

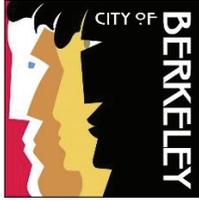
POLICY REVIEW REPORT

ODPA No. 2023-PR-0002

Prepared by:

Office of the Director of
Police Accountability

Presented to the PAB on
September 25, 2024



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Table of Contents

Executive Summary:	1
Introduction	1
Background	1
Objectives	2
Methodology	2
Literature Review: Police Agency Communication and Operational Efficiency	3
Police Agency Communication with the Public	3
Automated Responses in Government Communication	3
Operational Challenges in Law Enforcement Email Management	4
Policy Overview	4
Current Policy, Practices, Procedures	4
Findings.....	5
From the Records Request.....	5
From the Survey of Local Agencies	7
Analysis.....	8
Recommendations for Enhanced Communication and Operational Efficiency	9
Supporting Literature for Recommendations.....	10
Conclusion.....	11
Next Steps	11
References	13
Appendices	14
Appendix 1. Policy Complaint Form 2023-PR-0002 (Redacted).....	14
Appendix 2. Emails from Complainant to BPD (Redacted)	16
Appendix 3. Records Requested of the BPD.....	18
Appendix 4. BPD Automated Email Response	19
Appendix 5. Survey Distributed to Alameda County Law Enforcement Agencies.	20
Appendix 6. BPD Policy 204 “Electronic Communication”	21

Executive Summary:

This policy review was initiated by a public complaint regarding the Berkeley Police Department's (BPD) lack of response to emails sent to their general account, an issue of considerable significance as this account often serves as the first point of contact for community members. In accordance with Section 125(17)(A) of the Berkeley City Charter, which allows the Police Accountability Board (PAB) to review policies at the request of the public, the PAB delegated this review to the Office of the Director of Police Accountability (ODPA).

The complainant expressed concern that the absence of timely responses from the BPD undermines community trust. In response, the ODPA undertook a comprehensive investigation that included data collection and a literature review to identify effective solutions for enhancing community engagement. The findings revealed that while the BPD is facing challenges with an overloaded email system, it is currently providing a level of service that exceeds that of many neighboring agencies.

The objective of policy review 2023-PR-0002 is to evaluate the BPD's email response practices in comparison to other agencies and to recommend strategies that can optimize communication and improve overall service to Berkeley residents and stakeholders. By addressing these operational inefficiencies, the BPD can enhance its responsiveness and foster greater public trust in the long term.

Introduction

Background

On April 11, 2023ⁱ, the ODPA received a completed policy complaint form and additional attachments via email at dpa@cityofberkeley.info. The complaint concerns the BPD not responding to emails sent to police@cityofberkeley.info. The complainant reported that the BPD had not replied to emails sent on March 22 and March 24, 2023, with the subject lines "Was a Tenant Activist Murdered?" and "Property Manager Engages in Assault and Battery." See Appendix 1 for the completed complaint form and Appendix 2 for the referenced emails.

Specifically, the complainant sent two emails to the BPD on March 22 and March 24, 2023. At the time of filing the complaint, twenty days had elapsed since the first email and twenty-two days since the second email. The first email sought the BPD's views on a statement regarding the death of a tenant in the complainant's complex, which the complainant believed occurred under unusual circumstances, and concluded with the complainant expressing fear for his life. The second email reported that a tenant in the complainant's building had been "physically attacked" by the property manager, an incident that had been reported to the BPD, but it did not include any specific actions or information request. On April 21, 2023, ODPA staff contacted the complainant, who reported that while the issues raised in his email had been partially addressed, he still wanted to proceed with a review of the BPD's policy on email response times.

The complaint was submitted to the PAB on April 26, 2023. The complainant was not present during the PAB's discussions and could not provide further context. However, ODPA staff informed the PAB that they had contacted the complainant on April 21, and the complainant stated that while the issues in the emails had been addressed, the primary intent of the policy complaint was to highlight the BPD's lack of response. Based on the available information, the PAB decided

to request that ODPa staff conduct additional inquiries before making a formal decision to accept or reject the policy complaint.

Objectives

Section 125(17)(A) of the Berkeley City Charter states that the PAB “may review policies, practices, and procedures of the Police Department in its discretion or at the request of a member of the public, due to a policy complaint, or due to a complaint from a member of the public against a police officer.”¹ In this context, policy review 2023-PR-0002 requested that the PAB examine the BPD’s policies and practices regarding email responses to the public. The objective of this review is to assess how the BPD’s approach aligns with those of other agencies and to identify practices that can enhance the department’s email communications and better serve Berkeley residents and community stakeholders.

Methodology

To achieve the objectives of the policy, practices, and procedures review aimed at assessing the BPD’s communication with the public concerning email responses in comparison to other Alameda County agencies, the ODPa conducted a landscape analysis focused on how law enforcement agencies throughout the county respond to public inquiries sent to their general email accounts. While agencies within the county may not all serve as proper comparators for statistical and policy recommendations, our aim in this case was to identify practices from a diverse range of department sizes serving different communities to uncover any approaches that could be applicable in the Berkeley context. This review was grounded by existing literature addressing these issues in government and or specifically in policing. The literature review included a review of academic articles, industry reports, and government publications. This was conducted to establish a foundational understanding of prevailing themes and best practices.

For this review, the ODPa used several methods:

1. Content review- the ODPa requested and reviewed several exhibits that provided insight to practices and policies relevant to the topic at hand
 - a. Records Request: A request was submitted to the BPD seeking information about their email monitoring practices, relevant policies, and activity reports. See Appendix 3.
2. Statistical analysis- as part of its review, the ODPa conducted internal statistical analysis by requesting email activity reports from the BPD and also conducted a cursory comparative analysis.
 - a. Internal data- the ODPa calculated descriptive statistics on the amount of email traffic received in the BPD general inbox.
 - b. External data- the ODPa made inquiries and conducted desk research by collecting data from external entities. Emails were sent to the general email accounts of Alameda County law enforcement agencies, with inquiries regarding how frequently the account is monitored, who monitors it, and how emails are prioritized. This approach also tested the presence of automated

¹ Berkeley City Charter Section 125(17)(A): [https://berkeley.municipal.codes/Charter/125\(17\)\(a\)](https://berkeley.municipal.codes/Charter/125(17)(a))

responses to allow for a comparison with the BPD's practices. See Appendix 4 for the inquiry sent to the Alameda County law enforcement agencies.

Literature Review: Police Agency Communication and Operational Efficiency

The Berkeley Police Department's (BPD) communication challenges, particularly its email management and response time, reflect a broader issue faced by many law enforcement agencies in managing public inquiries. Effective communication, especially in non-emergency scenarios, is essential to maintaining public trust and ensuring that community concerns are addressed promptly.

Police Agency Communication with the Public

Public trust in law enforcement is significantly influenced by the quality and responsiveness of communication between police agencies and the communities they serve. Community policing models, which emphasize collaboration and open lines of communication with the public, are critical for maintaining transparency and building legitimacy (Tyler, 2004). Effective communication fosters trust, encourages public engagement, and improves police-community relations. Law enforcement agencies, including the BPD, often struggle to balance efficient communication with operational constraints, particularly in dealing with high volumes of public inquiries.

Research by Mazerolle, Bennett, Davis, Sargeant, and Manning (2013) emphasizes that procedural justice—including fairness, respectful treatment, and giving citizens a voice during interactions with police—is crucial in shaping public perceptions of police legitimacy. Procedural justice is especially impactful in direct interactions between police and the public, as citizens who perceive the police as acting fairly and respectfully are more likely to view them as legitimate, regardless of the outcome of the encounter.

For the specific importance of timely and transparent communication, research by Schafer, Huebner, and Bynum (2003) highlights that clear and prompt communication by police agencies plays a significant role in shaping public satisfaction with police services. Delays or unclear responses, particularly in non-emergency interactions, can lead to negative public perceptions, demonstrating the importance of responsive and transparent communication practices in maintaining public trust.

Automated Responses in Government Communication

Automated email responses are a common tool used by government agencies to acknowledge the receipt of inquiries and manage public expectations. However, as shown in the BPD's automated reply system, generic responses may not adequately address the needs of community members who seek immediate answers.

Moon (2002) emphasizes that while automated systems can improve operational efficiency, they often do not deliver the level of engagement or responsiveness the public expects. Moon's research on e-government highlights the importance of automation in managing public inquiries but stresses that these systems must offer actionable and relevant information to maintain public trust. In the BPD's case, improving the substance of automated responses, such as providing clear guidance to other resources or specific contact points, could enhance public satisfaction.

Emerging technologies such as artificial intelligence (AI) have shown promise in improving communication efficiency within government agencies. AI systems can be employed to triage public inquiries, identifying those that require urgent attention and routing them to the appropriate department or individual (Gasser & Almeida, 2017). In law enforcement contexts, this could reduce the administrative burden on personnel while ensuring that important public communications are not overlooked.

Operational Challenges in Law Enforcement Email Management

Law enforcement agencies, including the BPD, face significant operational challenges in managing public inquiries due to the high volume of irrelevant or non-urgent emails. These operational inefficiencies are exacerbated by staffing constraints and the allocation of personnel to non-core duties, which reduces the agency's capacity to respond promptly.

Paoline and Terrill (2005) explore how police officers are often tasked with administrative duties, such as managing email communications, which detract from their core policing responsibilities. This is especially relevant to the BPD, where a large number of marketing-related emails prevents staff from addressing legitimate community concerns. Effective workload management and reassignment of non-policing tasks can significantly improve operational efficiency.

Dabbish and Kraut (2006) highlight how employees in public sector organizations often face email overload, which can hinder their ability to address important communications promptly. The research emphasizes the importance of email filtering systems to prioritize relevant messages and reduce the time spent managing irrelevant communications. For law enforcement agencies, such as the BPD, implementing such systems could significantly improve the handling of community inquiries.

Policy Overview

Current Policy, Practices, Procedures

Policy 204.3 outlines the protocol for checking email correspondence, stipulating that the designated email address must be monitored at least twice daily, ideally at the beginning and end of each shift. The urgency of responses is determined by the content of the email.

The email address police@berkeleyca.gov is actively monitored by members of the Community Services Bureau (CSB) within the Operations Division. The personnel responsible for overseeing this email account include the Lieutenant, Sergeant, Area Coordinators (currently three officers in special assignments), and the Community Service Officer (CSO), who serves as the primary monitor of the account. The CSO will respond to emails within their area of expertise; if they are unable to provide a sufficient response, they will forward the inquiry to the most appropriate member of the police department for follow-up. Every email sent to police@berkeleyca.gov receives the following automatic response:

Thank you for your inquiry with the City of Berkeley Police Department. Your inquiry is very important to us, and our responses are prioritized based on their significance. Please note that this email account is not monitored 24 hours a day. To report emergencies, please dial 911 (or program 510-981-5911 on your cell phone). For non-emergencies, please call (510) 981-5900. For more information

about services provided by the Berkeley Police Department, please visit:
<https://linktr.ee/berkeleypoliceca>.

Findings

The following section outlines key findings from the records review and supporting research.

From the Records Request

The materials obtained from records requests to the BPD and the City of Berkeley's IT department have provided valuable insights. These records reveal aspects of BPD's internal operations, including how they manage their general email account and the nature of the communications received. The following key findings were identified:

Finding 1. The email address police@berkeleyca.gov is monitored by members of the Community Services Bureau (CSB) within the Operations Division, including a Lieutenant, Sergeant, three Area Coordinators (officers on special assignment), and a Community Service Officer (CSO).

Finding 2. The CSO is the primary person responsible for monitoring the email account, responding to emails within their expertise. If unable to respond, the CSO forwards the email to the appropriate police department employee.

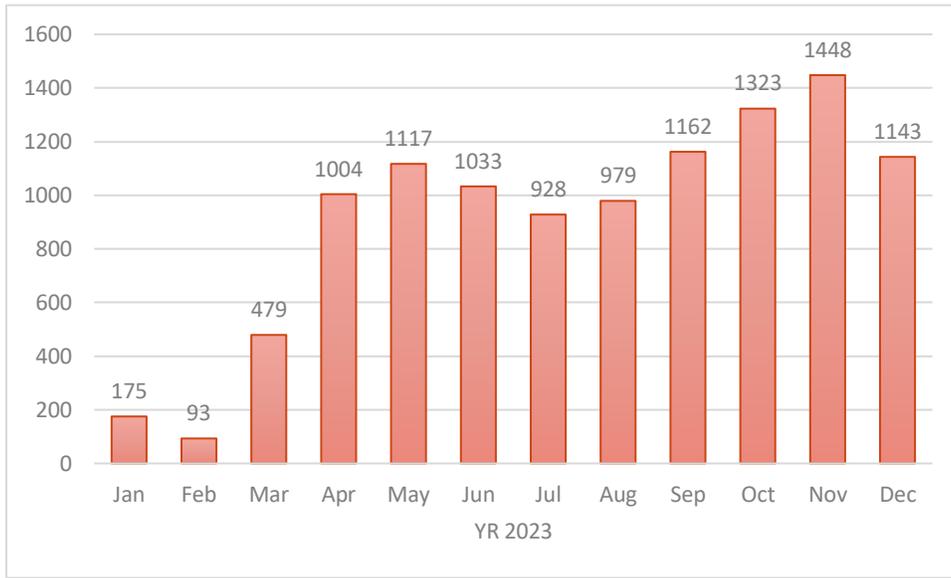
Finding 3. Every email sent to police@berkeleyca.gov receives an automatic reply, informing senders that the account is not monitored 24/7 and directing them to dial 911 for emergencies or (510) 981-5900 for non-emergencies. The response also provides a link to further information about Berkeley Police Department services. See Appendix 5.

Finding 4. Policy 204.3 required that emails accounts be checked at least twice a day, with the recommendation to do so at the beginning and end of shift.

Finding 5. The urgency of the response is determined by the factual content of the email received.

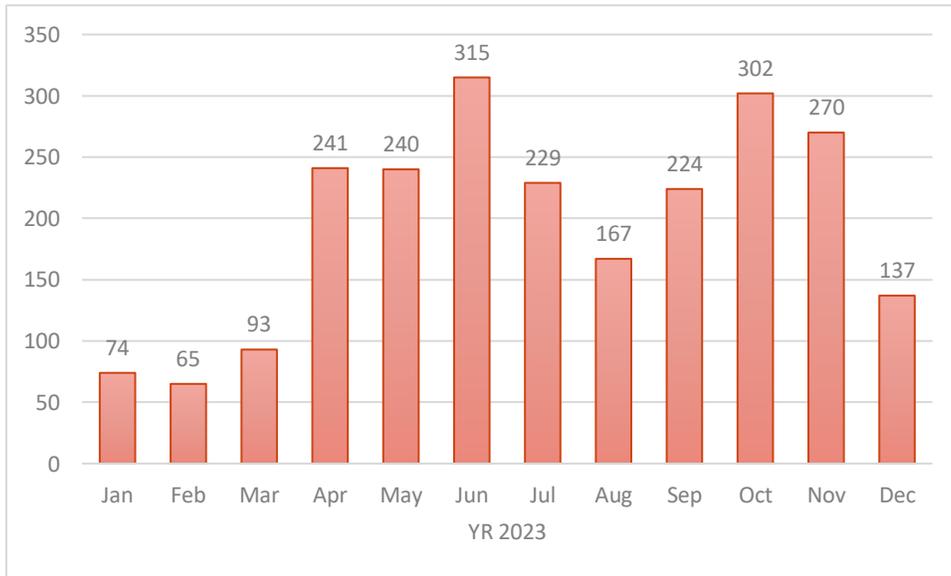
Finding 6. Between January 1, 2023, and December 31, 2023, the BPD received a total of 10,884 emails at police@berkeleyca.gov, averaging 907 emails per month or approximately 30 emails per day.

Figure 1. Emails received at police@berkeleyca.gov between January 1, 2023 and December 31, 2023.



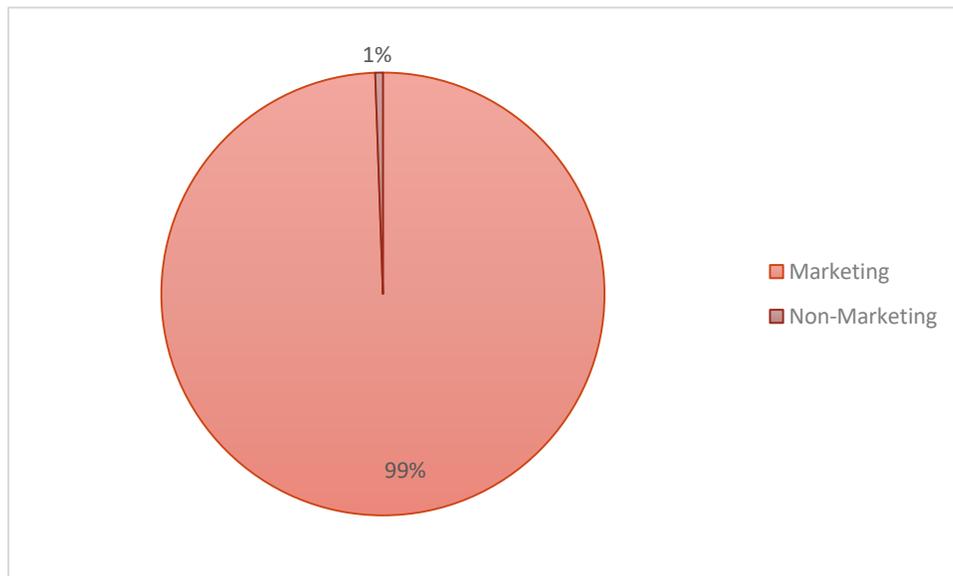
Findings 7. Between January 1, 2023, and December 31, 2023, only 2,357 of the 10,884 emails were read. This averages approximately 196 emails per month or about 6 emails per day.

Figure 2. Emails read by police@berkeleyca.gov between January 1, 2023 and December 31, 2023.



Finding 8. Out of 8,527 unread emails, there were 1,020 unique senders. A review was conducted on 250 of these unique senders, covering a total of 7,182 emails. Except for 40 emails from two members of the public, the remaining 7,142 emails were all marketing-related.

Figure 3. Percentage of Unread Emails Received at police@berkeleyca.gov from January 1, 2023, to December 31, 2023, Categorized by Marketing vs. Non-Marketing Emails.



Finding 9. A total of 477 emails were filed in a folder labeled “DELUSIONAL emails,” with 45 of those remaining unread. Of those 45 emails, 44 emails were sent by one community member.

From the Survey of Local Agencies

A landscape analysis of 17 law enforcement agencies in Alameda County was conducted to compare practices. The goal was to identify current practices and assess how the BPD’s procedures align with those of other agencies. The following key findings were made:

Finding 10. Out of the 17 agencies reviewed, only 7 (including the BPD) had an accessible general email address, while the remaining agencies provided emails for specific units or only phone numbers.

Finding 11. Among the 7 agencies with an automated reply, only the BPD and the Albany Police Department had automated replies.

Finding 12. For the remaining 5 agencies that did not have an automated reply, only the Livermore Police Department responded within 24-hours; other agencies did not respond.

Finding 13. The general email account for the Albany Police Department was monitored by the Chief of Police and two Lieutenants.

Finding 14: The general email account for the Livermore Police Department was monitored by the Administrative Assistant to the Chief of Police.

Finding 15. A workload organizational study of the BPD found that 51 of 68 respondents to an employee survey indicated that at least two hours daily were spent on collateral assignments (Citygate Associates, LLC, 2024).

Finding 16. Law enforcement agencies can utilize AI to improve their communication with the public by deploying chatbots to answer inquiries and distribute emergency information (Congressional Research Service, 2023).

Findings 17. AI systems will enable officers to engage with the public more effectively, combining knowledge with empathy (Chen, 2023). Chatbots, which have already been rated as more helpful and empathetic than human doctors, will be adapted for use by public information officers (Ayers et al., 2023).

Analysis

This policy review addresses the lack of response from the Berkeley Police Department's general email account, police@cityofberkeley.info. The use and monitoring of this account are governed by BPD Policy 204.3, "Checking Email and the Crime Forum." According to this policy, BPD employees are required to "check their email and crime forum accounts for new messages and post at least twice per duty shift." Additionally, employees must respond to emails in a timely manner when requested by the sender or when otherwise necessary or appropriate. See Appendix 6 for a copy of the complete policy.

The police@cityofberkeley.info email is primarily monitored by a CSO who reviews, responds, or forwards emails to the appropriate division with the BPD. Between January 1, 2023, and December 31, 2023, the BPD received a total of 10,884 emails at police@berkeleyca.gov, averaging 907 emails per month, or approximately 30 per day. Of these, only 2,357 emails were read, averaging 196 per month, or about 6 per day. Among the 8,527 unread emails, there were 1,020 unique senders. A review of 250 unique senders, accounting for 7,182 emails, revealed that aside from 40 emails from two members of the public, the remaining 7,142 emails were marketing-related. Indicating that a majority of correspondences received are marketing related and that BPD staff must sort through that email traffic to identify emails from community members.

All email correspondences receive an automatic reply, as shown in Appendix 5, before any substantive response is provided by the monitoring CSO or relevant staff from another division. This automatic reply informs the public that the email account is not monitored 24/7 and provides contact details for emergencies and non-emergency calls. Additionally, it includes a link to the BPD's Linktree, which offers resources such as how to report a crime, employment opportunities, instructions for submitting complaints and commendations, signing up for Nixle Alerts, accessing the Police Transparency Hub, submitting public records requests, and reviewing Policy and Training Materials. This link guides people to publicly available information that may address their inquiries. Among the 17 surveyed agencies, the BPD was the only one to include consolidated publicly available information in their automated response.

In the context of the complainant's correspondences, twenty days had passed since the first email and twenty-two days since the second email at the time the complaint was filed. After ODPa staff followed up for more information, the complainant reported that his concerns were addressed following contact from a BPD employee. Based on previously described internal operations, the BPD's general email serves as a screening mechanism, with emails forwarded to the relevant parties. Given this process, it is likely that the email was received and forwarded to the appropriate department, where it encountered delays. The 2024 Berkeley workload organizational study speaks

to the administrative strains that the BPD has encountered with staff dedicating at least two hours on collateral assignments daily (Citygate Associates, LLC, 2024).

Recommendations for Enhanced Communication and Operational Efficiency

Based on the findings from the policy review and literature, several recommendations can be made to improve the Berkeley Police Department's (BPD) email communication and management processes:

1. **Implement Email Filtering Software:** To minimize the time spent on marketing-related emails, the BPD should adopt automated email filtering software to categorize and prioritize incoming communications, ensuring that community concerns are addressed promptly.
2. **Enhance Automated Responses:** The current automatic reply should be expanded to better guide community members toward alternative contact methods for non-urgent inquiries, reducing the volume of emails requiring manual forwarding.
3. **Allocate Dedicated Administrative Support:** Establishing a dedicated administrative team or assigning additional personnel to manage email correspondence would ensure timely responses and prevent backlogs during high email traffic periods.
4. **Integrate Communication Platforms:** Integrating email monitoring with other communication platforms, such as a centralized case management system, would streamline email handling and facilitate timely tracking and escalation of concerns.
5. **Regular Review of Email Policies:** Periodic reviews of BPD Policy 204.3 are essential to ensure email management practices remain effective, including refining monitoring frequency based on staffing levels.
6. **Optimize Workload Distribution:** To alleviate administrative strain, efforts should be made to reduce collateral duties assigned to key personnel by reassigning administrative tasks to specialized staff.
7. **Leverage Artificial Intelligence for Response Triage:** Implementing AI-powered tools to assist in triaging emails can help identify high-priority matters and automatically forward them to the relevant departments, enhancing operational efficiency.
8. **Provide Ongoing Staff Training:** Regular training on email management best practices should be provided to ensure staff can handle communications effectively and escalate issues appropriately.

By implementing these recommendations, the BPD can enhance its email management processes, reduce administrative burdens, and improve its responsiveness to community inquiries.

Supporting Literature for Recommendations

The supporting literature provides a foundation for the presented recommendations, emphasizing the importance of effective communication strategies and operational efficiency in law enforcement.

- **Email Filtering Software:** Dabbish and Kraut (2006) highlight the importance of email filtering systems in reducing administrative burdens by categorizing and prioritizing incoming emails. For the BPD, adopting such technology would allow staff to focus on community concerns while minimizing the time spent sifting through marketing-related emails.
- **AI Triage Systems:** A recent report from the Congressional Research Service (2023) highlights the increasing role AI is playing in law enforcement, with a particular focus on improving communication workflows and prioritizing inquiries through automated systems. AI-powered chatbots and triage tools can handle routine questions, freeing up human officers to focus on more complex or urgent cases. Gasser and Almeida (2017) propose the use of AI-powered triage systems to assist in managing large volumes of email. These systems could help law enforcement agencies identify high-priority matters and route them to the appropriate personnel, reducing delays in responding to urgent public inquiries. Frank Chen (2023), an emerging tech expert, has also explored the potential benefits of AI in law enforcement. He points out that AI-driven communication tools are designed not only to manage inquiries efficiently but also to provide personalized responses that can help enhance public engagement and satisfaction. This goes beyond just automating replies—it is about using AI to better understand the public’s needs and ensure that their concerns are handled with greater efficiency and care. In addition, a study in *JAMA Internal Medicine* (2023) shows that AI-driven chatbots in healthcare settings were rated as more empathetic than human providers in some cases. This finding suggests that AI could similarly be applied to law enforcement communication, where chatbots or AI-based systems might improve both the speed and emotional engagement of responses to non-emergency public inquiries, thereby enhancing the public's perception of the police.
- **Dedicated Administrative Support:** DeAngelis (2016) emphasizes that civilianization—the practice of employing administrative staff to manage non-policing tasks—can significantly enhance the operational efficiency of police departments. By assigning dedicated administrative personnel to oversee the BPD’s general email account, the department can ensure timely responses to community inquiries, allowing sworn officers to concentrate on their core responsibilities. This need for improved focus is highlighted in Citygate’s 2024 workload organizational study, which reveals a significant challenge for the BPD: many sworn personnel, especially those in supervisory roles, are tasked with numerous ancillary responsibilities, resulting in an increasing amount of time spent on administrative duties rather than their primary functions of leadership and field supervision (Citygate Associates, LLC, 2024).
- **Policy and Procedural Reviews:** Periodic reviews of email management policies, such as those outlined by the International Association of Chiefs of Police (IACP, 2014), are necessary to ensure that law enforcement agencies maintain best practices in communication. Regular updates to these policies can help ensure that the BPD’s email management practices are aligned with staffing levels and technological advancements.

Conclusion

The complainant articulated concerns regarding the BPD's delayed response to two emails submitted to its general email account and raised issues about the department's potential policies governing email communication. An examination of the policy revealed that the challenges identified stemmed from operational inefficiencies rather than a deficiency in policy. The literature review conducted as part of this analysis indicates that this issue is not unique to the BPD; numerous agencies and government bodies encounter similar challenges. To address these concerns, it is crucial to reduce or streamline the administrative workload to alleviate pressure on staff. This can be achieved through the implementation of new software solutions and operational systems designed to expedite routine tasks and optimize resource management. By addressing these operational inefficiencies, the department can enhance both its responsiveness and overall procedural effectiveness which can enhance community engagement and, over time, further strengthen public trust.

Next Steps

The following section outlines a prioritized, phased approach to implementing the recommendations based on the findings from the policy review and supporting literature. This step-by-step strategy will help the BPD improve its email communication and management processes efficiently, while balancing resource constraints and operational demands. By focusing on immediate actions, mid-term goals, and long-term improvements, the department can enhance responsiveness and reduce administrative burdens over time.

Stage 1: Immediate Implementation

1. *Enhance Automated Responses:* Expand the current automatic reply to better guide community members toward alternative contact methods for non-urgent inquiries. This can be implemented quickly with minimal resources, helping reduce manual forwarding.
2. *Provide Ongoing Staff Training:* Conduct staff training on best practices for email management and response escalation. This ensures that personnel are immediately equipped to handle communications more effectively.

Stage 2: Mid-Term Implementation

3. *Allocate Dedicated Administrative Support:* Assign additional personnel or establish a dedicated team to manage general email correspondence, particularly during high-traffic periods. This will prevent backlogs and ensure timely responses.
4. *Implement Email Filtering Software:* Deploy automated email filtering software to categorize and prioritize emails, ensuring marketing emails are minimized and community concerns are addressed more promptly. This will reduce administrative time spent on irrelevant communications.

Stage 3: Long-Term Implementation

5. *Leverage Artificial Intelligence for Response Triage:* Introduce AI-powered tools to assist in triaging incoming emails, automatically identifying high-priority matters, and forwarding them to the appropriate departments, significantly improving response times and efficiency.

6. *Integrate Communication Platforms:* Integrate email monitoring with other communication systems, such as a centralized case management system, to streamline tracking, handling, and escalation of concerns across departments.
7. *Optimize Workload Distribution:* Reassign administrative tasks from key personnel to specialized staff, reducing the strain of collateral duties and allowing officers to focus on their core responsibilities. This step can be implemented once the infrastructure for administrative support is established.

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Appendices

Appendix 1. Policy Complaint Form 2023-PR-0002 (Redacted)

		POLICY COMPLAINT FORM	
Office of the Director of Police Accountability (DPA)		1947 Center Street, 5 th Floor, Berkeley, CA 94704	
Web: www.cityofberkeley.info/dpa		E-mail: dpa@cityofberkeley.info	
Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955		DPA Case # <u>2023-PR-0002</u>	

1	Name of Complainant: [Redacted] [Redacted] [Redacted] Last First Middle
	Mailing Address: [Redacted] [Redacted] [Redacted] [Redacted] Street City State Zip
	Primary Phone: [Redacted] Alt Phone: [Redacted]
	E-mail address: [Redacted]
	Occupation: [Redacted] Gender: Male Age: 63
	Ethnicity: Other: Visigoth

2	Identify the Berkeley Police Department (BPD) policy or practice you would like the Police Accountability Board to review.
	BPD does not respond to email sent to police@cityofberkeley.info

3	Location of Incident (if applicable) Police Headquarters
	Date & Time of Incident (if applicable) March 22, 2023 to Date
	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. BPD has not responded to emails I sent on March 22 and March 24 of 2023. The subject lines were "Was a Tenant Activist Murdered?" and "Property Manager Engages in Assault and Battery."

6-24-21

4 What changes to BPD policy, practice, or procedure do you propose?
BPD should open and respond to email sent to police@cityofberkeley.info

5 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 Police Accountability Board in evaluating your complaint.)
Copies of the emails I sent to BPD on March 22 and March 24 are attached in PDF format.

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



Signature of Complainant

04/11/2023
Date

7 How did you hear about the Director of Police Accountability or Police Accountability Board?

X Internet
Berkeley Police Dept.
Newspaper: _____
Referred by: _____
Other: _____

Appendix 2. Emails from Complainant to BPD (Redacted)

4/11/23, 10:00 AM

Gmail - Property Manager Engages in Assault and Battery



Property Manager Engages in Assault and Battery

1 message



Fri, Mar 24, 2023 at 12:16 PM

To: police@cityofberkeley.info



March 24, 2023

Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704
510-881-5900
police@cityofberkeley.info

Via Email

Subject: Property Manager Engages in Assault and Battery

Dear Berkeley Police Department:

On March 23 the property manager of [REDACTED] physically attacked one of the tenants of the building. The tenant reported the incident to the Berkeley Police Department. The tenant's name is [REDACTED] She lives in apartment [REDACTED]

Best regards,



4/11/23, 10:03 AM

Gmail - Was a Tenant Activist Murdered?

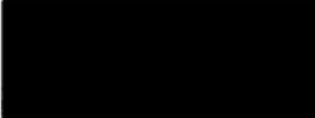


Was a Tenant Activist Murdered?

1 message

To: police@cityofberkeley.info

Wed, Mar 22, 2023 at 10:49 AM



March 22, 2023

Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704
510-881-5900
police@cityofberkeley.info

Via Email

Subject: Was a Tenant Activist Murdered?

Dear Berkeley Police Department:

Thank you for being on the job during these difficult times.

What are your thoughts on the following statement?

A tenant of [REDACTED] who was a tenant activist recently died under unusual circumstances. His name was [REDACTED] and he lived in [REDACTED]. During the final months of his life, [REDACTED] repeatedly expressed the fear of being murdered by property management. [REDACTED] died of a heart attack. [REDACTED] was young and physically fit. [REDACTED] frequently engaged in cardio workouts. It seems questionable that [REDACTED] heart attack was due to natural causes. Perhaps [REDACTED] heart attack was caused by his being poisoned with digoxin. While [REDACTED] was alive he stated that he once came home to his apartment and found that some of his food had been tampered with. [REDACTED] threw the food away, because he believed that it had been poisoned.

Berkeley Housing Code Enforcement has levied \$6,320.00 in fines against [REDACTED] for refusing to correct housing code violations. [REDACTED] and I are the two tenants who are most responsible for the fines that have been levied against [REDACTED]

I fear for my life.

Best regards,



Appendix 3. Records Requested of the BPD

To gain further context, the ODPa contacted the BPD and requested the following records:

1. Information on Email Monitoring: The working title, sworn/un-sworn status, and division of the individual(s) responsible for monitoring or managing emails sent to police@berkeleyca.gov.
2. Policies and Procedures: Any documented policies, procedures, or guidelines outlining how email correspondences received at police@berkeleyca.gov are prioritized and handled, including the criteria used to determine response urgency and the date the policy was last updated.
3. Email Activity Report: An email activity report outlining the email activity for police@berkeleyca.gov, showing the total number of received actions and sent actions for the period of January 1, 2023 to the present. The data should be exported as an Excel .csv file.

The BPD provided records and information for request one and two while the Information and Technology Department (IT) provided the requested information for item three.

The analysis of these records and gathered information sought to identify current practices, trends, and gaps in communication between law enforcement and the community, with a particular focus on responses to public emails.

Appendix 4. BPD Automated Email Response

From: BPD Webmail
Sent: Thursday, April 27, 2023 9:55 AM
To: [REDACTED]
Subject: Automatic reply: Test

Thank you for your inquiry with the City of Berkeley Police Department. Your inquiry is very important to us and our responses are prioritized by order of importance. This email account is NOT monitored 24 hours a day.

To report Emergencies, dial 911 (Program 510-981-5911 on your cell phone).

To report Non-Emergencies, dial (510) 981-5900.

For more information about services at Berkeley PD, visit:
<https://linktr.ee/berkeleypoliceca>

Appendix 5. Survey Distributed to Alameda County Law Enforcement Agencies.

The following email was sent to agencies with a general public contact email address. Excluding the BPD, the survey included the following agencies:

- Albany Police Department
- Emeryville Police Department
- UC Berkeley Police Department
- Hayward Police Department
- Livermore Police Department
- Newark Police Department

Hello,

I hope this message finds you well. My name is Jose Murillo, and I am a Policy Analyst with the City of Berkeley's Office of the Director of Police Accountability (ODPA).

Our office is currently conducting a landscape analysis of automated email responses used by neighboring law enforcement agencies for their general email accounts. The goal of this analysis is to enhance our communication strategies with the public, ensuring we align with best practices and improve overall service.

This email is being sent to prompt an automated response from your department, if one is in place.

Additionally, it would be helpful to know the following:

- *Who monitors this email address (working title, sworn/un-sworn status)?*
- *How frequently is this email address monitored?*
- *How are email correspondences to this address prioritized?*

Thank you in advance for your assistance. Please feel free to reach out with any questions.

Best regards,

Appendix 6. BPD Policy 204 “Electronic Communication”

Policy 204

Berkeley Police Department Law Enforcement Services Manual

Electronic Communication

204.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Department's electronic communication systems by employees of this department. Electronic communication is a tool available to employees to enhance efficiency in the performance of job duties and is to be used in accordance with generally accepted business practices and current law (e.g., California Public Records Act). Messages transmitted over the Department's electronic communication systems must only be those that involve official business activities or contain information essential to employees for the accomplishment of business-related tasks and/or communication directly related to the business, administrations or practices of the Department.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Department's email system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

204.3 CHECKING EMAIL AND THE CRIME FORUM

Employees shall check their email and Crime Forum accounts for new messages or posts at least two times each duty shift.

- (a) It is recommended that the accounts be checked close to the beginning and end of each shift in order to maximize the employee's exposure to new email messages and crime information.

When requested by the sender of a message, or as otherwise necessary or appropriate, employees shall respond to received email in a timely fashion.

Mis-addressed email should be sent back to the original sender with an advisement that the message was mis-addressed.

Employees may forward or re-distribute copies of email messages only when doing so fulfills a legitimate work-related purpose.

Berkeley Police Department

Law Enforcement Services Manual

Electronic Communication

204.4 PROHIBITED USE OF EMAIL

Sending email messages which are derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or in any other way inappropriate, is prohibited and may result in discipline.

Email messages addressed to the entire department should only be used for official business related items that are of particular interest to all users. Personal advertisements are not acceptable. Email messages addressed to the entire city must be approved by the Chief of Police or City Manager.

204.5 SECURITY

It is a violation of this policy to transmit a message under another employee's name. Employees are strongly encouraged to log off the network when their computer is unattended.

Employees should protect the security of their network, email and Crime Forum accounts by regularly changing their passwords.

Employees shall not share their passwords with any other individual.

The unauthorized use, or attempted use, of another employee's password, computer files or email without that person's expressed consent is prohibited.

An employee who observes another person use a departmental communication system inappropriately shall immediately notify their supervisor, or if unavailable, the next person in their chain of command.

204.6 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be considered a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

204.7 SIGNATURE BLOCK

All staff shall utilize a consistent and uniform email signature block using the following guidelines:

Line 1: Rank and Name

Line 2: Berkeley Police Department

Line 3: Name of Division, Bureau or Patrol Team the sender is a member of (just one)

Line 4: - Up to two ancillary assignments separated by a " / " (e.g., Lead Armorer / Field Training Officer)

- Non-sworn staff may use their job title/position here

Line 5: One phone number that directly connects the message recipient to the sender. This shall either be a direct desk line for people in special assignments or a work cell phone

Line 6: The five current social media links as defined by the Community Services Bureau

Berkeley Police Department

Law Enforcement Services Manual

Electronic Communication

The Berkeley PD logo may be included in the signature block.

The signature block shall be in Calibri font, size 11.

The signature block shall not include confidentiality notices, quotes or any other deviations from what is outlined above.

Example:

Officer John Smith
Berkeley Police Department
Patrol Team 2
Field Training Officer / Armorer
(510) 847-1234

Follow us on:



ⁱ The ODPa and PAB take all complaints seriously and strive to conduct thorough and accurate reviews within a reasonable time frame. However, the completion of this particular policy review was delayed due to unforeseen challenges, including vacancies on the Police Accountability Board and personnel shortages within the Office of the Director of Police Accountability. These staffing limitations hindered the timely completion of the review process, despite the ODPa's ongoing commitment to upholding accountability and ensuring a thorough investigation. Efforts to address these resource constraints are ongoing to prevent future delays and to ensure that all complaints are handled in a timely and efficient manner.