

**POLICE ACCOUNTABILITY BOARD  
REGULAR MEETING AGENDA  
Wednesday, September 27, 2023  
6:30 P.M.**

Board Members

John Moore III. (Chair)

Julie Leftwich

Regina Harris (Vice-Chair)

Leah Wilson

Kitty Calavita

Brent Blackaby

**MEETING LOCATION**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709  
([Click here for Directions](#))

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**HEALTH AND SAFETY PROTOCOLS  
FOR IN-PERSON MEETINGS OF  
BERKELEY BOARDS AND  
COMMISSIONS**

# **Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023**

The policy below applies to in-person meetings of Berkeley Boards and Commissioners held in accordance with the Government Code (Brown Act) after the end of the State-declared emergency on February 28, 2023.

**Issued By:** City Manager's Office

**Date:** February 14, 2023

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## **I. Vaccination Status**

All attendees are encouraged to be fully up to date on their vaccinations, including any boosters for which they are eligible.

## **II. Health Status Precautions**

For members of the public who are feeling sick, including but not limited to cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, it is recommended that they do not attend the meeting in-person as a public health precaution. In these cases, the public may submit comments in writing in lieu of attending in-person.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to wear a well-fitting mask (N95s, KN95s, KF94s are best), test for COVID-19 3-5 days from last exposure, and consider submitting comments in writing in lieu of attending in-person.

Close contact is defined as someone sharing the same indoor airspace, e.g., home, clinic waiting room, airplane, etc., for a cumulative total of 15 minutes or more over a 24-hour period within 2 days before symptoms of the infected person appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign-in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

Members of City Commissions are encouraged to take a rapid COVID-19 test on the day of the meeting.

# **Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023**

### **III. Face Coverings/Mask**

Face coverings or masks that cover both the nose and mouth are encouraged for all commissioners, staff, and attendees at an in-person City Commission meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of Commissions, city staff, and the public are encouraged to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium, although masking is encouraged even when speaking.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. Capacity limits will be posted at the meeting location. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons that need to distance for personal health reasons.

Distancing will be implemented for the dais as space allows.

### **V. Protocols for Teleconference Participation by Commissioners**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for Commissioners participating remotely due to an approved ADA accommodation. For Commissioners participating remotely, the agenda must be posted at the remote location, the remote location must be accessible to the public, and the public must be able to participate and give public comment from the remote location.

- A Commissioner at a remote location will follow the same health and safety protocols as in-person meetings.
- A Commissioner at a remote location may impose reasonable capacity limits at their location.

### **VI. Hand Washing/Sanitizing**

Hand sanitizing stations are available at the meeting locations. The bathrooms have soap and water for handwashing.

### **VII. Air Flow/Circulation/Sanitizing**

Air filtration devices are used at all meeting locations. Window ventilation may be used if weather conditions allow.

**SEPTEMBER 27, 2023 REGULAR  
MEETING AGENDA**



**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING AGENDA  
**Wednesday, September 27, 2023**  
**6:30 P.M.**

	<u>Board Members</u>	
John Moore III. (Chair)	Regina Harris (Vice-Chair)	Kitty Calavita
Julie Leftwich	Leah Wilson	Brent Blackaby

**MEETING LOCATION**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709  
([Click here for Directions](#))

**PUBLIC NOTICE**

The PAB has resumed in-person meetings and encourages community members to attend in person. Community members attending in person should observe the “Health and Safety Protocols for In-person Meetings of Berkeley Boards and Commissions” as outlined by the City of Berkeley.

\*\*\*The PAB acknowledges that physical attendance may not be feasible for all community members. To this end, the Office of the Director of Police Accountability (ODPA) has been exploring the option of allowing for remote participation at the PAB meetings. Please note that the ODPA and PAB are in the early stages of implementing this hybrid meeting format so there is a possibility for technical glitches and errors. Your patience and understanding are greatly appreciated. \*\*\*

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82653396072>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on “rename” to rename yourself to be anonymous. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1 669 900 6833** and enter Meeting ID **826 5339 6072**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized.

## **LAND ACKNOWLEDGMENT**

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Chochen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

## **AGENDA**

- 1. CALL TO ORDER AND ROLL CALL (2 MINUTES)**
- 2. APPROVAL OF AGENDA (2 MINUTES)**
- 3. PUBLIC COMMENT (TBD)**

Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the Board's jurisdiction at this time.

- 4. APPROVAL OF MINUTES (5 MINUTES)**
  - a. Minutes for the Regular Meeting of July 12, 2023
  - b. Minutes for the Special Meeting of July 24, 2023

- 5. ODPa STAFF REPORT (10 MINUTES)**

Announcements, updates, and other items.

- Introduction of Carianna Arredondo, Assistant to the City Manager for Reimagining Public Safety.

- 6. CHAIR AND BOARD MEMBERS' REPORTS (10 MINUTES)**

Announcements, updates, and other items.

**7. CHIEF OF POLICE'S REPORT (10 MINUTES)**

Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.

**8. SUBCOMMITTEE REPORTS (10 MINUTES)**

Report of activities and meeting scheduling for all subcommittees, possible appointment of new members to all subcommittees, and additional discussion and action.

**9. NEW BUSINESS**

- a. Presentation of new policy complaints (30 MINUTES)
  - i. Policy Complaint Number 2023-PR-0004
  - ii. Policy Complaint Number 2023-PR-0005

**10. PUBLIC COMMENT (TBD)**

Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the Board's jurisdiction at this time.

**11. CLOSED SESSION**

<b>CLOSED SESSION ITEMS</b>
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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 Board will recess into closed session to discuss and act on the following matter(s):

- a. Conference with labor negotiators; Government Code Section 54957.6 (40 MINUTES)  
Negotiator: Tim Tavis, Burke, Williams & Sorensen, LLP  
Employee Organization: Berkeley Police Association
  - b. Case Update for ODPa Case # 33; 2023-CI-0007 (10 MINUTES)
  - c. Presentation of findings for ODPa Case #: 2023-CI-0004; 2023-CI-0005; 2023-CI-0010 (15 MINUTES)
-



**END OF CLOSED SESSION**

**12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)**

**13. ADJOURNMENT (1 MINUTE)**

### **Communications Disclaimer**

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions, or committees, are public records 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 Board 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 Board Secretary for further information.

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

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.

#### SB 343 Disclaimer

Any writings or documents provided to a majority of the Board regarding any item on this agenda will be made available for public inspection at the Office of the Director of Police Accountability, located at 1947 Center Street, 5th Floor, Berkeley, CA.

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#### **Contact the Director of Police Accountability (Board Secretary) at:**

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

Website: [www.cityofberkeley.info/dpa/](http://www.cityofberkeley.info/dpa/) Email: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)

**MINUTES FOR THE PAB REGULAR  
MEETING OF JULY 12, 2023**



**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING MINUTES

**Wednesday, July 12, 2023**

**Board Members:**

JOHN MOORE III. (CHAIR)  
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)  
LEAH WILSON

**MEETING LOCATION**

North Berkeley Senior Center  
1901 Hearst Avenue  
Berkeley, CA 94709

**Meeting Minutes**

**1. Call to Order & Roll Call**

Present: Board Member John Moore (Chair)  
Board Member Kitty Calavita  
Board Member Juliet Leftwich  
Board Member Leah Wilson  
Absent: Board Member Regina Harris (Vice-Chair)  
ODPA Staff: Hansel Aguilar, Director of Police Accountability  
Jose Murillo, Policy Analyst  
Jayson Wechter, Investigator  
BPD Staff: Captain Durbin  
Lieutenant Reece  
CAO Staff: Laura I. Mattes  
BPA Rep.: Officer Shivas

**2. Approval of Agenda**

**Motion to approve the agenda.**

Moved/Second (Calavita/Leftwich). Motion carried by unanimous consent.

**3. Public Comment**

1 Speaker Physically Present

0 Speakers Virtually Present

**4. Approval of Minutes**

a. Regular Meeting Minutes for June 16, 2023

**Motion to Approve the Regular Meeting Minutes for June 16, 2023.**

Moved/Second (Leftwich/Calavita) Motion carried by unanimous consent.

b. Special Meeting Minutes for June 21, 2023

**Motion to Approve the Special Meeting Minutes for June 21, 2023.**

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

**5. ODPa Staff Report**

Director Aguilar delivers updates on forthcoming training and events, staff engagement in ride-alongs, recruitment of new personnel, and the ODPa's potential acquisition of new office space. Policy Analyst Murillo presents information about staff presence at the PERF Body-Worn Camera conference in Washington DC.

**6. Chair and Board Members' Reports**

Chair Moore announces that the independent investigator has submitted the report regarding the Downtown Task Force and Bike Unit allegation investigation. However, the PAB has not received additional information as to the findings. The PAB has been granted access to some data considered by the report, which will be utilized in its policy review. The Board intends to share additional information as it becomes available, to the extent that it is permissible.

**7. Chief of Police's Report**

Captain Durbin, representing Chief Louis, delivers updates on staffing, community engagement, and department events, as well as other relevant matters of interest.

**8. Subcommittee Reports**

a. Policy and Practices Relating to the Downtown Task Force and Bike Unit Allegations

Board member Calavita informs that the subcommittee has identified several policies to address and will be diligently working on formulating recommendations for the Board in the upcoming weeks.

b. Body-Worn Camera Policy

Board member Leftwich announces that the subcommittee's meetings with BPD have been highly productive. The subcommittee has narrowed down three key issues for consideration in a revised policy. The BPD has told the subcommittee that they will craft a policy taking into account their concerns, and subsequently present it to the Board.

c. Conflict of Interest

Board member Leftwich informs that the Board has recently received a memo from the CAO regarding their conflict of interest assessment. The subcommittee will thoroughly review this memo and subsequently provide updates on its findings during an upcoming meeting.

9. **Old Business**

a. Review of Commendation Nominations for Sworn Officers of the Berkeley Police Department

Board members present their commendation nominations for consideration and approval.

**Motion to commend Detective Villarroel for demonstrating exceptional valor and bravery.** See page 16 of the Supplemental Material “BPD Commendations.”

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

**Motion to commend Officers Hunt, Bally, and Ludovico for demonstrating extraordinary compassion, empathy, and kindness.** See page 176 of the Supplemental Material “BPD Commendations.”

Moved/Second (Calavita/Moore) Motion carried by unanimous consent.

**Motion to commend Officer De Bruin for demonstrating extraordinary compassion empathy, kindness, and performance above and beyond typical duties.** See page 14 of the Supplemental Material “BPD Commendations.”

Moved/Second (Leftwich/Moore) Motion carried by unanimous consent.

**Motion to commend Officer Jacobs for demonstrating superior handling of a difficult situation and exceptional valor, bravery, or heroism.** See page 15 of the Supplemental Material “BPD Commendations.”

Moved/Second (Moore/Wilson) Motion carried by unanimous consent.

**Motion to commend Officer Breaux for demonstrating extraordinary compassion, empathy, or kindness.** See page 172 of the Supplemental Material “BPD Commendations.”

Moved/Second (Wilson/Moore) Motion carried by unanimous consent.

**10. New Business**

- a. Consideration of Cancellation or Rescheduling of July 25<sup>th</sup> Regular Meeting.

**Motion to Cancel the July 25<sup>th</sup> Regular Meeting of the PAB.**

Moved/Second (Calavita/Leftwich) Motion carried by unanimous consent.

- b. Discussion on the Format of Meeting Minutes and Possible Alternatives.

The PAB discusses the current format of their meeting minutes and provides suggestions to staff regarding formatting.

- c. Discussion on Automated License Plate Readers

The PAB takes public comment on the item. Five members of the public provided public comment. The PAB discusses its stance on the implementation of ALPRs and the proposed policies by the BPD.

**Motion to oppose the proposed BPD policies on Automated License Plate Readers in their current form.**

Moved/Second (Calavita/Leftwich) Motion Carried.

Ayes: Calavita, Leftwich, Moore, Wilson.

Noes: None. Abstain: None. Absent: Harris

**Motion to object to the implementation of Automated License Plate Readers within the City of Berkeley.**

Moved/Second (Wilson/Moore) Motion Carried.

Ayes: Calavitas, Moore, Wilson.

Noes: Leftwich Abstain: None. Absent: Harris

**11. Public Comment**

2 Speakers Physically Present

0 Speakers Virtually Present

<b>START OF CLOSED SESSION</b>	
<b>12.</b>	<b>Case Updates</b> Director Aguilar provides the PAB with an update on the ongoing complaints within the ODPA's jurisdiction.
<b>END OF CLOSED SESSION</b>	

**13. Announcement of Closed Session Action(s)**

Chair Moore reports that the PAB was updated on the ongoing complaints within the ODPA's jurisdiction.

**14. Adjournment**

**Motion to adjourn the meeting.**

Moved/Second (Calavita/Wilson) By general consent, the meeting was adjourned at 9:05 p.m.

Minutes Approved on: \_\_\_\_\_

Hansel Aguilar, Commission Secretary: \_\_\_\_\_

DRAFT



**MINUTES FOR THE PAB SPECIAL  
MEETING OF JULY 24, 2023**



POLICE ACCOUNTABILITY BOARD  
SPECIAL MEETING MINUTES

**Monday, July 24, 2023**

**Board Members:**

JOHN MOORE III. (CHAIR)  
KITTY CALAVITA

JULIE LEFTWICH

REGINA HARRIS (VICE-CHAIR)  
LEAH WILSON

**MEETING LOCATION**

Multipurpose Room  
1947 Center Street, Basement Level  
Berkeley, CA 94704

**Meeting Minutes**

**1. Call to Order & Roll Call**

Present: Board Member John Moore (Chair)  
Board Member Kitty Calavita  
Board Member Juliet Leftwich  
Board Member Leah Wilson  
Absent: Board Member Regina Harris (Vice-Chair)  
ODPA Staff: Hansel Aguilar, Director of Police Accountability  
Jose Murillo, Policy Analyst  
BPD Staff: Lt. Montgomery  
CAO Staff: James Chang

**2. Approval of Agenda**

**Motion to approve the agenda.**

Moved/Second (Calavita/Leftwich). Motion carried by unanimous consent.  
Ayes: Calavita, Leftwich, Wilson, and Moore. Noes: None. Absent: Harris.

3. **Public Comment**  
2 Speaker Physically Present  
0 Speakers Virtually Present
  
4. **Planning Session: PAB's Presentation to Berkeley City Council on Automated License Plate Readers (ALPRs)**  
The PAB and ODPa staff engage in a thorough review of the PowerPoint presentation intended for the upcoming City Council meeting on July 25<sup>th</sup> as part of item 38.b. The PAB provides constructive feedback to the ODPa staff, highlighting any necessary additions to the presentation and specific points that should be covered during the presentation.
  
5. **Discussion on the latest reporting concerning the independent investigation into the allegations against the BPD's Downtown Task Force/Bike Unit**  
Chair Moore provides an update on the latest reporting concerning the independent investigation into the allegations against the BPD's Downtown Task Force/Bike Unit. He informs the public that the text messages that were included in the email sent by former Officer Shedoudy in November of 2022 have been authenticated as being real. Please see the summary of the investigation process released by the City Manager's Office on July 20, 2023<sup>1</sup>.
  
6. **Discussion on proposed agenda items and priorities after the summer break**  
Board members and ODPa staff discuss the items they would like to work on after the summer recess.
  
7. **Public Comment**  
1 Speaker Physically Present  
0 Speakers Virtually Present
  
8. **Adjournment**  
**Motion to adjourn the meeting.**  
Moved/Second (Calavita/Wilson) By general consent, the meeting was adjourned at 9:05 p.m.

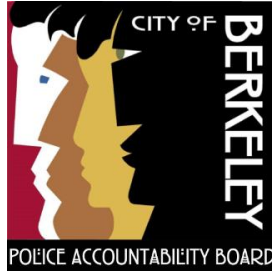
Minutes Approved on: \_\_\_\_\_

Hansel Aguilar, Commission Secretary: \_\_\_\_\_

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<sup>1</sup> <https://berkeleyca.gov/sites/default/files/documents/2023-07-20%20Summary%20of%20Investigation%20Process.pdf>

# **LIST OF CURRENT PAB SUBCOMMITTEES**



**SUBCOMMITTEES LIST**  
**7-07-2023**

<b>Subcommittee</b>	<b>Board Members</b>	<b>Chair</b>	<b>BPD Reps</b>
<b>Regulations</b> Formed 7-7-21 Renewed 6-7-2023	Calavita Leftwich  <u>Public members:</u> Kitt Saginor		Lt. Dan Montgomery
<b>Fair &amp; Impartial Policing Implementation</b> Formed 8-4-21 Renewed 6-7-2023	Calavita Wilson  <u>Public members:</u> George Lippman Elliot Halpern	Calavita	Sgt. Peter Lee
<b>Surveillance Technology Policy</b> Formed 6-7-2023	Calavita Moore		
<b>Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations</b> Formed 11-15-22	Calavita Moore		
<b>Body-Worn Camera Policy</b> Formed 03-15-23	Harris Leftwich	Harris	
<b>Conflict of Interest</b> Formed 03-29-23	Leftwich Wilson	Leftwich	

**PRESENTATION MATERIALS FOR  
POLICY COMPLAINT NUMBER  
2023-PR-0004**



## POLICY COMPLAINT NOTICE

**Date:** September 27, 2023  
**To:** Honorable Members of the Police Accountability Board  
**From:** Hansel A. Aguilar, Director of Police Accountability *Ha*  
Jose Murillo, Policy Analyst *Jm*  
**Subject:** Notice of Policy Complaint No. 2023-PR-0004

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### Background:

On July 7th, 2023, a member of the public hand-delivered a policy complaint form along with supplementary documents to the Office of the Director of Police Accountability (ODPA) located at 1947 Center Street (See Attachment 1). The policy complaint form requested that the Police Accountability Board (PAB) "investigate the allegations of [former Berkeley Police Department] Officer Shedoudy from November 2022 regarding arrest quotas by the BPD Bike Force as well as [the] targeting of unhoused people and people of color."

The PAB is aware of the allegations made by the former BPD Officer in November 2022. On November 15, 2022, the PAB convened a special meeting to discuss the allegations presented in an email and a screenshot of text messages, which contained additional allegations. A subcommittee was tasked with conducting a policy review based on these presented allegations. (See Attachment 2).

On July 20, 2023, a report from Swanson & McNamara, the law firm hired to independently investigate the incident from a personnel discipline perspective, was released, confirming the authenticity of the text messages. (See Attachment 3).

As of now, the PAB's subcommittee, responsible for investigating this matter, has not concluded its review.

## **Recommendations:**

Upon receiving a policy complaint, per the Standing Rules<sup>1</sup>, the Board can choose from several potential courses of action, which include:

1. Accepting the policy complaint and assigning a Board member to investigate.
2. Accepting the policy complaint and directing ODPa staff to carry out an investigation.
3. Accepting the policy complaint and establishing a subcommittee to investigate the matter.
4. Temporarily deferring acceptance of the policy complaint and assigning a Board member to investigate it before formal acceptance.
5. Temporarily deferring acceptance of the policy complaint and instructing ODPa staff to investigate the matter.
6. Rejecting the policy complaint.

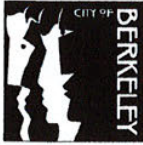
Considering the complaint's content and the ongoing investigation by an existing subcommittee, the ODPa recommends that the Board reject the policy complaint as it would be duplicative of ongoing subcommittee work.

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<sup>1</sup> See [https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard\\_StandingRules.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf)



# ATTACHMENT 1



# POLICY COMPLAINT FORM

## Office of the Director of Police Accountability (DPA)

1947 Center Street, 5th Floor, Berkeley, CA 94704

Web: [www.cityofberkeley.info/dpa](http://www.cityofberkeley.info/dpa)

E-mail: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)

Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955

Date Received:

July 7, 2023

DPA Case # 2023-PR-0004

1

Name of Complainant: Auerbach Elana Robyn

Mailing Address: REDACTED

Primary Phone: REDACTED Alt Phone: ( )

E-mail address: REDACTED

Occupation: Priestess Gender: F Age: 54

Ethnicity:  Asian  Black/African-American  Caucasian  
 Latino/Hispanic  Multiethnic:  Other:

2

Identify the Berkeley Police Department (BPD) policy or practice you would like the Police Accountability Board to review.

Disregard by BPD officers Michalczyk, Seaton, Breaux, Pickett, Kocalek, Shedoudy, Schikore and/or Stern of Cal. Veh. Code 41602 during 2020 and 2022.

3

Location of Incident (if applicable)

Date & Time of Incident (if applicable)

Provide a factual description of the incident that forms the basis of your complaint. Be specific and include what transpired, and how the incident ended.

Please investigate the allegations of Officer Shedoudy from November 2022 regarding arrest quotas by the BPD Bike Force as well as targeting of unhoused people and people of color.

See attached press release for more information and specific data to investigate.

6-24-21

4

What changes to BPD policy, practice, or procedure do you propose?

Accountability after a thorough investigation.

5

Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Police Accountability Board in evaluating your complaint.)

See attached press release from 5/31/2023.

6

**CERTIFICATION**

*I hereby certify that, to the best of my knowledge, the statements made on this complaint are true.*

  
Signature of Complainant

7/7/2023  
Date

7

**How did you hear about the Director of Police Accountability or Police Accountability Board?**

- Internet
- Berkeley Police Dept.
- Newspaper: \_\_\_\_\_
- Referred by: \_\_\_\_\_
- Other: measure ii

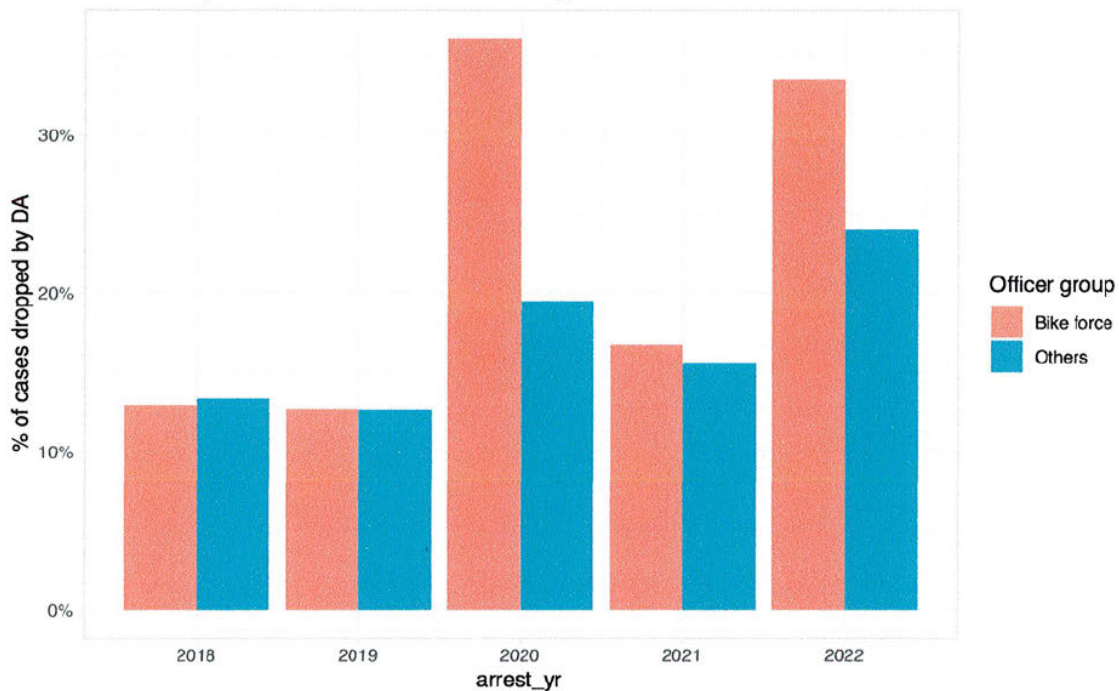
For Immediate Release  
May 3, 2023

Contact: Elana Auerbach  
Phone: REDACTED  
Email: REDACTED

## New Data Shows Bogus Arrests and Racial Profiling: Coalition Demands Full Investigations into Berkeley's Interim Police Chief

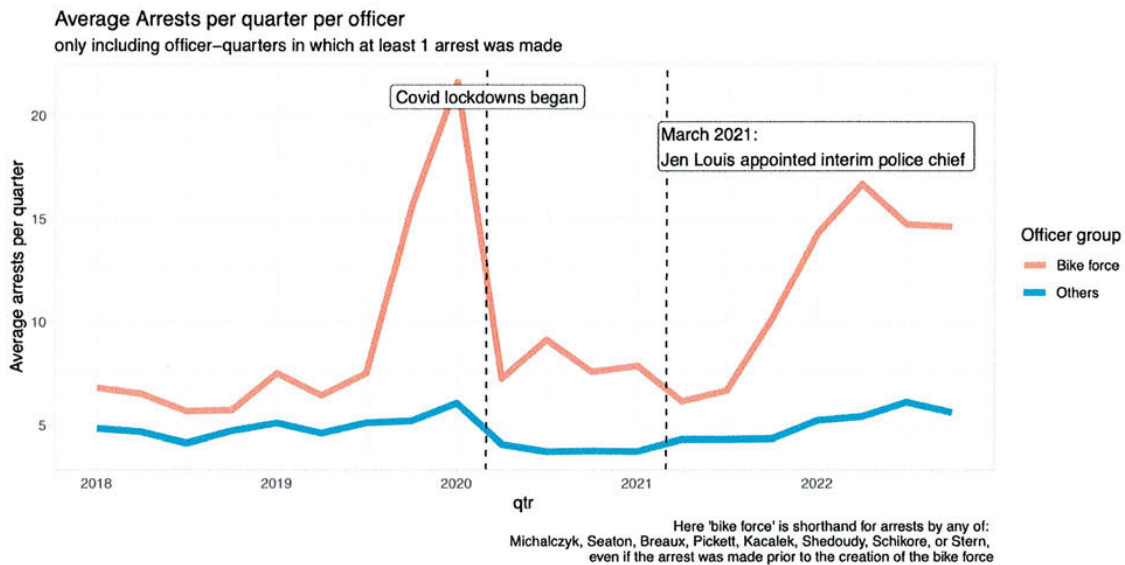
A new analysis of Berkeley police arrest data, during Interim Chief Jen Louis' time as a captain and when she became interim chief in March 2021, indicates a disturbing pattern of "bad arrests." With information provided through California Public Records Act requests, the Human Rights Data Analysis Group (HRDAG) and Berkeley Copwatch have analyzed arrest data over the five year period from 2018 to 2022. The analysis shows that the number of arrests made, but later dismissed by then District Attorney Nancy O'Malley either for "lack of evidence" or "in the interests of justice," rose dramatically. In 2020 and in 2022, the number of arrests that the district attorney declined to prosecute reached as high as 35% of Berkeley Police Department's bike force arrests. You can see this in the two high red bars in the chart below. This is compared to 2018 and 2019 figures (the two red bars on the left) where the rate of "bad arrests" was less than 16% for the entire department.

Arrests dropped by the D.A. due to lack of evidence or interest of justice identified using prosecutor disposition codes T1, T2, T3, and T7. Arrests without a disposition code are not considered dropped



Here 'bike force' is shorthand for arrests by any of: Michalczyk, Seaton, Breaux, Pickett, Kacalek, Shedoudy, Schikore, or Stern, even if the arrest was made prior to the creation of the bike force

In November 2022, the confirmation of Interim Chief Jen Louis was put on hold due to allegations by former officer turned whistleblower Corey Shedoudy. The allegations included the use of illegal arrest quotas and targeting of unhoused people and people of color. Investigations by the Police Accountability Board and the law firm hired by the city attorney were launched, but are not yet completed. A coalition of local social justice organizations – including Healthy Black Families, Friends of Adeline, Consider the Homeless, Racism and Criminal Justice Reform (RCJR), Berkeley Copwatch and Berkeley Community Safety Coalition – asserts that the data substantiates these allegations. You can see in the chart below that bike force officer arrests (the red line) far outnumber the arrests by officers in the rest of the police department (the blue line).



A coalition of local social justice organizations including Healthy Black Families, Friends of Adeline, Consider the Homeless, Racism and Criminal Justice Reform (RCJR), Berkeley Copwatch and Berkeley Community Safety Coalition contend that these data support the allegations made in November 2022 by former officer turned whistleblower Corey Shedoudy. The allegations included the use of illegal arrest quotas and targeting of unhoused people and people of color. As a result of these allegations, the confirmation of Interim Chief Jen Louis was put on hold and investigations by the Police Accountability Board and the taxpayer funded law firm hired by the city attorney were launched, but are not yet completed.

“Interim Chief Jen Louis was at the highest levels of department management while these patterns continued. Her lack of awareness or her complicity must be addressed and considered before the city council votes to confirm her nomination as permanent chief of police,” explained Avi Simon from Berkeley Copwatch.

In addition, the persistence of racially biased policing is confirmed by the data. Racial disparities have [long plagued](#) the department and efforts by concerned citizens to get the department to make change have been ignored or slow-walked. These include recommendations enacted by the city council from the Fair and Impartial Policing program and the Reimagining Public Safety program, efforts by the Police Accountability Board and countless citizen protests. Data confirms gross racial disparities department wide. In particular, according to the data, some individual officers have disproportionate rates of arresting people of color. For example, of all the arrests made by one veteran lieutenant over the five year period, 71% were African Americans. Data about other officers demonstrates similar bias.

An Early Intervention System was included in the recommendations from the Fair and Impartial Policing program approved by the city council in early 2021. Had this been implemented, outlier officers with disproportionate arrest rates of people of color would have been flagged. However, under Interim Chief Louis, this recommendation has yet to be implemented.

**What:** Press Conference

**When:** Thursday May 4, 2023 4pm

**Who:** Tarak Shah, Human Rights Data Analysis Group  
Nathan Mizell, Former Police Accountability Board Member  
Andrea Prichett, Berkeley Copwatch  
Moni Law, Fair and Impartial Policing Task Force  
Ayanna Davis, Healthy Black Families

**Where:** Berkeley Public Safety Building, 2100 MLK Jr. Way

# ATTACHMENT 2

**Date : 11/10/2022 11:10:49 AM**  
**From : "Corey Shedoudy" shedoudy@gmail.com**  
**To : "Berkeley Mayor's Office" mayor@cityofberkeley.info, "Kesarwani, Rashi" RKesarwani@cityofberkeley.info, "Taplin, Terry" ttaplin@cityofberkeley.info, "Bartlett, Ben" BBartlett@cityofberkeley.info, "Harrison, Kate" KHarrison@cityofberkeley.info, "Hahn, Sophie" SHahn@cityofberkeley.info, "Wengraf, Susan" SWengraf@cityofberkeley.info, "Robinson, Rigel" RRobinson@cityofberkeley.info, "Droste, Lori" ldroste@cityofberkeley.info**  
**Subject : Interim Chief Louis**  
**Attachment : Shedoudy Texts 2.pdf;**

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Mayor and Berkeley City Council,

My name is Corey Shedoudy and I was a Berkeley Police Officer from November 2014 until my termination on August 31 2021. My termination is currently in the arbitration process, and I expect my termination will not be upheld for, amongst other reasons, I have the truth on my side. Regardless, the purpose of this letter today is to ask of you to delay making permanent interim BPD Chief Jennifer Louis at your November 15th meeting.

My latest assignment at BPD was on the Downtown Task Force from October 2019 - September 2020 and the BPD Bike Force beginning in September 2020. During the course of my week-long arbitration hearing, evidence was uncovered that exposed the unethical and illegal practice of arrest quotas of downtown unhoused ordered by Sgt. Darren Kacalek to DTF/Bike Force that began when Chief Louis was a BPD Police Captain and continued after she was named Interim Chief.

DTF/Bike Force was ordered by Sgt. Kacalek to make 100 arrests per month, which was at the time more than the rest of the Police department combined. We were ordered to do so using questionable legal tactics that included stop and frisk, probation searches with no reasonable suspicion of a crime, and a very loose interpretation of stay-away orders from UC Berkeley.

The only acceptable response to such evidence from multiple officers inside the unit, separate from my arbitration or the allegations against me, is an immediate, comprehensive investigation. Chief Louis has instead responded with deafening silence and inaction. No investigation, no further inquiries. My intention is for this practice to stop, and I'm afraid now that it will not.

As a result of this inaction, at the conclusion of my arbitration I will be releasing to the public hundreds of DTF/Bike Force text messages, e-mails, sworn testimony transcripts, public arrest records, and photographs that clearly outline a practice of illegal arrest quotas, racism, evidence suppression, lying, and quid pro quos inside that unit.

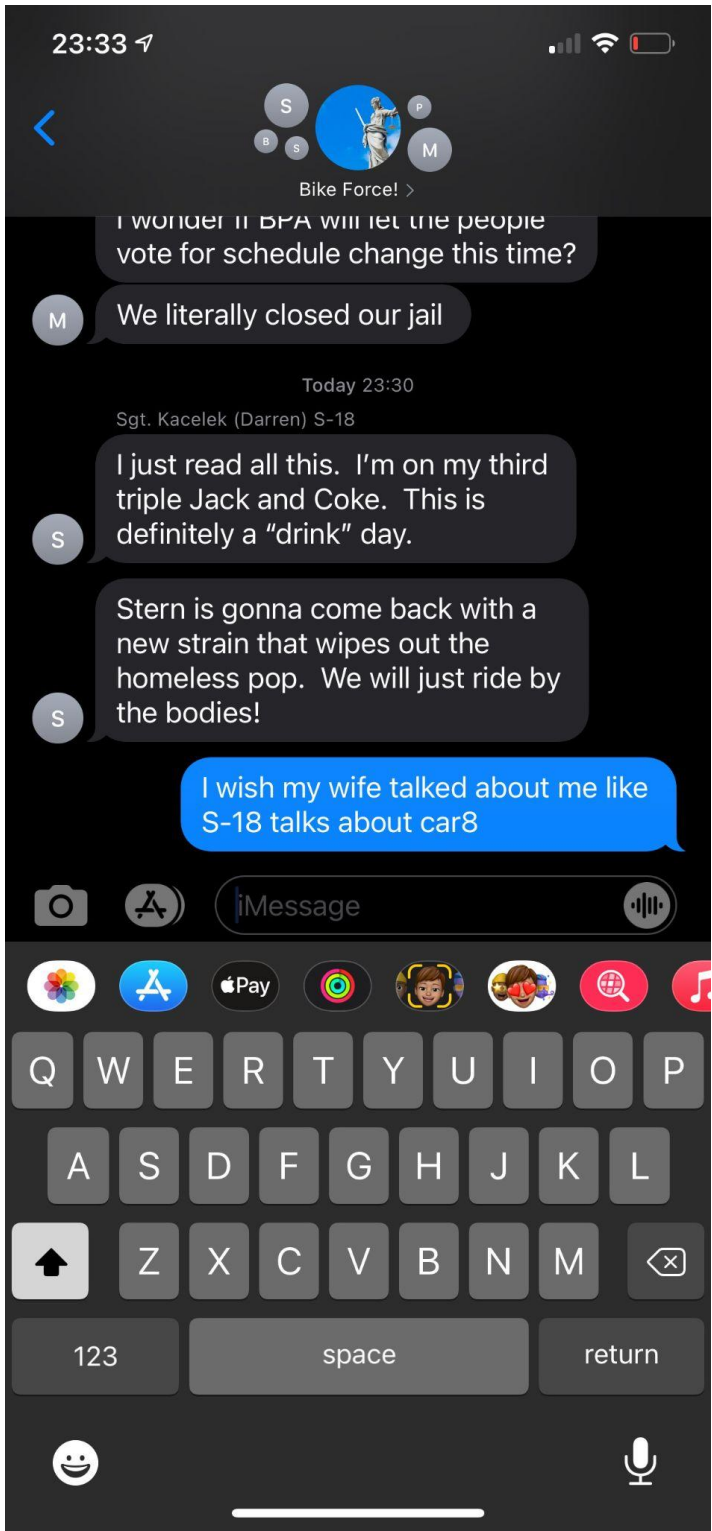
My plea is that you delay the permanency of the BPD Chief of Police until this information is reviewed, and hopefully one day formally investigated. If at that

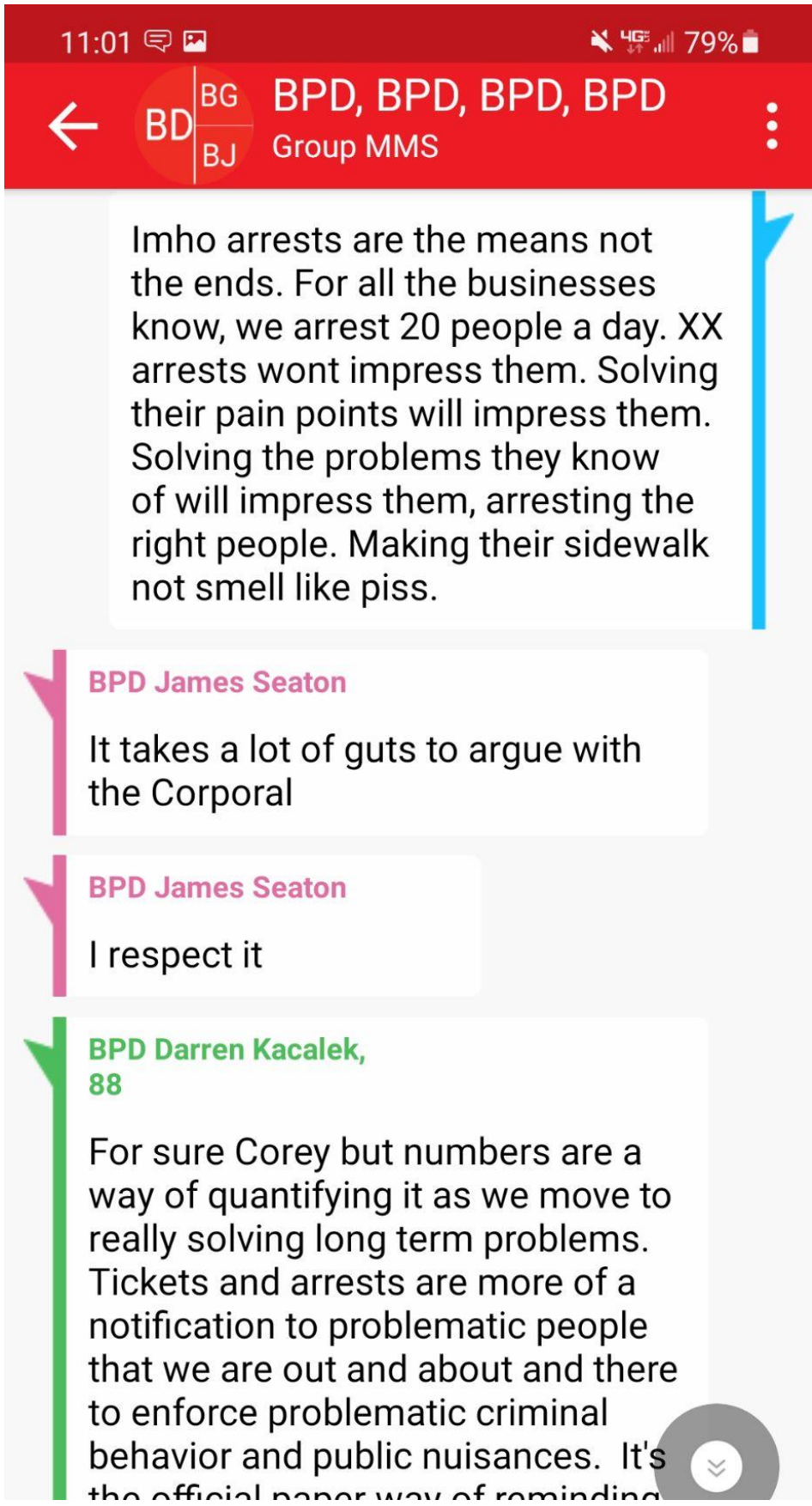


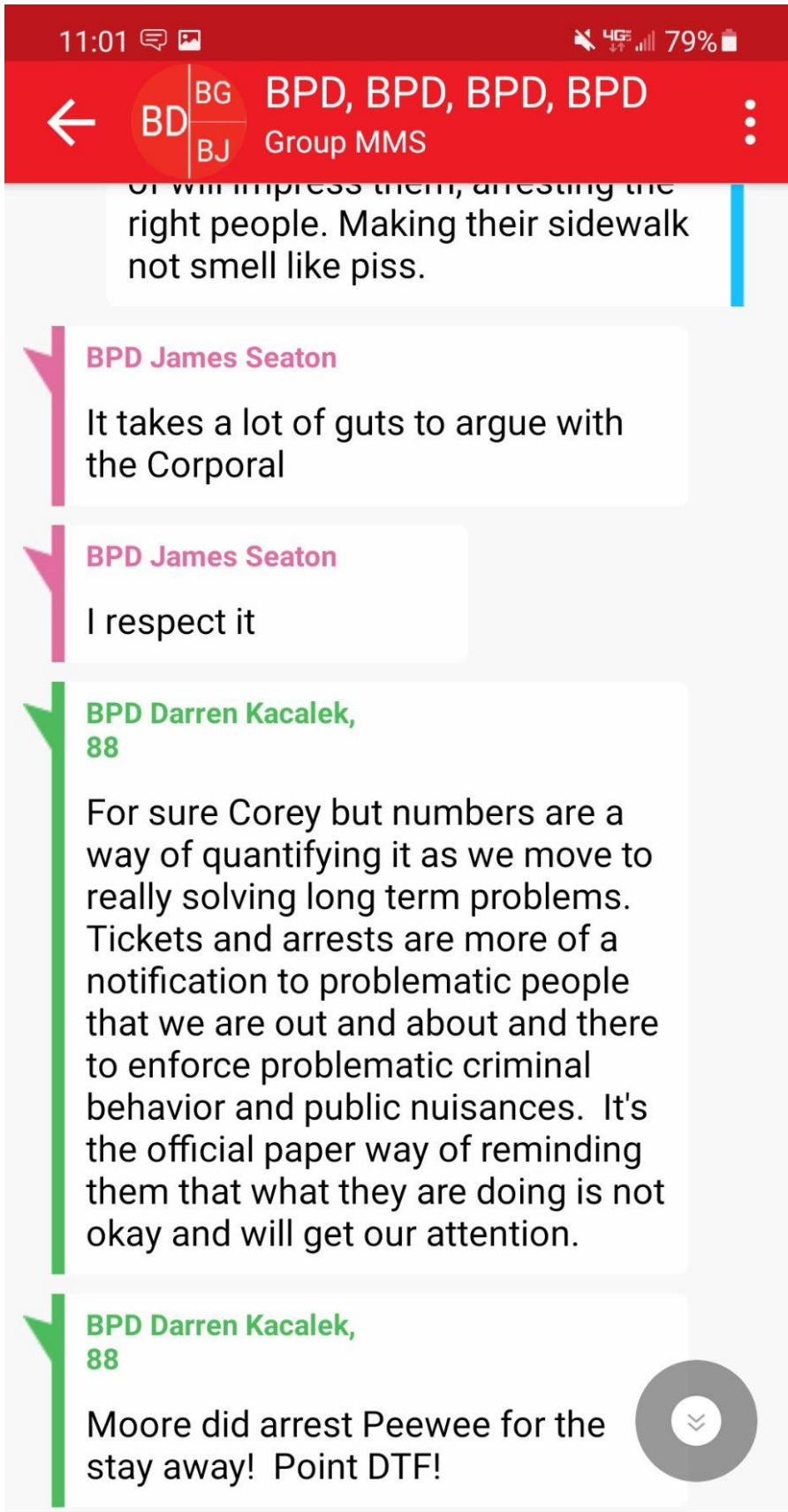
point Chief Jennifer Louis is deemed the best leader of the Berkeley Police department then that is a fair decision, but I believe doing so now, absent any investigation, will be a disservice to the citizens of Berkeley.

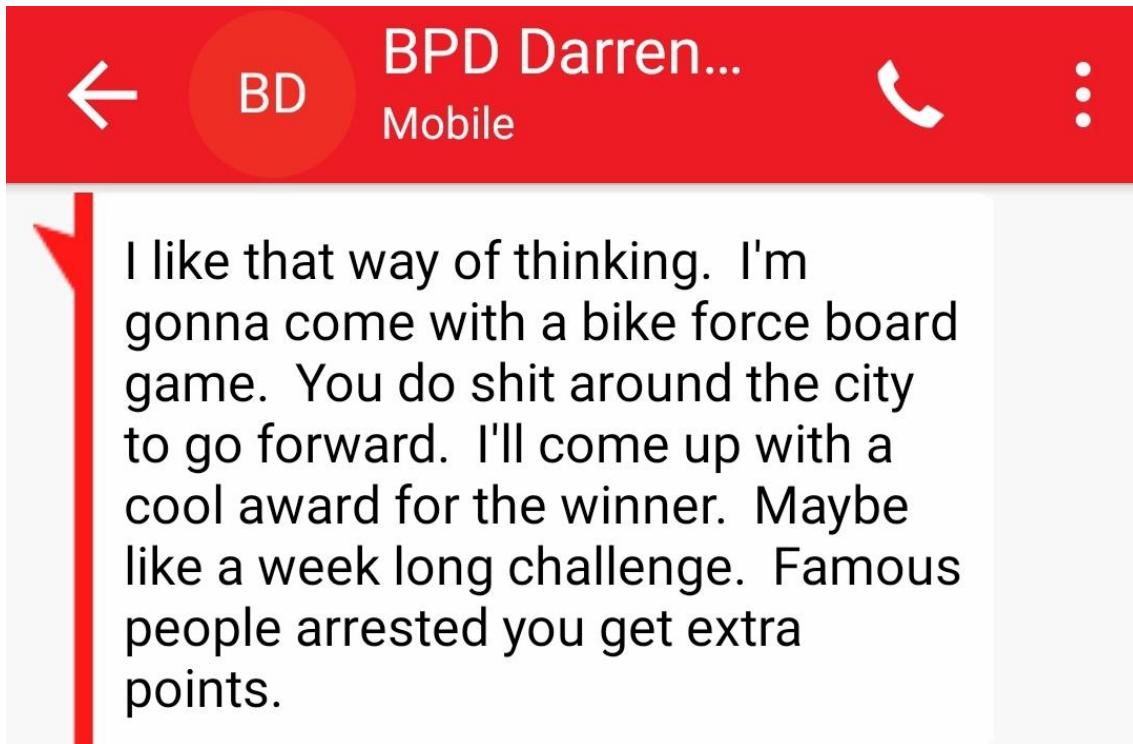
I am attaching a few DTF/Bike Force group text messages from Sgt. Kacalek, myself, and other DTF/Bike Force members that begin to tell the story and that I would consider the tip of the iceberg.

Sincerely,  
Corey Shedoudy









(12/08/20, 1544 HRS)

11:10

4G+ 77%



BPD, BPD, BPD, BPD  
Group MMS



11/12/19 9:51 PM

**BPD Darren Kacalek, 88**

81 arrests! We can do 19 by Friday for sure!

11/12/19 10:00 PM

**BPD Greg Michalczyk, 9**

Hell yeah

**BPD Greg Michalczyk, 9**

And DQ might have just found shooting car!

11/12/19 10:10 PM

**BPD James Seaton**

Yeah a Honda

11:09

4G 77%



BD

BG

BJ

BPD, BPD, BPD, BPD

Group MMS



10/31/19 12:51 PM

**BPD Darren Kacalek, 88**

About to earn my lunch boys.

**BPD Greg Michalczyk, 9**

What ya get?

10/31/19 1:12 PM

**BPD Darren Kacalek, 88**

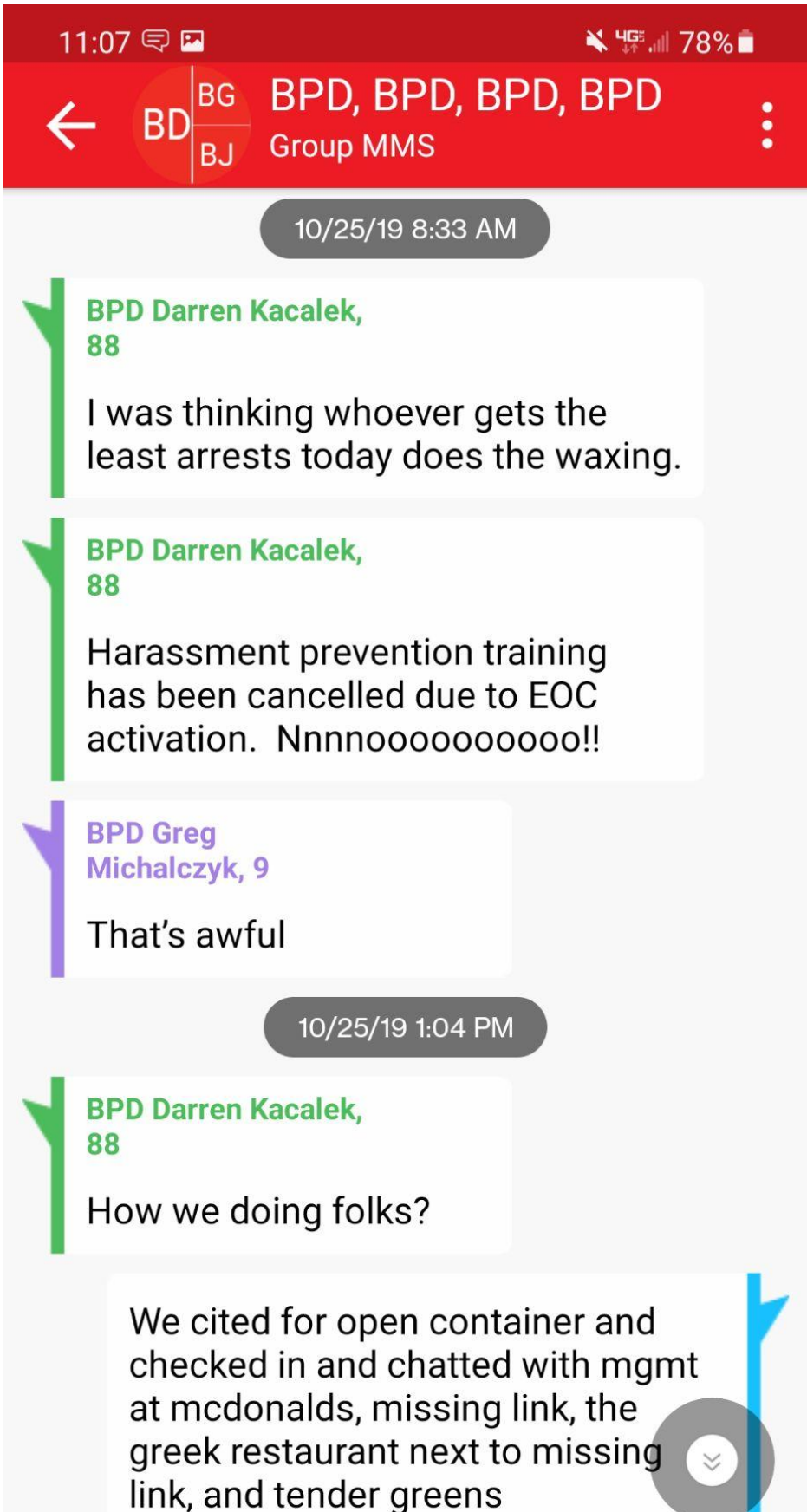
I spoke too soon. The warrant had been recalled. Just a cite.

10/31/19 2:38 PM

We are LL quald 🤪🤪💰💰

**BPD Greg Michalczyk, 9**

It's been over half a shift...how many 1015s?





11:07

4G 78%



BD

BG

BJ

BPD, BPD, BPD, BPD

Group MMS



codornices park guy. If I have time tonight I'll find the day/times and exact location in the park and we maybe we can work some OT on it.

10/23/19 11:05 AM

**BPD Schikore**

Are we working out??

**BPD Greg  
Michalczyk, 9**

No come up stairs

**BPD Schikore**

Shit. I'm in my workout garb. Be there in a minute

10/23/19 12:14 PM

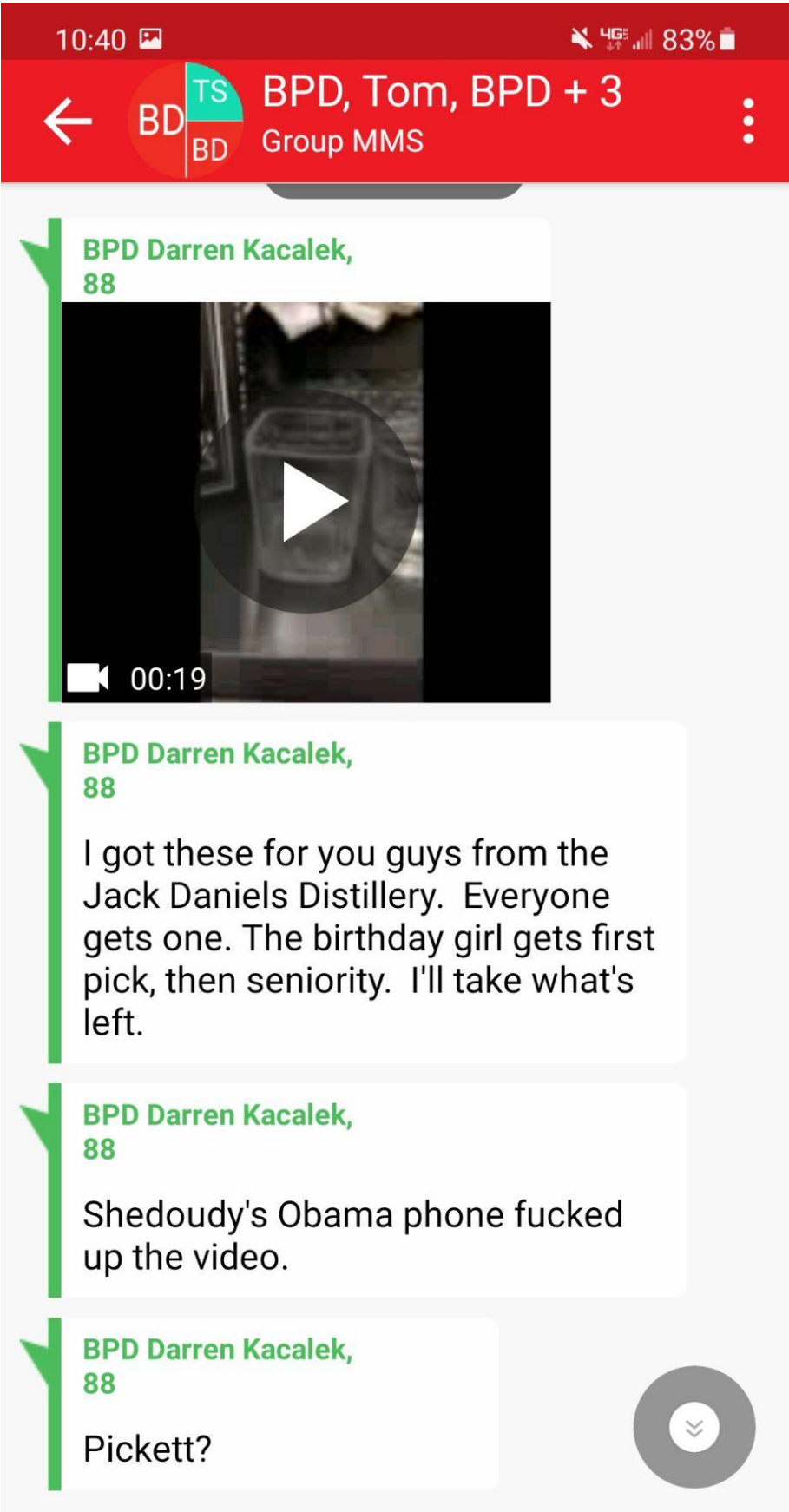
**BPD Greg  
Michalczyk, 9**

1015 for a known parolee with sex crime no bail

**BPD Darren Kacalek,  
88**

Boom! You guys earned our lunch!





10:59

4G LTE 79%



BD  
BG  
BJ

BPD, BPD, BPD, BPD

Group MMS



BPD Greg  
Michalczyk, 9

I'm 14 coors lights down but can I  
can I get some real talk guys...we  
are the 1st street team BPD  
has had in 4+ years...we didn't  
have to interview...we have an  
open check book for the next 5  
months...have our own office...it's  
is unprecedented in this history of  
BPD...let's not fuck this up

10/19/19 9:44 PM

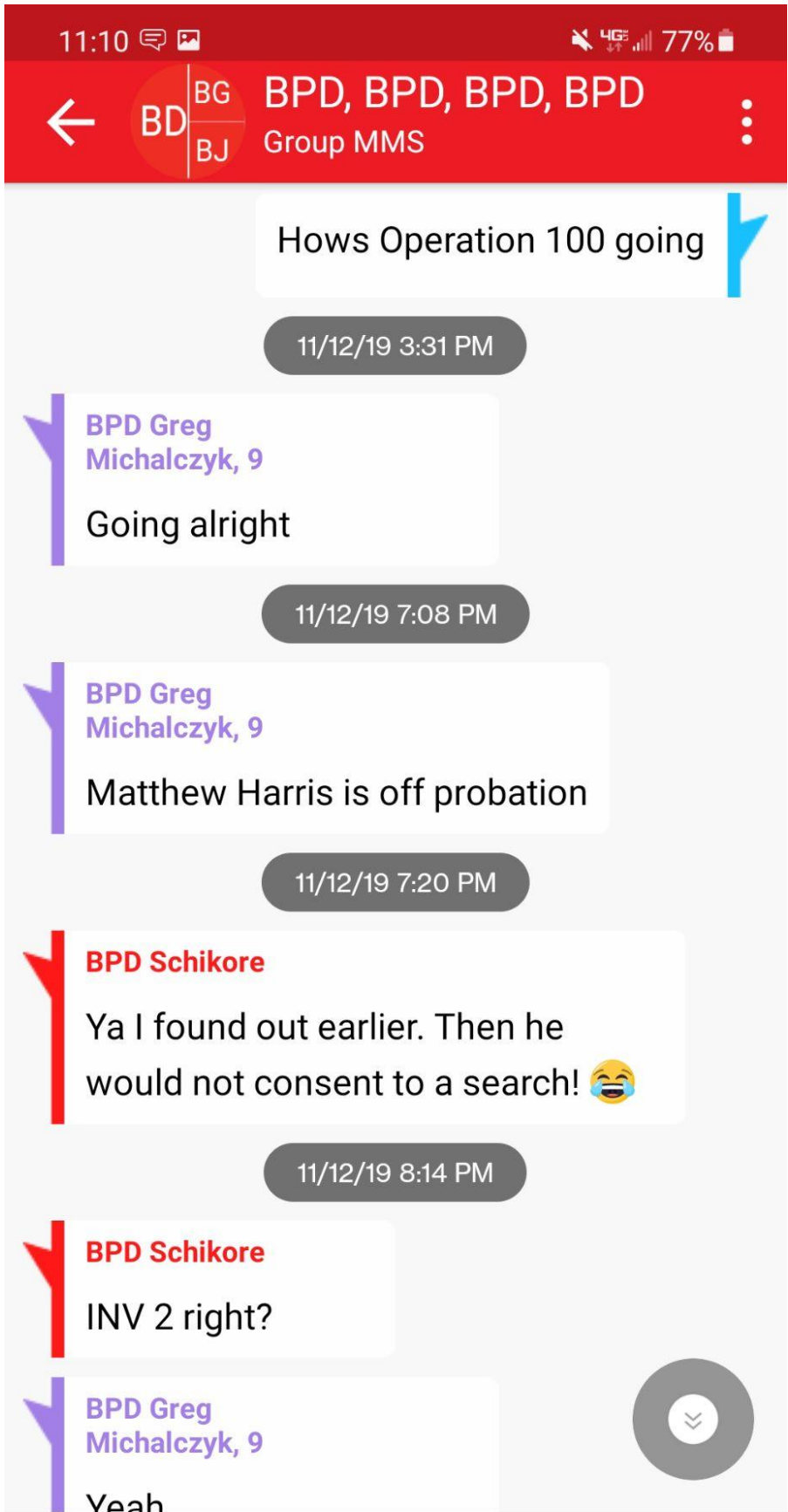
BPD Darren Kacalek,  
88

I just want you to know Greg, I stole  
that sign back for you!



BPD Darren Kacalek,  
88

I was at Kevin Reece's birthday  
party just now and Dave was there  
and we briefly talked about DTF.  
He said just kick ass, arrest people,  
have fun, and get me results and I  
will never jam you about overtime.



11:10

5G 63%

BG BD BPD, BPD, BPD, BPD  
BJ Group MMS

BPD Schikore

That would be perfect. Would be awesome to go out with the 10 year old b

BPD Darren Kacalek, 88

I'll put it this way. If you can keep a smile on the captains face from jump to Halloween AND you have kids that need to collect candy, then I'm sure we can figure out some kind of flex schedule for that day. But we'll see, I don't want to abuse any use of being in a special TEMPORARY assignment out of the gate!

BPD Schikore



10/21/19 7:05 PM

BPD Darren Kacalek, 88

What I was trying to say is special favors are earned! 🤪

11:19

5G 62%



BDBG

BPD, BPD  
Group MMS



7/10/20 10:39 AM

**BPD Darren Kacalek,  
88**

Where the fuck are you guys??!

Helping 187 on a thing at straw  
creek

**BPD Darren Kacalek,  
88**

How did you not catch the two cars  
loading 3-4K worth of stuff into 2  
cars?

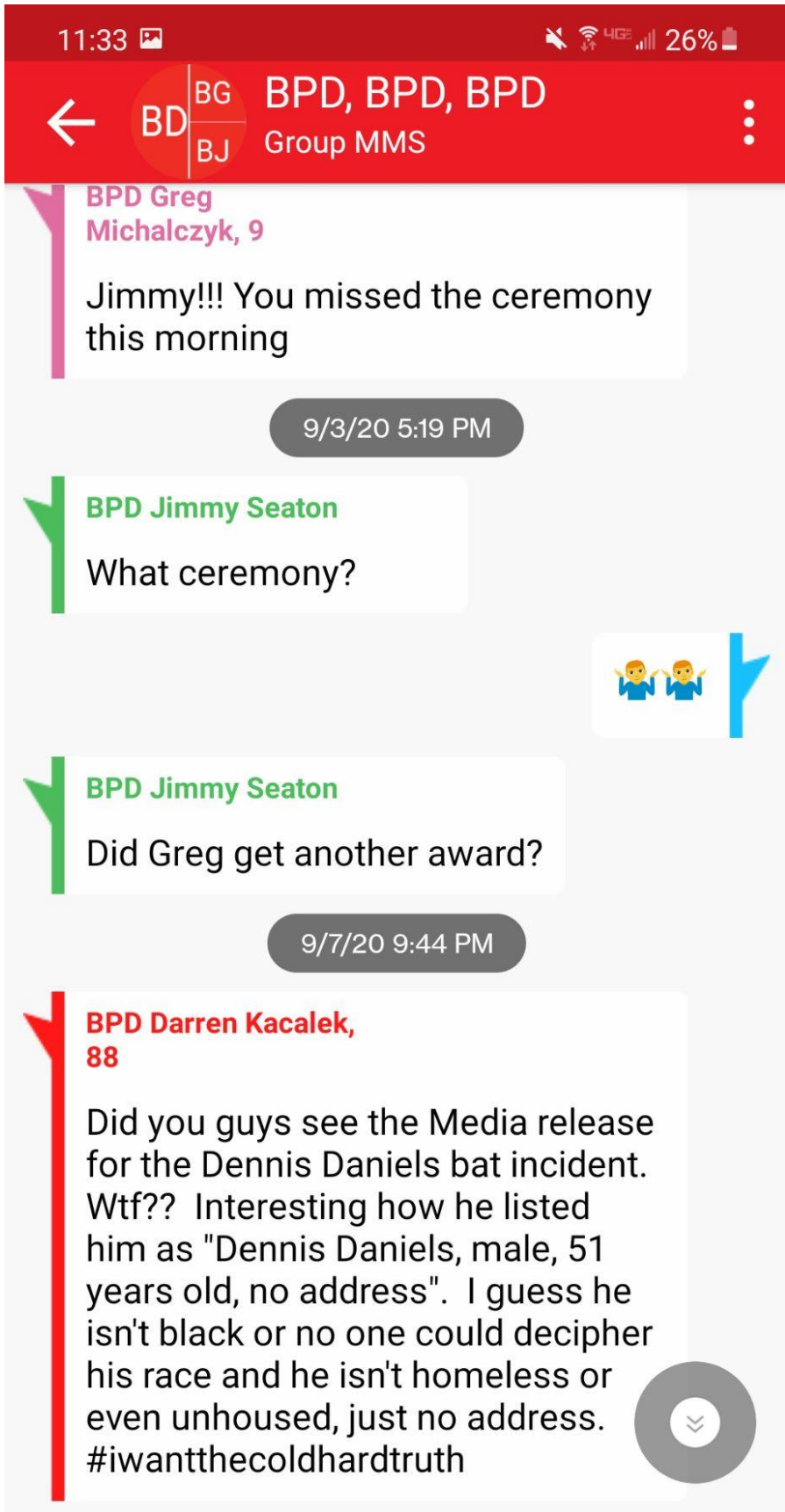
Bc we're on foot at scp

**BPD Darren Kacalek,  
88**

Oh no shit? You think you wanna  
let me know next time?

**BPD Darren Kacalek,  
88**

Like I said. "Oh no shit? You think  
you wanna let me know next time?"



11:40

4G 25%



BDBG

BPD, BPD

Group MMS



3/13/20 8:43 PM

**BPD Darren Kacalek, 88**

Either of you have the 375 pic from yesterday?

3/14/20 12:31 AM

**BPD Darren Kacalek, 88**

Did you guys realize that all 5 people you arrested had something in common?

They had covid?

3/14/20 12:40 AM

**BPD Greg Michalczyk, 9**

No Idea

**BPD Darren Kacalek, 88**

All of the same heritage.



Type a message...





11:34

4G 26%



BD

BG  
BJ

BPD, BPD, BPD  
Group MMS



LOL

No outbreak all year. Waite and Frankel oty!

8/24/20 12:06 AM

**BPD Darren Kacalek,  
88**

<https://www.facebook.com/521684550/posts/10158901456404551/?extid=yfxhMKjWanpGZgdU>

**BPD Darren Kacalek,  
88**

White Privilege Card Message  
\$100  
San Antonio, TX  
Like new, never used

**FOR SALE!**

I'm selling my white privilege card. It's 48 years old and it hasn't done a damn thing for me. No welfare checks, No inheritance, No free college, No free food, No free housing, etc. I may even be willing to do an even trade for a race card. Those seem to be way more useful and more widely accepted.

Interested? Contact me on my non Obama cell phone that I have to pay for every month.

Serious Inquiries Only



12:21

4G LTE 22%



BGBD

BPD, BPD

Group MMS



**BPD Darren Kacalek, 88**

Good work. We are gonna have to step up our game if we want to stay in business as bikes. When as staffing goes down I don't want to be the unit that gets picked apart.

**BPD Darren Kacalek, 88**

Let me just take a moment to thank you for being you Corey.

lol

**BPD Greg Michalczyk, 9**

Bikes ain't happening this summer huh?

7/7/20 11:05 AM

**BPD Greg Michalczyk, 9**

We all make the same amount of money

# ATTACHMENT 3



Office of the City Manager

July 20, 2023

To: Honorable Mayor and Members of the City Council

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

Re: Summary of Investigation Process

On July 19, 2023, the law firm of Swanson & McNamara provided the City Attorney's Office a summary of their independent investigation into allegations made in a November 10, 2022 email that was sent to the City Council. A copy of the summary is attached.

cc: LaTanya Bellow, Deputy City Manager  
Anne Cardwell, Deputy City Manager  
Jenny Wong, City Auditor  
Mark Numainville, City Clerk  
Matthai Chakko, Communications Director  
Farimah Brown, City Attorney  
Jennifer Louis, Police Chief  
Aram Kouyoumdjian, Director, Human Resources  
Hansel Alejandro Aguilar, Director, Police Accountability Board

## Summary of Investigation Process

Swanson & McNamara was engaged to investigate allegations made in an email sent by a former officer (“the Complainant”) to the Berkeley City Council on November 10, 2022 and subsequently published in local media. The letter attached certain text messages and made the following allegations:

- An “unethical and illegal practice of arrest quotas of downtown unhoused ordered by [name] to DTF/Bike Force that began when Chief Louis was a BPD Police Captain and continued after she was named Interim Chief;”
- That “DTF/Bike Force was ordered by [name] to make 100 arrests per month;”
- Fulfilment of the alleged quota “using questionable legal tactics that included stop and frisk, probation searches with no reasonable suspicion of a crime, and a very loose interpretation of stay-away orders from UC Berkeley;”
- Chief Louis’s “deafening silence and inaction” in the face of “evidence from multiple officers inside the unit;” and
- Evidence of “illegal arrest quotas, racism, evidence suppression, lying, and quid pro quos” in the form of “DTF/Bike Force text messages, e-mails, sworn testimony transcripts, public arrest records, and photographs.”

The Complainant gave his phone to a third-party vendor for extraction of relevant communications, which included text communications among members of the DTF and/or Bike Unit dating from October 1, 2019 through the date of extraction (on or about March 1, 2023).<sup>1</sup> We chose the start date for the extraction based on the October 22, 2019 start date of the Downtown Task Force. The vendor confirmed the authenticity of each message attached to the Complainant’s November 10, 2022 letter, with the exception of the message appearing at page 3 of the letter, which was not located on the phone.

We obtained data regarding arrests made by DTF and Bike Unit officers for the period of October 1, 2019 through November 22, 2020. We chose these dates to correspond with the Complainant’s tenure on the DTF and Bike Unit. We received 481 reports of arrests by DTF and Bike Unit officers and reviewed a selection amounting to over 50% of the reports.

We obtained and reviewed internal Department message board posts about the activities of the DTF. We reviewed posts dating from November 6, 2019 through March 24, 2020, which we understood to be all the relevant messages.

We conducted interviews of the Complainant and members of the Berkeley Police Department.

Under Penal Code § 832.7, personnel records of peace officers are confidential, subject to exceptions related to sustained findings of certain types of misconduct. To maintain the confidentiality of personnel files, we prepared a confidential report summarizing our investigation and stating our factual findings. We provided that report to the City for further action on the allegations.

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<sup>1</sup> We did not obtain or review any content on the phone beyond the communications the Complainant agreed to share.

**PRESENTATION MATERIALS FOR  
POLICY COMPLAINT NUMBER  
2023-PR-0005**



## POLICY COMPLAINT NOTICE

**Date:** September 22, 2023  
**To:** Honorable Members of the Police Accountability Board  
**From:** Hansel A. Aguilar, Director of Police Accountability *Ha*  
Jose Murillo, Policy Analyst *Jm*  
**Subject:** Notice of Policy Complaint No. 2023-PR-0005

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### Background:

On August 21, 2023, the Office of the Director of Police Accountability (ODPA) received a policy complaint form, along with additional attachments, via email at [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info). On September 4, 2023, an additional form was submitted to supplement the original. The completed policy complaint forms are attached herein as Attachment 1.

The complainant reports that she and her family have endured "intentional harassment, deliberate loud noise, [and] intentional vandalism" by their neighbors for several years. They have reached out to the Berkeley Police Department (BPD) regarding these issues. The complainant asserts that, despite making numerous requests for help, the BPD has not responded in a satisfactory or timely manner and has not taken adequate measures to address their issues. In her correspondence with the ODPA and BPD, she points out instances where officers failed to locate the specified address or adequately address the problem. Furthermore, she mentions being informed that the noise would likely persist due to the property's occupants being college-age students and the properties close proximity to UC Berkeley (See Attachment 2).

The complainant also notes that she has attempted to resolve the matter by contacting the landlord of the property in question but has been unsuccessful. Allegedly, the property owners have dismissed and insulted the complainant, causing strain in their relationship. ODPa staff referred the complainant to her local BPD Community Liaison officer in an effort to find a solution to the ongoing issues she has faced. As of September 5, 2023, the BPD Community Liaison has reached out to the complainant's neighbors to emphasize the importance of adhering to the city's designated quiet hours. Additionally, the BPD Community Liaison has contacted members of the UC Berkeley staff who may have influence over the property's residents and conveyed the complainant's concerns. (see Attachment 3).

**Potential Area(s) of Review:**

Upon reviewing the complaint and the related correspondences, the ODPa staff has identified the following matters for potential consideration by the Board, should they deem it suitable to initiate a review:

1. BPD's response time<sup>1</sup> and prioritization of noise complaint issues (See BPD Policy 1200 and 1202);
2. BPD's enforcement of noise standards in Berkeley<sup>2</sup> (See BPD Policy 1200 and 1202);
3. BPD's role in civil disputes for resolving neighbor conflicts<sup>3</sup> (see BPD Policy 430);

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<sup>1</sup> Calls for service are prioritized based on the urgency of the call. Calls are generally categorized under four categories that can be found here: <https://berkeleyca.gov/safety-health/police/report-crime>

<sup>2</sup> The City of Berkeley's noise standards as well as the relevant municipal codes can be found here: <https://berkeleyca.gov/city-services/livable-neighborhoods/noise-standards>

<sup>3</sup> Currently, the Berkeley Rent Board offers free mediation services to Berkeley landlords and tenants in units that are fully covered by the Rent Ordinance or registered under Measure MM. Issues that can be mediated include noise complaints but the parties in this case would not be eligible. For more information, please visit: <https://rentboard.berkeleyca.gov/services/mediation>



## **Recommendations:**

Upon receiving a policy complaint, per the Standing Rules<sup>4</sup>, the Board can choose from several potential courses of action, which include:

1. Accepting the policy complaint and assigning a Board member to investigate.
2. Accepting the policy complaint and directing ODPa staff to carry out an investigation.
3. Accepting the policy complaint and establishing a subcommittee to investigate the matter.
4. Temporarily deferring acceptance of the policy complaint and assigning a Board member to investigate it before formal acceptance.
5. Temporarily deferring acceptance of the policy complaint and instructing ODPa staff to investigate the matter.
6. Rejecting the policy complaint.

Considering the nature of this complaint, the BPD's active involvement in resolving the concerns in question, and the Board's current limited human resources, the ODPa recommends the Board either assign a single Board member to investigate the matter further or ask staff to investigate or research the issue before establishing a subcommittee or taking up the issue as a full Board.

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<sup>4</sup> See [https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard\\_StandingRules.pdf](https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf)

# ATTACHMENT 1



# POLICY COMPLAINT FORM

## Office of the Director of Police Accountability (DPA)

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

Web: [www.cityofberkeley.info/dpa](http://www.cityofberkeley.info/dpa)

E-mail: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)

Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955

Date Received:

08/21/2023

DPA Case # <sup>2023-PR-0005</sup>

1

Name of Complainant: WHYTE. ANNE  
Last First Middle

Mailing Address: [REDACTED]  
Street City State Zip

Primary Phone: ( ) [REDACTED] Alt Phone: ( ) \_\_\_\_\_

E-mail address: [REDACTED]

Occupation: GRANDMOTHER Gender: FEMALE Age: BORN 1944

Ethnicity:  Asian  Black/African-American  Caucasian  
 Latino/Hispanic  Multiethnic: \_\_\_\_\_  Other: \_\_\_\_\_

2

Identify the Berkeley Police Department (BPD) policy or practice you would like the Police Accountability Board to review.

Everyone in our household has been kept awake almost every night  
by exceptionally-loud noise from [REDACTED] for six consecutive  
"academic years." Friday last, again, there was excessive noise.  
Unfortunately, more than half of all City of Berkeley uniformed police  
officers who have "responded" to our requests for service have been  
"unable to find" [REDACTED], including last Friday.

3

Location of Incident (if applicable) [REDACTED]

Date & Time of Incident (if applicable) Now, more than six years of elder abuse and cruelty.

Provide a factual description of the incident that forms the basis of your complaint. Be specific and include what transpired, and how the incident ended.

We can demonstrate six years of on-going intentional cruelty - now seven years - with  
photographs, audio recordings, video recordings, e'mail, text messages, and lists of incidences.  
City of Berkeley already has many, not all, of our recordings sent by e'mail.  
SIX YEARS OF ELDER ABUSE HAS DONE SIGNIFICANT DAMAGE!

4 What changes to BPD policy, practice, or procedure do you propose?  
Some years ago, Officer [REDACTED] summarily instructed us that, when we call for service because there is yet another loud party or whatever, we MUST instruct a responding officer is (1) to park in front of [REDACTED], the building in front, (2) get out of the police car, (3) walk down the driveway to the building behind which is [REDACTED]. Officer [REDACTED]'s "instructions" have not worked!

5 Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Police Accountability Board in evaluating your complaint.)  
This last Friday, when this newest group of University of California students had just moved into [REDACTED], they had a party with amplified music; volume at our property line exceeded 100dBA at times. We provided Officer [REDACTED]'s "instructions" to Dispatcher # [REDACTED]. Eventually, Officer [REDACTED] "responded."  
However, Officer [REDACTED] "could not find [REDACTED]."  
Eventually, something happened, a male voice began shouting "FUCK! Get the FUCK outs here! [etc.]" and the party stopped. Students ran out.

6 **CERTIFICATION**  
*I hereby certify that, to the best of my knowledge, the statements made on this complaint are true.*

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

7 **How did you hear about the Director of Police Accountability or Police Accountability Board?**

Internet

Berkeley Police Dept.

Newspaper: \_\_\_\_\_

Referred by: a retired Assistant Attorney General not in California.

Other: \_\_\_\_\_



# POLICY COMPLAINT FORM

## Office of the Director of Police Accountability (DPA)

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

Web: [www.cityofberkeley.info/dpa](http://www.cityofberkeley.info/dpa)

E-mail: [dpa@cityofberkeley.info](mailto:dpa@cityofberkeley.info)

Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955

Date Received:

09/04/2023

DPA Case # <sup>2023-PR-0005</sup>

1

Name of Complainant: WHYTE, ANNE  
Last First Middle

Mailing Address: [REDACTED]  
Street City State Zip

Primary Phone: ( ) [REDACTED] Alt Phone: ( ) \_\_\_\_\_

E-mail address: [REDACTED]

Occupation: GRANDMOTHER Gender: OLD! Age: OLD!

Ethnicity:  Asian  Black/African-American  Caucasian  
 Latino/Hispanic  Multiethnic: \_\_\_\_\_  Other: \_\_\_\_\_

2

Identify the Berkeley Police Department (BPD) policy or practice you would like the Police Accountability Board to review.

It seems to be impossible for City of Berkeley Police Department employees to take seriously that SEVEN YEARS of intentional harassments, intentional loud noise, intentional vandalism, and etc. by tenants and "guests" in [REDACTED] is specifically ELDER ABUSE!  
April First 2017 to today = SEVEN YEARS of intentional ELDER ABUSE!

3

Location of Incident (if applicable) [REDACTED]

Date & Time of Incident (if applicable) SEVEN YEARS of FREQUENT CRUELTY!

Provide a factual description of the incident that forms the basis of your complaint. Be specific and include what transpired, and how the incident ended.

For seven years we have made requests for service by phone, e'mail, texts, and etc. outlining specific incidents, incidents when most City of Berkeley Police Department employees "blew-off" our requests for protection.

4 What changes to BPD policy, practice, or procedure do you propose?

- City of Berkeley Police Department employees actually enforce black-letter law: City of Berkeley Municipl Code 13.40 et seq.
- City of Berkeley Police Department employees actually "find" [REDACTED] which is behind [REDACTED].
- City of Berkeley Police Department employees actually get out of police cars to actually approach [REDACTED] on foot.

5 Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Police Accountability Board in evaluating your complaint.)

- Please, see attached.
- Please note several e'mail recently sent to City of Berkeley Police Accountably
- Please review years of previous e'mail sent to just-about everyone, hoping someone in City of Berkeley Police Department would actually do something effective so we can sleep in our home without being woken, again and again and again and ...

6 CERTIFICATION

*I hereby certify that, to the best of my knowledge, the statements made on this complaint are true.*

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

7 How did you hear about the Director of Police Accountability or Police Accountability Board?

- Internet
- Berkeley Police Dept.
- Newspaper: \_\_\_\_\_
- Referred by: \_\_\_\_\_
- Other: A friend looked-up to find - SURPRISE! SURPRISE! - City of Berkeley has Police Accountability!

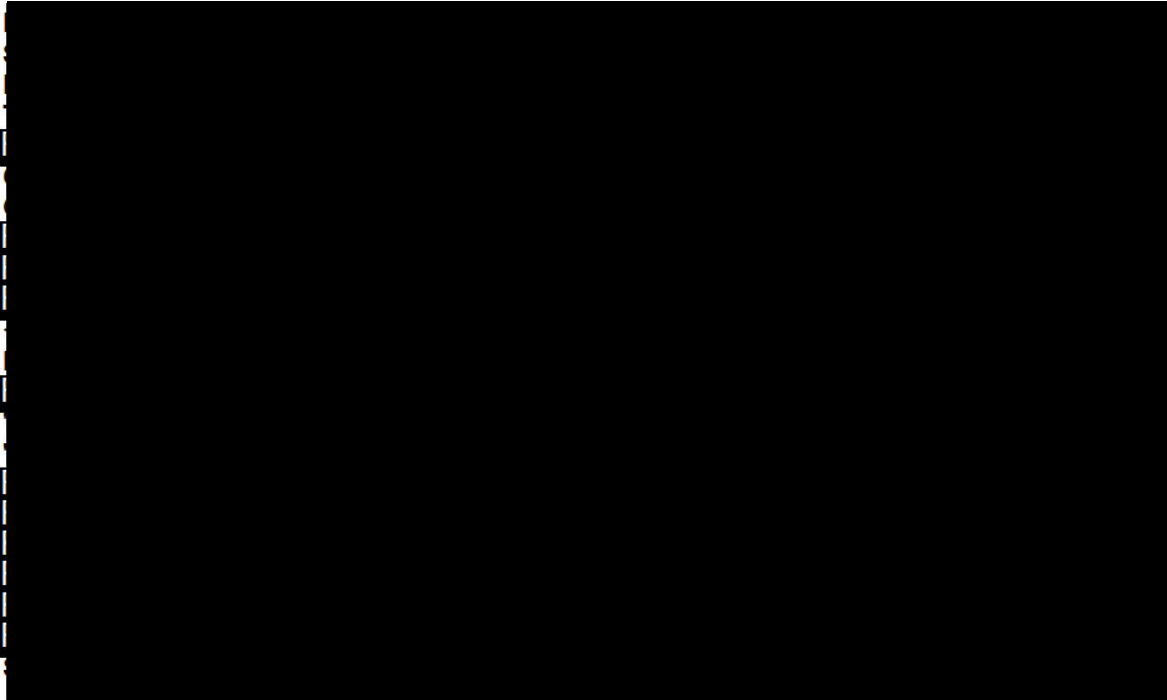
# ATTACHMENT 2

**Murillo, Jose**

---

**From:** Anne Whyte [REDACTED]  
**Sent:** Sunday, September 03, 2023 1:47 PM  
**To:** Murillo, Jose; Office of the Director of Public Accountability  
**Subject:** [REDACTED] - [REDACTED] CRUELTY MUST STOP.

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.



AGAIN THIS "ACADEMIC YEAR," beginning on 2023 August 18, tenants and their guests in [REDACTED] have intentionally harassed us with loud noise in violations of Berkeley Municipal Code 13.40.

This is the SEVENTH YEAR tenants in [REDACTED] have intentionally harassed us.

As you ALL know, I am a handicapped grandmother almost 80 years old.

By law, my husband is, also, an "elder."

There are several other near-by neighbours older than 65 years old who are, by law, elders.



ELDER ABAUSE IS CRUELTY.  
MEHTA CRUELTY MUST STOP.

2023-2024 "ACADEMIC YEAR,"

- Several people moved into **REDACTED** on 2023 August 18. That night, 2023 August 18, tenants and their guests in **REDACTED** began making noise at about 9PM — loud noise in excess of 100dBA continued for hours. These brilliant intellectuals had their in-excess-of-100dBA gathering on the west side of **REDACTED** perhaps thinking that if they were out of direct line of site from our home and other homes, no one would be able to hear their noise in excess of 100dBA?

- On 2023 August 26, AGAIN, tenants and their guests in **REDACTED** began making noise at about 9PM — loud noise in excess of 100dBA continued for hours. AGAIN, these brilliant intellectuals had their in-excess-of-100dBA gathering on the west side of **REDACTED** perhaps thinking that if they were out of direct line of site from our home and other homes, no one would be able to hear their noise in excess of 100dBA?

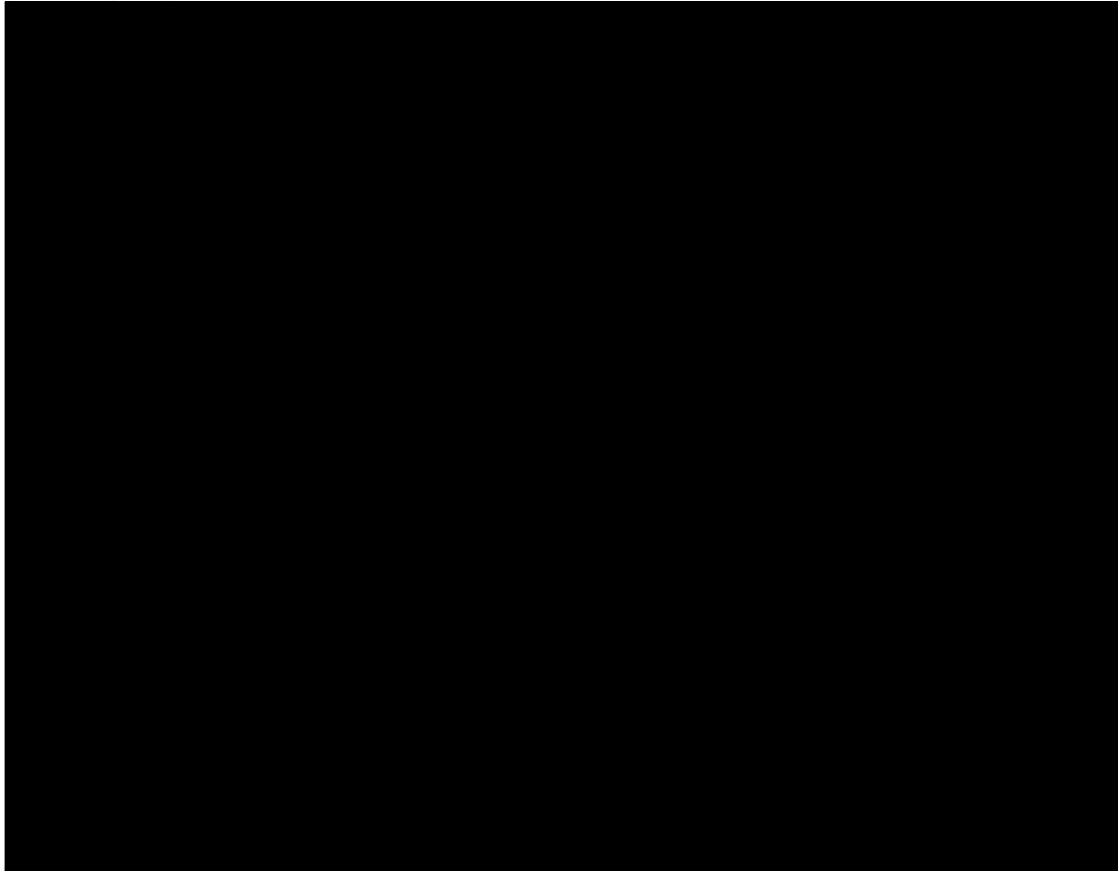
- On 2023 September 3, beginning at 12:30AM, tenants and their guests in **REDACTED** began making noise that included banging on windows and doors, yipping loudly, shrieking, shrieking even louder. Police arrived at a bout 2:30AM. As police were leaving, tenants and their guests **REDACTED** "waved" at us, smiling broadly!

**Murillo, Jose**

---

**From:**  
**Sent:**  
**To:**  
**Cc:**

**REDACTED**  
Saturday, August 26, 2023 11:08 PM



**Subject:**

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

THIS IS THE SEVENTH YEAR OF LOUD  
NOISE FROM **REDACTED**  
!!!!!!

THIS IS THE SEVENTH YEAR OF LOUD  
NOISE FROM **REDACTED**  
!!!!!!

THIS IS THE SEVENTH YEAR OF LOUD  
NOISE FROM **REDACTED**

!!!!

THIS IS THE SEVENTH YEAR OF LOUD  
NOISE FROM **REDACTED**

!!!!

THIS IS THE SEVENTH YEAR OF LOUD  
NOISE FROM **REDACTED**

!!!!

THIS IS THE SEVENTH YEAR OF LOUD  
NOISE FROM **REDACTED**

!!!!

THIS IS THE SEVENTH YEAR OF LOUD  
NOISE FROM **REDACTED**

!!!!

We have a longer video, also!

It is 11PM. No officer has “responded”!

From: Anne Whyte <**REDACTED**>  
Subject: **REDACTED**  
Date: August 26, 2023 at 10:37:22 PM PDT

To:

<po

RE

RE

BPI

This video is before we called City of Berkeley Police from our deck so University of California Women's lacrosse team would be able to hear that phone call!!!

Spoke with #517

Reported:

Loud noise  
Elder abuse

Asked that any officer who responded to call me because several previous CoBPD uniformed officers who "responded" have "not been able to find REDACTED !!!

Note: On 2023 August 18 CoBPD officers "could not find REDACTED"

[Click to Download](#)

IMG\_2141.MOV  
0 bytes

Anne Whyte  
REDACTED

**Murillo, Jose**

---

**From:** Anne Whyte [REDACTED]  
**Sent:** Tuesday, August 22, 2023 8:13 AM  
**To:** Murillo, Jose; Office of the Director of Public Accountability  
**Subject:** WHYTE - COMPLAINT (Rev #1) about [REDACTED] (1) a short audio recording and (2) a video recording  
**Attachments:** COMPLAINT - [REDACTED] - 2023 AUGUST 21.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

PLEASE NOTE: This “party” at [REDACTED] on Friday, 2023 August 18, was **NOT AS NOISEY** as “parties” at [REDACTED] several times every week during these SIX YEARS of ELDER ABUSE.

230818\_2109\_01\_02\_01  
1drv.ms



VIDEO starts just before 10:00 PM and runs to about 11:30 PM after end of this “party” on Friday, 2023 August 18.

It’s a very big video, about 4GB

**[REDACTED]** -08-18 video ~10-00 PM to ~11-30 PM.mov

1drv.ms

**Murillo, Jose**

---

**From:** Anne Whyte [REDACTED]  
**Sent:** Thursday, July 27, 2023 10:02 AM  
**To:** Humbert, Mark  
**Cc:** Murillo, Jose; Office of the Director of Public Accountability  
**Subject:** WHYTE -- QUIET ENJOYMENT OF OUR HOME -- 5

GEE-WHIZZZ!!!

COUNCILMEMBER HUMBERT, YOU SURE-  
DO MAKE IT SOUND AS THOUGH OUR QUIET ENJOYMENT OF OUR  
HOME AS IMPORTANT TO YOU!!!

CLEARLY, THE HEALTH, WELFARE,  
AND SAFETY OF OUR FAMILY AS A PRIORITY FOR YOU!!!

GOSH!!!

THANKS SOO SOOO MUCH!!!

On Jul 27, 2023, at 9:51 AM, Humbert, Mark [REDACTED] wrote:

I'll have my legislative assistant look into this when he returns from leave, and see what we can find out. Mark

Mark Humbert  
Councilmember District 8

---

**From:** Anne Whyte [REDACTED]  
**Sent:** Thursday, July 27, 2023 9:41 AM  
**To:** Humbert, Mark [REDACTED]  
**Cc:** Murillo, Jose <JMurillo@berkeleyca.gov>; Office of the Director of Public Accountability <OfficeoftheDirectorofPoliceAccountability@berkeleyca.gov>  
**Subject:** WHYTE -- QUIET ENJOYMENT OF OUR HOME -- 1

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Although legally [REDACTED] is “4 bd / 2 ba /1,490 sqft,” this out-of-state property owner — Joginder Mehta lives

in Maryland — advertises **REDACTED**

**REDACTED** “Remodeled 7 BD/ 5BA House perfect for Student Living” with “2,200 sq ft” of conditioned living space.

Joginder Mehta has recently advertised **REDACTED**  
**REDACTED** for rent of “\$11,375”/ month.

**REDACTED** is not a legal “mini-dorm”

<MEHTA - **REDACTED** - \$\$11,375 - RENTAL ADVERT AS OF 2023 FEBRUARY 15.png>

**Murillo, Jose**

---

**From:** Anne Whyte **REDACTED**  
**Sent:** Thursday, July 27, 2023 9:24 AM  
**To:** Humbert, Mark  
**Cc:** Office of the Director of Public Accountability; Murillo, Jose  
**Subject:** WHYTE -- QUIET ENJOYMENT OF OUR HOME -- 1

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Councilmember Humbert, did you know that CoBPD misinterprets this notice (below) to provide that, no matter how loud the intentionally-loud noise is or how often intentionally-loud noise intentionally wakes neighbors, CoBPD can “ticket” intentionally-loud student-terrorists if-and-only-if there are “ten or more” student-terrorists intentionally harassing neighbours?

In this instance, everyone in our household have been woken again and again and again and ... most nights for six years by residents of the garage apartment just-about forty feet from our bedroom windows.

This garage apartment is **REDACTED** .



Date:

To:

Dear:

The City of Berkeley was required to abate the public nuisance caused by a gathering of 10 or more persons at (location of property) \_\_\_\_\_, which substantially disrupted the quiet enjoyment of property in a significant segment of the adjacent neighborhood. This is the (second/third/fourth, etc.) such public nuisance at this property within the last 120 days, and thus, a penalty of \_\_\_\_\_ (\$750, \$1,500, etc.) is imposed on you. If you fail to remit this fine to the City of Berkeley by \_\_\_\_\_ (30 days from the date of this notification), you will be liable for an additional \$100 penalty, plus interest. The payment should be remitted to the address listed below.

Your liability is based on the fact that you were:

An owner of the property to whom was sent prior notice of a public nuisance at the property within the previous 120 days; and/or

An owner of the property who resided on or adjacent to the property when the public nuisance took place; and/or

An owner of the property who was present when a Notice of a public nuisance was first posted at the property; and/or

A person who resided on or was otherwise in control of the property when the public nuisance took place; and/or

A person who organized or sponsored the event that created the public nuisance at such property; and/or

A person who attended the event constituting the public nuisance at such property and engaged in the conduct which resulted in the public nuisance.

If you believe that you are not liable you may contest the issuance of the administrative citation by requesting a hearing pursuant to BMC Section [1.28.060](#).

Sincerely yours,

\_\_\_\_\_

(Name, title, address and phone number of signatory)

# ATTACHMENT 3

**Murillo, Jose**

---

**From:** Anne Whyte [REDACTED]  
**Sent:** Wednesday, September 06, 2023 5:01 PM

**To:**  
[REDACTED]

**Subject:** [REDACTED] - SEVEN YEARS OF ELDER ABUSE CONTINUED ON 2023 AUGUST 18, AUGUST 26, AND SEPTEMBER 3

Good afternoon, Officer [REDACTED]

Although this e’mail outlines a tiny portion of seven years of cruelty and elder abuse done to me and abuse done to our household since April First 2017, by owners, “managers,” tenants and tenants’ 24/7 guests, it is very important that you do not misunderstand:

Officer [REDACTED], we are glad that a City of Berkeley Police Department uniformed officer actually did speak with these “brilliant intellectuals” who are newest abusers in [REDACTED]!

Once, years ago, City of Berkeley Police Department Officer [REDACTED] did speak with one of the previous abusive cabals of student-terrorists living in [REDACTED]. That official visit did not work out well! City of Berkeley Police Department Officer

██████ was accompanied by City of Berkeley Police Department Officer Smar T Pants; Officer Smar T Pants made exceptionally clear by his tone and manner of speaking, accentuated by his body language — slumped in our chair with his legs wide apart, yanking off his mask time-and-again to slurp his refreshments — that this meeting was an extremely-annoying waste of his valuable time. At the end of this meeting, as had happened with absolutely every other meeting with City of Berkeley Police Department Officer ██████, she lectured me about everything I had done wrong to “cause” these student-terrorists to harm me and my family. And, of course, very-loud noise and intentional harassments from **REDACTED** ██████ continued unabated, night and day!

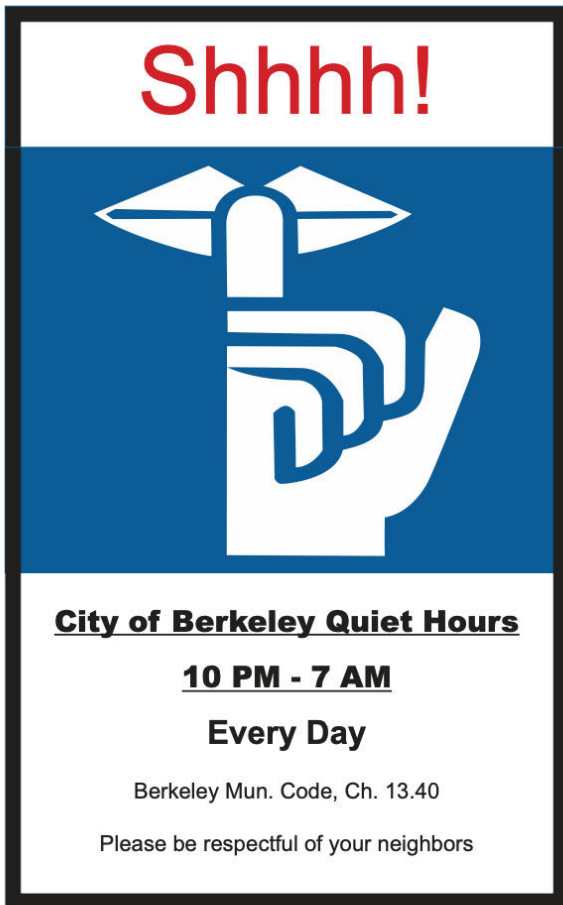
And everyone in our household is very surprised that anyone — anyone at all — associated with the University of California would be willing to work with you to do anything to protect us! For years we have asked for someone at the University of California — anyone at the University of California — to protect us! For years, Associate Director, Government and Community Relations, Jen Loy, has repeated, time and time again: “YOU are not part of OUR University, so OUR University will do nothing to protect YOU!” and such! (Even our requests that obvious chronic alcoholism of a majority of each cabal of cruel University of California student-terrorists living at **REDACTED** ██████ be addressed went unheeded by University of California employees.)

Officer ██████ this morning, just to make sure our “Shhhh!” sign was still there, I took this photo.



Sure enough! Our “Shhh!” sign is still where we installed it, years ago, right outside the door of **REDACTED**!

Our “Shhhh!” sign is so obvious — about two years ago, we installed an even-bigger “Shhh!” sign — bigger than our first “Shhhh!” sign — surely, Officer **REDACTED** you noticed our “Shhhh!” sign as you tried to get past the car that is far too close to the entry to **REDACTED REDACTED**? (Officer **REDACTED** there is no legal fire exit from **REDACTED**, but City of Berkeley employees have repeatedly demonstrated they just don’t care about legal fire exits at **REDACTED** either.)



And, Officer [REDACTED], did you happen to notice how those harsh too-bright lights at [REDACTED] — lights that flash-on to light several bedrooms and baths in our home — always do a great job to fully light our “Shhhh!” sign?

2023 AUGUST 18:

- So, Officer [REDACTED] these newest tenants in [REDACTED] must have seen our “Shhhh!” sign! Berkeley Municipal Code 13.40 restricts noise between “10PM and 7AM Every Day:”
- Surely, these newest tenants in [REDACTED] must have seen our “Shhhh!” sign when they came to look at [REDACTED], before signing a lease?
- Perhaps parents of these newest tenants in [REDACTED] saw our “Shhhh!” sign when parents of these newest tenants came to look at [REDACTED], before signing a lease?
- Several of these newest tenants moved into [REDACTED] on 2023 August 18.
- As they moved into [REDACTED] on 2023 August 18, these newest tenants in [REDACTED] must have seen our “Shhhh!” sign.

- None the less, that night — 2023 August 18 — these newest tenants and their guests went to the west-side of **REDACTED** to party and make loud noise, including amplified music, in excess of 100 dBA for hours despite having been clearly notified that Berkeley Municipal Code 13.40 restricts noise between "10PM and 7AM Every Day:" <https://1drv.ms/v/s!AsgCKjjKBD0h8QTeMokJa8hEdwN?e=t1ROgr>
- Unfortunately, the City of Berkeley Police Department uniformed officer who "responded" more than an hour-and-a-half after my request for protection — my request for protection from this abuse included my statement to that dispatcher that this very loud noise was elder abuse — and, more unfortunately, that City of Berkeley Police Department uniformed officer failed to "find" **REDACTED** — he said he "drove around," including driving up-and-down on Benvenue, but that City of Berkeley Police Department uniformed officer never got out of that City of Berkeley Police Department vehicle.

### 2023 AUGUST 26:

- Then, Officer **REDACTED**, for a week these newest tenants in **REDACTED** came and went, each time walking right past our "Shhh!" sign: Berkeley Municipal Code 13.40 restricts noise between "10PM and 7AM Every Day:"
- But, because there had been no City of Berkeley Police Department contact with these newest tenants in **REDACTED** about violating black-letter law, on 2023 August 26, these newest tenants in **REDACTED** had yet another very loud party and make noise, including amplified music, in excess of 100 dBA for hours despite having been clearly notified that Berkeley Municipal Code 13.40 restricts noise between "10PM and 7AM Every Day:" <https://1drv.ms/v/s!AsgCKjjKBD0h8Rd7brEwhTrNCGWS?e=eyH2pf>
- Unfortunately, the City of Berkeley Police Department uniformed officer "responded" more than an hour-and-a-half after my request for protection — my request for protection from this abuse included my statement that this very loud noise was elder abuse ... etc., etc., etc., etc., etc., etc.,

### 2023 SEPTEMBER 3:

- So, Officer **REDACTED** then, for another week, these newest tenants in **REDACTED** came and went, each time walking right past our "Shhh!" sign: Berkeley Municipal Code 13.40 restricts noise between "10PM and 7AM Every Day:"
- Because there had been no City of Berkeley Police Department contact with these newest tenants in **REDACTED** about violating black-letter law, on Sunday, 2023 September 3, beginning with banging on the door and windows at 12:30AM, there were hours of loud shrieking and shouts of whatever. At 2AM, again I called City of

Berkeley Police Department non-emergency phone number to ask that I and our family be protected from more abuse by these newest tenants in **REDACTED**.

- To our surprise, two City of Berkeley Police Department uniformed officers actually “found” **REDACTED** in less than an hour.
- These two City of Berkeley Police Department uniformed officers carefully went inside with these newest tenants in **REDACTED** — knowing we have cameras on our home, now — and, after a few minutes, left.
- These newest tenants in **REDACTED** came to their doorway — You know, Officer Futch, that same doorway you used at **REDACTED**? — that same doorway that is not a legal fire exit — smiled and waved! So “charming”!

Officer **REDACTED**, how is it that it would take you coming to speak with these newest tenants in **REDACTED** for them to “understand,” despite having been clearly notified that Berkeley Municipal Code 13.40 restricts noise between “10PM and 7AM Every Day,” for these “brilliant intellectuals” — “athletes” at the University of California, no less — to, perhaps, “hear” and, perhaps, understand that ELDER ABUSE IS A CRIME even if the weapons used to abuse elders living near-by is self-important narcissistic loud noise?

- Do these brilliant intellectuals” know how to read?
- Can these “brilliant intellectuals” tell time?
- Did these “brilliant intellectuals” take a Civics Class in their previous “education” the included respect for law?
- Is there a chance these “brilliant intellectuals” took a Civics Class in their previous “education” the included discussions about the “Social Contract”?  
<[https://en.wikipedia.org/wiki/Social\\_contract](https://en.wikipedia.org/wiki/Social_contract)>
- Is there any chance even one of these “brilliant intellectuals” — these “brilliant intellectuals” who are newest abusers in **REDACTED** — had any moral teaching of any kind in their previous “education”?

After seven years of cruelty and abuse from those associated with **REDACTED**, everyone in our family has asked me to point out, again: tenants and their 24/7 “guest” in **REDACTED** are the ONLY loud University of California students in our neighbourhood! Every other student household has generally been good neighbours!

Since April First 2017, owners, “managers,” tenants and tenants’ 24/7 “guests” have caused severe harm to me and to every member of our household. In just a few months I will be eighty years old. Each and every year of **these seven years on on-going cruelty** has stolen a year of the limited number of years of life I have left. Each and every year of cruelty by owners, tenants, and tenants’ 24/7 “guests” has done substantial harm to everyone in our household.



Again, Officer [REDACTED] thank you for at least trying to make it possible for our family to have quiet enjoyment of our home, for the first time since April First 2017! Thank you for at least trying to make it possible for our family to sleep in our home.

Again, thank you, Officer [REDACTED],  
Mrs Whyte

PS: Officer [REDACTED] although we have not been allowed to actually see or read City Of Berkeley Police Department Case # [REDACTED], you might want to read those documents. Our expenses for that cruelty by tenants and their 24/7 "guest" in [REDACTED] were substantial. In addition to several "trophies" flung through the window at [REDACTED] into our garden, we still have a box of shards of broken glass from that cruelty — that box weighs six-plus pounds — and, from time to time, we find more shards of broken glass in our garden. Those tiny shards of glass are very hard to get out of fingers or feet!

On Sep 5, 2023, at 7:21 AM, [REDACTED] wrote:

Good morning Mrs. White,  
I wanted to take a moment to address your concerns about the ongoing noise issues at the address, [REDACTED]. I understand how disruptive excessive noise can be to the neighborhood, and I appreciate your patience as we work towards a resolution.  
I personally responded to the [REDACTED] location and had a conversation with the students who live there. I made sure to emphasize the importance of adhering to the city's designated quiet hours. In addition to that, I reached out to some members of the UC Berkeley staff who may have an influence over the residents at that location. During our discussion, I conveyed your concerns as well as the persisting problems regarding noise from this address. Additionally I have a meeting, today with a number of UCB staff, this will also be discussed during that meeting.  
Please know I will continue monitoring and addressing the issues that arise. Thank you for bringing this matter to my attention, Mrs. White. If you have any further concerns, please don't hesitate to reach out.  
Kind regards,  
[REDACTED]

---

From: Anne@LivingSpacesCA.com <[REDACTED]>

Sent: Monday, September 4, 2023 10:00 AM

To: [REDACTED]

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



THIRD: As I have repeated, again and again, to just-about every City of Berkeley Police Department employee I have dealt with through these SEVEN YEARS OF ELDER ABUSE: "I am a handicapped grandmother almost (my age at that time) years old." So, today, "Officer [REDACTED]," "I AM A HANDICAPPED GRANDMOTHER ALMOST EIGHTY YEARS OLD! AND I AM VERY SHORT OF SLEEP!"

As I wrote to you on "August 28, 2023 at 5:32:22 PM PDT" (below) [REDACTED], in just a few months I will be eighty years old. Each year of cruelty has taken from me another year of the limited number of years of life I have left. Each year of cruelty has stolen a year of the limited number of years of life I have left. Each and every year of cruelty by owners, tenants, and tenants' 24/7 "guests" has done substantial harm to everyone in our household."

FOURTH:

- OUR FAMILY HAS BEEN DEPRIVED OF SLEEP BY SEVEN YEARS OF INTENTIONALLY LOUD NOISE AND HARASSMENTS BY TENANTS AND TENANTS' 24/7 "GUESTS" AT [REDACTED]!
- INTENTIONALLY LOUD NOISE FROM [REDACTED] [REDACTED] HAS DEPRIVED EVERYONE IN OUR HOUSEHOLD OF SLEEP FOR SEVEN YEARS!
- EVERYONE IN OUR HOUSEHOLD HAS BEEN CHRONICALLY SLEEP DEPRIVED BY SEVEN YEARS BY INTENTIONALLY LOUD NOISE FROM [REDACTED] [REDACTED]!
- EVERYONE IN OUR HOUSEHOLD HAS BEEN CHRONICALLY SLEEP DEPRIVED FOR SEVEN YEARS, AND THAT DEPRIVATION HAS SIGNIFICANTLY DAMAGD OUR HEALTH!
- EVERYONE IN OUR HOUSEHOLD HAS BEEN CHRONICALLY SLEEP DEPRIVED FOR SEVEN YEARS, AND THAT DEPRIVATION HAS SIGNIFICANTLY DAMAGD OUR LIVES!
- FOR SEVEN YEARS OF EVERYONE IN OUR HOUSEHOLD HAS BEEN DEPRIVED OF QUIET ENJOYMENT OF OUR HOME, DAY AND NIGHT!
- DAMAGES DONE TO ME AND TO OUR FMAILY BY SEVEN YEARS OF INTENTIONAL CRUELTY DONE BY OWNERS, "MANAGERS," TENANTS,

AND TENANTS' 24/7 "GUESTS" OF REDACTED HAVE BEEN LIFE CHANGING!

- AFTER SEVEN YEARS OF OUR REQUESTS FOR FULL AND FAIR ENFORCEMENT OF BLACK-LETTER LAW — REQUESTS THAT CITY OF BERKELEY POLICE DEPARTMENT EMPLOYEES PROTECT ELDERS FROM FURTHER HARM — IT WOULD BE EXPECTED CITY OF BERKELEY POLICE DEPARTMENT EMPLOYEES COULD "FIND" REDACTED !

But, "Officer [REDACTED]," you wrote "I drove to the address last Saturday night at 11:30 PM." Clearly, "Officer [REDACTED]," you did not get out of your City of Berkeley Police Department vehicle to actually "find" REDACTED . Clearly, "Officer [REDACTED]," like almost every City of Berkeley Police Department "uniform" before you, you did not get out of your City of Berkeley Police Department vehicle to actually "find" REDACTED . Our video from August 26, 2023 clearly demonstrates your failure, "Officer [REDACTED]"

So, I have no way of knowing if Dispatch [REDACTED] did tell you about my request to be called by whichever City of Berkeley Police Department "uniform" "responded" to our request for protection from elder abuse — AFTER SEVEN YEARS OF SIMILAR REQUESTS — but what we do know is (1) you did not call me, (2) you did not actually "find" REDACTED because you did not get out of your vehicle, and (3) your response to my request for a written response was disrespectful, rude, and snide.

LAST: "Officer [REDACTED]," in my opinion, you are just one more self-important City of Berkeley Police Department "uniform" who doesn't respect The Law — in my opinion, you are just one more self-important City of Berkeley Police Department "uniform" who doesn't respect residents of Berkeley — in my opinion, you are just one more self-important City of Berkeley Police Department "uniform" who really just can't be bothered to actually do the job you have been hired to do.

If this e'mail sounds as though I might be angry about City of Berkeley Police Department's many failures to protect me and protect our family, my anger could possibly be because I am angry about City of Berkeley Police Department's seven years of repeated intentional failures to protect me and our family and snide disrespects!

Mrs Whyte

On Sep 1, 2023, at 10:32 PM, [REDACTED] wrote:  
Hi Anne,

When I drove to the address last Saturday night at 11:30 PM, I did not hear any loud music or noise and that was confirmed by the surveillance video that you sent me. Please direct any further concerns to the area coordinator.

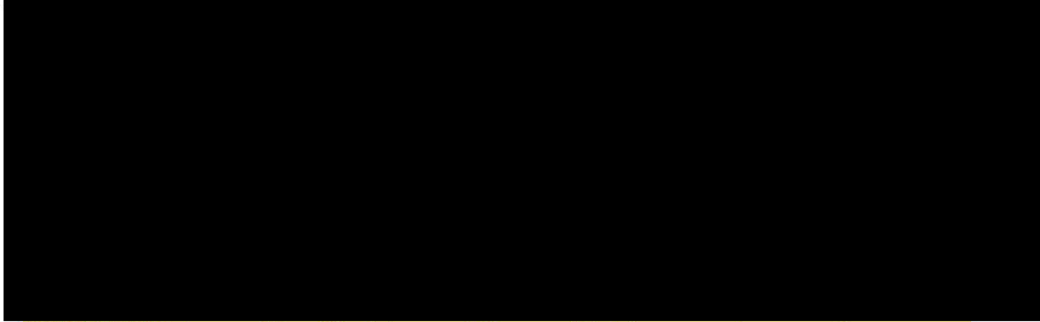
Warm Regards,

Officer [REDACTED]

---

From: Anne Whyte [REDACTED] >

Sent: Thursday, August 31, 2023 5:54 PM



**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good afternoon, Officer [REDACTED]

Re-reading my e'mail to you on 2023 August 28, I see that I had not stated clearly that we do expect a reply from you.

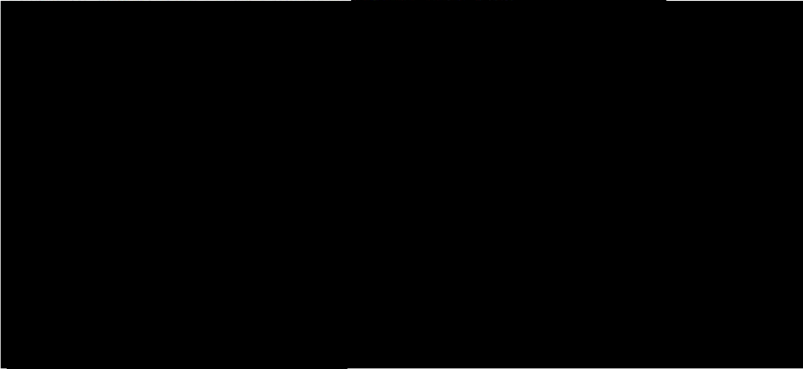
Again, thank you for your service.

Anne Whyte

From: Anne Whyte <[Anne@LivingSpacesCA.com](mailto:Anne@LivingSpacesCA.com)>

Subject: [REDACTED] - VERY LOUD NOISE ON 2023 AUGUST 18 AND AUGUST 26,

Date: August 28, 2023 at 5:32:22 PM PDT



Good afternoon, Officer [REDACTED]

When I spoke to Dispatch # [REDACTED] at 10:03PM on August 26, 2023, I specifically asked that whichever City of Berkeley uniformed officer responded to our request for protection — our request that simple unambiguous black-letter law be enforced — our request that simple unambiguous Berkeley Municipal Code 13.40 be enforced — should call me, because since April First, 2017, so many City of Berkeley uniformed officers have "not been able to find" [REDACTED].

However, no City of Berkeley uniformed officer called me on August 26, 2023.

Later, Dispatch # [REDACTED] was clearly annoyed when I called to ask what had happened. Dispatch [REDACTED] told us you were the City of Berkeley employee who “responded” to our request for protection from loud noise coming from [REDACTED] — clearly, that very loud noise from [REDACTED] was intentional — clearly that intentional very loud noise from [REDACTED] continued after 10PM — clearly intentional very loud noise from [REDACTED] exceeded 100dBA — on August 26, 2023.

Dispatch [REDACTED] said you “responded” and you had “found everything quiet” or something like that. Dispatch [REDACTED] said you had “responded” at about 11:30PM to our request [REDACTED] made at 10:03PM. Officer [REDACTED], we reviewed our video; unfortunately, we do not see any City of Berkeley uniformed officer approach [REDACTED], the garage apartment condominium behind [REDACTED]

- Officer [REDACTED], here is a video of similar intentional loud noise at [REDACTED] — including amplified music — recorded on 2023 August 18:  
<https://1drv.ms/v/s!AsgCKjjKBD0h8QTeMokJa8hlEdwN?e=t1ROgr>
- 
- Officer [REDACTED] here is a video of what you may have missed at [REDACTED] on 2023 August 26:  
<https://1drv.ms/v/s!AsgCKjjKBD0h8Rd7brEwhTrNCGWS?e=eyH2pf>

From April First, 2017 to today includes seven University of California “academic years.” During every one of those seven University of California “academic years,” owners, tenants, and tenants’ 24/7 “guests” at [REDACTED] has been intentionally loud — intentionally loud and intentionally cruel. By now, there are perhaps hundreds of e’mail sent to various City of Berkeley employees that briefly outline cruelty done to me and cruelty done to everyone in our household. Most of my e’mail to City of Berkeley employees has a subject line starting: “[REDACTED].”

Officer [REDACTED], in just a few months I will be eighty years old. Each year of cruelty has taken from me another year of the limited number of years of life I have left. Each year of cruelty has stolen a year of the limited number of years of life I have left. Each and every year of cruelty by owners, tenants, and tenants' 24/7 "guests" has done substantial harm to everyone in our household.

Officer [REDACTED] thank you for your service,  
Anne Whyte

**COMMUNITY CORRESPONDENCES  
TO THE PAB**



## Murillo, Jose

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**From:** J & J Schroeder [REDACTED]  
**Sent:** Friday, August 11, 2023 8:06 AM  
**To:** City Clerk; City Council; Manager, C; Kesarwani, Rashi; Harrison, Kate; Berkeley Mayor's Office; Office of the Director of Public Accountability  
**Subject:** IMPORTANT: City of Berkeley transparency, accountability to rebuild community trust  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Mayor Arreguin, City councilmembers, City manager, PAB members,

I urge you to take immediate action in the following ways so the Berkeley community can rebuild some level of trust in the democratic, fully transparent functioning of the City of Berkeley government; its officials, BPD, commissions, departments, boards:

- I urge the **immediate** release to the public of the Swanson and McNamara investigation **in full** to provide total transparency, accountability and to rebuild a level of community trust.
- Support a Police Accountability Board transparent and truly independent investigation.
- Specify the disciplinary actions for the officers involved in the racially biased disproportionate stops, arrests/releases of Blacks and the unhoused, and the negative, dehumanizing texts regarding the unhoused by officers in the BPD bike team.
- It is vital, essential and an urgent need to create a police alternative in the Specialized Care Unit to **permanently** reduce police interaction with people experiencing mental health crises, the unhoused and those without criminal intent.

I await the **easily accessible and timely public release** of the **full** Swanson and McNamara investigation which was funded by my tax dollars.

Sincerely,  
Janice Schroeder  
Berkeley resident for 43 years

## Murillo, Jose

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**From:** Mary BehmSteinberg [REDACTED]  
**Sent:** Friday, August 11, 2023 11:20 AM  
**To:** City Clerk; City Council; Manager, C; Office of the Director of Public Accountability  
**Subject:** Violations of the public trust/police accountability

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

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Mayor Arreguin, City councilmembers, City manager, PAB members,

I urge you to take immediate action in the following ways so the Berkeley community can rebuild some level of trust in the democratic, fully transparent functioning of the City of Berkeley government; its officials, BPD, commissions, departments, boards:

- I urge the **immediate** release to the public of the Swanson and McNamara investigation **in full** to provide total transparency, accountability and to rebuild a level of community trust.
- Support a Police Accountability Board transparent and truly independent investigation.
- Specify the disciplinary actions for the officers involved in the racially biased disproportionate stops, arrests/releases of Blacks and the unhoused, and the negative, dehumanizing texts regarding the unhoused by officers in the BPD bike team.
- It is vital, essential and an urgent need to create a police alternative in the Specialized Care Unit to **permanently** reduce police interaction with people experiencing mental health crises, the unhoused and those without criminal intent.

I await the **easily accessible and timely public release** of the **full** Swanson and McNamara investigation which was funded by my tax dollars.

Respectfully,  
Mary Behm-Steinberg  
Chair, Human Welfare and Community Action Commission  
(Speaking solely as an individual)  
(She/her pronouns)

**Murillo, Jose**

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**From:** john milner [REDACTED]  
**Sent:** Thursday, August 17, 2023 1:02 AM  
**To:** Office of the Director of Public Accountability  
**Subject:** Extreme Police Overhiring

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

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Police Accountability Board,

I am not from Berkley. I live in New Jersey, and I would like to draw your attention to a systemic payroll problem that exists in perhaps all police departments. We have no mayoral supervision of the police, although responsibilities are fixed in the police statutes of (most likely) every state. Mine are below. As a result, since the first police union formed in Pittsburg, PA in 1915, a silent Boss Tweed has existed and is alive and well. Here's an example: In my town, we have 104 police officers (81 patrol, 23 HQ), and just 4 cars on patrol. I confirmed this with public records. By doing the math, just 18 patrolmen are needed to man 4 patrol cars, 24-7 (I also have a payroll background). This means 63 are at home, all the time, collecting great wages. The problem, if it exists with you, must be looked into, and I have the website to help...

<https://aspaceforreporters.quora.com/?q=A%20Space%20for%20Reporters>

Please exploit this with a big public investigation. An honest chief executive will have to appoint an investigative committee, free from state bias, to look into the matter. Too, this will have to be a public investigation, under scrutiny of the public eye, to assure that all witnesses show up, and that no evidence is hidden.

Thank you.

New Jersey's Police Statues:

N.J.S.A. 40A:61-4(f)  
N.J.S.A. 40A:14-118(e)

The statutes can be found here:  
<https://njlaw.rutgers.edu/collections/njstats/>

## Murillo, Jose

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**From:** J & J Schroeder [REDACTED]  
**Sent:** Thursday, August 24, 2023 9:17 AM  
**To:** City Clerk; Manager, C; Kesarwani, Rashi; Harrison, Kate; Berkeley Mayor's Office; Office of the Director of Public Accountability; All Council  
**Subject:** IMPORTANT: City of Berkeley transparency, accountability to rebuild community trust  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Mayor Arreguin, City councilmembers, City manager, PAB members,

As you prepare to return from your summer recess, I resend this email to you for your review and appropriate action.

I urge you to take immediate action in the following ways so the Berkeley community can rebuild some level of trust in the democratic, fully transparent functioning of the City of Berkeley government; its officials, BPD, commissions, departments, boards:

- I urge the **immediate** release to the public of the Swanson and McNamara investigation **in full** to provide total transparency, accountability and to rebuild a level of community trust.
- Support a Police Accountability Board transparent and truly independent investigation.
- Specify the disciplinary actions for the officers involved in the racially biased disproportionate stops, arrests/releases of Blacks and the unhoused, and the negative, dehumanizing texts regarding the unhoused by officers in the BPD bike team.
- It is vital, essential and an urgent need to create a police alternative in the Specialized Care Unit to **permanently** reduce police interaction with people experiencing mental health crises, the unhoused and those without criminal intent.

I await the **easily accessible and timely public release** of the **full** Swanson and McNamara investigation which was funded by my tax dollars.

Sincerely,  
Janice Schroeder  
Berkeley resident for 43 years

## Murillo, Jose

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**From:** J & J Schroeder [REDACTED]  
**Sent:** Sunday, September 10, 2023 9:58 AM  
**To:** City Clerk; Manager, C; Kesarwani, Rashi; Harrison, Kate; Berkeley Mayor's Office; Office of the Director of Public Accountability; All Council  
**Subject:** IMPORTANT: Full Transparency and Accountability in BPD investigations and alleged racist incidents  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor, City Councilmembers, City Manager, Police Accountability Board members,

As you prepare to return from your summer recess, I resend this email to you for your specific input and for the appropriate action(s) you will take.

I urge you to take immediate action in the following ways so the Berkeley community can rebuild some level of trust in the democratic, fully transparent functioning of the City of Berkeley government; its officials, BPD, commissions, departments, boards:

- I urge the **immediate** release to the public of the Swanson and McNamara investigation **in full** to provide total transparency, accountability and to rebuild a level of community trust.
- Support a Police Accountability Board (PAB) transparent and truly independent investigation.
- Inform the PAB of any and all alleged racist incidents involving BPD officers, while officers are on or off duty.
- Specify the disciplinary actions for the officers involved in the racially biased disproportionate stops, arrests/releases of Blacks and the unhoused, and the negative, dehumanizing texts regarding the unhoused by officers in the BPD bike team.
- It is vital, essential and urgent to create a police alternative in the Specialized Care Unit (SCU) to **permanently** reduce police interaction with people experiencing mental health crises, the unhoused and those without criminal intent. I urge prioritizing and expediting the hiring of additional qualified personnel to enable the SCU to effectively function 24/7 asap.

Since sending this email to you the first time on August 24, another incident of alleged racist remarks and a physical, threatening attack by a BPD officer has come to light. <https://www.berkeleyside.org/2023/09/08/berkeley-police-racismolic-lawsuit?>

My requests:

I await the **easily accessible and public release** of the **full** Swanson and McNamara investigation which was funded by my tax dollars.

I also await the results of the full investigation into the 2022 alleged racist attack by BPD Sergeant David Marble of Brian Lindhurst Jr. in Antioch, CA.

I have received **no** written response to my specific requests from **any** of you since my first email dated 8/24/23.

Sincerely,  
Janice Schroeder  
Berkeley resident for 43 years