


Internal



Office of the City Manager

July 20, 2023

To: Honorable Mayor and Members of the City Council

From:  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.