

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

Sgt. Cummings
IA17-0014

March 23, 2017

Dear Sgt. Cummins:

I am writing to preserve the evidence of our conversation yesterday that you recorded.

- 1) I would like a copy and request the cost for the type of media you generally use to make copies.,
- 2) if any transcript is generated I request a copy and will pay the copying fees for this and t#1 above, and
- 3) to prepare the file for transmittal to the Police Review Commission.

Please acknowledge receipt of this mail.



Kartla Gottschalk
520 Frederick St. 13
San Francisco, CA 94117

counsel@unseen.is



POLICY COMPLAINT FORM

Police Review Commission (PRC)
1947 Center Street, 1st Floor, Berkeley, CA 94704

Website: www.ci.berkeley.ca.us/prc/

E-mail: prc@ci.berkeley.ca.us

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

Date Received:

4-4-17

PRC CASE #

2415

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Name of Complainant: GOTTSCHALK KARLA
Last First Middle

Mailing Address: 520 Frederick St 13 SF CA 94117
Street City State Zip

Primary Phone: 808 238-4287 Alt Phone: ()

E-mail address: counsel@unseen.is

Occupation: Trustee Gender: NONE Age: 67
But I have a Sex

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

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Identify the Berkeley Police Department (BPD) policy or practice you consider to be improper or would like the Commission to review.

TARGETING INDIVIDUALS BY LOOK - AGE taken for poor; race, Gender, Sex, CLOTHING and other physically observable look not necessarily even behavior but which puts an individual in the victim position for violation of civil rights without legal justification and under color of LAW

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Location of Incident (if applicable) Parking across from closed business

Date & Time of Incident (if applicable) See IA 17-0014

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

IN IA 17-0014

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

To STOP TARGETING OF INDIVIDUALS BY the way they look and the abuse of discretion under color of law by making up facts and or laws - not misquoting - knowingly in order to violate CIVIL RIGHTS of people who are not the officers color, age, sex, orientation, gender or any other non-legal reason

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

I expect to file suit after notice of intent to sue if I cannot get these unlawful policies, procedures or lack of discipline and cover-ups of unlawful acts of abuse of discretion under color of law by Berkeley Police Officers

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CERTIFICATION

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

Karla Jettichalk
Signature of Complainant

8/31/17
Date

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How did you hear about Berkeley's Police Review Commission?

- Internet
- Publication: _____
- Referral: _____

Other: Eileen Luna, a colleague in the Bar of California's former PRC investigator.

THE RIGHT TO WATCH PROPOSAL TO REVISE: GENERAL ORDER W-01

In recent years, the U.S. Supreme Court has ruled that , "the First Amendment protects a program of advancing police accountability by openly audio recording public actions of on-duty police officers without their consent." The purpose of this General Order is to adopt policies and procedures regarding a citizen's right to observe, photograph or video record officers during the course of the officers' public duties that reflect these clarifications.

POLICY

It shall be the policy of the Berkeley Police Department to place the least possible restriction on public observation, photographing or video recording of police officers' performance of their duties, while ensuring the safety of the public and the officers. The "least possible restriction" means that the officer's mindset should be to only limit observation if necessary for law enforcement purposes. In terms of witnessing, this order is a time, place and manner restriction on speech.

It is Departmental policy that any restriction an officer imposes on public observation of police officer conduct should be narrowly tailored to meet legitimate law enforcement purposes.

In all instances, it is expected that officers will conduct themselves in a professional manner, exercising good judgment and treating all persons courteously. Officers should restrict the practice of requesting that onlookers withdraw only to those instances where a potential threat to safety is involved.

PROCEDURES

It is the policy of this Department that persons not involved in an incident be allowed to remain **in the immediate vicinity** to witness stops, detentions and arrests of suspects occurring in public areas, except under the following circumstances:

1. When the safety of the officer or the suspect is jeopardized.
2. When persons interfere or violate law.
3. When persons threaten by words or action, or attempt to incite others to violate the law.

Citizens also have the right to communicate with the detained person, provided, however:

1. that the observer does not interfere physically or verbally with the investigation being conducted by the officer. Penal Code Section 148 prohibits delaying or obstructing any peace officer engaged in the duties of his/her office.

2. that the observer's actions or communications do not jeopardize the safety of the officer conducting the inquiry nor the safety of the person who is the subject of the officer's attention. An officer may instruct an observer to maintain a safe distance from the scene, with the understanding that what constitutes a "safe" distance may vary depending on the circumstances.
3. If the conditions at the scene are peaceful and sufficiently quiet, and the officer has stabilized the situation, persons shall be allowed to approach close enough to overhear the conversation between the suspect and the officer, except when:
 - i. **The suspect** objects to persons overhearing the conversation.
 - ii. There is a specific and articulable need for confidential conversation for the purpose of police interrogation.

Draft Language for Certificate of Appreciation for William White:

The Berkeley Police Review Commission (PRC) commends former Commissioner William White on his many years of exemplary service to the PRC, the citizens of Berkeley, the City of Berkeley, and the Berkeley Police Department (BPD). Having served on the PRC for 16 continuous years, William is one of the longest-serving and hardest-working Commissioners in the history of the PRC. During his tenure, William worked on various policy subcommittees, such as Mutual Aid Pacts, Evidence Theft, Criminal Investigation, Search of Homes, and Outreach, among others. He assumed the leadership position of the commission multiple terms as Chairperson or Vice-Chairperson. In addition, William served on numerous Boards of Inquiry to resolve complaints. William's passionate commitment to public service, his unyielding efforts to ensure the PRC's relevancy and effectiveness, his firm dedication to the principles of civilian oversight of law enforcement, and his enormous contributions in advocating for progressive policies and practices reflect the values of the Berkeley community. The PRC honors William White with this well-deserved Certificate of Appreciation.