



**POLICE ACCOUNTABILITY BOARD
SPECIAL MEETING PACKET**

**Monday, July 24, 2023
6:30 P.M.**

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

Item	Description	Page
-	Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions	1
2	July 24, 2023 Special Meeting Agenda	3
4	Draft Presentation on Automated License Plate Readers (ALPRs) by the PAB for Presentation at the July 25 th City Council Regular Meeting	6
5	Summary of Investigation Process re: Downtown Task Force and Bike Unit Allegations	24
5	Press Release " Police Accountability Board Addresses Authenticated Text Messages: Acknowledging Hurt, Ongoing Policy Review, and Concerns"	26
5	Presentation on the Latest Reporting Concerning the Independent Investigation Into the Allegations Against the BPD's Downtown Task Force/Bike Unit	28
6	List of Agenda Items for the PAB's Consideration at Future Meetings	56

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

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.



POLICE ACCOUNTABILITY BOARD
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6:30 P.M.

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

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/82136328053>. 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 **821 3632 8053**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

LAND ACKNOWLEDGEMENT

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 & ROLL CALL (2 MINUTES)**
2. **APPROVAL OF AGENDA (2 MINUTES)**
3. **PUBLIC COMMENT (10 MINUTES)**
(Public comment at special meetings is limited to the items on the agenda. Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers.)
4. **PLANNING SESSION: PAB'S PRESENTATION TO BERKELEY CITY COUNCIL ON AUTOMATED LICENSE PLATE READERS. (20 MINUTES)**
The discussion will address the selection of a spokesperson (in case it's someone other than the Chair), the key points the PAB aims to highlight, and the preferred method of communication.
5. **DISCUSSION ON THE LATEST REPORTING CONCERNING THE INDEPENDENT INVESTIGATION INTO THE ALLEGATIONS AGAINST THE BPD'S DOWNTOWN TASK FORCE/BIKE UNIT (35 MINUTES)**
6. **DISCUSSION ON PROPOSED AGENDA ITEMS AND PRIORITIES AFTER THE SUMMER BREAK. (10 MINUTES)**


7. **PUBLIC COMMENT** (10 MINUTES)

(Public comment at special meetings is limited to the items on the agenda. Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers.)

8. **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.

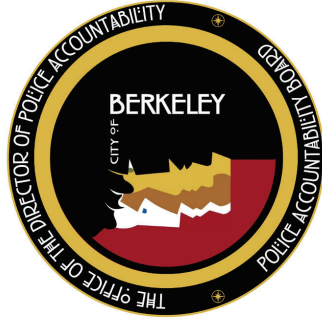
SB 343 Disclaimer

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.

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

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

Internal



SURVEILLANCE TECHNOLOGY ACQUISITION AND PROPOSED POLICIES REVIEW REPORT

ACQUISITION REPORT FOR FIXED AUTOMATED LICENSE
PLATE READERS AND BPD DRAFT POLICIES 422 AND 1305.

Overview

1. Police Accountability Board's Stance on Fixed Automated License Plate Readers (ALPR) Technology
2. Research Findings on the Effectiveness of Fixed ALPRs
3. PAB's Concerns Regarding the Proposed Policies
4. PAB's Recommendations

Police Accountability Board's Stance on Fixed Automated License Plate Readers (ALPR) Technology

During its review, the PAB sought answers to the following two questions:

1. Should the City of Berkeley adopt Fixed ALPR technology?
2. Should the City Council accept the draft policies as currently presented?

The PAB's response to both question was "no."

Police Accountability Board's Stance on Fixed Automated License Plate Readers (ALPR) Technology (Continued)

The PAB's position was influenced by the following factors:

1. There is an inadequate evidence base to support the overall effectiveness of fixed ALPR systems.
2. The BPD's objectives in using an ALPR system to address specific crimes remain unclear.
3. The presented policies contain several shortcomings that require thorough review and careful alignment with the frameworks adopted by the City of Berkeley.

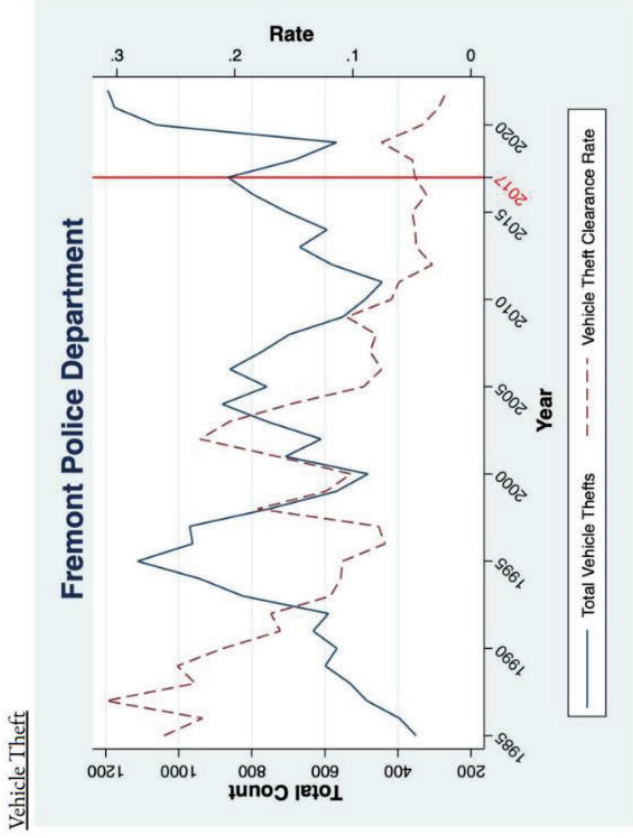
Research Findings on the Effectiveness of Fixed ALPRs

- Vallejo Police Department case study found
 - Cars equipped with ALPRs had a 140% higher ability to detect stolen vehicles than those without ALPR
 - Analysis showed that misreads in both mobile and fixed readers accounted for 35% to 37% of hits, respectively.
- A 2011 Police Executive Research Forum (PERF) report analyzed auto theft investigation units in Mesa, Arizona. ALPRs lead to no reduction in motor theft.

Research Findings on the Effectiveness of Fixed ALPRs (Continued)

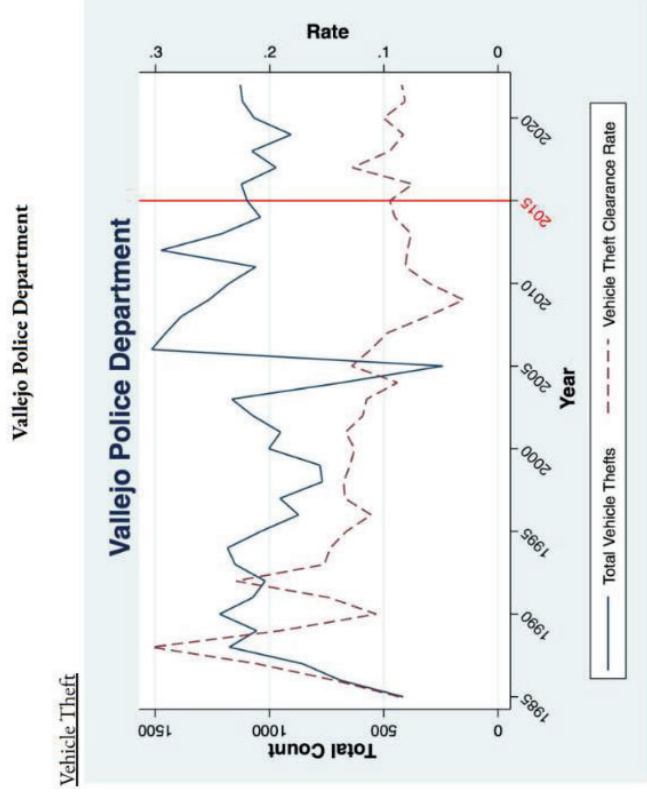
- Lum and colleagues (2010) found that the use of LPRs in auto theft hot spots did not result in a reduction of crime generally or auto theft specifically, during the period measured.
- In Bakersfield, CA, the use of ALPRs has been around since at least 2019. However, in 2021, the city had the highest rate of motor vehicle theft in the United States, according to the National Crime Information Center.

Research Findings on the Effectiveness of Fixed ALPRs (Continued)



Fremont, CA installed ALPRs in 2017 and the vehicle theft rate fell the following year and the clearance rate rose. But by 2019, the theft rate began to rise again and the clearance rate fell. By 2022, five years after ALPRs had been adopted the theft rate hit an all-time high.

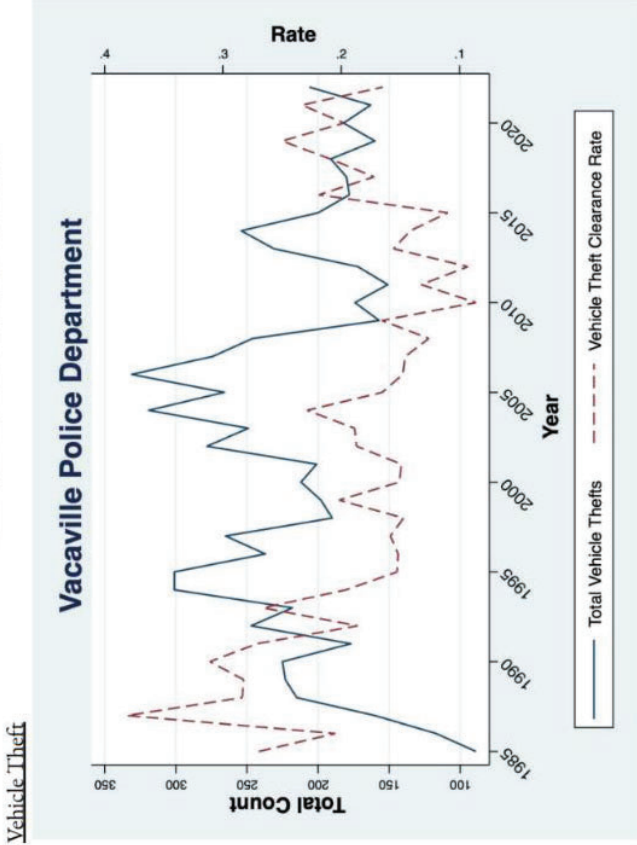
Research Findings on the Effectiveness of Fixed ALPRs (Continued)



Vallejo, CA installed ALPRs in 2015 and their rates have fluctuated ever since. By 2022, auto theft was higher than when ALPRs were installed.

Research Findings on the Effectiveness of Fixed ALPRs (Continued)

Vacaville Police Department
Unknown when the first ALPR was installed



Vacaville had a rate of 160 stolen vehicles per 100,000 population in 2019, which dropped from 2018 (before fixed ALPRs were installed). By 2022, the rate had increased to 179 per 100,000, and the cited 33% decrease in reported auto thefts by FLOCK systems is based on the rate from 2018 to 2022 (before the 60 ALPRs were installed).

PAB's Concerns Regarding the Acquisition Report

The PAB voiced the following apprehensions regarding the Acquisition Report:

1. The surveillance report lacks a list of potential installation locations.
2. Concerns were raised regarding the estimated cost.
3. There is a lack of metrics for assessing impact and implementing mitigation measures.
4. The absence of thoroughly evaluated alternatives.

Alternatives to ALPRs to Consider

- The surveillance acquisition report for ALPRs presented by the BPD lacks comprehensive exploration of alternative methods for policing outcomes.
- BMC 2.99 emphasizes the importance of considering viable alternatives before proposing surveillance technology acquisition.
- The presented acquisition report mentions the deployment of additional police resources as an alternative, but it lacks a thorough assessment of this options.

Alternatives to ALPRs to Consider (Cont.)

- The report overlooks the potential benefits and effectiveness of alternative approaches beyond technology.
- The "Remaining Public Safety" report highlights the need to conceptualize public safety as having resources and support to meet basic human needs rather than relying solely on police surveillance.
- The Berkeley Police Department should explore evidence-based crime interventions, such as those promoted by the George Mason University Center for Evidence-Based Crime Policy Matrix.

Alternatives to ALPRs to Consider (Cont.)

- Vallejo's 2019 problem-oriented and evidence-based policing strategy serves as a local alternative that uses data analysis and targeted non-ALPR surveillance methods to combat motor vehicle theft.
- Strategies employed in Vallejo's project include crime awareness flyers, electronic billboards, unoccupied police cars, surveillance, social/local media postings, and increased holiday patrol.
- While limitations exist in any crime prevention strategy, considering data analyses and alternative methods beyond surveillance technologies can enhance community safety.

Alternatives to ALPRs to Consider (Cont.)

- The Berkeley Police Department demonstrates a commitment to evidence-based policing through its traffic safety initiative, which offers an example of employing alternative methods.
- The BPD's Transparency Hub's Traffic Safety page enables community members to submit traffic safety concerns, indicating a willingness to engage with the public and address specific issues.
- Research by Factor (2019) emphasizes the positive impact of public participation processes in addressing crime-related problems in the community.

Alternatives to ALPRs to Consider (Cont.)

- ArcGIS provides extensive data analysis tools that the department can continue to explore for better crime prevention/reduction outcomes.
- Incorporating evidence-based policing strategies and community engagement can help the BPD identify tailored solutions to specific concerns and potentially reduce the need for surveillance technology like ALPRs.
- This approach aligns with the City of Berkeley's commitment to accountability, transparency, and a more holistic, community-oriented approach to policing.

PAB's Concerns Regarding the Proposed Policies

The PAB voiced the following apprehensions regarding the proposed policies:

1. The proposed policies required various drafting improvements to ensure clarity, accuracy, and alignment with relevant regulations and community expectations.
2. Various sections, including training requirements, are overly vague and need further clarification to ensure transparency.

PAB's Recommendations

Based on the research and concerns raised, the Police Accountability Board advises the City Council to decline the procurement of fixed ALPRs (Automated License Plate Readers) and the respective policies.

PAB's Alternative Recommendation

If the Council decides to proceed, they should defer the vote to address concerns about the evidence-based case, significant omissions in the drafts, and the need for careful consideration and refinement of policies. The PAB also suggest securing a consultant to ensure compliance with state and federal guidance for ALPR technology use.



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).¹ 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.

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



FOR IMMEDIATE RELEASE

July 21, 2023

POLICE ACCOUNTABILITY BOARD ADDRESSES AUTHENTICATED TEXT MESSAGES: ACKNOWLEDGING HURT, ONGOING POLICY REVIEW, AND CONCERNS

Berkeley, CA - The Police Accountability Board (PAB) acknowledges the deep hurt and trauma experienced by our community members upon the revelation of disturbing text messages within our police department. These messages, which have now been authenticated through a comprehensive forensic examination, have shaken the trust and confidence in our law enforcement agency. PAB Chair John “Chip” Moore states, *“I want to address the community directly and assure you that we take these allegations with utmost seriousness.”*

The Board understands the gravity of the allegations made by former BPD officer Shedoudy in his email to the Berkeley City Council and subsequent media coverage. The allegations of racism and an "unethical and illegal practice of arrest quotas of downtown unhoused" within the Downtown Task Force and Bike Unit are deeply troubling.

Since the emergence of these troubling text messages and allegations, the PAB Subcommittee on Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations has been rigorously reviewing the policies and practices that may have enabled such attitudes and behavior within the police department. This is an ongoing and intensive process, and the Board is committed to leaving no stone unturned in our pursuit of truth and accountability.

While the investigative report completed by Swanson and McNamara has been made available to some parties, it is regrettable to note that the Police Accountability Board (PAB) has not been granted access to the full report. Consequently, the Board cannot opine on the conclusions made by the independent investigators or verify the accuracy of the statements made by City officials regarding the conclusions as represented by the independent investigators. The PAB, however, is concerned about the characterization of the results by City officials since they seem to suggest a broader scope than what the independent investigators were engaged to explore.

Specifically, to state that "The department does not have a practice of racial bias" would require a more in-depth, comprehensive review than the activities of the DTF and Bike Unit officers. Similarly, to suggest that "The department does not have any arrest quotas" would imply that the independent investigators holistically explored this practice Department-wide, which did not seem to be supported by the Summary of Investigation Process memo provided by Swanson & McNamara. The PAB is extremely concerned that the City's official watchdog is not given access to crucial information that impacts the ability to complete

its duties and responsibilities under the Charter. The investigative process conducted by Swanson & McNamara included an examination of a selection of over 50% of the relevant reports of arrests, a review of internal department message board posts, and interviews with the former officer and members of the Berkeley Police Department as part of this meticulous review. The Board believes that the report can provide valuable insights for the policy review underway.

As the PAB continues to conduct its policy review, it will provide regular updates on the work that has been done since the allegations were brought forward by former officer Shedoudy. The goal is to ensure transparency and keep the community informed throughout this critical process.

The PAB recognizes that the public's trust is vital for effective policing, and it is committed to rebuilding that trust through a thorough examination of our policies and practices. In light of the investigation's findings, the PAB will work closely with the City and other stakeholders to implement meaningful changes that prevent such incidents from occurring in the future. The PAB will continue to engage with community members, including those who have been directly affected by these events, to ensure their voices are heard, and their concerns addressed.

Chair Moore also assures the community that, *"We are unwavering in our commitment to promoting transparency, accountability, and the highest standards of policing. We will work tirelessly to restore faith in our police department and ensure that our community can feel safe and protected."*

The Board thanks the community for their patience and understanding as it navigates this challenging period. The Board believes that together, we will strive to create a police department that truly serves and reflects the values of our diverse community.

About the Police Accountability Board:

The Police Accountability Board (PAB) is an independent oversight body established to ensure transparency and accountability within the Berkeley Police Department. Comprised of community representatives, the PAB is responsible for reviewing and assessing police policies, practices, and procedures, with a focus on safeguarding civil liberties and promoting effective and fair law enforcement.

Media Contact:

Hansel Alejandro Aguilar
Director of Police Accountability
haguilar@cityofberkeley.info
510-981-4960



LATEST REPORTING CONCERNING THE INDEPENDENT INVESTIGATION INTO THE ALLEGATIONS AGAINST THE BPD'S DOWNTOWN TASK FORCE/BIKE UNIT

Background

- On November 10, 2022, a former BPD officer sent an email to the Berkeley City Council which contained certain text messages and presented the following allegations:
 - I. Unethical and illegal arrest quotas of downtown unhoused individuals were allegedly ordered by a specific individual to the Downtown Task Force/Bike Unit, which reportedly started during Chief Louis's time as a BPD Police Captain and continued after she became Interim Chief.
 - II. The alleged directive to the DTF/Bike Force to make 100 arrests per month.

Background (Cont.)

- III. The use of questionable legal tactics, including stop and frisk, probation searches without reasonable suspicion of a crime, and a liberal interpretation of stay-away orders from UC Berkeley to meet the alleged quota.
- IV. The alleged lack of action on behalf of Chief Louis despite evidence from multiple officers within the unit, alleging illegal arrest quotas, racism, evidence suppression, lying, and quid pro quos, backed by DTF/Bike Force text messages, e-mails, sworn testimony transcripts, public arrest records, and photographs.

Background (Cont.)

- Swanson & McNamara was engaged to investigate these allegations. Through their investigation, the text messages were confirmed as being authentic by a third party vendor.
- While the investigative report completed by Swanson and McNamara has been made available to some parties, it is regrettable to note that the Police Accountability Board (PAB) has not been granted access to the full report.
- The Off-Agenda Report released on July 20, 2023, does not make any conclusion beyond authenticating the text messages.

Statement by Councilmember Kate Harrison, District 4

From: Harrison, Kate
Sent: Thursday, July 20, 2023 5:20 PM
To: alex@berkeleyside.org <alex@berkeleyside.org>
Cc: Naso, Christopher <CNaso@berkeleyca.gov>
Subject: Re: Response to your article - hope you quote this

I am extremely troubled that the City Manager's Office, who is in charge of the very police department under scrutiny, is releasing details from the independent investigation by telling the media that there were no arrest quotas nor departmental practices of racial bias.

The City's public information officer, who works for the City Manager, told the media definitively "that the department does not have a practice of racial bias," and that "the department does not have any arrest quotas." In addition to the disturbing release of confidential information, these statements draw a conclusion that extends far beyond the scope of the investigation into the bike patrol during a narrow period of October 1, 2019 through November 22, 2020. The public information officer indicated that the one-page summary of the the investigatory process (but not conclusions) were all that could be released publicly but then drew these sweeping conclusions.

It is a breach of protocol and undemocratic to keep the investigation confidential while simultaneously releasing drips of information without context to absolve the department and management. This behavior breeds further mistrust about government and the independent nature of the investigation.

Kate Harrison
Berkeley City Council

"Many of life's failures are people who did not realize how close they were to success when they gave up." **Thomas A. Edison**

November 10, 2022 Email from Corey Shedoudy to the Mayor and Berkeley City Council



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 Shedouly 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 unthoused 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.

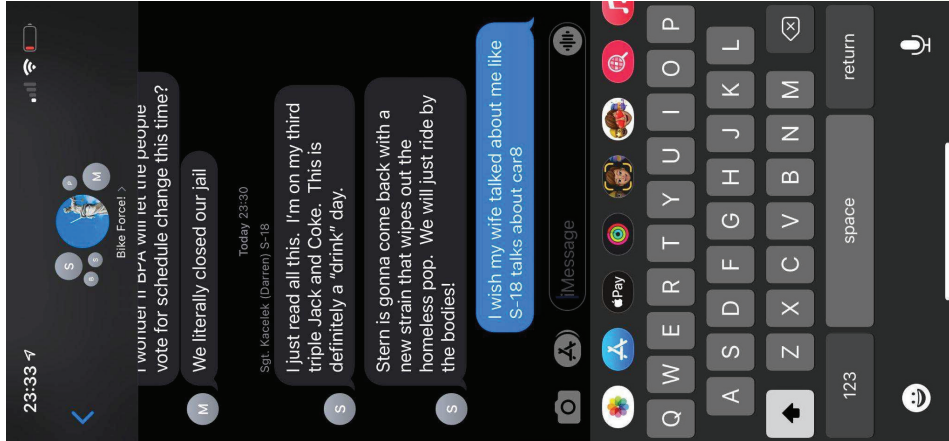
I am attaching a few DTF/Bike Force group text messages from Sgt. Kacalek, myself, and other DTF/Bike Force members that begin to tell the story and that I would consider the tip of the iceberg.

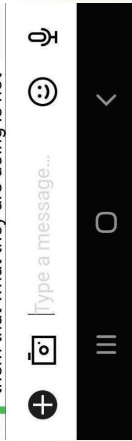
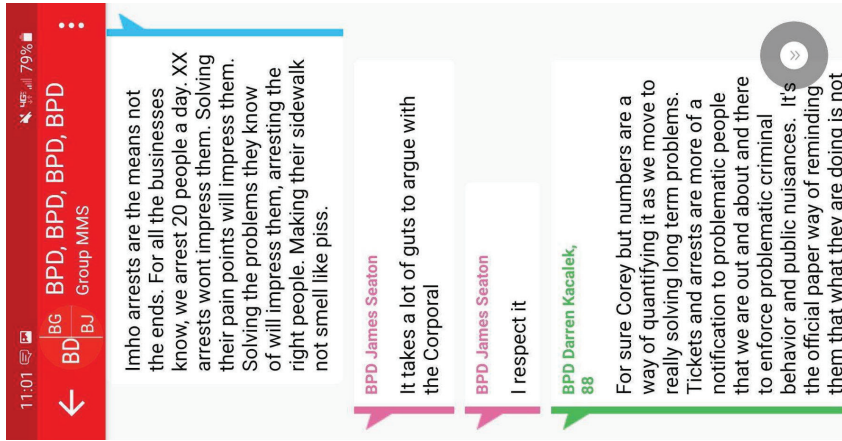
Sincerely,

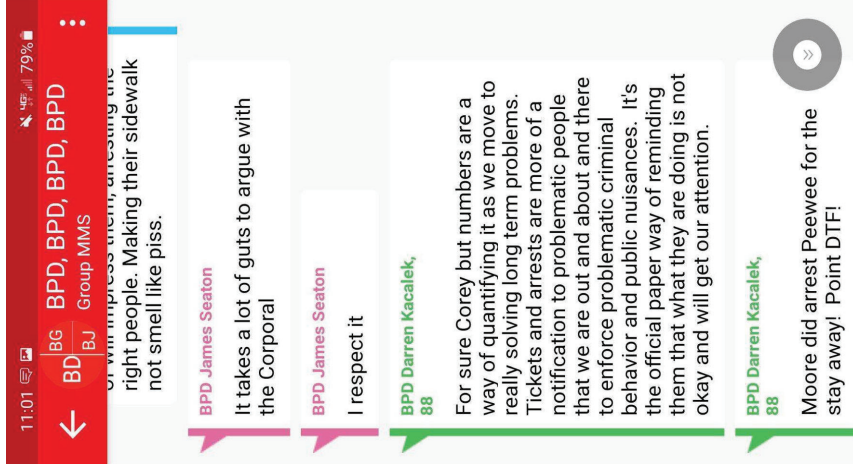
Corey Shedoudy

⏪ ⏩ Reply to all

Text Messages Attached to Shedoudy's November 10, 2022 Email to the Mayor and City Council

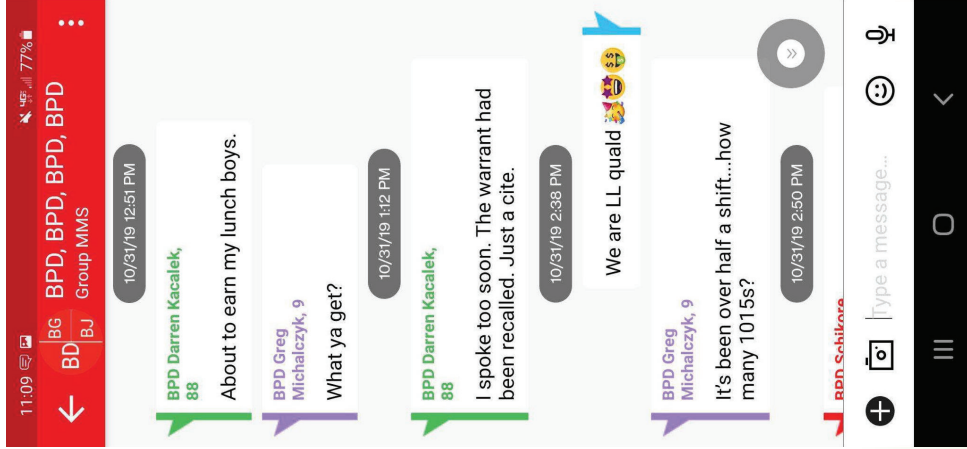




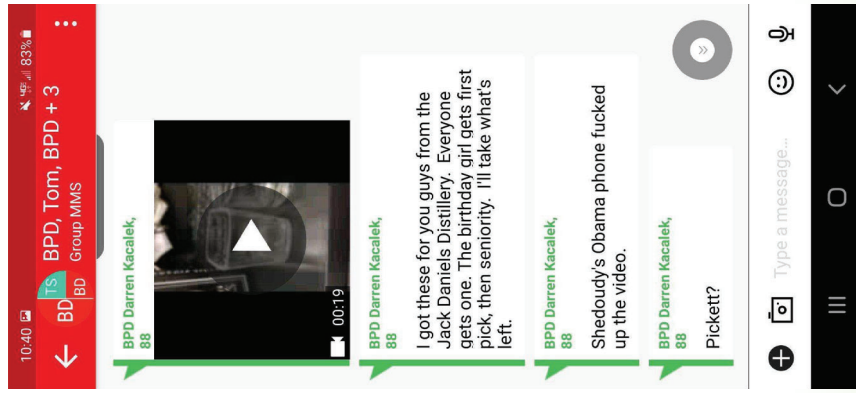


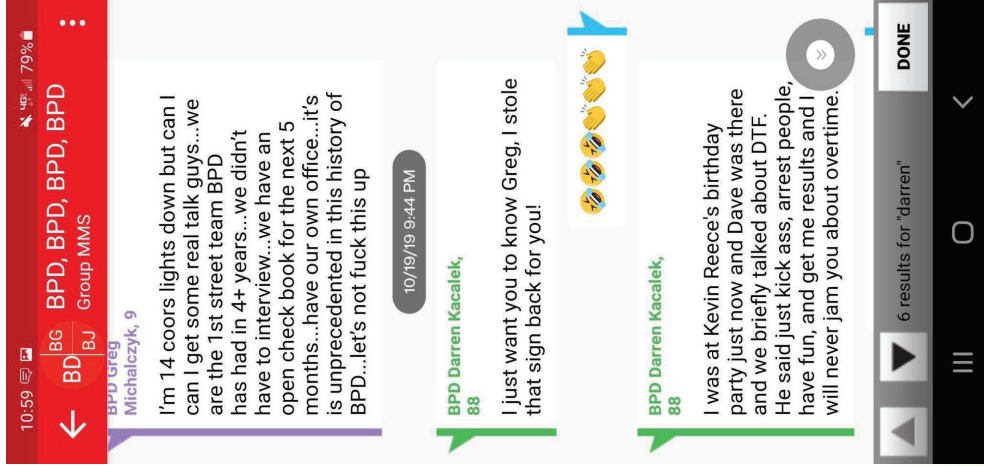


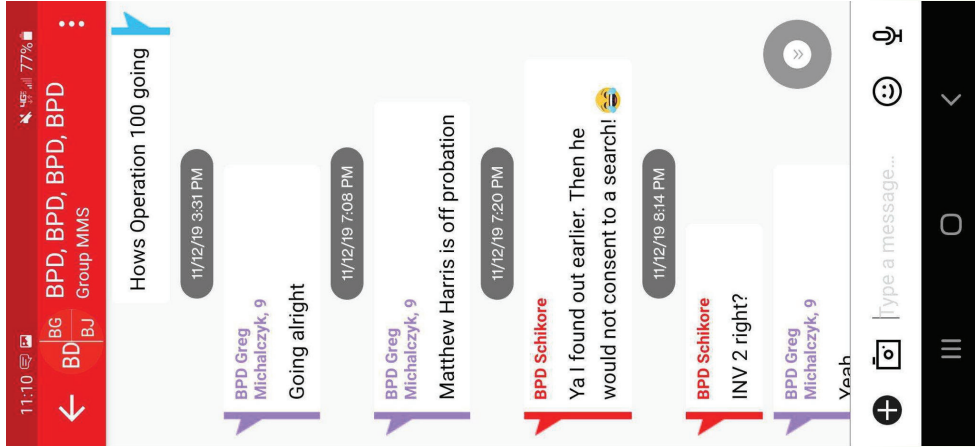


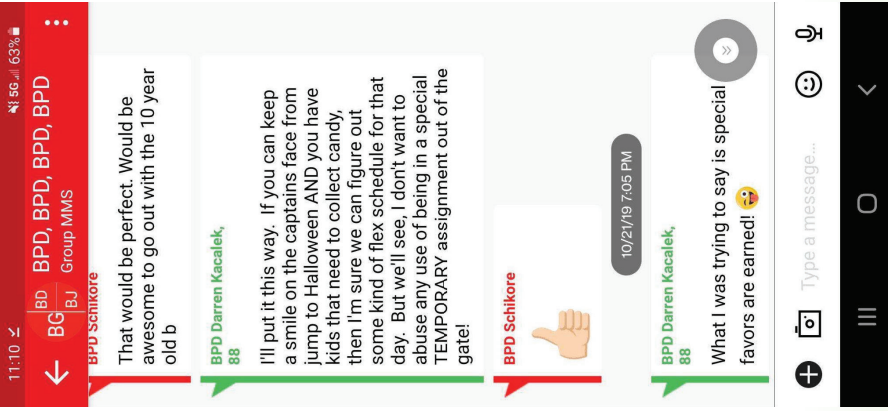


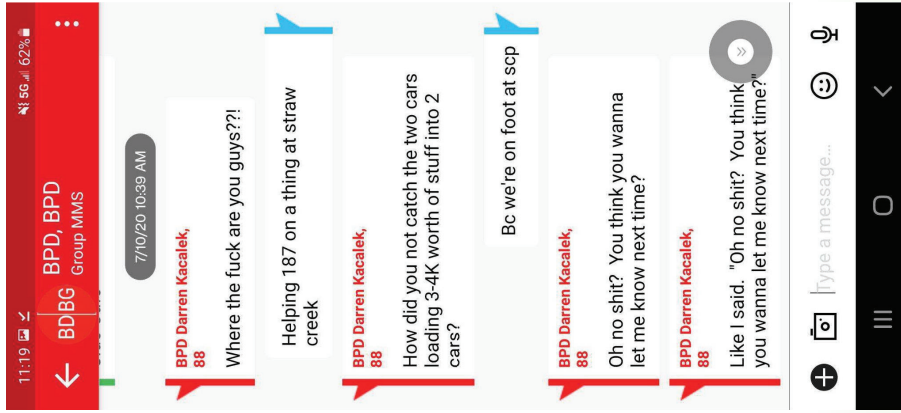


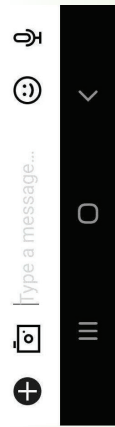


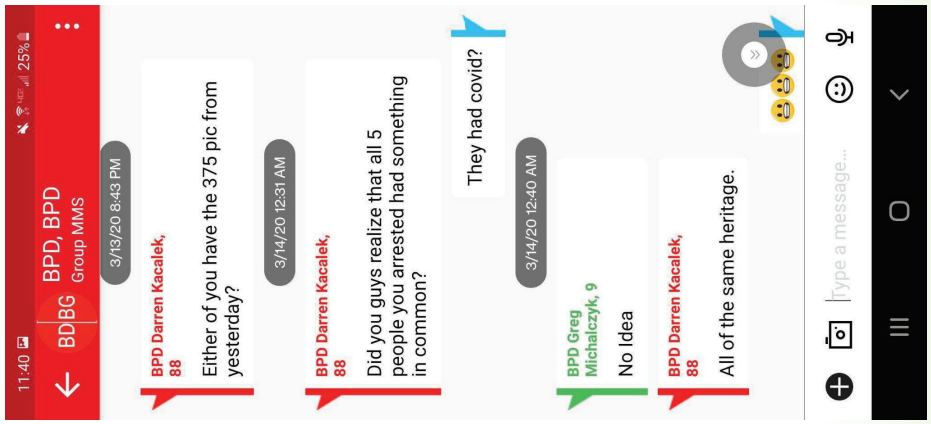


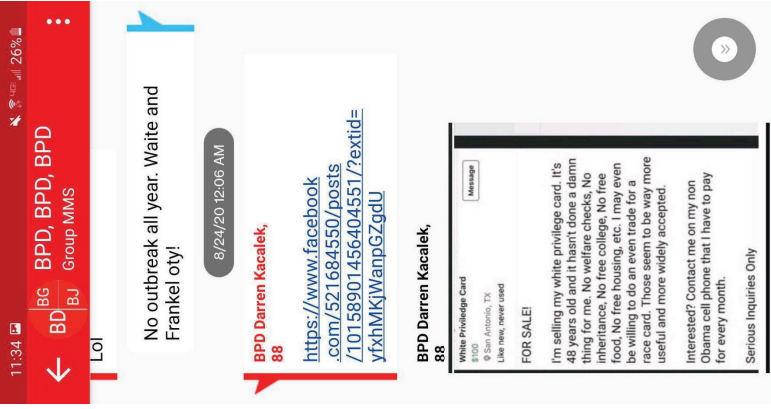


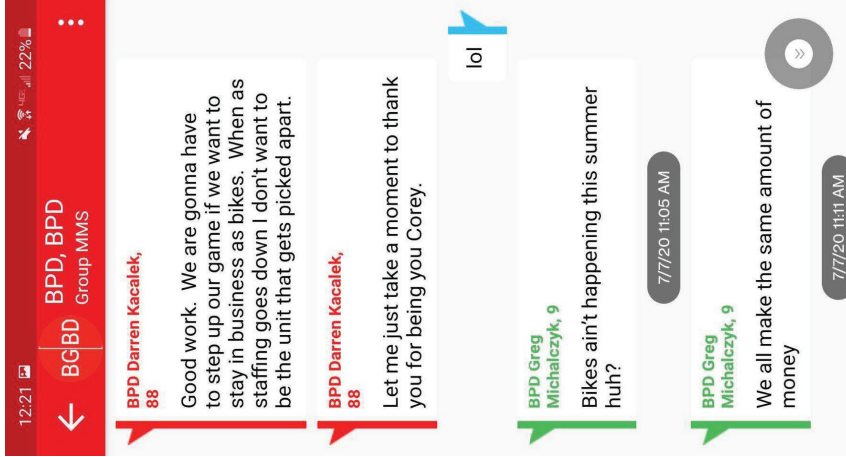












Internal

ITEMS TO CONSIDER FOR FUTURE MEETINGS

The following items have been requested by Board members and/or suggested by staff:

1. **DISCUSSION ON PAB REPORT DRAFTING PROCEDURES AND ANTICIPATED DELIVERABLES (2 MIN)**
The discussion will encompass the drafting procedures and expected outcomes for...
 - a. PAB's Annual Report
 - b. Policy Complaints
 - c. Mandated policy reviews such as:
 - i. Surveillance technology acquisition reports
 - ii. Controlled equipment reports
2. **DISCUSSION ON POTENTIAL METRICS FOR ASSESSING THE IMPACT OF THE PAB AND ODPA (2 MIN)**
3. **STATUS REPORT ON PENDING POLICY COMPLAINTS (2 MIN)**
4. **PRESENTATION OF NEW POLICY COMPLAINT(S) (2 MIN)**
5. **DISCUSSION REGARDING THE CELEBRATION OF 50-YEARS OF CIVILIAN OVERSIGHT IN BERKELEY (2 MIN)**