



Office of the Mayor

CONSENT CALENDAR  
April 7, 2015

TO: Members of the City Council  
FROM: Mayor Tom Bates  
SUBJECT: Budget Referral: Telegraph Foot Patrol

RECOMMENDATION

Refer to the FY 2015/2016 budget process establishing a regular, full-time police foot patrol officer on Telegraph Avenue five days a week, contingent upon the University of California Police Department's providing a foot-patrol officer the other two days, dedicated to the current physical boundaries of the C-T Telegraph District Commercial Zone.

BACKGROUND

The Telegraph Business Improvement District held a special district meeting on February 18, 2015 to discuss the state of the Avenue. Police Chief Meehan was specifically requested to attend the meeting to hear stakeholder concerns and the Berkeley Police Department gave a brief presentation at the meeting. During the police presentation several merchants and property owners raised the ongoing issue of problematic street behavior on the Avenue and specifically the issue of enforcement of current ordinances and a visible police presence.

These concerns are echoed by multiple communications<sup>1</sup> regarding Telegraph Avenue, especially from merchants between Haste and Blake streets, with concerns ranging from public safety, to loss of business, and now to undesirability of commercial spaces in the proximate surroundings.

Historically there have been multiple concentrated efforts focused on Telegraph Avenue with the goal of reducing crime and problematic street behavior. These short-term efforts have been successful in reducing crime and improving the perception of public safety on the Avenue; however, after the efforts extra attention ends, problematic behavior returns to the Avenue.

- In December 1969, the City and the University established a joint UCPD/BPD Patrol,<sup>2</sup> which later evolved in to a 7-days-a-week bike and foot patrol program that lasted until in 2009.<sup>3</sup>
- After the Telegraph area riots in 1991 and 1992, then Mayor Loni Hancock appointed a Telegraph-area Task Force that recommended several short-term improvements, which included focused regular bicycle police patrols, expanded

homeless outreach programs such as the City's mental health mobile crisis team, increased police presence, and resulted in new regulations regarding problematic behavior.<sup>4</sup>

- In 1998, the City Council made a targeted effort to reduce Part II\* crimes and maintain an increased, visible police presence, resulting in a significant increase in Part II arrests between 1996 and 1998 through a joint BPD/UCPD "Direct Patrol Effort."<sup>5</sup>
- The 2001 Southside Plan's Public Safety element includes the goals of maintaining a coordinated community-based police presence in the area; and targeting public health services and substance abuse programs and services to those in need in the area.<sup>6</sup>
- In July 2006, Council approved \$100,000 for police overtime with money used to fund undercover narcotics enforcement and fund additional foot patrols.<sup>7</sup> As a result, there was less open drug dealing in the area<sup>8</sup> and merchants and the beat officers reported improved conditions on Telegraph.<sup>9</sup>
- At the May 8, 2007 Council Meeting, Councilmember Worthington introduced a motion, which passed on the consent calendar, that included the creation of a foot patrol for Telegraph Avenue.<sup>10</sup>

#### FISCAL IMPACTS

The cost of a full, time foot-patrol officer.

#### ENVIRONMENTAL SUSTAINABILITY

Not applicable.

#### CONTACT PERSON

Mayor Tom Bates 981-7100

#### ATTACHMENTS & LINKS

<sup>1</sup> Email communications

Lori Katz  
Doug Fielding  
Robert Parada  
Moe Delfani  
Ed and Carol Lipnick  
Gail Todd  
Kellen Gauthier

<sup>2</sup> [http://police.berkeley.edu/about\\_UCPD/jurisdiction.html](http://police.berkeley.edu/about_UCPD/jurisdiction.html)

<sup>3</sup> Southside Plan, p. 153,

[http://www.ci.berkeley.ca.us/uploadedFiles/Planning\\_\(new\\_site\\_map\\_walk-through\)/Level\\_3\\_-\\_General/2011-09-27\\_SSP\\_FINAL\\_9-7-11\\_Att%203\\_Exh%20A.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Planning_(new_site_map_walk-through)/Level_3_-_General/2011-09-27_SSP_FINAL_9-7-11_Att%203_Exh%20A.pdf)

<sup>4</sup> Southside Plan, p. 149

<sup>5</sup> Southside Plan, p. 151

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\* Part II crimes are crimes such as vandalism, liquor law violations, public drunkenness, disturbance of the peace, drug and weapon offences

<sup>6</sup> Southside Plan, p. 148

<sup>7</sup> December 12, 2006, Quarterly Report: Crime in Berkeley

<http://www.ci.berkeley.ca.us/citycouncil/2006citycouncil/packet/121206/2006-12-12%20Item%2027%20Quarterly%20Report%20Crime%20in%20Berkeley.pdf>

<sup>8</sup> Evaluation of Telegraph Avenue Improvement Plan, February 27, 2007

<http://www.ci.berkeley.ca.us/citycouncil/2007citycouncil/packet/022707/2007-02-27%20Item%2030%20Evaluation%20of%20Telegraph%20Avenue%20Improvement%20Plan.pdf>

<sup>9</sup> March 13, 2007, Quarterly Report: Crime in Berkeley,

<http://www.ci.berkeley.ca.us/citycouncil/2007citycouncil/packet/031307/2007-03-13%20Item%2017%20Quarterly%20Report%20Crime%20in%20Berkeley.pdf>

<sup>10</sup> Community-Involved Policing for Telegraph Avenue,

<http://www.ci.berkeley.ca.us/citycouncil/2007citycouncil/packet/050807/2007-05-08%20Item%2033%20WORTH%20Community%20Involved%20Policing%20for%20Telegraph%20Avenue.pdf>

**Magofna, Gregory**

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**From:** Lori Katz [REDACTED]  
**Sent:** Saturday, July 26, 2014 9:12 PM  
**To:** Magofna, Gregory  
**Subject:** Fwd: Letter to the Police

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

Hi Gregory,

I sent this letter to the Berkeley police department last weekend.

Gail Todd, who you have spoken with at Amoeba Music, wanted me to sent you a copy as well.

We are so frustrated with the continuing activity that takes place all day and night in front of our store.

I have not received any response from anyone at the Berkley police department.

Not sure if there is any thing you can do, but here is the letter.

Sincerely

Lori Katz

Manager at Amoeba Music

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Dear Chief of Police Meehan and Officer Nabozny,

I am the manager at Amoeba Music on Telegraph Avenue.

Yesterday, I called the police department to come out to the avenue because, once again, we had a gang of street kids with 6 dogs and all their back packs and stuff covering the sidewalk in front of our store, while we watch them carry out one drug deal after another.

An officer came out within about 15 minutes to let me know that there was nothing he could or would do. I believe this was Officer Muniz, but am not sure.

I have seen this officer working on the avenue for years. He is the least effective officer and most often he won't do anything to help us. When I saw that he answered my call for help, I was so disappointed because I knew he would take the easy way out and do NOTHING. He is condescending while he tries to explain the "law" and his lack of ability to do something for the community that he is suppose to serve.

Then right after he left, my employees told me about the incident described below that happened to an Amoeba employee the day before while he was on his 15 minute break.

We are constantly asking the police to help us with all the crazy shit we see take place in front of our store. The street kids blatantly deal drugs all day long, People's Park, full of another band of drug dealers, is a disgrace, and Berkeley police turns a blind eye, claiming their hands are tied.

So, when I heard about what happened to Kevin, I was outraged. While taking his break, he is accused of dealing drugs and got fully searched by the police in front of his coworkers.

Once again, we feel we are on our own dealing with the avenue. How quick the police are at giving a parking ticket to an Amoeba customer parking in the yellow zone for a few minutes while he is trying to unload records to sell at Amoeba, or harass our employees, while ignoring the main problems that are going on all around us. Our employees are continually harassed by the street kids, especially the female employees who are being called "bitch" or worse. Now they have to worry about Berkeley police!!!

The situation is beyond frustrating. We need your support not all your excuses.

While the ambassadors are doing a great job cleaning the avenue, and taking care of graffiti, it does little to tackle the real problems that are ignored over and over again.

Why do you protect the rights of these transient street kids, who contribute nothing to our community, while ignoring the rights of those of us trying to make Berkeley a better place?!

Sincerely,  
Lori Katz

To Whom It May Concern,

My name is Kevin. I am an employee at Amoeba Music in Berkeley, CA. Two days ago I was apprehended and fully searched by two officers on the side of our building while on a break. Two black men were walking by me at the time I was approached by the officers, and they asked me if I was selling them drugs. This racial profiling of those two men and accusations upon me were quite unfair when Telegraph Avenue and People's Park are clearly littered with people selling drugs. I was not doing anything illegal. I cannot walk through the park without 3 people asking me if I would like to buy marijuana. If these officers really wanted to try to fix this problem, they could be doing a much better job. I can understand the intention behind the officers stopping me, but other than this situation, it does not seem to me or my co-workers that they really do anything to legitimately stop drug dealing from happening on the avenue, especially right in front of our store! This issue needs to be addressed, because this search was not fair or properly directed. Thank you for your time.

Sincerely,

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Kevin Brownell

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Lori Katz  
Amoeba Music



## Magofna, Gregory

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**From:** Doug Fielding [REDACTED]  
**Sent:** Tuesday, August 19, 2014 5:00 PM  
**To:** Berkeley Mayor's Office; Capitelli, Laurie; Maio, Linda; Worthington, Kriss; Gordon Wozniak; Moore, Darryl; Anderson, Maxwell; Wengraf, Susan; Arreguin, Jesse L.  
**Subject:** Who Moved the Cheese?

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

Dear Council,

As someone who has been managing the playing fields on the outskirts of town, down by the railroad tracks, in a floodplain, for the past 20 years, part of that community are homeless people, some of whom I have gotten to know rather well over the years. No small number of them have little or no interest in community services but mostly just want to be left alone. Mental health issues, alcohol issues, drug issues, no roof over their heads yes- all of those but none-the-less "leave me alone".

I have an understanding with that community. Don't mess with the fields (broken whiskey bottles, needles, trash, etc.) and we won't mess with you. Peaceful coexistence.

My wife has worked at Moe's Books for almost thirty years. She has watched that street degrade over the years as it became, in large measure due to the homeless people who hang out on that street, a rather unfriendly place for people to shop. ~~Not peaceful coexistence.~~

So the City of Albany decides that the homeless people who are for the most part bothering nobody living on landfill out by the bay (the same leave me alone people who are down by the railroad tracks) need to be moved out. And the Albany police task force sweeps them out. To where?

No small number of them move to the Gilman underpass and some of you get troubled by this and start making noise to get them out from the underpass and indeed you get the Berkeley police task force to sweep them out. To where?

How about Telegraph Avenue? Yes, that is now where no small number of them are because that is where they can go without being hassled by the police and they can again be left alone. Kind of. Telegraph Avenue has been and continues to be the urban place where the City of Berkeley tolerates people living on the street. Not tolerated along 4th Street, not tolerated in the Elmwood, not tolerated in North Berkeley, and to a large extent not all that well tolerated in downtown.

What I truly don't understand in all this is the inability of the City Council to see and acknowledge that Telegraph Avenue is where the City of Berkeley sends their homeless population and given that Telegraph Avenue has become and will continue to be a retail wasteland. Why in the world is the city spending money and making noise about their concern about Telegraph at the same time they are forcing more homeless people onto the Avenue? Choose one because you can't have both.

Doug Fielding







**Magofna, Gregory**

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**From:** ed [REDACTED]  
**Sent:** Saturday, February 28, 2015 11:18 AM  
**To:** Berkeley Mayor's Office  
**Cc:** Fong, Calvin  
**Subject:** Telegraph Police Patrol

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

Dear Mayor Bates, We understand that there will be a motion to the City Council to fund a full time Police Officer to the south side of Telegraph including the whole area between Bancroft and Parker. This is important and will give the residents, merchants and visitors a new feeling of safety. It is imperative that all days of the week be covered. It is about time for Telegraph to be safe for everyone including students, merchants, visitors and families who would like to again feel comfortable coming to our area. Thank you, Ed and Carol, Berkeley Hat Company

**Magofna, Gregory**

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**From:** Gail Todd [REDACTED]  
**Sent:** Wednesday, March 04, 2015 4:30 PM  
**To:** Berkeley Mayor's Office  
**Subject:** Dedicated police officer for Telegraph Ave

On Wednesday, March 4, 2015 4:22 PM, Gail Todd [REDACTED] wrote:

Dear mayor and to whom it may concern,

As one of the managers at Amoeba music at 2455 Telegraph Ave, I strongly believe that dedicating at least one police officer to our area would improve the quality of life and reduce crime for all concerned. Providing a consistent police presence will only improve relations with all parties involved. Ideally, communication between merchants and police will increase and businesses will feel that their voices are heard. Simultaneously, communication between the police and the "street" kids, homeless, transients, mentally ill and drug dealers will also increase, not to mention law enforcement.

~~As it stands now, the people creating the negative/intimidating/violent atmosphere have little to no respect for the law.~~

Consistency, enforcement and consequences are what is needed.

Sincerely,  
Gail Todd

## Magofna, Gregory

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**From:** Mr. Zebra [REDACTED]  
**Sent:** Wednesday, March 11, 2015 11:04 AM  
**To:** Klein, Jordan  
**Cc:** Berkeley Mayor's Office; All Council  
**Subject:** Telegraph avenue issues

Hello Jordan,

This is Kellen, store manager of Zebra on Telegraph. I just wanted to give you an update on the Telegraph avenue street kid situation. Today I got to work a little before 10AM, and had to walk past a group of about 10-15 transient teens with 5 dogs, 3 of which were off leash. I was going to report it but didn't get the chance as there were customers waiting for me to open up shop. As I was helping the customers we started hearing raised voices and shouting, dogs barking etc. The customer asked me if it was like this every day, I told her that unfortunately it was more days than not. This went on for a few minutes and then the shouting escalated. We all went outside to see a full on brawl involving no less than 7 people with dogs attacking people in the fight as well!! I saw a pitbull bite a mans forearm, I watched a man body slam a dog to the curb not to mention multiple people getting kicked and punched. There is still a pool of blood in front of amoeba. And all this is happening from the sidewalk and into the middle of the street blocking traffic and going on for no less than 5 minutes!!!! I called the police, but of course by the time they showed up everyone had dispersed.

I ask you again, how can we be expected to conduct business in this type of environment? Not only is it nearly impossible to attract new customers to this area, but events like the one today -which we see all the time- will deter our long time client base from ever returning. Something needs to be done about this.

Thanks for your time,

Kellen Gauthier  
Zebra Inc  
2467 Telegraph Ave  
Berkeley, CA 94704

