

OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD REGULAR MEETING

**Wednesday, September 28, 2022
7:00 P.M.**

Board Members:

NATHAN MIZELL, VICE-CHAIR
KITTY CALAVITA

REGINA HARRIS
JULIE LEFTWICH
DEBORAH LEVINE

JOHN MOORE III
CHERYL OWENS
ISMAL RAMSEY

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82237902987>. 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 **822 3790 2987**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

AGENDA

- 1. CALL TO ORDER & ROLL CALL (2 minutes)**
- 2. APPROVAL OF AGENDA (5 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.)

The Police Accountability Board and Office of the Director of Police Accountability (ODPA) were created to provide independent civilian oversight of the Berkeley Police Department. They review and make recommendations on police department policies, and investigate complaints made by members of the public against police officers. For more information, contact the ODPA.

1947 Center Street, 5th Floor, Berkeley, CA 94704 TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955
Website: www.cityofberkeley.info/dpa/ Email: dpa@cityofberkeley.info

4. APPROVAL OF MINUTES

Regular meeting of September 14, 2022.

5. ELECTION OF NEW CHAIRPERSON AND VICE-CHAIR PERSON

Nominees: Nathan Mizell, John Moore, Cheryl Owens.

6. BOARD MEMBERS' REPORTS (5 minutes)

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 (discussion and action) (5 minutes)

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

- a. Dissolve or renew Director Search Subcommittee. (Tabled until new Director is hired.)
- b. Regulations Subcommittee – see Item #9.a. below. (Look at 9-14-22 PAB packet, pp 13-35.)
- c. Controlled Equipment Subcommittee. (Welcome more Board members to join.)

9. OLD BUSINESS (discussion and action)

- a. Finalize review of draft proposed permanent Regulations for Handling Investigations and Complaints. (1 hour)

10. NEW BUSINESS (discussion and action)

- a. PAB Social Event. (Julie Leftwich)

11. 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 items on this agenda only.)

12. ADJOURNMENT (1 minute)

Communications Disclaimer

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

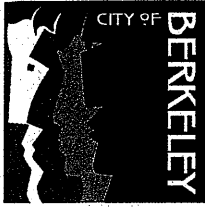
SB 343 Disclaimer

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.

Contact the Director of Police Accountability (Board Secretary) at dpa@cityofberkeley.info

**POLICE ACCOUNTABILITY BOARD (PAB)
REGULAR MEETING ATTACHMENTS
SEPTEMBER 28, 2022**

<u>MINUTES</u>	
September 14, 2022 Regular Meeting Draft Minutes	Page 7
<u>AGENDA-RELATED</u>	
Item 8. – 9-21-2022 PAB Subcommittee List.	Page 15
<u>COMMUNICATIONS</u>	
9-15-2022 Memo sent to the Mayor and City Council Members from the Vice-Chair, re Police Equipment and Community Safety Ordinance, 2021 Annual Report.	Page 17
Emails from the community reacting to Poor Customer Service at the Civic Center building. Public Servants Behaving Atrociously. Public Property and Remedial Training on Basic Customer Service for Public Servants, etc.	Page 21



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

DRAFT

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(draft)

Wednesday, September 14, 2022, 7:00 P.M.

No physical location; meeting held exclusively through videoconference and teleconference.

1. CALL TO ORDER & ROLL CALL BY VICE-CHAIR MIZELL 7:45 P.M.

Present: Board Member Nathan Mizell (Vice-Chair)
Board Member Kitty Calavita
Board Member Regina Harris
Board Member Juliet Leftwich
Board Member Deborah Levine
Board Member John Moore
Board Member Cheryl Owens
Board Member Ismail Ramsey

Absent: Board Member/s N/A

Temporary Assigned Staff: Anthony Rodriguez

BPD Staff: Chief Jen Louis, Captain Mike Durbin

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Ramsey/Mizell) **Motion Carried**

Ayes: Calavita, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

- Owens requests remove item 10 and item 9, given PAB has not heard back from BPD
- Motion to remove item 10 by Owens, seconded by Ramsey
- Motion to remove item 9 moved by Leftwich, seconded by Calavita
- Calavita agrees we should table item 28 to the next meeting

- Calavita motioned to move item 5 to 10, seconded by Leftwich
- Ramsey moved to approve agenda by unanimous consent, seconded by Mizell
- All approved by unanimous consent

3. PUBLIC COMMENT

4 speakers.

- Iris Mattes from the City Attorney's requests we go to recess so she can speak with Mizell privately
- Mizell has returned and is prepared to end the meeting
- Multiple board members request Iris to speak openly to the entire board
- Mattes shared information to Mizell under client/attorney privilege. As a matter of expediency has motivated her to request a sidebar with Mizell.
- Ramsey has asked Mizell for his understanding of why we need to adjourn the meeting. Not the information City Attorney has shared to Mizell.
- Calavita asks if it possible to have a closed session?
- Ramsey says we will need to in order to meet with Mattes.
- Levine requests the board needs to decide whether to close the meeting or not. Levine reiterates we have all met and joined meetings late, prior city council meetings included
- City Attorney Brown joins from public comment and mentions there is confusion whether the link to access the meeting was broken or inaccessible.
- Ramsey comments the link was working and the meeting had not yet started
- Brown believes members of her staff were not able to join. She received clarification that the link was in fact working accordingly.
- Emily Raguso: Last day at Berkeleyside was last Friday. She launched new website. Speaking as member of the public now. Comments the usefulness of given notice of delays in meeting start times. Comments there may have been less attendance among those who did not have the access or assumed the meeting ended.
- Cordell Hindler: [Muffled, moved on.]
- Kitt Saginor: Would like to speak on the police military equipment report. The report does not meet the requirements of state law AB 481. PAB has received via email recommendations for what is missing. Hope to not ask City Council to recommend a report that is insufficient.
- Wendy Alfsen: Dialed in at 7pm, stayed on hold, eventually called in from second phone and computer. Was on hold on two different lines on two different devices. Regarding the police military equipment line, PAB crossed out the requirements that the department has started with. We are looking for the number of days and instances with which the percentage was used for warrant/non-warrant use of

authorization. Alfsen mentions the map provided doesn't provide police boundary areas, and doesn't allow one to include the certification that you are allowed to make. Mentions State 418 report is not due yet, therefore report should be amended. Recommends noting to the Council that it is not intended for State 418 report or that it is insufficient to be submitted for State 418 report. Need to amend the deficiencies. Hopes the city will remedy the staffing shortfall that contributed to background issues

- Cordell Hindler: [Audio is still muffled/broken up. Left and rejoined and audio is still muffled/broken up.]

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of July 27, 2022

Moved/Second Calavita/ Mizell. **Motion Carried**

Ayes: Calavita, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

5. ELECTION OF NEW CHAIRPERSON – MOVED TO ITEM 10

Motion to

Moved/Second (_____/_____) **Motion Carried / Failed**

Ayes: Calavita, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

6. BOARD MEMBERS' REPORTS

Owens: Reached out to the department. Not sure who to reach out to. Who to contact. Who gives us direction. We do not know what the process is with the director. Is there any knowledge about the process in hiring, timeline. What are we supposed to do with the board meeting?

Mizell: There will be interviews of the DPA position this week. Not sure how council will decide to act. I don't know who is our contact. Mayor and city is keen on this issue. They are working on this issue.

Owens: The issue we had simply with getting into the meeting. Not having someone to contact in our meeting, should we be waiting. Not having someone.

Mizell: It is only Maritza at the moment. Former Director Lee is helping with her retirement. There is no disagreement. We do not pull those strings. Others are aware, and something else needs to happen.

7. CHIEF OF POLICE'S REPORT

Interim Chief Louis reported:

Event on Stanford and San Pablo. During the stop, driver admitted to being in possession of drugs during a probable cause stop. Officer recovered a 1.5 lbs of rainbow fentanyl. CDC says 2 lbs. can kill 2000 people. Meth was also seized.

Another two cases resulted in custody from good police work

Sep 8: Stabbing occurred. Someone was arrested. Police was able to apply a tunicate in the field.

Sep 9: Shooting in 10000 block of Cedar St. Shooting in a house during an arms deal. Police safely took suspect into custody. Police acquired warrant to search home and car. During sweet of car meth was found.

Police provided booth and security at local event in the neighborhood [Solano Streets?]

Pedestrian safety month is underway, trying to drive down pedestrian serious and fatal injuries. Officers are distributing pedestrian visibility lights.

Tomorrow 9/15: will host a Talk With A Cop Sense Hotel and Bistro Coffee

One Police Officer resigned, approx. 147 sworn officers

Two offices in FTO, two in the academy, one to graduate next month

Continue to suffer staffing issues. Working to try and expand recruitment issues. Trying to encourage individuals to find a career in service.

Louis: Would like to make a statement about her commitment to the safety of this community. Attempted to be transparent and collaborative with this board. Needs all to put in effort to collaborate together, along with knowledge base of this department, to help work together and find and make resources for this community. Will want to continue to engage in collaboration and conversations. Will continue to participate at all levels, including sub-committee. There is new leadership at the department. Captain Mike Durbin has been promoted, will continue to work to provide accountability

Durbin: Would like to continue to serve and protect our community. Has previous work with Police Accountability and will continue to build off of the work of PAB

Owens: Hopes to collaborate together. Would like to see collaboration from both sides. Need to work with the department and city staff better. Important to come together and work collaborative. PAB can also step up. Goal should be to make the possibility of public safety a reality.

Ramsey: Appreciate the chief's comments on collaboration. Agree with Owens on those actions. One question for clarity: When does the department plan on providing policies to the board [PAB] during our review? During the PRC old days, had informal agreement of 30 days. There hasn't been a set amount of days/standards. What will be practiced going forward?

Louis: No issue becomes policy without a copy going to the BPD. PAB receives a policy at the same time the BPD does. It appears PAB will want to review a policy before it goes live. Sometimes there is a mistake. BPD has removed language

[mistakes] re: tear gassing. Can't always give a 30-day notice guarantee. It may not always be perfect. Still will want meaningful collaboration.

Ramsey: It would go a far way to provide input to allow policies to be reviewed. Did PAB ever hear back from the department re: treatment of inebriated folk?

Louis: BPD is going to look at this policy based on the event [discussed from the previous PAB meeting], there is a possibility we rolled from the Lexicon system. But there was no change in language under the review.

Ramsey: Captain was supposed to review the policy.

Louis: There are no reviewed changes made. Believe the concern is that there is not enough community resources [to help with a sufficient response/treatment].

Levine: The event from the last meeting, directed at Calavita, has moved her. Otherwise it will not feel safe to render an opinion. Will try to be collaborative. When it is not civil, it needs to be called out and condemned.

Leftwich: Echoes Levine's comments.

Owens: Mentions tension regarding matters that isn't agreed upon by everyone, sometimes requires opinions not to be taken personally. Has seen PAB board members act similarly towards police chief, council, and the Mayor. Uplifts the need for civility and responsibility to adhere to guidelines to reduce bias.

Calavita: Voices it felt objectively as an attempt to intimidate and silence. It will backfire. My commitment to oversight and racial justice is unwavering, and so is my ability to be intimidated. Once we acknowledge the harms of the past we can move forwards towards goal in the future. We all share the goal of public safety in justice and policing. I do feel it was an attempt to intimidate and silence. It will backfire.

Mizell: Harshest thing I've seen is when saying the Chief cannot control a Captain in their own department. The captain would not participate because of impediments. Look forward to collaborating with Louis. Thank you working with Captain Durbin.

8. SUBCOMMITTEE REPORTS (DISCUSSION AND ACTION)

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

a. Renew Fair & Impartial Policing Implementation Subcommittee.

a. Move to renew: Calavita. Seconded: Mizell

b. Motion carries under unanimous consent.

b. Dissolve or renew Director Search Subcommittee.

a. Don't want to dissolve until the Director is hired

b. Moore: Motion to review. Seconded: Owens

c. Motion carries by unanimous consent

- c. Regulations Subcommittee – see Item #9.a. below.
 - a. Owens: Will want to continue subcommittee. Important work. Looking for new members to join.
- d. Dissolve Controlled Equipment Subcommittee.
 - a. Moore: We have more work to do in this subcommittee. Will take till March 2023. Welcome more members of the board to join

9. OLD BUSINESS (DISCUSSION AND ACTION)

- ~~a. Finalize review of draft proposed permanent Regulations for Handling Investigations and Complaints.~~

Motion to

Moved/Second (_____/_____) ~~Motion Carried / Failed~~

~~Ayes: Calavita, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.~~

~~Noes: None Abstain: None Absent: None~~

- b. Review Annual Equipment Use Report.

Calavita: This is the third prong of public safety. Use report part is due next Tuesday 7/20, will need to submit soon. Some items included in 481 that are not included here. On page 41 of the packet, the department notes the inventory numbers. These were reported on already in the impact report. Similarly mentioned in the department's report are not included here. Might be because BPD included in the impact statement. Calavita points to some inconsistency in the use of language (deployment, utilize, or employ). Also points to the need for a breakdown of items being clarified by warrant/non-warrant. Proposes to council and suggests that the definition of deployment be clarified.

Levine: Agrees to providing recommendations to the council by suggesting more precision to these definitions. A description to these incidents should be more specific and helpful (ex. Held by an officer, pointed to a suspect, held by the hip, etc.). Descriptions of events would have more understanding of the use of this equipment.

Calavita: Notes this report needs to be approved by PAB by March.

Moore: Unless there is opposition with what this report says, would like to pass with council. Otherwise should voice concerns and/or request more time to work through language changes.

Owens: Suggests this can wait till next year, as language needs to be cleaned up. Doesn't see any issue with the matters PAB needs to report on. Agrees with Calavita that BPD can add more to the report and packet, can bundle it all together and send it all together.

Leftwich: Requests to have next year's report include more details on what has happened.

Owens: Asks: Is this something that the subcommittee can work on to help with standardizing language?

Leftwich: Need special meeting to vote on language to be used.

Mizell: Committed to help ensure any message gets forwarded to council properly. Can Bcc with any and all relevant information to PAB board members.

Levine: Asks: Can we communicate to the Council that we didn't have the ability to do this, a thorough review, because of our lack of staffing? Would appreciate Mizell that we can communicate this to the council.

Calavita: Asks: Will we submit anything in addition to our normal report out?

Mizell: States there is no issue for board members writing to the board or calling a special meeting.

Leftwich: Recommends memo to council does not have to be more than two pages.

Calavita: Will write memo and send to Interim Secretary Anthony Rodriguez.

Rodriguez: Acknowledges.

Owens: Considers whether to have a special meeting before next council meeting

Mizell: Reminds group that a special meeting would require 5 board members or acting Chair will call.

Calavita: Mentions would be good to at least send something to the board. Send to Maritza, who would send to everyone blindly.

Owens: Seconded.

Mizell: Call for a roll vote.

Aye: Calavita, Harris, Leftwich, Levine, Mizell, Moore, Owens. Nays: Ramsey.

10. ELECTION OF NEW CHAIRPERSON

Mizell: Opens nomination process.

Ramsey: Nominate Moore. Calavita: Seconded. Moore: Accepted.

Harris: Nominate Owens. Ramsey: Seconded. Moore: Accepted.

Calavita: Nominate Mizell. Leftwich: Seconded. Mizell: Accepted.

Mizell: Closes nomination process.

Mizell: Given Mizell is running for Berkeley Rent Board, may impact ability to serve as Chair. There are different interpretations. Will consult City Attorney for conflict.

11. NEW BUSINESS (DISCUSSION AND ACTION)

a. ~~Public comment made at July 27 meeting regarding Board member Calavita.~~

Motion to

Moved/Second (_____/_____) ~~Motion Carried / Failed~~

Ayes: ~~Calavita, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.~~

Noes: ~~None~~ Abstain: ~~None~~ Absent: ~~None~~

12. PUBLIC COMMENT

4 speakers.

Cordell Hindler: Rates this meeting a 7. Has attended similar meetings that have been lengthy. Suggests keeping the agenda as-is. Feels voice is not heard because of the late hour and removing agenda items. Thinks the Director's Search subcommittee should be kept.

Charles Clarke: There will be a special city council meeting at 10am next Tuesday. The contents of this meeting have not been disclosed. The use report has not been agendized. Also concerned with the use of deployed. Would recommend the use of displayed, as in furnished or brandished, instead of discharged. Will want to denote an activity-like verb, such as dispense. Display or activation would be more useful language.

Kitt Saginor: Acknowledges difficult start to the meeting after a hiatus. Appreciates good job and hard work.

Emily Raguso: Agrees with Calavita. If we don't know the language we don't know how to report and what to hold accountable. Is happy everyone is on the same page as that. Looks forward to attending cops with cops in the morning

13. ADJOURNMENT

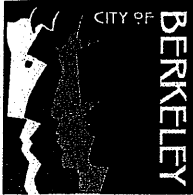
Motion to adjourn the meeting.

Moved/Second Owen/Moore) By general consent, the meeting was adjourned at 10:06p.m.

**POLICE ACCOUNTABILITY BOARD
SUBCOMMITTEES LIST**

9-21-2022

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21 Renewed 6-22-22	Calavita Leftwich Owens <u>Public:</u> Kitt Saginor		Lt. Dan Montgomery
Director Search Formed 8-4-21	Levine Mizell Moore <u>Public:</u> Rivka Polatnick Marc Staton	<u>Co-chairs</u> Levine Moore	
Fair & Impartial Policing Implementation Formed 8-4-21 Renewed 9-14-22	Calavita Moore Owens Ramsey <u>Public:</u> George Lippman Elliot Halpern	Calavita	Sgt. Peter Lee
Mental Health Response Formed 11-10-21 Scope expanded 3-9-22	Harris Levine <u>Public:</u> Elena Auerbach		Sgt. Joe LeDoux
Fixed Surveillance Cameras (Policy 351) Formed 2-9-22	Mizell Ramsey		
Controlled Equipment Use & Reporting Formed 5-11-22	Moore Ramsey	Moore	Sgt. Peter Lee Sgt. Joe LeDoux



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

September 15, 2022

To: Honorable Mayor and Members of the City Council

From: *Nathan Mizell*
Nathan Mizell, Vice Chair, Police Accountability Board

Re: Police Equipment and Community Safety Ordinance 2021 Annual Report

The Police Accountability Board (PAB) reviewed the Berkeley Police Department annual report for its use of controlled equipment at its regular meeting on September 14. As a preface to this PAB review and set of recommendations, it is important to note that I write to you as Vice Chair on behalf of the Board in the temporary absence of a Chair. The Board is also missing important staff, since as of this writing no new Director has been hired and our Investigator is on medical leave. It has been challenging to proceed under these circumstances, but we are heedful of the Council deadline for considering the Department's annual Use Report for Controlled Equipment ("Use Report") at its September 20 meeting.

As noted in the Department's Introduction, the annual Use Report is to fulfill Berkeley's Police Equipment and Community Safety Ordinance, passed by Council on May 11, 2021, as well as Assembly Bill no, 481, approved by the Governor on September 30, 2021. Inevitably, this Use Report does not cover a full year.

The Board has identified a number of items that are either missing in the Use Report or could use clarification and/or greater specificity:

- Section 2.100.050 (A)(1)(a) of the Ordinance requires that the Use Report include "Production numbers for Controlled Equipment and inventory numbers of each product in the Police Department's possession." The Department's Report notes (p. 3) that this information can be found in their Impact Statements Report: "For inventory numbers and description of each equipment refer to the Impact Statements." For the purpose of future reports, Council may want to advise the Department as to whether the Ordinance requires that this information is repeated here, or alternatively, that repetition is unnecessary.

- AB 481 (Section 7072 (a) (4)) requires that “[T]he total annual cost for each type of military equipment, including acquisition, personnel,...and other ongoing costs, and from what source funds will be provided...”. This information is not included in this Use Report, although some of it is available in the Department’s Impact Statements.
- Less-lethal systems (40MM and FN 303 Launchers) were deployed in 43 incidents. The Report indicates through the use of asterisks that 5 of these incidents included an active “use” as opposed to simple deployment. It is unclear why other equipment (patrol rifles, LRAD, Robots, Diversionsary Devices, etc.) were not treated in the same way—that is, indicating which were simply on scene and which were actively used.
- While the Report (p. 5) provides summary statistics on incidents related to warrants, it does not provide a summary breakdown of this by geographical area as seems to be called for in 2.100.050 (A)(1)(c) of the Ordinance (although there is room for interpretation of that section of the Ordinance).
- Confusion is generated by the distinction between and among the terms “deployment”, “utilization”, and “use”. As noted in the Use Report (p. 3), the Ordinance in “Section 2.100.020 (D) defines deployment as “to utilize or employ Controlled Equipment for a deliberate purpose in the presence of members of the public...”. Because in ordinary parlance, “deploy”, “utilize”, “employ” and “use” are virtually synonymous, sections of the Report could be confusing to the general public (see, for example, p. 8 #26: “Less lethal deployed but not used.”). While the Board understands the distinction and notes the lengthy previous discussions in Council with regard to the challenges of the definition, it remains a concern. Indicative of the confusion, the Report (p. 5) inadvertently uses the term “utilize” (which according to the definition in the Ordinance is synonymous with “deploy”) when it means “use”: “The 5 incidents where less-lethal systems were actually utilized [sic] are marked with asterisks next to the incident number.” Perhaps consideration could be given to amending the definition of deployment in the Ordinance to “position, post, or bring out” rather than “utilize” or “employ”.
- Most importantly, the Board notes that the “Summary of Deployment and Use” in the Table (pp. 5-11), is often not sufficiently specific to understand how each piece of equipment was used or deployed. There is some description of the incident itself but less detail about how the equipment was deployed/used. For example, in the case of patrol rifles, presumably none of these rifles was actually fired (“used”?), but were they pointed or raised? How exactly were Diversionsary Devices used? Number 16 (p. 7) is another example: In this case a Special Response Team with a warrant arrested a suspect and located evidence, but no description of how the 8 pieces of Controlled Equipment were deployed/useful.

More specificity is important for the spirit of the Ordinance and could also help alleviate the terminological confusion noted above.

The Board offers this review in the spirit of collaboration. We understand that this is the first Use Report presented by the Department and acknowledge the challenges of providing so much information concisely.

Martinez, Maritza

From: Dennis Yanos <dyanos@yahoo.com>
Sent: Tuesday, September 20, 2022 12:14 AM
To: Berkeley Mayor's Office
Cc: Manager, C; Office of the Director of Public Accountability; City Attorney's Office
Subject: COMPLAINT of poor customer service at your Civic Center building....

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.

Hello:

I would like to report the poor service by several of your civil service employees and security (as well as by that police officer Armistead [sp?] that responded to a call) as shown on the "Bay Area Transparency" video that the individual released today 9.19.22 on the YouTube channel but which he was late to release as it was filmed back on April 25, 2022 as he went through public accessible areas of the building.

As a retired public servant from the State of Hawaii Public Housing Authority here in Honolulu, I was appalled by the actions of your employees whose duty is 'to serve the people' while watching the video.

Your public servants need to be re-educated and informed that they are PUBLIC SERVANTS that serve the PUBLIC and to not be afraid of being videotaped or photographed ! I wasn't when I worked with in my capacity as a State employee for almost 20 years !

Mahalo for listening

Dennis Yanos
Hawaii

Lucky You Live Hawaii...



Martinez, Maritza

From: Rodney Bidmade <bidmaderodney@gmail.com>
Sent: Tuesday, September 20, 2022 7:31 AM
To: Office of the Director of Public Accountability
Subject: ACAB

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.

Your cops are real scum, they are mostly fucken dumb and arrogant.

Police accountability is a joke.

Armistead is a moron and you need to educate the cunt on public buildings.

Martinez, Maritza

From: Dan Johnson <crater0611@live.com>
Sent: Tuesday, September 20, 2022 8:54 AM
To: BPD Webmail; Office of the Director of Public Accountability; BPD PIO
Subject: Who Is This Scumbag?

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

Who hired this asshat? He is a liability to your city as he has an attitude of entitlement and is uneducated enough to get you in a lawsuit.

But, as a libitarded municipality becomes, they trample on CONSTITUTIONAL RIGHTS.

"SECURITY GUARD GUILTY OF FALSE IMPRISONMENT!!!!" BERKELEY, CA FIRST AMENDMENT - YouTube

Sent from Mail for Windows

Martinez, Maritza

From: Daniel Alt <daniel.sakarias@gmail.com>
Sent: Tuesday, September 20, 2022 1:20 PM
To: Manager, C
Subject: I saw the video

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.

Hello.

I saw the video, and it is not looking good. How was it possible the public was treated so bad and denied services? What will you do to make sure the public are treated the right way? Why does it require a lawsuit and online publicity to change attitudes?

The viral video: <https://www.youtube.com/watch?v=86UGutu7TxM>

Kind regards

Daniel

Martinez, Maritza

From: Rebbeca Jackson <69ogsd@gmail.com>
Sent: Tuesday, September 20, 2022 3:03 PM
To: Office of the Director of Public Accountability

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.

I just seen a video about how disgustingly city employees treat citizens our tax dollars pay for services we are DENIED. Closing doors restricting publicly assessable offices determining office hours at will security guards bodily preventing a free person access to public offices & not disclosing their names which is policy. I hope this incident is handle appropriately. SM H

Martinez, Maritza

From: Vivek George <vivek.c.georgepolio@gmail.com>
Sent: Tuesday, September 20, 2022 6:22 PM
To: Manager, C; City Attorney's Office; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; Elgstrand, Stefan
Subject: Learn to behave and respect our rights

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.

We the people are shocked and disturbed by these actions of our public Servants

Martinez, Maritza

From: Vivek George <vivek.c.georgepolio@gmail.com>
Sent: Tuesday, September 20, 2022 6:23 PM
To: Manager, C; City Attorney's Office; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; Elgstrand, Stefan
Subject: Re: Learn to behave and respect our rights

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

Attorney,

As you are being painfully made aware of the behavior of your employees. You must understand we the people expect better behavior from those hired to serve the public.

I hope you take this public outcry as an opportunity to address and educate your town OFFICERS on their behavior and remind them that they are representatives of your community, their actions reflect directly on you, your mayor, police chief, and Community.

Unfortunately this event has opened a Pandora's box that can not be closed. Your town will continue to be admonished for weeks, months and even years to come because of the attitude and unprofessional actions of 1 POLICE OFFICER

We the people look forward to seeing a public apology from these employees or please take action and let justice prevail for God sake.

On Wed, Sep 21, 2022, 6:51 AM Vivek George <vivek.c.georgepolio@gmail.com> wrote:

We the people are shocked and disturbed by these actions of our public Servants

Martinez, Maritza

From: Vivek George <vivek.c.georgepolio@gmail.com>
Sent: Tuesday, September 20, 2022 6:28 PM
To: Manager, C; City Attorney's Office; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; Elgstrand, Stefan

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.

Jesse Arreguim,

Disgusted by your employees. It's scary and worrisome to see the attitude of your officials.

Mayor Hope you teach your staff to behave and work professionally. Otherwise you can forget about any elections or any political ambitions you have in the future. We the people will make it our personal business to teach you a lesson in the next elections.

The power lies with WE THE PEOPLE

Martin Luther King Jr,

Your officers need to Learn to behave!! Your not doing is a favour you are a servant a public servant. Your here to serve the public. So serve the public like a decent human being and not like a stuck up prick. Ppl will call and email you from across the world. Sometimes it's okay to deescalate and teach your officers about de-escalation and they need to be taught not lie to employees and create fear to public employees.

On Wed, Sep 21, 2022, 6:53 AM Vivek George <vivek.c.georgepolio@gmail.com> wrote:
Attorney,

As you are being painfully made aware of the behavior of your employees. You must understand we the people expect better behavior from those hired to serve the public.

I hope you take this public outcry as an opportunity to address and educate your town OFFICERS on their behavior and remind them that they are representatives of your community, their actions reflect directly on you, your mayor, police chief, and Community.

Unfortunately this event has opened a Pandora's box that can not be closed. Your town will continue to be admonished for weeks, months and even years to come because of the attitude and unprofessional actions of 1 POLICE OFFICER

We the people look forward to seeing a public apology from these employees or please take action and let justice prevail for God sake.

On Wed, Sep 21, 2022, 6:51 AM Vivek George <vivek.c.georgepolio@gmail.com> wrote:

We the people are shocked and disturbed by these actions of our public Servants

Martinez, Maritza

From: Vivek George <vivek.c.georgepolio@gmail.com>
Sent: Tuesday, September 20, 2022 6:35 PM
To: Manager, C; City Attorney's Office; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; Elgstrand, Stefan

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 Sir/ Madam, from Internal affairs

You should apologize publicly to the community and receive a disciplinary action. As far as the Officers they need serious de-escalation training and to normalise it when the member of of the public comes to do an investigation of our employees who get paid with our tax dollars. These police officers need to be schooled on the very oath he swore to defend and protect the Constitution and disciplined aw well. Unbelievable that this day and age public servants think they are above the law

Shame on your team.

Martinez, Maritza

From: Vivek George <vivek.c.georgepolio@gmail.com>
Sent: Tuesday, September 20, 2022 6:37 PM
To: Manager, C; City Attorney's Office; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; Elgstrand, Stefan
Subject: Re:

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,

Dear Sir/ Madam, from Internal affairs, Mayor,

You should apologize publicly to the community and receive a disciplinary action. As far as the Officers they need serious de-escalation training and to normalise it when the member of of the public comes to do an investigation of our employees who get paid with our tax dollars. These police officers need to be schooled on the very oath he swore to defend and protect the Constitution and disciplined aw well. Unbelievable that this day and age public servants think they are above the law

Shame on your team.

Martinez, Maritza

From: Vivek George <vivek.c.georgepolio@gmail.com>
Sent: Tuesday, September 20, 2022 6:37 PM
To: Manager, C; City Attorney's Office; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; Elgstrand, Stefan
Subject: Re:

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.

We need an acknowledgement for the action taken

On Wed, Sep 21, 2022, 7:06 AM Vivek George <vivek.c.georgepolio@gmail.com> wrote:

Mayor,

Dear Sir/ Madam, from Internal affairs, Mayor,

You should apologize publicly to the community and receive a disciplinary action. As far as the Officers they need serious de-escalation training and to normalise it when the member of of the public comes to do an investigation of our employees who get paid with our tax dollars. These police officers need to be schooled on the very oath he swore to defend and protect the Constitution and disciplined aw well. Unbelievable that this day and age public servants think they are above the law

Shame on your team.

From: voicemail@cityofberkeley.info
Sent: Wednesday, September 21, 2022 5:09 AM
To: Office of the Director of Public Accountability
Subject: Call From UNKNOWN at Wed, Sep 21 5:07 AM for (510) 981-4950
Attachments: 363865.wav



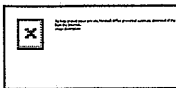
Voice Mail System

You received a phone call from UNKNOWN on Wed, Sep 21 5:07 AM for (510) 981-4950.

Others in your organization are blocking this caller.

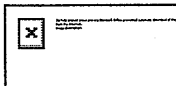
Message

Hi, I'm calling because I just watched the video of a few of your officers and they are not aware of the first Amendment and how to relay that to people in a public office. So if you could please train the police department in Berkeley to to know how to stand up for the first Amendment which they they swore knows too and let them know that they need to do this and and do what they're supposed to do. Thank you bye.



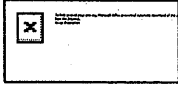
Listen

Click to listen to your message.



Block Caller

Click to block this caller and no longer receive notifications from this caller.



Manage Profile

Click to manage your Mutare Voice user profile.

Delivered by Mutare Voice™

Martinez, Maritza

From: Tom Dirx <tomdirx@aol.com>
Sent: Wednesday, September 21, 2022 7:04 AM
To: Manager, C; City Attorney's Office; Berkeley Mayor's Office; Cummings, Rashawn D.; Office of the Director of Public Accountability
Cc: McCormick, Jacquelyn; Skjerpning, Lars; Elgstrand, Stefan; Delfin Polk, Dyana; BPD Webmail
Subject: Ronald Reagan was right!

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

The scariest words known are: I'm from the gubmint and I'm here to help.

Hahahaha what a laugher in Berkeley!

The greatest service those videos provided is to the families, neighbors, colleagues and especially kids of those miserable beings you call 'public servants'. HAH! Now they get to see what kinda JERKS you guys employ. (Shall we blame the lack of training on the Free Press??) And they get to see that for the rest of their lives. FANTASTIC.

At least have the decency to send back the TAX-DOLLARS, We, the People provided you with cuz that's a giant waste. Have some dignity; send back our money!!

Tom Dirx

Veteran (meaning; I wore the Uniform and fought to protect our Constitution)
and very concerned Citizen



Martinez, Maritza

From: Dee Kym <engteach5440@gmail.com>
Sent: Wednesday, September 21, 2022 7:19 AM
To: Berkeley Mayor's Office
Cc: Manager, C; McCormick, Jacquelyn; Skjerping, Lars; Elgstrand, Stefan; Delfin Polk, Dyana; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; City Attorney's Office
Subject: City of Berkeley Public Servants Behaving Atrociously

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 and other public officials

Please inform your public servants about proper behavior towards the public. I was alarmed by the hostile attitude of the public servants in the following video. Especially an individual in the department of Environmental Health, who failed to identify himself to the public and then was outright aggressive (I would even go so far as near-violent) in his actions.

Please do better as you are PUBLIC SERVANTS, your salaries are being paid by taxpayers money to do a job, which you failed miserably to do, as evidenced in this video.

<https://www.youtube.com/watch?v=86UGutu7TxM>

Concerned citizen

Martinez, Maritza

From: Concerned Citizen <concernedcitizen2zero22@gmail.com>
Sent: Wednesday, September 21, 2022 11:33 AM
To: BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability
Subject: Very concerning

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.

Police accountability,

When is the Allied Universal "guard" going to be charged with false imprisonment?

When is Officer Armestead going to be retrained that he is not an arbitrator but rather he is a law enforcement officer? He apparently doesn't understand the difference. No law broken, he should have left, or informed the security and "public employee" that they could not block someone's movement without breaking the law and then left.

<https://youtu.be/86UGutu7TxM>

Funny how in this entire interaction the only person who broke a law was the Security guard.

The public employee violated civil rights, but the courts will be used to address that.

Too bad, your department almost did a good job.

Maybe less copspaining unnecessary directives and more actual listening for actual laws that were broken would help.

Speak less, listen more!

CC

Martinez, Maritza

From: Bonnie greatorex <bonniegreatorex@gmail.com>
Sent: Wednesday, September 21, 2022 11:54 AM
To: Office of the Director of Public Accountability
Cc: BPD Webmail; Manager, C
Subject: Failed! This is a disgrace it makes you all look very bad.

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.

<https://youtu.be/86UGutu7TxM>

What is wrong with you people? Is this what our tax dollars pay for? Please do something about this. You need to retrain everyone.

September 21, 2022

Security Guard Incident

An anonymous caller stated the following:

This could've been handled differently. She found it threatening when the security guard said, *I wish I wasn't on a uniform right now*. Then he mentioned COVID.

She thought the officer was professional but sided with the security guard. She feels the security guard and the officer should be educated on how to handle situations like this. The officer should've helped de-escalate the situation. She believes the citizen had the right to access a public place. She mentioned the First Amendment referring to freedom of speech and that it is okay to film in a public place.

She stated the security guard trapped the guy in the elevator and feels he was way out of control. She tried calling Allied, the company where the security guard works for, but they hang up on her.

Martinez, Maritza

From: ESparkles <esparkles@yahoo.com>
Sent: Wednesday, September 21, 2022 3:59 PM
To: Manager, C; City Attorney's Office; Berkeley Mayor's Office; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; McCormick, Jacquelyn; Skjerpig, Lars; Elgstrand, Stefan; Delfin Polk, Dyana; BPD PIO; City of Berkeley Communicable Disease Program; Public Health Mailbox; hhcsdoc; vital records; Public Health Officer Unit; Quit, Now; HR; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Droste, Lori; Terrones, Roberto; Ellison, Donald; Brown, Farimah F.; Louis, Jennifer A.; Williams-Ridley, Dee; DRidley@cityofberkeley.info; DWilliams@cityofberkeley.info; DWilliamsRidley@cityofberkeley.info; Warhuus, Lisa; Arreguin, Jesse L.
Cc: Don.Tefft@aus.com; Steve.Jones@aus.com; Brendan.Doherty@aus.com; Angel.DeVoil@aus.com; Loran.Skinkis@aus.com; Mark.Olivas@aus.com; Nancy.Peterson@aus.com; Rafael.Sorto@aus.com; Paula.Malone@aus.com; info@aus.com
Subject: Public Property And Remedial Training On Basic Customer Service For Public Servants
Attachments: IMG_2198.PNG; IMG_2201.jpg; IMG_2202.jpg; IMG_2203.jpg; IMG_2204.jpg; IMG_2194.PNG; IMG_2195.PNG; IMG_2196.PNG; IMG_2197.PNG; IMG_2214.jpg; IMG_2215.jpg; IMG_2216.jpg; IMG_2205.jpg; IMG_2207.jpg; IMG_2208.jpg; IMG_2210.jpg; IMG_2217.jpg; Berkley Personnel Rules and Regulations.JPG; AUS Code.JPG

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.

Hello,

For some reason the YouTube video below featuring some of your employees and an Allied Universal security guard (photos attached) popped up on my page today and it's beyond disturbing. My jaw is still on the floor. From the conduct of the Allied Security guard, all the way up to the City Manager's office, the service and conduct in the video was disgusting. I have not seen a more unprofessional bunch of people in an office environment in my life. An office that is solely there to serve the public, yet I think they forgot that they're public servants. If the man recording has a right to record in public, then I don't understand why he was being treated in the manner that he was. The taxpayers pay for those offices to be open until a certain time and taxpayers pay for the public information that's freely available, and they cannot be blocked from these. I happen to have a camera above my desk at work and I couldn't imagine shutting the door on customers or blocking them from public information and services, or telling my employer that I won't work and serve the customers because I don't feel comfortable. I couldn't imagine!

There was one young lady who was outstanding. Beyond professional and approachable. I didn't see her name, but you'll see her in the video. Other than her, your employees and guard need to know that they are not private employees, they are public employees aka the Government, so they cannot restrict someone's constitutional rights. They are opening up the city and taxpayers to a civil lawsuit. Your employees went so far as to call the police on a private citizen for doing absolutely nothing wrong or illegal. Total waste of taxpayer money and time. And even after the police told everyone

that the man recording had every right to do so, your employees and guard continued to harass, follow, and block him from public services and information. If I conducted myself on the job like your employees did, I don't think I'd have a job for much longer. Public employees get away with a lot of unprofessionalism that would never fly in the private sector. I've attached a copy of the oath that employees are required to sign in your Personnel Rules and Regulations booklet and the code of conduct for AUS.

Here's just a few of the disturbing things I saw in the video:

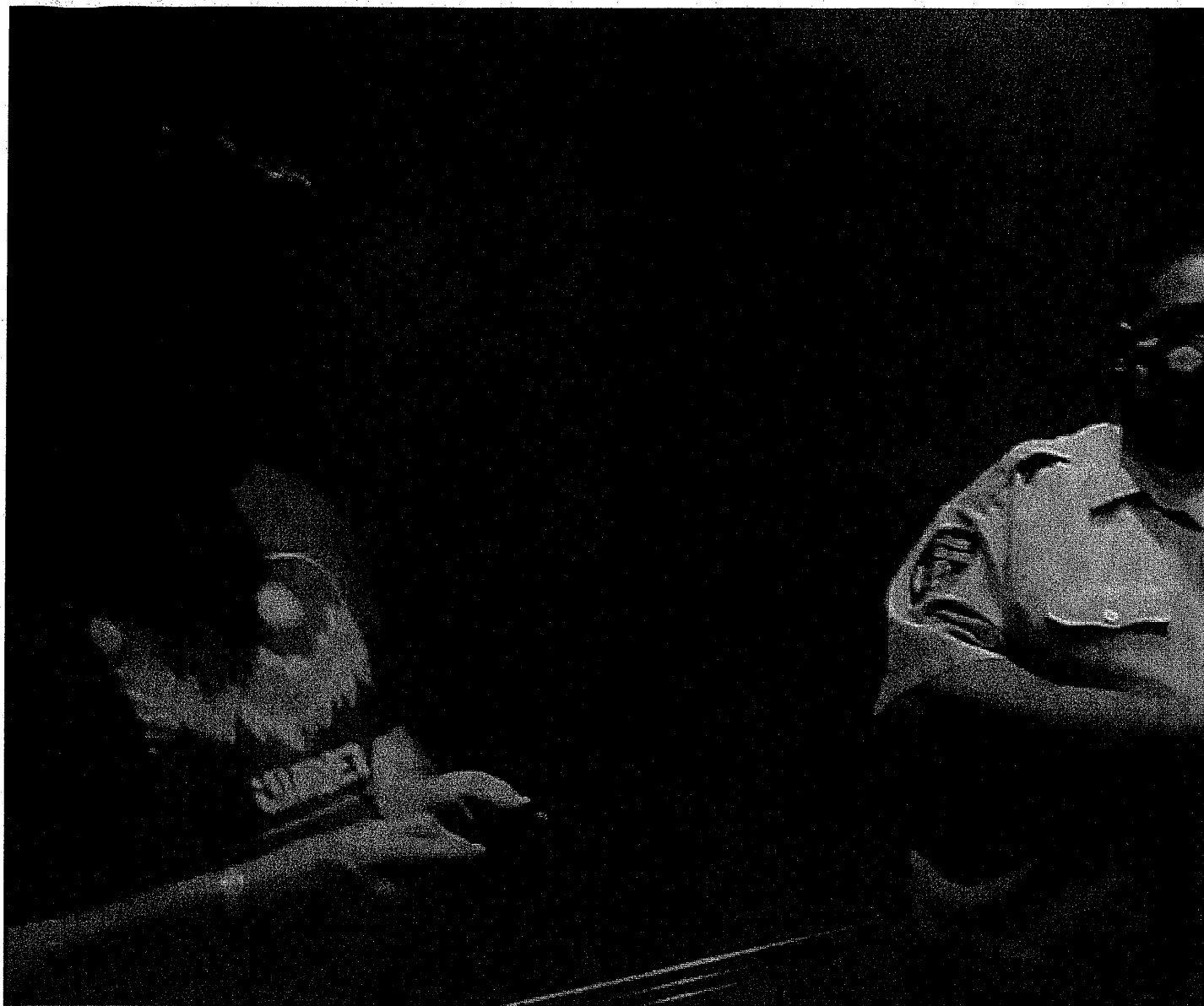
- *The Allied Security guard threatening a citizen and working outside his authority.
- *The Allied Security guard not providing his name (no name tag), guard card, or name of his supervisor.
- *Employees and guard slamming and locking doors on a member of the public in order to block his access to services and information.
- *Employees and guard snapping at and being rude to a citizen.
- *Employees refusing to help a citizen.
- *Employees not providing their names when asked.
- *Security guard blocking and holding a member of the public in an elevator to stop him from accessing services. Where does an Allied Security guard get the authority?
- *The Allied Security blocking the doorways and telling each open department to lock their doors every time the man recording tried to access the offices. Where does an Allied Security guard get the authority? Even the City Manager's office went along with this..
- *Employees and guard calling the police on a citizen for doing absolutely nothing wrong or illegal, he was only asking for service.
- *Employees and guard not knowing the citizen's right to access a public building and record in public on public property (public photography), as well as record his transaction in the public areas of a public building. Or they did know and they still tried to stop him.
- *Employees and guard making a scene and causing a disturbance in the office.
- *Employees and guard speaking disrespectfully to a citizen.
- *Employees and guard pulling other employees into the foolishness by running ahead and telling departments to lock their doors and the other employees in the office going along with it.

I don't know if you've seen this video, but it will be on the internet forever and it's not a good look for your city or department.

ES

Link to video: <https://youtu.be/86UGutu7TxM>

"SECURITY GUARD FALSE IMPRISONMENT!!!!" BERKELEY, CA FIRST AMENDMENT



Martinez, Maritza

From: d wilson <dwilsonxii@yahoo.com>
Sent: Wednesday, September 21, 2022 11:08 PM
To: Manager, C
Cc: City Attorney's Office; Delfin Polk, Dyana; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; Bay Area Transparency
Subject: security guard abuse / response requested

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.

Hello Dee Williams-Ridley,

Please advise if any actions has been taken related to this security guard who blocked the right-of-way of a citizen in a public space?

<https://www.youtube.com/watch?v=86UGutu7TxM>

You politicians seem to just throw people into positions of any power to "serve" the public and this is the end result. Pure ignorance caught on camera... one can only imagine how he acts off camera.

Please reply advising if any action has been taken to correct this paid with pubic funds private company security guard?

I plan to appear at the same location for official business and I am hoping to not meet with such a person.

Thank you,

David Wilson

Martinez, Maritza

From: d wilson <dwilsonxii@yahoo.com>
Sent: Thursday, September 22, 2022 9:52 AM
To: Manager, C; Berkeley Mayor's Office
Cc: City Attorney's Office; Delfin Polk, Dyana; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; Bay Area Transparency
Subject: Re: security guard abuse / response requested

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.

You so people are so useless.

Nothing has changed:

https://www.youtube.com/watch?v=AfdXjJBH_Yw

Mayor ---- do something before their is a lawsuit with your ignorant guards.

On Wednesday, September 21, 2022, 11:08:02 PM PDT, d wilson <dwilsonxii@yahoo.com> wrote:

Hello Dee Williams-Ridley,

Please advise if any actions has been taken related to this security guard who blocked the right-of-way of a citizen in a public space?

<https://www.youtube.com/watch?v=86UGutu7TxM>

You politicians seem to just throw people into positions of any power to "serve" the public and this is the end result. Pure ignorance caught on camera... one can only imagine how he acts off camera.

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Thank you,

Martinez, Maritza

From: ESparkles <esparkles@yahoo.com>
Sent: Thursday, September 22, 2022 11:04 AM
To: Manager, C; City Attorney's Office; Berkeley Mayor's Office; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability; McCormick, Jacquelyn; Skjerpig, Lars; Elgstrand, Stefan; Delfin Polk, Dyana; BPD PIO; City of Berkeley Communicable Disease Program; Public Health Mailbox; hhcsdoc; vital records; Public Health Officer Unit; Quit, Now; HR; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Droste, Lori; Terrones, Roberto; Ellison, Donald; Brown, Farimah F.; Louis, Jennifer A.; Williams-Ridley, Dee; DRidley@cityofberkeley.info; DWilliams@cityofberkeley.info; DWilliamsRidley@cityofberkeley.info; Warhuus, Lisa; Arreguin, Jesse L.
Cc: Don.Tefft@aus.com; Steve.Jones@aus.com; Brendan.Doherty@aus.com; Angel.DeVoil@aus.com; Loran.Skinkis@aus.com; Mark.Olivas@aus.com; Nancy.Peterson@aus.com; Rafael.Sorto@aus.com; Paula.Malone@aus.com; info@aus.com; Health, Housing & Community Services
Subject: New Day - New Video

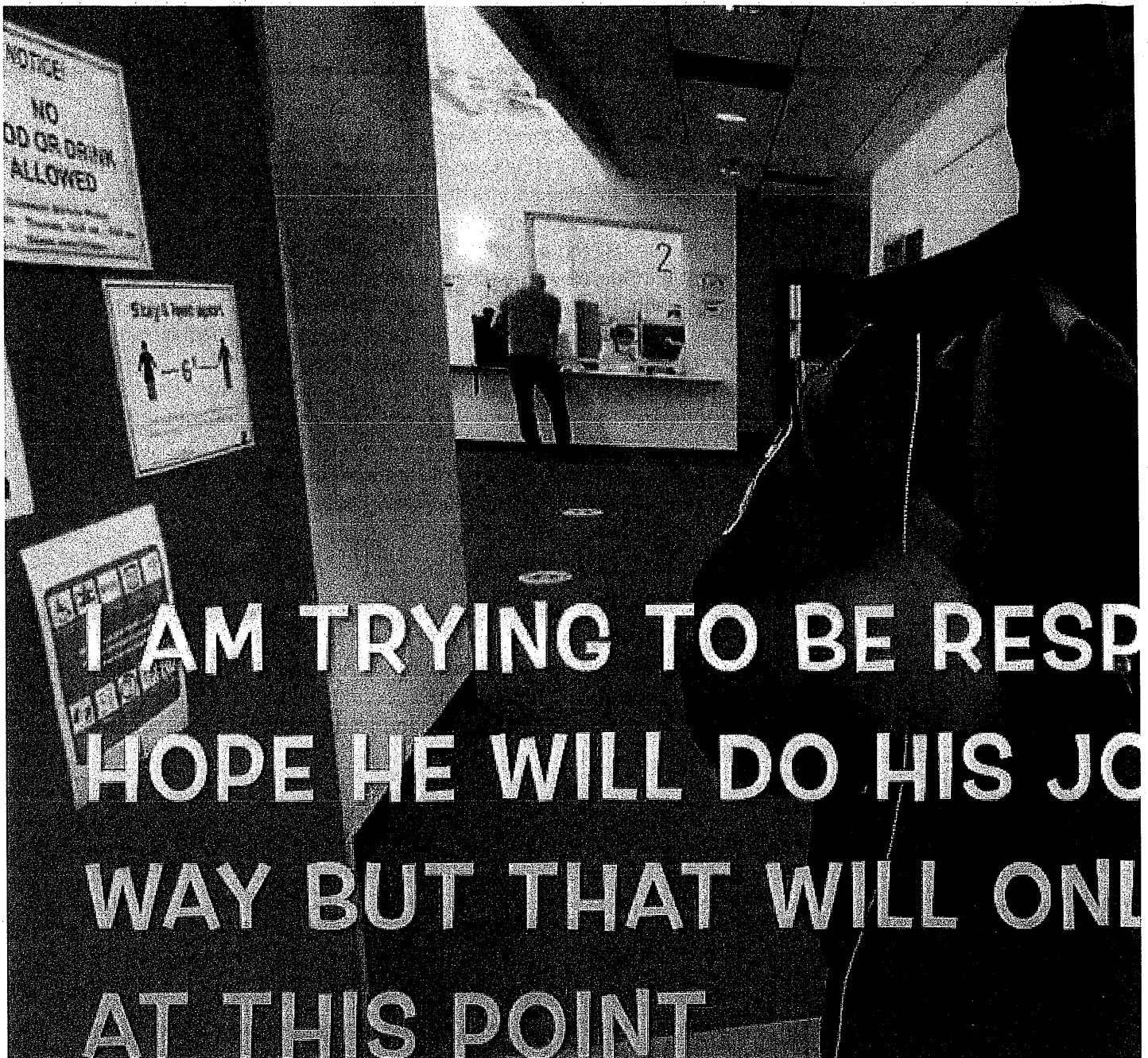
WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

This same man put out a new video today with different employees and security guard. MJ and another young lady were outstanding, outstanding and friendly women. Your customer service person for Finance was less than friendly and helpful. Customer service of all places!!! She got up and walked away while someone needed service. Still, all-in-all, not too bad.

You still have a problem with your Allied Security guards knowing their place, and this is a different guard today in a different building. Security guards don't usually tell the employees what to do, or block doorways and argue with the public, or decide when a person does and doesn't have business in the public building, or what business is legitimate or now, or where citizens can and cannot go in a public building. You all need to get a handle this. Allied is going to end up costing the city and taxpayers a civil lawsuit.

Link to video: https://youtu.be/AfdXjJBH_Yw

**"YOU AIN'T GONNA START STUFF OVER HERE!!!" BERKELEY
FIRST AMENDMENT**



I AM TRYING TO BE RESPECTFUL
I HOPE HE WILL DO HIS JOB THE RIGHT
WAY BUT THAT WILL ONLY HAPPEN
AT THIS POINT

On Wednesday, September 21, 2022 at 05:59:20 PM CDT:

Hello,

For some reason the YouTube video below featuring some of your employees and an Allied Universal security guard (photos attached) popped up on my page today and it's beyond disturbing. My jaw is still on the floor. From the conduct of the Allied Security guard, all the way up to the City Manager's office, the service and conduct in the video was disgusting. I have not seen a more unprofessional bunch of people in an office environment in my life. An office that is solely there to serve the public, yet I think they forgot that they're public servants. If the man recording has a right to record in public, then I don't understand why he was being treated in the manner that he was. The taxpayers pay for those offices to be open until a certain

time and taxpayers pay for the public information that's freely available, and they cannot be blocked from these. I happen to have a camera above my desk at work and I couldn't imagine shutting the door on customers or blocking them from public information and services, or telling my employer that I won't work and serve the customers because I don't feel comfortable. I couldn't imagine!

There was one young lady who was outstanding. Beyond professional and approachable. I didn't see her name, but you'll see her in the video. Other than her, your employees and guard need to know that they are not private employees, they are public employees aka the Government, so they cannot restrict someone's constitutional rights. They are opening up the city and taxpayers to a civil lawsuit. Your employees went so far as to call the police on a private citizen for doing absolutely nothing wrong or illegal. Total waste of taxpayer money and time. And even after the police told everyone that the man recording had every right to do so, your employees and guard continued to harass, follow, and block him from public services and information. If I conducted myself on the job like your employees did, I don't think I'd have a job for much longer. Public employees get away with a lot of unprofessionalism that would never fly in the private sector. I've attached a copy of the oath that employees are required to sign in your Personnel Rules and Regulations booklet and the code of conduct for AUS.

Here's just a few of the disturbing things I saw in the video:

- *The Allied Security guard threatening a citizen and working outside his authority.
- *The Allied Security guard not providing his name (no name tag), guard card, or name of his supervisor.

- *Employees and guard slamming and locking doors on a member of the public in order to block his access to services and information.
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- *Employees refusing to help a citizen.
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ES

Link to video: <https://youtu.be/86UGutu7TxM>

"SECURITY GUARD FALSE IMPRISONMENT!!!!" BERKELEY, CA FIRST AMENDMENT



Martinez, Maritza

From: Troy Murdock <troyurdock@att.net>
Sent: Thursday, September 22, 2022 11:53 AM
To: Manager, C; City Attorney's Office; Berkeley Mayor's Office; McCormick, Jacquelyn; Skjerping, Lars; BPD Webmail; Cummings, Rashawn D.; Office of the Director of Public Accountability
Cc: transparencybayarea@gmail.com
Subject: Employee Conduct, City of Berkeley

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.

Hello,

I am writing to all of you to let you know that conduct of the majority of the staff the staff at the city offices in Berkeley is a travesty. Specifically I am referring to the following 2 videos that were published this week by Bay Area Transparency:

<https://youtu.be/86UGutu7TxM>

https://youtu.be/AfdXjJBH_Yw

I insist that you take immediate and productive steps to train your staff to respect the rights of the public and to understand that as public servants they must perform to a level of professionalism in accordance to the public trust with which they are endowed. Being in a public building, and filming in a public building, is an unalienable right protected by the First Amendment of the Constitution and as such it should be trained into and understood by all public servants, be they city workers, police, or any other publicly funded employee.

Which brings me to the second issue exposed by these videos: Allied Universal Security. The security guards you employ via Allied Universal Security clearly do have the appropriate training to perform the duties expected of them. Blocking a member of the public into an elevator (first video) and getting into a physical altercation (second video) go beyond, in my opinion, mere training issues. Both of these guard deserve to lose their jobs working for the city of Berkeley. I can't speak to how Allied would view their conduct, but the city government MUST be held to a higher standard and stricter account.

Thirdly, I would like to discuss the conduct of the police in the first video. To tell the employees "just ignore" a member of the public is pathetic. What he SHOULD have told them was "just do your dam jobs". Seriously, the notion that a member of the public who films our public servants the the interactions with those public servants is provocative only speaks to the level of entitlement and tyranny which we see far too often in public employees.

Finally, I would be completely remiss if I did not point out the superlative conduct of the woman working at the information desk of the permit center (seen in the second video). She clearly knows here role in the public and understands and supports the right of the public at large. She should be held up as an example to the other employees to show that there is nothing to be lost, indeed much to be gained, by being friendly, professional, and helpful. I hope she gets the positive recognition she deserves.

I look forward to hearing how you will implement immediate and effective training to improve the quality of employee that serve the public trust.

Thank you,
Troy Murdock