on BPD data tracking, training, and policy and practice reforms to ensure fair and unbiased policing.

*(Discussed; no action taken.)*

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

*(Item postponed to the next meeting.)*

**10. NEW BUSINESS (discussion & action)**

- a. Consider requesting information from BPD regarding its involvement in the dismantling of the homeless encampment around 2<sup>nd</sup> and Cedar Streets the week of June 4, 2018.

**Motion to make a request from BPD for the After Action Report for the dismantling of the homeless encampment around 2<sup>nd</sup> and Cedar Streets the week of June 4, 2018, or confirmation that such a report does not exist.**

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

Ayes: Allamby, Perezvelez, Prichett, Ramsey, Roberts, Yampolsky, Harper, Price, and Ritchie.

Noes: None Abstain: None Absent: Calavita, Matthews, Sherman

- b. Presentation by Police Chief Greenwood on the BPD's development of Lexipol policies.  
*(Item postponed to the next meeting.)*

#### **11. ANNOUNCEMENTS, ATTACHMENTS & COMMUNICATIONS**

Attached.

#### **12. PUBLIC COMMENT**

There was 1 speaker.

#### **13. ADJOURNMENT**

**By general consent, the meeting was adjourned at 9:24 p.m.**

**“Guiding Principles”**

The Berkeley Police Review Commission (PRC) was established in order to strengthen trust between the BPD and Berkeley community. The PRC would like to emphasize our role in collaboration with the Department the reach this shared goal of trust.

Due to the current Berkeley Police Department (BPD) staffing crisis, the PRC adopts these guiding principles as a way of ending the lack of support that the Department receives from the PRC.

In order to strengthen the relationship between the BPD and PRC, the commissioners will:

- Make every effort to ask for Department input during discussions on items that affect Department policies and practices.
- Attend community and Department events that the Chief invites the commissioners to.
- Participate in ride-alongs and Department tours (to the extent the commissioners feel comfortable).
- Support the Department is staffing by reaching out to our community networks (to the extent applicable).

It is the Commission’s hope that these principles will be followed in a way that promotes a better relationship between the PRC and Department and increases trust between the BPD and broader community.



## OFFICER MEGAN JONES HONORED BY MOTHERS AGAINST DRUNK DRIVING (MADD)

Berkeley, California (Thursday, June 14, 2018) -



Congratulations to Officer Megan Jones, honored yesterday at the Northern California Central Valley Mothers Against Drunk Driving (MADD) event. Officer Jones made 102 Driving Under the Influence (DUI) arrests in 2017—the first officer at BPD to have ever accomplished this.



## Gil, Sergio

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**From:** Gil, Sergio  
**Sent:** Thursday, December 21, 2017 8:35 AM  
**To:** Gil, Sergio  
**Subject:** FW: Officer Cerletti #144 Professionalism and Support

**From:** [REDACTED]  
**Sent:** Wednesday, December 20, 2017 4:56 PM  
**To:** Ross, Sean B. <[SRoss@cityofberkeley.info](mailto:SRoss@cityofberkeley.info)>  
**Subject:** Officer Cerletti #144 Professionalism and Support

This past week, I became increasingly concerned about my adult son and filed a missing person's report with the Berkeley Police Department. Officer Cerletti contacted me within 30 minutes of my call and walked me through the process for missing persons and explained everything very clearly. He demonstrated empathy in dealing with a worried parent as well as professionalism in guiding me through the process. He kept me updated throughout the day with information he was able to obtain. His communication style and attentiveness to the situation were outstanding and helped me get through a very frightening time. I have worked in healthcare for decades and have observed many interactions between healthcare providers and patients and know how important it is to support patients and families. The level of support I experience represented the highest level of care that I have seen in my decades in healthcare. Officer Cerletti's professionalism is exemplary. My husband, who I was in contact with throughout the day to provide updates, was also impressed. I wanted you to know that you have an outstanding officer who made a huge difference in our lives and who is an excellent example of the work that you do to support the welfare of your community. Thank you so much. Rita Shane P.S. Thankfully, my son called that night.

## Gil, Sergio

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**From:** Gil, Sergio  
**Sent:** Tuesday, December 12, 2017 12:33 PM  
**To:** Gil, Sergio  
**Subject:** FW: Commendation request for Kathy Navarrete

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**From:** [REDACTED]  
**Sent:** Monday, December 11, 2017 4:57 PM  
**To:** Garrett, Lyesha <[lgarrett@cityofberkeley.info](mailto:lgarrett@cityofberkeley.info)>  
**Subject:** Commendation request for Kathy Navarrete

Hi Lyesha,

The week of December 4-8, 2017, Kathy was assigned to beat 119, which includes Berkeley Way and Shattuck a heavy construction area with multiple merchants complaining about parking. As you know the merchants in this area contacted the CM, Mayor's Office and IAB expressing their frustrations.

On Thursday, December 7, 2017, Kathy had informed me she was going to speak to all the foreman's at this site. It turns out she spoke with all the foreman's and merchant's introducing herself and informing them of the parking expectations. She enforced the area heavily issuing 4 citations on Thursday 12/7 and 7 citations on Friday 12/8.

Friday, December 8, 2017, there was a message left on Parking's main line from one of the merchant's saying he appreciate Officer Navarrete coming around and keeping up and she was very personable.

Officer Navarrete spent a lot of time and went over and above her duty extending customer service to both the construction Foreman's each merchant and cleaning up the area by issuing citations. I am recommending she receive a commendation for Exemplary community service.

Thank you  
[REDACTED]



**Gonzalez, Manuel**

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**From:** Gonzalez, Manuel  
**Sent:** Monday, December 18, 2017 10:07 AM  
**To:** Gonzalez, Manuel  
**Subject:** FW: Commendation for Officer Eric Ruff

**From:** [REDACTED]  
**Sent:** Wednesday, December 13, 2017 9:02 PM  
**To:** BPD Webmail <[bpdwebmail@cityofberkeley.info](mailto:bpdwebmail@cityofberkeley.info)>  
**Subject:** Commendation for Officer Eric Ruff

Dear Berkeley Police Department,

I just wanted to thank Officer Eric Ruff for his kindness, patience and graciousness in handling our recent vehicle recovery. He went above and beyond the call of duty and made a difficult scenario much more pleasant and thoughtful than we could have anticipated.

He is a perfect representative of the good that the Berkeley Police Department does in the community, and we are extremely grateful for his service.

Please thank him for us, and we hope that his supervisors commend him for his efforts. Berkeley is better for having Officer Ruff serving the community.

With gratitude,

[REDACTED]  
[REDACTED]

# Berkeley PUBLIC SCHOOLS

Berkeley Unified School District

STUDENT SERVICES

2020 Bonar Street #112, Berkeley, CA 94702  
(510) 883-5224 Fax: (510) 644-7712  
[www.berkeleyschools.net](http://www.berkeleyschools.net)

Dr. Donald Evans, Superintendent

Tammy Rose, Interim Manager

November 8, 2017

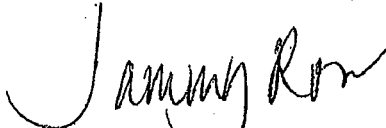
Berkeley Police Department  
2100 Martin Luther King Jr., Way  
Berkeley, CA 94704

Dear Officer McGee,

Thank you for your continued support and partnership on behalf of our students and community.

Your leadership and collaboration during our professional learning day on November 3, 2017 was well received and appreciated.

Kind regards,



**Tammy Rose**

**Interim Manager, Student Services**

2020 Bonar Street, Suite 112

Berkeley, California 94702

Office: (510) 644-6316

Fax: (510) 644-7712

[tammyrose@berkeley.net](mailto:tammyrose@berkeley.net)

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Tuesday, December 12, 2017 8:14 AM  
**To:** Gil, Sergio  
**Subject:** FW: letter of appreciation

**From:** [REDACTED]  
**Sent:** Friday, December 08, 2017 9:06 AM  
**To:** BPD Webmail <bpdwebmail@cityofberkeley.info>  
**Subject:** letter of appreciation

Officer C. Schulz, Badge # 65  
Exceptional Service

On December 7, 2017, I was attending a meeting in the city of Berkeley. My parked vehicle was struck and partially destroyed by another driver.

Officer C. Schulz took absolute control of the situation and provided excellent assistance to both affected parties.

His excellent communicating skills, masterful coordination, attention to details, and compassionate demeanor contributed to the effective resolution of the accident.

Please pass on my Heartfelt Thanks.

[REDACTED]

Dear Int. Chief Greenwood,

I wanted to send you a quick note to compliment your Officer Waggon (EP?) <sup>Waggonner</sup> who helped me yesterday Mon 11/27/17 at the North Berkeley Library.

He helped me out with a guy who had verbally threatened me. He <sup>Officer Waggon</sup> was understanding, patient and thoughtful. His obvious priority was deescalating the situation and my safety.

Your officers actions were an obvious reflection of a police department working hard to keep Berkeley a great place.

Thank you,

~~XXXXXXXXXX~~

11/25/17

all ~~XXXXXXXXXX~~

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Thursday, November 30, 2017 8:24 AM  
**To:** Gil, Sergio  
**Subject:** FW: Escort the first week

**From:** [REDACTED] On Behalf Of [REDACTED]  
**Sent:** Tuesday, November 21, 2017 7:34 PM  
**To:** Rateaver, Andrew <ARateaver@cityofberkeley.info>  
**Subject:** Escort the first week

Lieutenant, as busy as you guys were, you can't remember everything that happened during that first week of the fires, but my wife and I will never forget how you and Sgt. Rittenhouse helped us in a time of great stress.

To we elderly folk, being without our meds often means losing our health. You and Sgt R. took the time to escort us up Fountaingrove Pkwy. to Varena retirement Apts., escorted us up to our apt. and waited patiently while we gathered up our precious meds.

Seeing our place still standing was an emotional high for us. At the time we didn't know that nearly every other building in the Fountaingrove area had burned to the ground, but I for one was almost emotionally overcome.

Your patience and calm professional demeanor helped us both get through the trauma of the moment.

This weekend, after Thanksgiving Day with our daughter and her family, we will be returning to Varena for good, after almost two months in limbo. During that entire time we have never forgotten how you both took the time to help us.

It wasn't a huge deal, but it sure meant a lot to us, the first of many supporting hands that helped us get through this traumatic experience. How lucky we are to have a home to return to, and how grateful we are that you and many others were there to help us.

Bless you all. Thankfully, [REDACTED]

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[www.berkeleyschools.net](http://www.berkeleyschools.net)

Dr. Donald Evans, Superintendent

Tammy Rose, Interim Manager

November 8, 2017

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

Dear Officer Fomby,

Thank you for your continued support and partnership on behalf of our students and community.

Your leadership and collaboration during our professional learning day on November 3, 2017 was well received and appreciated.

Kind regards,



**Tammy Rose**  
**Interim Manager, Student Services**

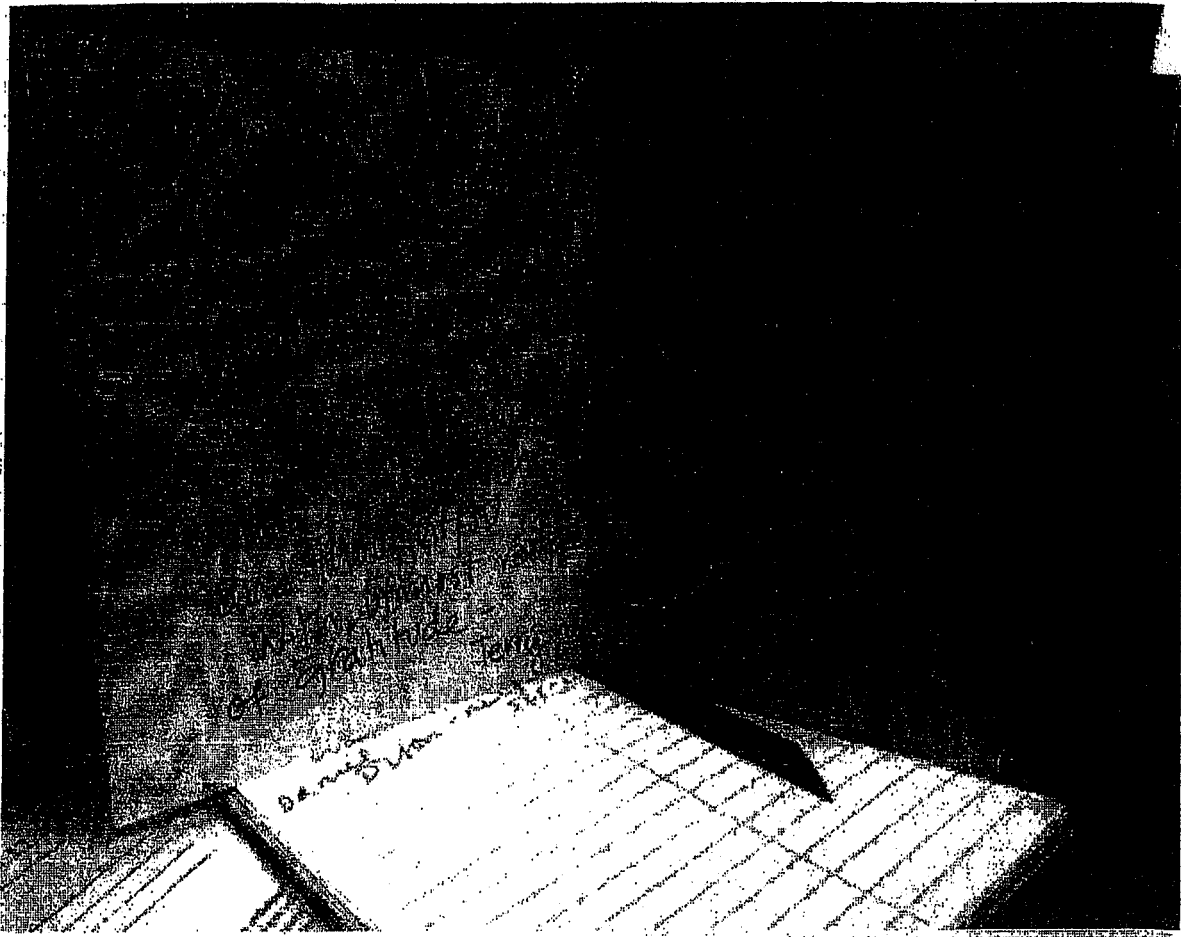
2020 Bonar Street, Suite 112

Berkeley, California 94702

Office: (510) 644-6316

Fax: (510) 644-7712

[tammyrose@berkeley.net](mailto:tammyrose@berkeley.net)



**From:**

**Subject:** A thank you from Gehricke Road Residents

Good Morning Everyone,

I wanted to pass along some thanks from the residents of Gehricke Road in Sonoma.

Late Thursday afternoon I received a telephone call from [REDACTED] who is the caretaker of the property at the top of Gehricke Road in Sonoma. He asked my wife and me to attend a post fire gathering of neighbors that occurred yesterday in Sonoma. Jeff was one of the only people who lived on the mountain that stayed in the evacuation zone during the fires. He put out numerous spot fires, provided assistance to many fire fighter teams and kept the rest of the home owners updated daily via email on conditions throughout the few weeks that the fires were occurring in and around Sonoma. He was also one of the few people that our officers checked in on daily to ensure that he was ok. He often shared our interactions in his emails to his neighbors letting them know that Berkeley officers had checked on him. He asked me to pass along his gratitude to each of you.

The event consisted of approx. 50 residence from Gehricke Road and was held at the "lake House" that many of you may be familiar with. It was a very nice, casual get together where the neighbors payed tribute to Jeff for his efforts during the fire and showered him with praise. The residents also made sure to point out the many officers of the Berkeley Police Department as being some of the best of the best that assisted in the fires around Sonoma.

I had the opportunity to speak to the group briefly and I shared with them how appreciative each of us were for their kindness and hospitality during their time of tragedy. There was not a single moment of the 3 ¼ hour event that I didn't have someone come up to me to tell a story of their positive interactions with BPD. I was asked more times than I can



count to pass along a word of thanks to each of you. This time spent in Sonoma was yet another moment that I, and hopefully you as well, were proud to be a Berkeley Police Officer.

Each of you on this email spent some of your personal time giving back to a community in need. This was just one small group of many which each of you left a positive image of law enforcement engrained on their hearts. Our time spent up North was a reminder of why we were called to be police officers:

With best wishes and thanks,

**Officer Brandon Smith #3**

Berkeley Police Department

Area Coordinator – Area 1

2100 Martin Luther King Jr Way

Berkeley, CA 94704

Monday-Thursday (Typically 5am-3pm)

October 12, 2017

Mr. Jovan Grogan  
Deputy City Manager  
City of Berkeley  
2180 Milvia Street  
Berkeley CA 94704

Chief Andrew Greenwood  
Chief, Berkeley Police Department  
City of Berkeley  
2100 Martin Luther King  
Berkeley CA 94704

✓ Officer C. Schulz  
Berkeley Police Department  
City of Berkeley  
2100 Martin Luther King  
Berkeley CA 94704

Dear Mr. Grogan, Chief Greenwood and Officer Schulz

On September 25 my neighbor Jan Lecklikner and I came to the police department. Our 89 year old neighbor had been missing for a number of days and because of a number of circumstances – his onset to dementia, a recent car accident, decline in health, and questionable circumstances around him – we were compelled to report him missing.

It was clearly a busy day and we weren't getting anywhere on the first floor. I stopped every person coming down the stairs who looked like a possible candidate to help and believe I may have stopped Mr. Grogan who, while he didn't identify himself, was possibly the man who alerted Chief Greenwood about us. If that was you -- thank you!

Chief Greenwood appeared and my neighbor knew him from neighborhood night outs. Even though there was a protest going on, he took the time to listen to our story and assure us we'd get help. Thank you!

Officer Schulz soon appeared and in THE most professional way listened, quickly ferreting out information he needed and didn't need. He was kind, thorough, patient, super efficient, and could give a master class on the positive aspects of great direct eye contact. He told us his plan. We left. When we got back to our neighborhood he and another officer were already in front of our neighbor's house.

Officer Schulz came to my house after interviewing a person who lived in the back of our missing neighbor, and took care and time to tell me that our neighbor had been taken to Arizona by a cousin. I called the cousin with the phone number Officer Schulz provided. Officer Schulz stayed while I spoke at some length to the cousin. Eventually, Officer Schulz indicated that he would speak with the cousin. He was tremendously helpful to the cousin, and it was apparent that Officer Schulz quickly was able to put together the picture of what life had been like for our neighbor for the past several months and what chaos his car/finance/physical life was in. He brought everything together.

When he got off the phone, I told him that I just realized that in 2008 I had stopped him on the street when I still lived in San Francisco and was thinking of moving to Berkeley, and had asked him if he had a moment to speak with me about what life was like here. He clearly had, and had answered the questions I had. and pointed out things I never would have considered had I had not stopped and asked if he had a moment to talk about Berkeley. I am so happy to know he is protecting us! Thank you for everything!

I just got off the phone with our neighbor, Mr. [REDACTED] who lived at his house on Dohr Street from 1943. It seems that he is in good care and protection with his nephew. He so deserves it.

Thank you all so much for your service – SO APPRECIATE IT.

[REDACTED]

## Gil, Sergio

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**From:** Gil, Sergio  
**Sent:** Tuesday, October 17, 2017 3:00 PM  
**To:** Gil, Sergio  
**Subject:** FW: Sonoma wildfires ride along on 10/13

**From:** [REDACTED]  
**Date:** October 15, 2017 at 9:14:48 PM PDT  
**To:** "agreenwood@ci.berkeley.ca.us" <agreenwood@ci.berkeley.ca.us>  
**Cc:** Emilie Raguso <emilie@berkeleyside.com>  
**Subject:** Sonoma wildfires ride along on 10/13

Dear Chief Andrew Greenwood,

Thank you again for accommodating my request for a ride along with BPD to the Sonoma fires. It was a very memorable experience in a rather unexpected way.

I solicited this request primarily to get better access to the wildfires and destruction they had caused in the region. The devastation to buildings I saw was undeniably incredible and unforgettable.

However, despite not seeing much police or fire "action" that I had exuberantly anticipated, the extra down time afforded my attention the opportunity to converse more with BPD officers as well as to keenly observe their interactions not just with other Berkeley officers but with the broader coalition of mutual aid law enforcement officers, agents, and other first responders, most of whom they surely did not know personally or prior to that day.

Rather than a stern, heavy handed and stiff interaction, I found my conversation between Sergeants Ross and Spencer as well as other law enforcement personnel (ATF, park rangers, etc.) to be pleasant, amiable, and down to earth, transcending my presumptions which are based mostly off of movie and television clichés. The ability to converse with them on a personable level showed me that they are no different from the plain clothes friends and acquaintances I interact with on a daily basis.

Speaking particularly of sergeants Ross and Spencer, by the end of the 14 hour day with them I felt I was genuinely beginning to develop an ever-so-slight friendship, which was totally unexpected. As a matter of fact, I felt like Ross should have been the one with the camera and I driving due to the numerous photo ops he kept pointing out. He and Spencer were both more than willing to accommodate my impulsive desires to get a photo by stopping the truck so that I could jump out.

Moreover, being a fly on the wall allowed me to more fully appreciate the strong sense of camaraderie between officers and officials across the local, state and federal agencies. With each wave from the passing car window to the breaks in between at the sheriff's office, what struck me was the constant theme of professionalism and the genuine desire and willingness to ensure the safety of evacuees and their property in a critical time of need. Their strong work ethic and pride in purpose was a refreshing and affirming deviation from the sometimes toxic politics surrounding police engagement with the public in this day and age.

And last but certainly not least, getting to witness firsthand the immense and selfless generosity of the locals (from the coffee barista to the local mother and daughter bringing snacks) to the first responders was tear-jerking to say the least. This combined with the affability and altruism of the law enforcement officers I engaged with made it an unforgettable experience.

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Tuesday, October 17, 2017 11:10 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thank you to Berkeley police

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**From:** [REDACTED]  
**Sent:** Sunday, October 15, 2017 9:31 PM  
**To:** Okies, Joe <JOkies@cityofberkeley.info>  
**Cc:** [REDACTED]  
**Subject:** Thank you to Berkeley police

Dear Joe,

My family wanted to send you this commendation to share with your team and colleagues. We are so incredibly grateful to all the Berkeley Police Department officers who assisted during the Sonoma and Napa county fires. We had several incredible interactions with the department and wanted to share these experiences.

First, on Wednesday October 11th during the Sonoma fires my family was frantically evacuating for fear of fire in the area. At the time, we were not under a mandatory evacuation yet so we felt lucky to have a small window of time to get some cherished family items out of the house. While we were loading things in the truck Berkeley Police officers Syto and Murphy came to our home. We live on a very remote single lane road about 1.5 miles up from any other homes. They said they were just making rounds to make sure everyone knew they should get out soon and they asked if they could help move any items. This was truly an incredible gesture during this stressful and scary time! Officers Syto and Murphy stayed for a short period and helped move things from the house to the truck. Then they explained they need to continue the rounds and gave us a deadline to leave the property, which was frankly quite helpful so we didn't stay too long and risk our safety. Please send our sincere gratitude to Officers Syto and Murphy for their warmth, friendliness, and compassion during that very stressful situation. We can't thank them enough!

Early today (10/15), Lieutenant Files took time to verify our property was in good shape after the past 48 hours of heroic work by all the emergency responders, since it's in an evacuated area. The peace of mind and relief this brought to our entire family is priceless.

And last, but not least, thank you for your assistance, friendship and concern (and your work in Sonoma for all of us!) this past week. So so grateful.

Sincerely,

[REDACTED]  
[REDACTED]

[REDACTED]  
Berkeley, CA 94702

September 25, 2017

Chief Greenwood

Berkeley Police Department

2100 Martin Luther King, Jr. Way

Berkeley, CA 94704

Re: Officer Schulz (badge #65) and [REDACTED]


Dear Chief Greenwood:

On behalf of the neighbors of Dohr Street and Ward, thank you for your assistance in locating our neighbor, [REDACTED]. Officer Schulz did an excellent job and was able to get information from the "surrogate stepson" to locate relatives in Arizona who had come to take [REDACTED] to their home unbeknownst to those of us who had been working with [REDACTED]. Officer Schulz was able to call the relatives and [REDACTED] will cooperate with them about [REDACTED] finances and I will work with them in regards to his health issues.

Neighbors looking after one another is the best part of Berkeley. [REDACTED] is a treasured member of our community, a real gentleman. We knew that he was a particularly vulnerable elder and we discovered a person(s) had taken advantage of him as his dementia caused a mental decline. When he was gone for five days and we could get no information from his surrogate stepson, we were alarmed enough to contact you. And, for once, it had a happy ending.

Officer Schulz should be commended on his sensitivity and quick follow through. His efforts were much appreciated.

Best,

  
[REDACTED]  
[REDACTED]

RECEIVED  
SEP 28 2017  
OFFICE OF THE CHIEF



September 11, 2017

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

From: CVS Health Organized Retail Crime Unit  
Western Division  
777 S. Harbor Blvd  
La Habra, CA 90631

RE: Letter of Appreciation

Dear Chief Greenwood,

I would like to take this opportunity to commend and thank two members of the Berkeley Police Department, Detective Peter Lee and Sergeant Frank Landrum for their professionalism and investigative tenacity. During the month of December 2016, WALGREENS, RITE AID and CVS HEALTH stores were repeatedly robbed and burglarized by a group of subjects, originating from the Acorn projects of Oakland, CA. The group was extremely violent, threatening and terrorized the store employees, as they committed their crimes.

On 2/6/2017, three of the suspects were arrested by members of the San Francisco Police Department after robbing a Walgreens store, located in the Central District. Detective Lee and Sergeant Landrum recognized the seriousness of the crimes and reacted immediately. Under the leadership of Sergeant Landrum, Detective Lee obtained a court order for a physical line-up, of the suspects. Your investigators coordinated with CVS HEALTH and WALGREENS witnesses and victims, which resulted in the positive identification of the suspects.

Through partnerships with the San Francisco Police Department, CVS HEALTH and WALGREENS a surveillance was conducted which resulted in the probable cause for a search warrant, for the residence and storage locker of the "Fence."

On May 10, 2017, Sergeant Landrum and Detective Lee coordinated a team comprised of members of the Berkeley Police Department and San Francisco District Attorney's Office to serve search warrants of the residence and storage locker of the "Fence." Over \$350,000 worth of stolen retail merchandise was found and recovered and two additional suspects were arrested.



The crime spree of over 75 documented robberies and burglaries, conducted by the suspects, was wide spread and reached four counties and included nine different law enforcement jurisdictions. It is these types of events that highlights and demonstrates the importance of maintaining exceptional working relationships between law enforcement agencies, the district attorney's office and investigators from the retail community.

It is with great pleasure that both CVS HEALTH and WALGREENS congratulate Det. Peter Lee and Sergeant Frank Landrum for a commendable service and partnership.

Sincerely,

[Sign here for letters sent by mail or fax]

A handwritten signature in black ink, appearing to read "James C. Lynch, Jr.", written over the typed name and title.

James C. Lynch, Jr.

Director of Organized Retail Crime & Corporate Investigations



To Whom It May Concern:

I am writing to express my sincere appreciation for your department's help in locating my stolen property yesterday. Two young officers, Officer Ren and Officer Flores (Badges #90 and #49, respectively) impressed me with their patience and attention to detail throughout the day.

Their swift response and understanding indicate to me a high level of character and professionalism within your department – both were well informed, and not only immediately recognized the man in question, but were able to quickly locate him within the space of a few hours. Without their help, it would have been impossible for me to get my property back.

I would like to further commend Officers Ren and Flores for their thoroughness - even as Officer Ren was finishing his shift, he took special care to ensure that my situation was being handled properly, and Officer Flores was similarly diligent in seeing it through to its conclusion.

My staff and I appreciate your role in keeping our community safe. Again, thank you - knowing BPD has these two excellent officers on duty makes me proud to be a member of this community.

Best regards,



09.24.2017

RECEIVED  
SEP 25 2017  
OFFICE OF THE CHIEF

## Gil, Sergio

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**From:** Gil, Sergio  
**Sent:** Wednesday, September 13, 2017 8:26 AM  
**To:** Gil, Sergio  
**Subject:** FW: Urban Shield VIP Tour

**From:** Arreguin, Jesse L.  
**Sent:** Saturday, September 09, 2017 2:58 PM  
**To:** Rolleri, Rico <[RRoller@cityofberkeley.info](mailto:RRoller@cityofberkeley.info)>  
**Cc:** Tate, Jennifer <[JTate@cityofberkeley.info](mailto:JTate@cityofberkeley.info)>; Greenwood, Andrew <[AGreenwood@cityofberkeley.info](mailto:AGreenwood@cityofberkeley.info)>  
**Subject:** RE: Urban Shield VIP Tour

Thank you very much Lt. Rolleri for all your assistance yesterday at Urban Shield and to Sgt. Tate for helping coordinate our tour. It was very informative. I apologize I could not be there in person today but I will get a full briefing from my staff and colleagues.

Thanks once again for all your help,

Jesse Arreguin  
Mayor, City of Berkeley  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704  
510.981.7100 phone  
[www.jessearreguin.com](http://www.jessearreguin.com)

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September 1, 2017

Chief of Police  
Berkeley Police Department  
2100 Martin Luther King, Jr. Way  
Berkeley, Ca 94704

Re: Officer Borcham  
Badge # 138

Dear Sir,

I would like to commend officer Borcham  
for his help in finding my daughter on  
July 27, 2017.

Officer Borcham was so professional, as  
well as being so kind and understanding, as  
well as efficient - he found my daughter very  
quickly. He was patient and took time to  
visit with us on their return.

He is an officer to be proud of!

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Residence: [REDACTED]  
[REDACTED]

RECEIVED  
SEP 12 2017  
OFFICE OF THE CHIEF

[REDACTED]

Andrew Greenwood, Chief  
Berkeley Police Department

Dear Chief:

My wife, Pat, is 79 and has an advanced form of dementia. She often wants to go visit her mother, who died in 1989. We take precautions to keep her from going off on her own, but she is resilient and sometimes slips away. Last Thursday was one of those days – it was hot and she went out through our back yard about 10:15 PM. About 10 minutes later I became aware of her departure, and went searching for her along with one of my neighbors. We went out on all her favorite routes without success and about 10:40 called 911. Two officers came promptly to our house at [REDACTED] looked around the property and spoke with several other units as well as notifying the UCB Campus police.

They were professional, kind, and very re-assuring. Kept me up to date on the folks they were in contact with. Shortly after 11:00 they told me they thought she had been located – within 10 minutes Officer Semir Muratovic ushered my Pat through the door.

During the short but seemingly endless wait, Officers Ed Galvan and Anna Nia Merte kept me assured and informed and were truly boon companions in my time of need.

Thanks from me and our family to these officers, to the person handling my distress call to 911, and to all your staff for their help. And thanks to you for leading this essential community resource – the people of your department.

*[Handwritten signature]*

Sincerely, [REDACTED]

RECEIVED

SEP 12 2017

OFFICE OF THE CHIEF

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Wednesday, September 13, 2017 8:17 AM  
**To:** Gil, Sergio  
**Subject:** FW: Guest Speaker Invitation for Police Class at SJ State

**From:** [REDACTED]  
**Sent:** Wednesday, September 06, 2017 2:52 PM  
**To:** Turner, Melanie <MTurner@cityofberkeley.info>  
**Subject:** Re: Guest Speaker Invitation for Police Class at SJ State

You were fantastic today, Mell!

Thank you very much for taking time to be with us.

Your message increased awareness and will help to stir conversation in our course for weeks to come.

Please let me know if I may ever be of service to you.

Have a good one,

[REDACTED]  
**Lecturer**  
*Department of Justice Studies*  
*San Jose State University*  
*One Washington Square*  
*San Jose, CA 95192*  
[REDACTED]

**Gonzalez, Manuel**

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**From:** Gonzalez, Manuel  
**Sent:** Wednesday, September 06, 2017 7:58 AM  
**To:** Gonzalez, Manuel  
**Subject:** FW: GREAT JOB

---

**From:** [REDACTED]  
**Sent:** Thursday, August 31, 2017 1:19 PM  
**To:** Melero, Cesar <[CMelero@cityofberkeley.info](mailto:CMelero@cityofberkeley.info)>; Driscoll Daniel <[DDriscoll@cityofberkeley.info](mailto:DDriscoll@cityofberkeley.info)>  
**Subject:** GREAT JOB

Hi Melero and Driscoll,  
Just wanted to pass on the "great Job" from citizen, [REDACTED]. She called dispatch today and wanted us to pass on her message about how appreciative she was that ofc Driscoll removed all the bikes abandoned at her property.  
Erin 526

①

~~REDACTED~~  
Department of Surgery —  
~~REDACTED~~

When I bought this home I didn't know the extent of the pathology of my then neighbors & the war they had with ~~REDACTED~~ - the woman I purchased from. A few later's when I didn't want to go along with one of their requests to change my property - I felt their wrath!

When they divorced & sold, both of them told ~~REDACTED~~ with who knows what.

I am a quiet person. I have many neighbors I am friendly with.

I've asked ~~REDACTED~~ to please keep her plants trimmed to her side. A neighbor.

The Permanente Medical Group, Inc.  
3801 Howe St.  
Oakland, CA 94611  
Phone: 510-752-7447

06074-3409 (REV. 11-11)

\* below my windows - nada  
Keep noise minimum between 10pm + 8am

ha ha -

If she continues to be loud  
outside late at night I will  
call BPD. There are lifestyles  
& there is consideration.

She refused mediation.

my neighbors look out for me.

One saw her kicking over my  
flower pot - I filed a report.

Both of her 2 week vacations  
she left her music playing  
loudly & window open to enhance  
the sound to my house.

Altho it would be easy for



3

me to lash back with music -  
why? I believe in kindness  
but I will not tolerate her  
evilness and I am afraid  
of her.

After 3 tire punctures, I  
have installed ADT.



8/22/17

██████████  
██████████  
Department of Surgery —  
██████████

Officer McDougal,

Thank you for your kindness, help  
and follow up. It means A LOT to me.

It has been a very stressful  
time especially this summer

with that neighbor. Whatever  
training they do now with the  
police dept. shows!

Your caring really helps!

Best,

██████████

The Permanente Medical Group, Inc.  
3801 Howe St.  
Oakland, CA 94611  
Phone: 510-752-7447

08894-5869 (REV. 11-11)

**Gonzalez, Manuel**

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**From:** Gonzalez, Manuel  
**Sent:** Wednesday, September 06, 2017 7:55 AM  
**To:** Gonzalez, Manuel  
**Subject:** FW: Commendation

**From:** Macapagal, Jesse  
**Sent:** Saturday, August 26, 2017 3:02 PM  
**To:** Michalczyk, Greg <GMichalczyk@cityofberkeley.info>; Wilson, Jennifer <jwilson@cityofberkeley.info>  
**Subject:** Fwd: Note of appreciation

Begin forwarded message:

**From:** ~~David Rubinstein~~ <~~rubinstein.david@gmail.com~~>  
**Date:** August 26, 2017 at 12:51:02 PDT  
**To:** <jmacapagal@cityofberkeley.info>  
**Subject:** Note of appreciation

Dear Officer Macapagal:

You were one of the responding Officers last Sunday at the passing of my wife, [REDACTED]. I'm writing to express my gratitude and thank you for your presence there. I don't think I can ever begin to tell you what your kind, civil demeanor and consoling professionalism meant to me. You were a great help to me, and you have my heartfelt thanks.

I have an idea of how stressful your job is, but you are very good at it and I hope at some level you find it rewarding. I wish you a long and successful career and hope you help more people the way you help me. I will not forget you.

If you would extend my thanks to other officer there with you, I would appreciate it.

Most sincerely,

[REDACTED]

Dear Berkeley police officer:

This is an appreciation letter from the bottom of our hearts:

On July 16 (maybe 15). I made a phone call to the police, they came right away & talked to a brain dis order young lady, ~~XXXXXXXXXX~~ then sent her to Harriet Hospital. She stayed at the hospital for a month. The location was downtown Berkeley, a hamburger place, cross street from the old Library of <sup>(where you picked)</sup> her up.

then on August 24, Thursday.

Ron phone # ~~XXXXXXXXXX~~, he is the father of ~~XXXXXX~~, called you to report that ~~XXXXXX~~ is missing. he also provided my phone # ~~XXXXXX~~ & my daughter's phone #.

That night 10 PM. you called me & my daughter to ask if we've seen her. This tells me you are very responsible. To our surprise, you found her that night & send her to hospital again. you eliminated a homeless person & you are efficient & patient.

Please let me know if there is anything

I can do for the Berkeley Police Officers' <sup>2</sup>  
so that I can return your kindness & support.

Sincerely yours,

~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~



[Redacted]

[Redacted] OH 45840

July 21, 2017

Berkeley Police Department  
2100 Martin Luther King, Jr. Way  
Berkeley CA 94704-11009

Attention: Property and Evidence Supervisor:

Your Community Service Officer #456 (Leslie F. Assata) has given me valuable assistance since the middle of May in trying to return a coin purse, credit card and \$280 cash that I lost while in Berkeley attending a grandson's graduation at the University of California.

She has been courteous, most helpful, and ever encouraging since it has taken so long to recover and return my lost articles. She was able to send the coin purse and credit card to me, which I very much appreciated, and has assured me that a check from your department for the cash mentioned above will be forthcoming.

You and the Berkeley Police Department are blessed to be served by such a commendable officer.

Gratefully,

[Redacted Signature]

7-25-17  
Well Done!  
[Signature]

**Sabins, Todd**

---

**From:** Nash, Zackery  
**Sent:** Friday, August 18, 2017 11:50 AM  
**To:** Parsons, Mike E.  
**Cc:** Sabins, Todd  
**Subject:** Fwd: Thanks for fine service

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** August 18, 2017 at 8:41:46 AM PDT  
**To:** <znash@cityofberkeley.info>  
**Subject:** Thanks for fine service

Officer Nash --

This is to thank you for excellent service in response to a burglary on Saturday Aug. 8, 2017 at [REDACTED] Woolsey Street in Berkeley.  
([REDACTED]).

Your efficiency, initiative, reassurance and demeanor (and of your investigator, Anna) were outstanding and appreciated.

I commend your service.

Sincerely,

[REDACTED]

Berkeley resident since 2007

--

[REDACTED]  
[REDACTED]

**Gil, Sergio**

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**From:** Gil, Sergio  
**Sent:** Wednesday, August 23, 2017 8:23 AM  
**To:** Gil, Sergio  
**Subject:** FW: Thank You

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

**From:** [REDACTED]  
**Sent:** Monday, July 10, 2017 11:16 AM  
**To:** BPD Webmail <[bpdwebmail@cityofberkeley.info](mailto:bpdwebmail@cityofberkeley.info)>  
**Subject:** Thank You

This is to thank the Berkeley Police Dept. and especially Officer Bryan Wagner, Badge 122, for the invaluable assistance given to the family of a Berkeley resident who passed away on June 22.

Officer Wagner phoned me in Illinois to inform me that the landlord had discovered my brother, 88 yrs. old, deceased. He compassionately extended his condolences and apologetically asked if we could send a funeral home to remove my brother's body.

He stayed with the body until the funeral home arrived. I know that that is his job but it's his compassionate and understanding manner that transcended his professionalism realizing that I had to make all these arrangements from Illinois before I could arrive there.

Your Department from the person answering the phone to the individuals doing wellness checks and all have really impressed me. Dealing with you and the Department of Aging made us realize why my brother loved to live in Berkeley for over 37 years. Please feel proud of your profession and those you serve. I'm sure it's a thankless job most of the time.

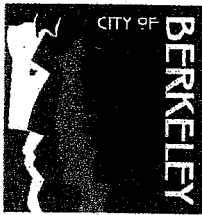
Sincerely, [REDACTED]



**POLICE REVIEW COMMISSION  
SUBCOMMITTEES LIST  
Updated 6-29-18**

<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 Renewed 3-14-18	Prichett Calavita		Lt. Michael Durbin
<b>Homeless Encampments</b> Formed 2-1-17 Renewed 1-24-18	Prichett Sherman	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>Lexipol Policies</b> Formed 5-23-18	Perezvelez Ramsey Yampolsky	Perezvelez	





Police Review Commission (PRC)

July 2, 2018

To: Honorable Mayor and Members of the City Council  
From: George Perezvelez, <sup>GP</sup> Vice-Chairperson, Police Review Commission  
Re: Proposed Charter Amendment to Restructure the Police Oversight Body and Proposed Revisions from Mayor Arreguin (Items 32a and 32b of the City Council's July 10, 2018 Agenda)

The Police Review Commission's proposal to amend the City Charter to provide for a restructuring of police oversight in Berkeley is on the agenda for your July 10 2018 meeting, having been held over from the June 12, 2018 meeting.

This postponement gave the PRC the opportunity to comment on Mayor Arreguin's modifications to its proposal, and on revisions to the Mayor's alternative informally provided by Councilmember Harrison.

After much debate and careful consideration of the competing ideas for restructuring police oversight, a majority of the PRC voted to reaffirm its commitment to the proposal it originally submitted, and respectfully re-directs your attention to its recommended Charter amendment language and accompanying analysis, as they appear starting on Page 11 of Item 32a of the July 10, 2018 agenda packet.

The vote was as follows: Moved/Seconded (Ritchie/Allamby) – Ayes: Allamby, Ramsey, Roberts, Yampolsky, Ritchie (temp.); Noes: Prichett, Harper (temp.), Price (temp.); Abstain: Perezvelez; Absent: Calavita, Matthews, Sherman.

cc: Dee Williams-Ridley, City Manager  
Andrew Greenwood, Chief of Police  
Christian Stines, President, Berkeley Police Association  
Jovan Grogan, Deputy City Manager  
PRC Commissioners





# Commissioner Attendance Report

For the period January 1 through June 30, 2018

Commission Name: Police Review Commission

Secretary Name: Katherine J. Lee

Commissioner Last Name	10-Jan	24-Jan	14-Feb	28-Feb	14-Mar	28-Mar	11-Apr	25-Apr	9-May	23-May	13-Jun
Allamby	Attended	Excused Absence	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
Calavita	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Attended	Attended	Attended	Excused Abs
Matthews	Excused Absence	Attended	Attended	Attended	Attended	Absent	Attended	Attended	Attended	Excused Absence	Excused Abs
Perezvelez	Attended	Absent	Attended	Attended	Attended	Absent	Attended	Attended	Attended	Attended	Attended
Prichett	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Excused Absence	Attended	Attended	Attended
Ramsey	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Attended	Attended	Attended
Roberts	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Excused Absence	Excused Absence	Attended	Attended
Sherman	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Excused Absence	Excused Absence	Excused Abs
Yampolsky	Attended	Absent	Attended	Attended	Absent	Attended	Excused Absence	Attended	Excused Absence	Attended	Excused Abs

### Instructions for Completing the form

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

Gather your 2018 REGULAR meeting dates and roster of current commissioners.

Enter dates of REGULAR meetings. Add columns as needed if you had more than one REGULAR meeting in a month.

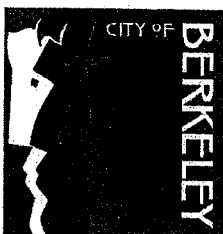
Enter the names of your *current* commissioners in the column provided. Add rows if needed for commissions with more than 9 members.

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

For meetings prior to the commissioner's appointment, choose "N/A"

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





Police Review Commission

July 20, 2017

To: Police Review Commissioners  
From: Katherine J. Lee, PRC Officer  
Re: Friendly amendments and substitute motions

This memorandum is to clarify the rules regarding the making of friendly amendments and substitute motions at your meetings, as these motions were the source of some confusion or disagreement during your July 12, 2017 meeting. I begin with some background.

Underlying authority. The meeting procedures applicable to the PRC are established in the Commissioners' Manual, the PRC's Standing Rules, and Robert's Rules of Order. Commissions are allowed to establish additional rules. (Commissioner's Manual, p. 49.)

Friendly amendments. Use of the friendly amendment was formalized by inclusion in the Standing Rules in July 2015. It is not formally recognized in Robert's Rules of Order, but has long been used by the PRC as well as other City Boards and Commissions. Under the PRC Standing Rules, Section E.2., a friendly amendment modifies a pending motion if is accepted by both the maker and seconder of the pending motion. No vote on the friendly amendment is required.

Substitute motions. A substitute motion may or may not be favored by the maker and seconder of the pending motion. Under Robert's Rules, and consistent with the PRC's practice, a substitute motion requires a second to move forward, and must be voted upon. The substitute motion may be used to substitute new language for all or part of the pending motion. While it is usually used at the PRC to replace the entirety of the pending motion, nothing prohibits its use to substitute new language for part of the pending motion.

It is the decision of the maker of the motion whether to offer a friendly amendment or make a substitute motion.





## BERKELEY POLICE DEPARTMENT

DATE ISSUED: June 22, 2018

GENERAL ORDER D-21

SUBJECT: DNA SAMPLE COLLECTION

### PURPOSE

1. The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program (Penal Code § 295, et seq.).

### POLICY

2. Upon a determination that any individual is qualified and required to provide DNA samples under the Act, the arresting officer, jail staff, or other employee designated by a supervisor shall obtain DNA samples in accordance with this policy.

### PERSONS SUBJECT TO DNA COLLECTION

3. While the courts may order DNA samples taken in a variety of circumstances under the Act, members of this department are only authorized to obtain DNA samples from the following individuals absent other lawful means (e.g., consent or a search warrant). Only those qualifying individuals whose DNA sample is not currently on file with the Department of Justice may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection flag on the individual's criminal history record or, during regular business hours, by calling the Department of Justice designated DNA laboratory at (510) 620-3300.
4. All DNA collection flags should be verified by contacting DOJ prior to the collection of the sample (Penal Code § 298(b)(5)).
5. It is a misdemeanor for any qualified individual to refuse to give any or all required DNA samples following written notice of the requirement to do so (Penal Code § 298.1(a)).

### ARRESTEES

6. Any adult arrested or charged with any felony offense is required to provide DNA samples. DNA samples should be collected immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest but in any case prior to release on bail or other physical release from custody (Penal Code § 296.1(a)(1)(A)).

### SEX AND ARSON REGISTRANTS

7. Any adult or juvenile who is required to register as a sex offender under Penal Code §290 or arsonist under Penal Code § 457.1, including those whose

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: June 22, 2018

GENERAL ORDER D-21

registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. (Penal Code § 296(a)(3)). At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided (Penal Code § 296.2(c)).

### BUCCAL SWABS

8. Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors. (Penal Code § 298(a) and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information.

### USE OF FORCE TO OBTAIN SAMPLES

9. If, after a written or oral request, a qualified individual refuses to provide any or all of the required DNA samples, a sworn member of this department may use reasonable force to obtain such sample(s).
10. *For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, trained and competent officer faced with similar facts and circumstances would consider necessary and reasonable to gain compliance. (Penal Code § 298.1(c)(1)(A)).*
11. The following conditions must be met prior to proceeding with an involuntary DNA collection procedure:
  - (a) Prior to the use of reasonable force, the officer(s) shall take and document reasonable steps to secure voluntary compliance (Penal Code § 298.1(c)(1)(C)).
  - (b) Prior to the use of reasonable force, the assigned officer shall obtain written authorization from a supervisor using the "Upgraded Search and DNA Collection Request" Form. The narrative on the form shall minimally include that the individual was asked to provide the sample(s) and refused (Penal Code § 298.1(c)(1)(B)).
  - (c) If the authorized use of reasonable force includes an extraction from a jail cell, such extraction shall be videotaped (Penal Code § 298.1(c)(1)(D)).
12. The following employees shall be involved in the administration of an involuntary DNA collection procedure:
  - (a) A sworn supervisor.

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- (b) An assigned officer.
  - (c) An assisting employee.
13. The incident supervisor shall involve as many assisting employees as may be required to ensure the restraint of a qualified individual and to accomplish the DNA collection.
  14. Prior to conducting the DNA collection, the assigned officer shall seek the consent of the qualified individual. The assigned officer will document the refusal in writing, and obtain a sworn supervisor's written authorization before proceeding.
  15. Should the qualified individual refuse the assigned officer's request for consent to collect DNA, the incident supervisor shall explain to the individual that their refusal will result in his/her physical restraint, and that reasonable force may be employed to promote the safety of all involved parties during the impending collection.
  16. Upon authorization of the incident supervisor, employees may employ physical force to restrain a qualified individual who refuses to participate in the DNA collection process.
  17. The incident supervisor shall monitor the restraint process to ensure only reasonable force is employed.
  18. If confronted with violent resistance, the incident supervisor may elect to terminate the procedure, and develop an alternate plan for the DNA collection. This section does not negate employees' duty to respond appropriately to physical assaults, or to prevent injury to involved parties if assaulted by the qualified individual.
  19. When available and practical, restraint equipment should be employed, if its use would enhance the safety of persons involved in an involuntary DNA collection process.
  20. "Restraint equipment", as used in this Order, may include, but is not limited to, a padded phlebotomy chair, a hospital gurney equipped with soft-restraints, and "The Wrap" restraint device.
  21. The use of restraint equipment shall not preclude the physical restraint of a qualified individual's person by an employee(s) if such action is necessary to mitigate the potential for injury.
  22. Should employees employ physical force to overcome a qualified individual's violent resistance to the DNA collection process, the incident supervisor shall adhere to "Use of Force" reporting protocols described in General Order U-2.

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23. The arresting officer shall document in the criminal investigation report the conduct of a qualified individual during the DNA collection procedure.
24. In the event a qualified individual is injured, or complains of injury, as a result of police action, the incident supervisor shall ensure the medical service protocols described in General Order A-17 are followed.

### EXPUNGEMENT FROM CAL-DNA DATA BANK

25. **California Penal Code section 299 sets forth the criteria for DNA Database sample expungement. Expungement can be accomplished easily and quickly when a DNA sample qualifies for removal from the State database and a person provides sufficient documentation of his/ her identity, legal status and criminal history to the California Department of Justice, DNA Database Program (CAL-DNA). A petitioner whose sample qualifies for DNA database sample expungement and who provides appropriate documentation can expedite the process so that neither a court hearing, nor a 180-day waiting period permitted by Section 299, likely will be necessary.**
26. **If CAL-DNA receives sufficient documentation showing that an individual meets the criteria for expungement of his or her DNA sample, CAL-DNA will review and research the request and issue a response to the petitioner indicating that the expungement was completed and the sample destroyed, or notify the petitioner of the legal reason the Department is required to retain the sample and profile.**
27. **A form to request CAL-DNA to expunge a DNA database sample and profile can be obtained by contacting the California Office of the Attorney General. The Attorney General's website is <https://oag.ca.gov> or a petitioner can call 800-952-5225. The form to request the expungement is the "Streamlined DNA Expungement Application Form" (State of California DLE 244). Expungement of a DNA sample and profile are the responsibility of the Department of Justice. The Berkeley Police Department has no influence on this decision.**

#### References:

California Penal Code §§ 290, 295, 296(a), 296.1, 296.2, 298, 298.1, 299, 457.1  
General Orders A-17, P-65, U-2