

POLICY REVIEW REPORT

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Prepared by:

Office of the Director of
Police Accountability

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EXECUTIVE SUMMARY

This policy review evaluates noise disturbance policies and the Berkeley Police Department (BPD) responses, aiming to identify applicable laws, ordinances, and codes. It also analyzes the role of police as mediators in noise complaints and explores non-police alternatives for resolution.

To achieve these objectives, the methodology incorporated a mixed-methods approach, including interviews, literature review, and quantitative data analysis. Staff from the Office of the Director of Police Accountability (ODPA) conducted interviews with the complainant and subject matter experts. The literature review examined existing research, best practices, and case studies regarding noise disturbance policies and mediation practices. The quantitative data analysis focused on identifying patterns in BPD's calls for service related to noise complaints.

Key findings indicate that while the volume of noise complaints remained stable from 2021 to the end of the third quarter of 2024, the overall demand for police responses has increased, resulting in longer response times. This situation complicates BPD's ability to effectively address noise disturbances, which are often perceived as lower-priority matters. To alleviate this burden, the ODPA review suggests utilizing non-sworn personnel, such as Community Service Officers (CSOs) or Community Intervention Specialists (CIS), for low-risk calls. Currently, an Environmental Health Specialist (EHS) serves as the Noise Complaint Officer (NCO) for the city, but there is only one EHS available to handle noise complaints during standard business hours. The deployment of the EHS for noise enforcement and the adoption of tools like the NIOSH Sound Level Meter app by patrol officers could further enhance BPD's response and conflict resolution capabilities regarding noise complaints.

In addition to staffing adjustments, strengthening mediation efforts is essential for resolving noise-related conflicts. Mediation is also a critical component. While the EHS currently handles noise mediation informally, structured services like those from the Berkeley Rent Board or SEEDs Community Resolution Center could facilitate community conflict resolution. However, challenges persist, particularly regarding the transient student population and the lack of effective grievance mechanisms related to noise violations.

In summary, this review offers insights into improving Berkeley's noise management strategies and fostering better community relations through alternative responses and mediation services. By enhancing these approaches, the BPD can more effectively address noise complaints, ultimately contributing to a more harmonious community environment, enhancing police legitimacy in problem solving, and in-turn improving police-community relations.

INTRODUCTION

Background

On August 21, 2023¹, the ODPA received a policy complaint form with additional attachments via email at dpa@cityofberkeley.info. A supplemental policy complaint form was

¹ The ODPA and PAB take all complaints seriously and strive to conduct thorough and accurate reviews within a reasonable time frame. Since the acceptance of the complaint, work has been ongoing, including interviews with the complainant and site visits. However, the completion of this particular policy review was delayed due to unforeseen challenges, such as 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.

submitted on September 4, 2024, to update the original. See Appendix 1, "Policy Complaint Number 2023-PR-0005 with Amendment." The PAB reviewed the complaint's acceptance on October 11, 2023, and assigned it to the ODPa for further review.

The complainant stated that she and her family have endured "intentional harassment, deliberate loud noise, [and] intentional vandalism" from various groups of university students living next door over several years. See Appendix. She indicated that despite numerous requests for help from the BPD, the responses were neither timely nor satisfactory, with insufficient action taken to address the problems. Furthermore, the complainant noted ongoing civil disputes with the owners of the neighboring property, who have allegedly failed to properly address the issues with their tenants. In a conversation with ODPa staff, the complainant expressed that she would have been interested in mediation to have the issue resolved if the option has been presented or provided. See Appendix. The complainant chose to file a policy complaint, rather than a personnel complaint, because she had no issue with the responding officers themselves. Her frustration stemmed from the broader policies and practices related to enforcement, particularly her belief that the Berkeley Noise Ordinance was routinely not enforced and that NCOs were not on duty during the incidents in question.

Interview with the Complainant

On January 18, 2024, ODPa staff met with the complainant at her residence to conduct a site visit and an interview. Through this interview, the complainant expressed concerns about ongoing disturbances from tenants in a neighboring building, where she had lived for over 40 years. Over the past seven years, the complainant alleged that the tenants caused issues such as excessive noise, parties, vandalism, and harassment. Despite repeatedly contacting the local police department, the complainant felt that the responses were often inadequate. The tenants were allegedly engaging in disruptive behaviors, including throwing bottles, starting fires, playing loud audio, and verbal harassment, including threats and inappropriate comments.

The complainant felt that both the police and city officials were unresponsive and dismissive of their concerns, especially given their status as an elderly individual who perceived the situation as elder abuse². Additionally, they filed a complaint against the University of California, Berkeley, criticizing it for failing to educate its off-campus students on being respectful members of the community. They expressed the belief that both the university and city officials had neglected their responsibilities to address these issues, referring to it as a "devil's bargain."

The complainant alleged that the police response to her complaints about disruptive tenants was largely inadequate. They claimed that officers often did not show up when called to report loud parties and disturbances, stating there was "no response" from the police. When officers did respond, the complainant alleged that they were ineffective. One officer reportedly remarked that the tenants just needed to "learn to use their inside voice" and suggested that the issues would resolve once the students graduated (A. Whyte, Interview with ODPa, January 18, 2024).

The complainant also felt that the police placed undue responsibility on them to direct officers on how to respond properly, such as advising dispatch that officers needed to exit their vehicle and walk down the driveway, which they found unreasonable. Overall, the complainant expressed frustration with what they saw as an ineffective police response to their repeated concerns over the years.

² As of this writing, the ODPa is conducting a separate review of policies and practices related to BPD Policy 313 "Senior and Disability Victimization," under ODPa 2023-PR-0007.

Objectives

This policy review evaluated the noise disturbance policies and the responses of the BPD through the following objectives:

1. Identified applicable laws, ordinances, and codes regarding noise disturbances in Berkeley and reviewed BPD policies for responding to such complaints.
2. Conducted a quantitative analysis of noise complaint related activity in the City of Berkeley
3. Analyzed research on the role of police as mediators in noise disturbance cases and explored non-police alternatives for addressing these issues.

Methodology

This policy review employed a mixed- methods approach to gather comprehensive insights into the effectiveness of Berkeley's noise disturbance policies and the responses of the BPD. The methodology included the following key components:

1. **Interviews:** Staff from the ODPA conducted interviews with the complainant and other relevant stakeholders and subject matter experts. These discussions aimed to gather firsthand accounts of experiences with noise disturbances and the responses from law enforcement.
2. **Literature Review:** A literature review was conducted to examine existing research, best practices, and case studies related to noise disturbance policies, police mediation, and non-police alternatives. This review helped contextualize the findings and identify gaps in current knowledge.
3. **Quantitative Data Analysis:** ODPA staff analyzed call-for-service data from the BPD related to noise complaints. This analysis focused on patterns in calls for service to assess the effectiveness of current policies and practices.

Through these combined methods, the review aimed to provide a complete understanding of the issues surrounding noise disturbances in Berkeley and inform potential policy recommendations.

POLICY OVERVIEW

The BPD has established policies addressing the enforcement of noise and social gatherings. These policies are designed to ensure compliance with both local municipal codes and state laws, helping to maintain public order and community standards.

City of Berkeley Ordinances

Chapter 13.40 of the Berkeley Municipal Code, titled “Community Noise,” addresses regulations aimed at controlling noise levels within the City of Berkeley, CA. This chapter outlines standards and restrictions for sound levels to protect public health, safety, welfare, and quality of life by reducing excessive and disturbing noises. The goal is to ensure a peaceful environment for residents by regulating noise in various areas, promoting quiet in low-sound areas, and addressing noise concerns in areas where sound levels exceed acceptable limits. Specifically, its declared Purpose and intent reads as follows:

The Council finds and determines that:

- A. Certain sound levels and vibrations are detrimental to the public health, welfare, safety, and quality of life, and are contrary to the public interest;

B. Every person is entitled to an environment in which the noise is not detrimental to their life, quality of life, health, or enjoyment of property;

C. The making and creating of disturbing, excessive, or offensive noises within the jurisdictional limits of the City is a condition that has persisted, and the level and frequency of occurrences of such noises continues to increase;

D. The public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the City and its inhabitants will be promoted by maintaining quiet in those areas which exhibit low sound levels and by reducing noise in those areas within the City where sound levels are above acceptable values. (Ord. 7122-NS § 1, 2009; Ord. 5500-NS § 1 (part), 1982)

State Code

The primary state law governing neighborhood noise is the Health and Safety Code (HSC) Division 28, known as the Noise Control Act [46000 – 46002]. This law recognizes that excessive noise can harm public health and welfare, causing physiological, psychological, and economic damage. It establishes the Office of Noise Control for California, with the goal of coordinating state efforts in noise management. The Act affirms the state's responsibility to protect its citizens by controlling, preventing, and reducing noise, and authorizes the Office to support local governments in creating and enforcing noise ordinances. Specifically, its declared intent is as follows:

The Legislature hereby finds and declares that:

The Legislature hereby finds and declares that:

- (a) Excessive noise is a serious hazard to the public health and welfare.
- (b) Exposure to certain levels of noise can result in physiological, psychological, and economic damage.
- (c) There is a continuous and increasing bombardment of noise in the urban, suburban, and rural areas.
- (d) Government has not taken the steps necessary to provide for the control, abatement, and prevention of unwanted and hazardous noise.
- (e) The State of California has a responsibility to protect the health and welfare of its citizens by the control, prevention, and abatement of noise.
- (f) All Californians are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare.
- (g) It is the policy of the state to provide an environment for all Californians free from noise that jeopardizes their health or welfare. To that end it is the purpose of this division to establish a means for effective coordination of state activities in noise control and to take such action as will be necessary to achieve the purposes of this section. (*Added by Stats. 1975, Ch. 957.*)

BPD Policies

The BPD has two policies relevant to this complaint regarding the enforcement of the City of Berkeley's noise complaint process. Policy 1200, the Social Host Ordinance (SHO), aims to protect public health and safety by enforcing laws that prohibit minors from consuming alcohol

and reducing the costs of police services at gatherings that require a response. Specifically, the purpose of BPD Policy 1200 is the following:

1200.1 Purpose

The purpose of the SHO is to address the problems identified above and protect the public health, safety and general welfare by enhancing the enforcement of laws prohibiting the consumption of alcohol by minors and reducing the costs of providing police services to parties, gatherings, or events requiring a response, by requiring hosts to ensure minors are not consuming alcoholic beverages (BMC 13.49.010B).

Policy 1202, the Second Response Ordinance, serves as a tool to address public nuisances caused by loud and unruly gatherings, with the goal of restoring neighborhood quality of life. Proper use and documentation under these policies ensure effective enforcement and administrative follow-up. This policy is specifically established to enforce the following:

1201.1 Background

In 1993, the Berkeley City Council Stated,

‘Due to inadequate supervision, some large gatherings of people, such as parties, frequently become loud and unruly to the point that they constitute a threat to the peace, health, safety, or become loud and unruly to the point that they constitute a threat to the peace, health, safety, or general welfare of the public as a result of conduct such as one or more of the following: excessive noise, excessive traffic, obstruction of public streets or crowds who have spilled over into public streets, public drunkenness, the service of alcohol to minors, fights, disturbances of the peace, and litter.

The City of Berkeley is required to make multiple responses to such unruly gatherings in order to restore and maintain the peace and protect public safety. Such gatherings are a burden on scarce City resources and can result in police responses to regular and emergency calls being delayed and police protection to the rest of the City being reduced. In order to discourage the occurrence of repeated loud and unruly gatherings, the persons responsible for the public nuisance created by these gatherings should be fined.’

BPD 430 “Civil Disputes” is also under consideration in this review. This policy offers guidance to Berkeley Police Department members on handling conflicts between individuals when no criminal investigation or enforcement is needed, such as in civil matters, with the aim of reducing the potential for violence or criminal activity. The purpose and scope of this policy is the following:

430.1. Purpose and Scope

This policy provides members of the Berkeley Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

Memorandum of Understanding Between BPD and UC Berkeley Police Department

The BPD-UCPD Memorandum of Understanding (MOU) establishes a collaborative framework for policing between the University of California, Berkeley Police Department (UCPD) and the City of Berkeley Police Department (BPD), highlighting their intertwined responsibilities and shared goals in providing public safety services. The MOU outlines guidelines for concurrent policing jurisdiction and emphasizes the effective provision of law enforcement in areas of mutual interest. The UC Berkeley Code of Student Conduct extends its jurisdiction to off-campus behavior that adversely affects the university community, particularly in cases involving serious offenses like assault or credible threats. While UCPD primarily operates within its jurisdiction on university property and certain neighboring areas, it collaborates with local law enforcement for incidents occurring at non-university properties, such as fraternities or sororities. Specifically, the purpose of the MOU is as follows:

A. Purpose

This Operational Agreement reflects the ongoing cooperative and professional association between the City of Berkeley Police Department (BPD) and the University of California Police Department, Berkeley (UCPD), and establishes guidelines and procedures for the exercise of concurrent policing jurisdiction. The purpose of this association has been, and continues to be, the effective and collaborative provision of public safety services and mutual promotion of common law enforcement goals in areas of shared jurisdiction and interest. To this end, each agency adopts the jurisdictional protocols and operational procedures described in this document.

LITERATURE REVIEW

In this policy review, three critical areas are examined: the Berkeley Police Department's response to noise complaints, mediation approaches for ongoing disputes between neighbors, and potential alternatives to a traditional policy response. To inform this review, a literature review was conducted, exploring existing research and models that have been developed or implemented in similar contexts. The aim is to identify practices that could improve the department's response and enhance the experience of community members affected by noise disturbances, ultimately fostering a more effective and community-centered approach.

Police Response to Calls for Service

Response Times

According to the Berkeley City Auditor (2021), dispatchers at the BPD Communications Center categorize each event by assigning a call type that conveys essential details about the incident, except in cases where the event is initiated by an officer. The BPD employs a variety of call types, indicating potential crimes (such as robbery, assault, and gambling), locations (for

instance, a fall on city property), individuals involved (like a missing juvenile), or non-criminal situations (such as welfare checks or vehicle stops). These call types help prioritize and allocate resources for each event, as detailed in the section on priority levels. Call types are assigned before BPD personnel arrive at the scene, and they may differ from the actual incidents that occur afterward.

Dispatchers gather necessary information to determine the appropriate response based on the event's nature, priority, and available resources. They assign priority levels to events, guiding how quickly police personnel should be dispatched. For instance, priority level 1 requires dispatch within one minute, while priority level 4 allows up to 90 minutes. Research has shown that the number of officers available at the time of dispatch significantly affects response times, especially for lower-priority calls. A study focusing on police staffing levels found that response times for priority calls can increase when staffing shortages occur, highlighting that maintaining adequate staffing is crucial for minimizing delays (Mourtgos et al., 2024).

In Berkeley, priority levels influence the number of personnel dispatched, along with factors like call types, officer proximity, and discretion. While dispatchers can send officers to events, they do not reduce or divert officer responses. Priority levels range from 1 (most urgent) to 9 (least urgent), with Priority 0 designated for situations where officers are already on scene. Levels 4 through 9 share the same 90-minute response time, allowing dispatchers to prioritize resources for lower-level calls. Noise disturbances are classified as a level 4 response, which has a guideline for dispatching a response within 90 minutes (Berkeley City Auditor, 2021). Additionally, the relationship between call prioritization and response time has been well-documented. A review of emergency dispatch systems shows that priority levels guide the urgency of police dispatch, with higher-priority levels generally receiving quicker responses (Messinger et al., 2013). However, response times can vary significantly based on factors like staffing, officer proximity, and the complexity of the situation (Mourtgos et al., 2024).

In its 2023 Annual Report, the BPD (2024) highlighted that the average response time for Level 4 calls increased from 38 minutes in 2021 to 43 minutes in 2022, and further to 51 minutes in 2023. See Figure 1. This trend aligns with a consistent rise in the volume of service calls, which totaled 61,400 in 2021, 62,200 in 2022, and 63,800 in 2023. Officers have been handling more calls per shift, reflecting the growing demand for service. Staffing shortages and increased call volume are critical factors contributing to longer response times, underscoring the importance of strategic resource allocation to manage lower-priority calls effectively (Mourtgos et al., 2024).

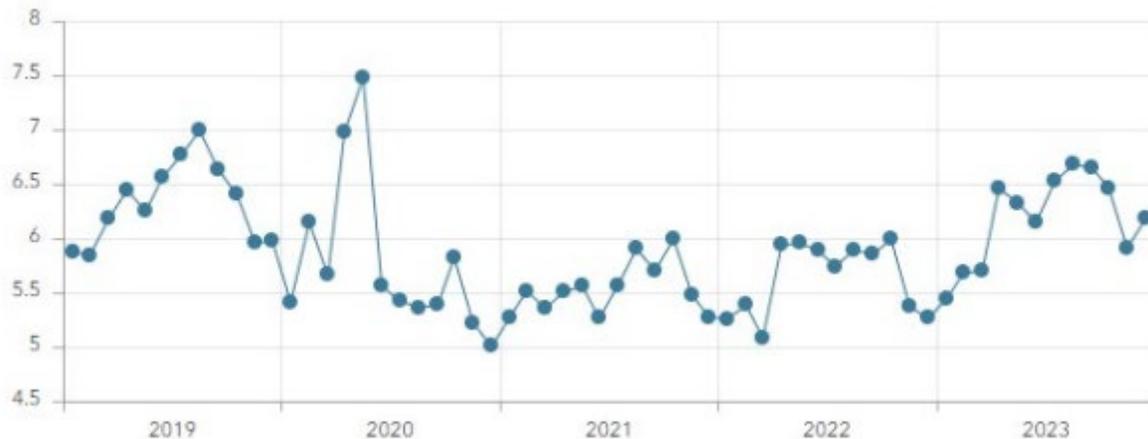
Figure 1. Media Response Time in Minutes



Source: Berkeley Police Department, 2023 Annual Report, 2024

Additionally, officers have been managing more calls per shift, indicating the increasing demand for service. From 2021 to 2023, the average number of non-officer-initiated calls handled per officer per shift has consistently risen each year. See Figure 2.

Figure 2. Average Non-Officer-Initiated Calls Handled per Officer per Shift



Source: Berkeley Police Department, 2023 Annual Report, 2024

Citygate (2024) reports in their workload organizational study that to help reduce the number of calls handled and reduce response times, the BPD could potentially consider alternative (non-police responses) for calls that lack the potential for violence and/or do not indicate that a suspect is nearby or on-scene. In Citygate’s review of Vehicle Incidents CFS, we discovered many calls that could be assigned to a police alternative such as a CSO. For example, depending on what dispatchers learn during the screening of a call, most auto burglaries, abandoned vehicles, traffic hazards, VIN verifications, and vehicle recoveries could be diverted from officers and assigned to Parking Enforcement officers or CSOs.

Call Types- Noise Disturbances

Urban noise pollution is a significant concern, especially in areas with a mix of residential and commercial land uses. Research demonstrates that persistent exposure to elevated noise levels can lead to adverse health outcomes, such as increased stress, disrupted sleep, and negative impacts on mental health and overall well-being (Goines & Hagler, 2007). These effects are particularly prevalent in urban settings where high-density housing, transportation systems, and commercial activities intersect.

Studies on noise pollution emphasize that public transportation hubs, nightlife, and student housing are major contributors to urban noise disturbances, with increased activity during late-night hours often leading to a higher incidence of noise complaints. Murphy and King (2014) point out that neighborhoods near public transit systems and entertainment venues tend to experience greater noise disruptions, particularly in the evening and early morning, due to social activities and transportation noise.

By understanding these broader patterns, city planners and law enforcement agencies can adopt strategies that mitigate noise disturbances through more thoughtful urban design, zoning policies, and community engagement initiatives. These strategies not only address immediate complaints but also aim to foster a more harmonious coexistence between residents, businesses, and public spaces, reducing the potential for conflicts over noise disturbances.

Police as Community Mediators & Alternatives to the Traditional Police Response

The role of police in community mediation has gained attention as an alternative to traditional law enforcement methods. As communities seek to improve relations with their police departments, exploring non-confrontational approaches to conflict resolution has become increasingly important. This literature review examines various perspectives on police mediation, highlighting its potential benefits, challenges, and practical applications. By analyzing the work of key authors, we can better understand how mediation can transform the police's role from enforcers to facilitators of peace, ultimately enhancing community ties and fostering trust.

Palenski (1984) discusses the benefits of police mediation, highlighting its potential as an alternative approach for handling problem cases such as domestic disturbances. Mediation can lessen police involvement in non-criminal disputes, enhance police management, and strengthen community ties. Despite these advantages, Palenski notes that many officers are hesitant to utilize mediation due to organizational barriers, role conflicts, and a preference for traditional policing methods. He suggests that police training in mediation, community support for alternative dispute resolution, and feedback on mediation outcomes could help address these challenges.

Alarid and Montemayor (2011) explore the application of restorative justice within policing, advocating for community involvement in shaping policies that guide police responses to crime. They propose that a victim-centered approach should replace traditional methods, emphasizing collective efficacy. Their findings suggest that police-led mediation can be effective, particularly for youthful offenders, leading to lower recidivism rates. The authors highlight the need for organizational support and a participative management style to foster victim-centered policing.

Cooper (2003) asserts that mediation can be an effective tool for patrol officers dealing with interpersonal disputes that do not warrant arrests. He emphasizes the importance of giving individuals control over important life issues and the role of mediators in empowering disputing parties. However, he points out that many officers lack formal training in mediation, which hinders its implementation.

According to the Reimagining Public Safety (n.d.) issue paper on noise complaints, various non-police strategies can effectively address noise disturbances. Key recommendations include deploying trained mediators who can facilitate resolutions between parties, utilizing community service officers for minor issues, and strengthening code enforcement to handle violations more efficiently. Furthermore, collaboration with local businesses can foster a proactive approach to noise management. The integration of technology, such as apps for reporting disturbances, can enhance community engagement and ensure that responses are tailored to specific neighborhood needs.

The City of Berkeley's Reimagining Public Safety Process, as outlined in the Remaining Public Safety in Berkeley: Final Report and Implementation Plan (2022), proposes the implementation of CIS as part of the Community Emergency Response Network (CERN)³. CISs would be responsible for responding to non-criminal and low-level 911 calls and other Calls for Service (CFS) in Berkeley, with the aim of addressing, mediating, and resolving a range of challenges, emergencies, and conflicts that lead to CFS. Their proposed role emphasizes thoughtful, patient, and compassionate engagement with the community. While the duties of a CIS will evolve as CERN develops, they would generally include mediating conflicts such as noise

³ The CERN was developed as a result of the consultant work conducted by the National Institute for Criminal Justice Reform for the City of Berkeley, proposing alternative non-police first responder program (Reimagining Public Safety Berkeley Task Force, 2022)

complaints and neighbor disputes. This proposed approach aligns with the growing recognition of mediation as a valuable tool for transforming the police's role from enforcers to facilitators of peace, ultimately enhancing community ties and fostering trust.

Case Study: The Role of Officers as Mediators in Community Conflict Resolution in the Navajo Nation

In the Navajo Nation, the integration of traditional conflict resolution methods with modern law enforcement practices offers a unique opportunity to enhance community safety and harmony. The Navajo peace officer mediator program exemplifies this transformative approach, allowing police officers to transition from enforcers of the law to facilitators of community peace. Traditionally, Navajo peacemaking emphasizes restoration and communal involvement in resolving disputes, and this program seeks to align modern policing with those cultural values (Navajo Nation Peacemaking Program, n.d.).

As highlighted by Meyer (2009), the peace officer mediator program empowers officers to engage directly with community members in conflict resolution. This initiative not only strengthens relationships between law enforcement and the community but also encourages citizens to take ownership of their disputes. By fostering collaboration and mutual respect, the program enhances trust in law enforcement and promotes a more proactive approach to public safety.

Furthermore, the mediator model promotes positive outcomes for both individuals and the community as a whole. By providing an avenue for citizens to resolve their conflicts amicably, the program contributes to a reduction in criminal behavior, as disputes are addressed before they escalate. This culturally relevant approach reinforces the notion that police can play a vital role in supporting community well-being, ultimately leading to a safer and more resilient Navajo Nation.

The Eric Gross of the National Institute of Justice (1999) conducted an evaluation of Navajo Peacemaking, focusing on its effectiveness in reducing family conflict. This study emphasized peacemaking as a restorative justice model that seeks to heal relationships rather than enforce impartiality. Key findings indicated that peacemaking participants had a 29% recurrence rate of conflicts, while family court participants experienced a 64% recurrence rate. The study suggests that peacemaking is more effective in fostering resolution and community justice, reinforcing the importance of traditional Navajo values in conflict resolution.

Case Study: Police Mediation by the National Police of Colombia

Figure 3 *Mediación policial, nueva alianza entre la CCB y la Policía Nacional [Police mediation, a new alliance between the CCB and the National Police]*



Source: Cámara de Comercio de Bogotá; <https://www.youtube.com/watch?v=w6WK7-ANouo>

Police mediation in Colombia, led by the National Police, plays a crucial role in fostering peaceful conflict resolution and improving community relations. As outlined in the National Police Code (Law 1801 of 2016), mediation serves as a preventive tool to ensure public order and social harmony. This method focuses on promoting dialogue, respect, and tolerance, allowing individuals or groups to reach voluntary agreements before conflicts escalate into legal matters (Policía Nacional de Colombia, 2019).

Mediation can be conducted on-site during police interventions or at police stations when disputes are more complex. This approach helps prevent incidents such as domestic violence and personal injuries, enhancing the overall quality of life in the community (Policía Nacional de Colombia, 2019).

José Guadalupe Steele Garza's 2018 article *Mediación policial. Un protocolo de prevención del delito y cultura de paz* outlines a proactive approach to police work that shifts focus from punitive actions to conflict resolution and crime prevention. The article emphasizes police mediation as a tool for fostering dialogue and promoting a culture of peace. It argues that integrating mediation into law enforcement helps address community differences, preventing conflicts before they escalate into criminal activity. This approach enhances public security while building stronger relationships between police and communities.

FINDINGS

Interview with City of Berkeley Noise Control Officers (NCOs)

ODPA staff met with the City of Berkeley's Manager for Environmental Health and a registered EHS responsible for managing noise complaints. During the meeting, several key points

were discussed. The Division of Environmental Health, part of the Department of Health, Housing, and Community Services, oversees noise complaints during regular business hours. Currently, only one EHS is assigned to handle these complaints, which are routed through the City's 311 customer service line. However, this EHS also has other responsibilities beyond noise complaints, limiting the time and resources dedicated specifically to this issue.

When noise complaints are received outside business hours or reported directly to the Berkeley Police Department (BPD), it becomes the responsibility of BPD to address them. Unlike the EHS, who conducts formal noise studies using a decibel meter to determine if sound levels violate city ordinances, BPD officers do not carry such equipment. A noise study conducted by the EHS requires at least 30 minutes of data collection to ensure an accurate evaluation, but without decibel meters, BPD officers must rely on their judgment to assess whether a noise disturbance, such as a loud party, constitutes a violation.

To assist with preliminary noise assessments, smartphone applications, such as the CDC's NIOSH Sound Level Meter App, can provide reasonably accurate sound estimates. While these readings are not suitable for formal enforcement, they offer helpful initial data that may indicate whether further investigation is needed. Additionally, the EHS often attempts to mediate recurring noise disturbances informally before resorting to enforcement. This mediation process helps resolve conflicts between parties and prevent further issues. However, formal mediation, which requires the voluntary cooperation of both parties, is only pursued in more serious cases.

Several important insights emerged from the interview regarding Berkeley's noise complaint management. First, the limited resources available, with only one EHS handling complaints during business hours, restrict the City's ability to respond quickly and effectively. The EHS's numerous other duties further contribute to delayed response times and reduced efficiency in managing noise disturbances. Second, the reliance on BPD officers to handle complaints outside business hours without decibel meters leads to a more subjective, and potentially inconsistent, enforcement of noise ordinances. Officers must use their discretion, which may result in varied outcomes for residents.

Third, mediation serves as a practical tool for addressing recurring noise disturbances. The EHS often resolves conflicts informally, reducing tensions between parties without the need for formal enforcement. However, the success of this approach depends on both parties' willingness to cooperate. Formal mediation, though useful, is only an option when both parties agree, which limits its applicability in more contentious situations. Finally, the division of responsibilities between the Environmental Health Division and BPD highlights the need for improved coordination and resource allocation. Better collaboration and the appointment of additional EHS staff could enhance response times and ensure more thorough investigations of noise complaints during both business and non-business hours.

Calls for Service Data

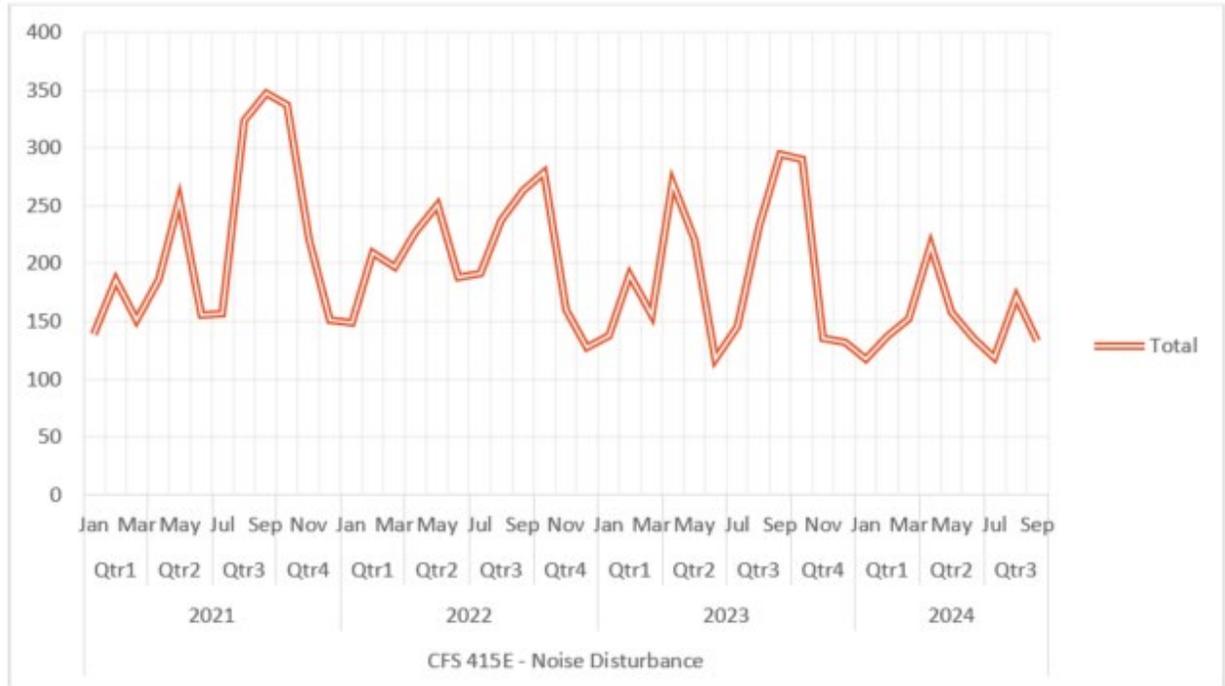
The data analyzed in this policy review looks at calls for service data collected by the BPD's Transparency Hub. The time period reviewed includes calls for service from 2021 to the end of Quarter 3 of 2024. During this period, the BPD responded to 8,755 noise disturbances.

A year-over-year decrease in incidents is observed from 2021 to 2024. 2021 saw the highest number of disturbances (2,610), with a peak in the third quarter (July–September), particularly in August and September. 2022 experienced a slight reduction to 2,480, with the second quarter being the most active. 2023 continued this trend, with 2,324 incidents, again showing peaks in the second

and third quarters. As of Quarter 3 in 2024, there have been 1,341 incidents, with the second quarter showing the highest numbers so far. See Figure 3.

Notably, these spikes in incidents between August and October each year align with the University of California’s academic calendar, coinciding with the return of students for the fall semester. This suggests that student activity may be a key factor in the seasonal increase in noise disturbances during late summer and early fall.

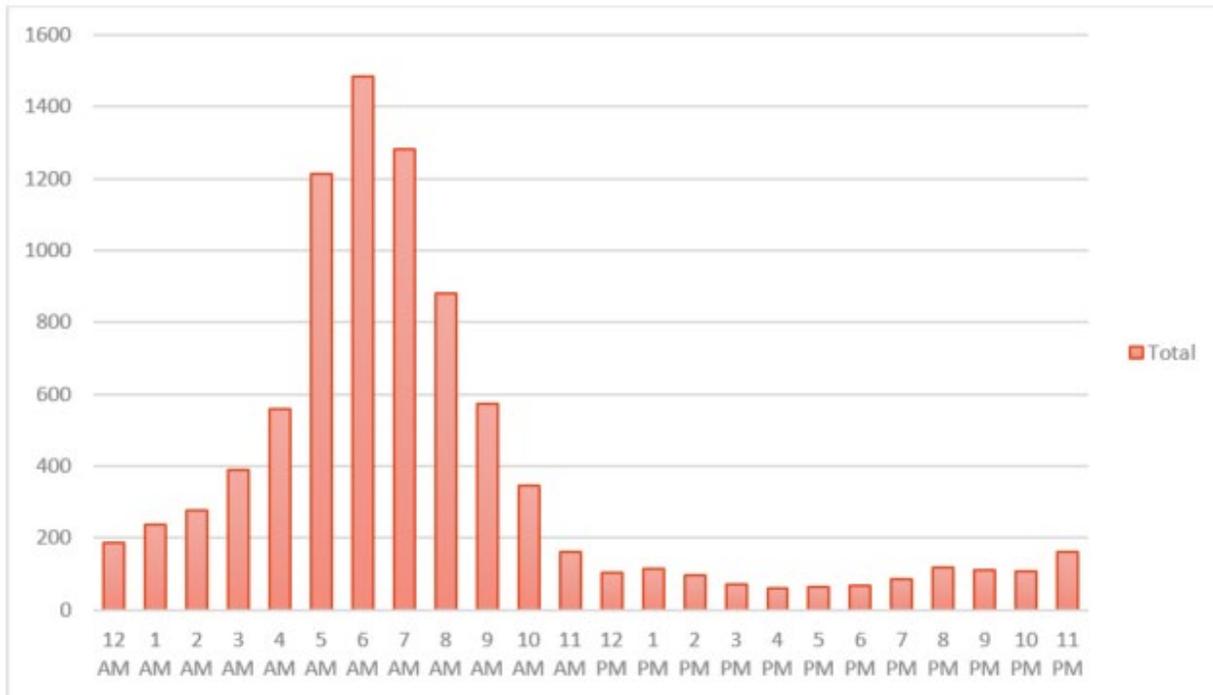
Figure 4. Noise Complaints Responded to by Berkeley Police Department, Q1 2021 - Q3 2024



Source: Berkeley Police Department, Call for Service Data, 2024

The analysis of noise complaints reported throughout the day reveals distinct patterns in the timing and frequency of disturbances over the period from 2021 to the third quarter of 2024. The highest number of complaints occurred during the early morning hours, particularly at 6 AM (1,484 complaints) and 5 AM (1,212 complaints), suggesting significant activity or disturbances related to nighttime activities ending or early morning gatherings. Other notable peaks include 7 AM (1,283 complaints) and 4 AM (560 complaints), indicating a sustained level of complaints during this timeframe. See Figure 4.

Figure 5. Distribution of BPD Noise Complaint Responses by Hour, Q1 2021 - Q3 2024.

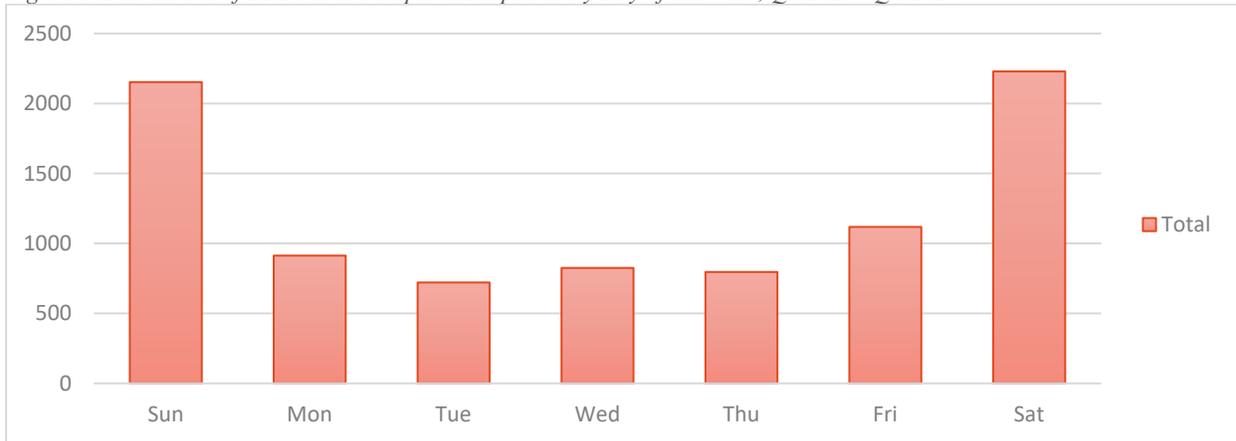


Source: Berkeley Police Department, Call for Service Data, 2024

After 8 AM, there is a noticeable decline in complaints throughout the day, with 882 complaints at 8 AM decreasing to 575 at 9 AM and 347 at 10 AM. This trend continues, reaching a low of 62 at 4 PM. Complaints increase again slightly in the evening, with 118 at 8 PM and 111 at 9 PM, before stabilizing around 100 at 10 PM. This indicates a possible correlation between evening activities and noise disturbances, although these levels are significantly lower than those observed in the early morning hours.

Overall, the data highlights that the majority of noise complaints arise during the early morning hours, likely due to parties or late-night events winding down, while there is a marked reduction in complaints during the afternoon and early evening hours. The most common days of the week for noise complaints are Saturdays and Sundays. The slight increase in the late evening suggests that some noise-related activities resume as the night progresses, and this pattern may be influenced by the academic calendar and student lifestyle in the area. See Figure 5.

Figure 6. Distribution of BPD Noise Complaint Responses by Day of the Week, Q1 2021 - Q3 2024.



Source: Berkeley Police Department, Call for Service Data, 2024

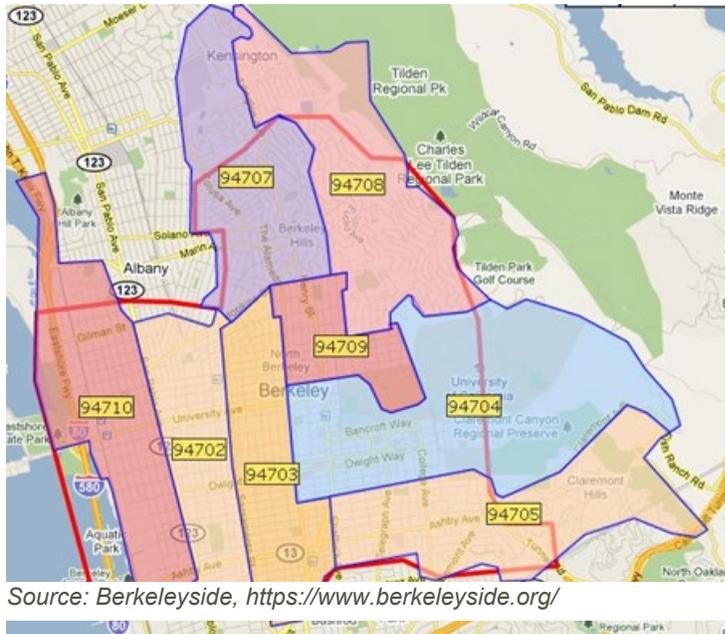
Among the noise disturbances addressed by the BPD, 63.21% of the calls originated from the zip codes 94703 and 94704. Zip code 94703 mainly covers the southern and eastern regions of Berkeley, including areas near the Ashby BART station and parts of South Berkeley. Zip code 94704 includes the vicinity surrounding the University of California, Berkeley campus, as well as sections of downtown Berkeley.

In these areas, the high volume of noise complaints can be attributed to common characteristics of urban environments and land use patterns found in many cities. Research shows that residential areas, especially those that include a mix of single-family homes and multi-unit dwellings, are more likely to experience sensitivity to noise disturbances, particularly during late-night or early-morning hours. Studies on urban noise pollution indicate that residents in quieter, family-oriented neighborhoods often report more disturbances from traffic, public transit, or public events due to lower background noise levels compared to more urbanized areas (Goines & Hagler, 2007).

In zip code 94703, the proximity to transit hubs like the Ashby BART station and surrounding arterial roads can lead to elevated noise levels, which aligns with findings that transportation hubs are significant sources of ambient noise pollution in urban settings (Hammer, Swinburn, & Neitzel, 2014). Public transportation systems, such as trains and buses, are frequently identified as contributors to noise complaints, especially in residential areas where homes are near transit corridors.

Meanwhile, zip code 94704 includes the University of California, Berkeley campus and downtown Berkeley, where research on college towns and mixed-use urban districts shows that

Figure 7. Zip Code Map of Berkeley



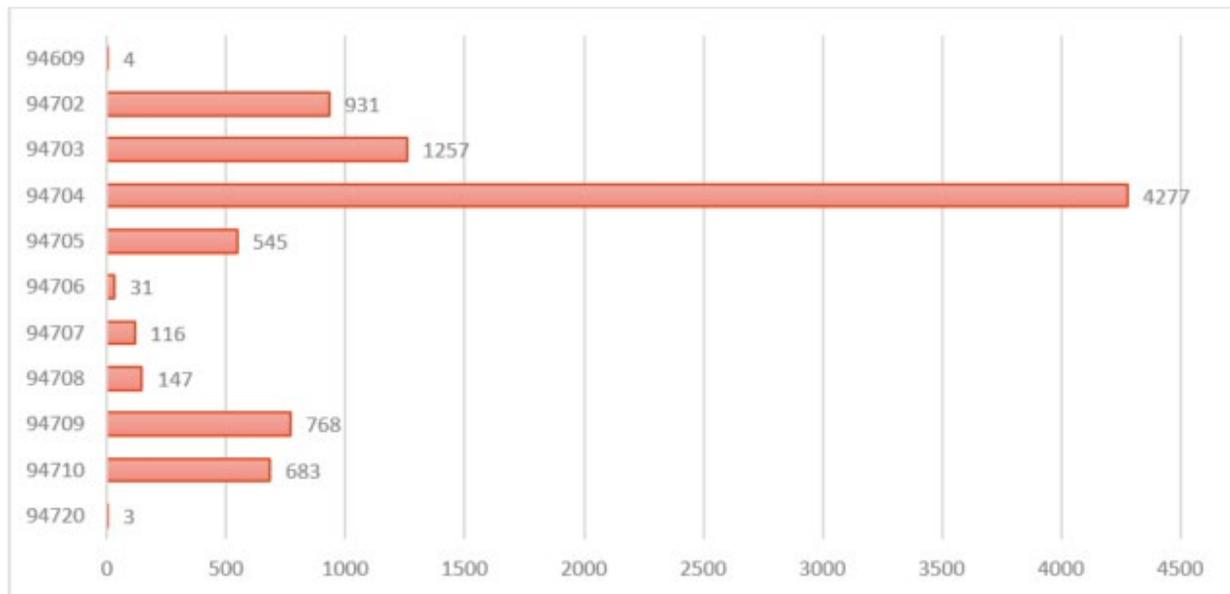
Source: Berkeleyside, <https://www.berkeleyside.org/>

areas with student housing and active nightlife are typically hotspots for noise complaints due to late-night social activities, events, and foot traffic (Schreckenberg, 2011). The presence of bars, restaurants, and entertainment venues in urban cores often contributes to higher noise levels, and this has been observed in various cities with a high density of commercial activity (Murphy & King, 2014). As a result, areas like downtown Berkeley are prone to more frequent noise complaints, particularly related to student nightlife and commercial activities, as seen in comparable university towns.

Moreover, demographic differences between these areas can also influence the type and frequency of noise complaints. Research shows that residential neighborhoods with family populations tend to experience complaints related to household or construction noise, whereas student-heavy areas report more disturbances related to social events and nightlife (Stansfeld & Matheson, 2003).

Moreover, demographic differences between these areas can also influence the type and frequency of noise complaints. Research shows that residential neighborhoods with family populations tend to experience complaints related to household or construction noise, whereas student-heavy areas report more disturbances related to social events and nightlife (Stansfeld & Matheson, 2003).

Figure 8. Berkeley Police Department Noise Complaints by Zip Code, Q1 2021 - Q3 2024.



Source: Berkeley Police Department, Calls for Service Statistics, 2024

ANALYSIS

The BPD's response to noise complaints must be understood in the context of a broader trend of increasing calls for service. While the number of noise complaints specifically has not risen significantly, the overall demand for police responses has increased, leading to longer response times (Berkeley Police Department 2024). This increase in workload for sworn personnel complicates their ability to address noise disturbances effectively, which are often deemed lower priority compared to more pressing law enforcement matters.

Considering this reality, it is important to explore alternative methods for addressing noise complaints that can lighten the load on patrol officers. One effective solution is to utilize non-sworn personnel for these and other low-risk calls where the likelihood of violence is minimal, thus eliminating the need for sworn officer deployment. The City of Berkeley has already implemented a practice of deploying one environmental health specialist who actively conducts noise studies and enforces the noise ordinance as part of their responsibilities. According to Citygate (2024), CSO can serve as a viable alternative to sworn officer responses, allowing patrol officers to focus on more urgent calls for service and reducing their overall workload.

The BPD's Call for Service data shows that noise complaints are most common outside of traditional business hours, especially on late Saturday and early Sunday mornings. An interview conducted by the ODPa with the EHS, who serves as the noise control officer along with other duties, highlighted that the BPD is the only available resource to address noise complaints during non-business hours. Additionally, enforcement levels differ markedly between the BPD's approach, which relies heavily on officer discretion concerning disturbances of the peace, and the more complex procedures followed by the environmental health division who use specialized decibel readers.

The BPD may find value in utilizing the NIOSH Sound Level Meter app⁴ as part of its noise complaint enforcement strategy. Developed by the National Institute for Occupational Safety and Health, this app allows officers or CSOs to measure noise levels with accuracy using iOS devices. Though primarily intended for occupational noise exposure, the app includes features relevant to addressing community noise concerns, such as providing information on hazardous noise levels and facilitating data sharing and reporting (Centers for Disease Control and Prevention [CDC], n.d.). Despite its availability only for iOS devices, this technology could enhance BPD's ability to document and assess noise complaints more systematically. Although the app's readings may not match the precision of specialized decibel meters, they offer useful context for decision-making when addressing noise



Image 1. NIOSH Sound Level Meter App (Center for Disease Control and Prevention).

⁴ For an overview on its functionality visit: <https://youtu.be/Uk-7KPERpVc>

disturbances that may be affecting the community. Incorporating such tools could potentially improve the department's overall approach to noise enforcement and build trust in how these issues are handled in Berkeley.

Another key element of this policy review is the ongoing conflict between the two property owners and the transient student population residing at the source of the noise in question. While not all noise may directly violate Chapter 13.40 of the Berkeley Municipal Code or be classified as a “public” nuisance, it’s essential to acknowledge that community members experience noise in various ways, with some individuals being more sensitive than others. Additionally, although a particular noise may not constitute a nuisance to the “public,” it could still be a private nuisance as defined by California Civil Code Section 3479, potentially leading to further conflict. In these instances, enforcement may be limited in regards to the ordinance but recourse can potentially be found through mediation facilitated by a CSO or sworn officer.

EHS currently manages noise complaint mediation informally, facilitating discussions to resolve issues before enforcing the sound ordinance. While there is no established formal process specifically for this role, other mediation programs are available.

For example, the Berkeley Rent Board provides free mediation services for landlords and tenants in units fully covered by the Rent Ordinance or registered under Measure MM. This mediation addresses a variety of issues, but both parties must agree to participate, as the process is voluntary. Any resolution requires mutual consent, with no decisions imposed by the mediator. If an agreement cannot be reached, parties may seek alternative remedies. Common topics that can be addressed through mediation include:

- Habitability concerns
- Security deposit disputes
- Noise complaints
- Rent ceiling disputes for fully covered units
- AB 1482 rent cap disputes for Measure MM units
- Move-out agreements
- Lease issues
- Relocation for repairs (Berkeley Rent Board, n.d.).

Additionally, the City of Berkeley partners with SEEDs Community Resolution Center to provide mediation services on its behalf. However, SEEDs currently offer these free services only for proposed zoning projects (City of Berkeley, n.d.). While SEEDs also mediates various issues, including noise complaints and neighborly disputes, for a small fee, the center was not accepting new cases due to a high volume of existing cases at the time of this report (SEEDS Community Resolution Center, n.d.).

BPD Policy 430 empowers officers of the Berkeley Police Department to actively manage civil disputes by outlining a framework for intervention in non-criminal conflicts. Officers are encouraged to maintain a neutral and calm demeanor to ensure the safety of individuals and property while preventing the escalation of potentially violent situations. The policy also enables officers to employ de-escalation techniques and identify instances of possible criminal activity, prompting appropriate investigations when necessary. Additionally, it allows officers to guide involved parties toward resolution services or civil courts as needed, all while upholding their impartiality and refraining from offering legal advice.

Importantly, the policy primarily encourages officers to promote external mediation services rather than take on mediation roles themselves. It advises them to remain impartial and not become personally involved in disputes, reinforcing the idea that they should avoid assuming a mediation role. Instead, the emphasis is on facilitating access to external mediation options by directing parties to appropriate resolution services or civil courts rather than directly mediating the conflicts themselves.

While mediation can be an effective tool for resolving many conflicts, it may not be suitable for all situations, particularly those involving significant power imbalances, ongoing harassment, or when one party is unwilling to participate in good faith. In such cases, mediation may fail to address the underlying issues or could even exacerbate tensions. However, certain recurring issues, like noise complaints, often lend themselves well to mediation. These disputes typically involve identifiable behaviors that can be addressed through open dialogue and compromise. Mediation can provide a structured environment for affected parties to communicate their concerns, explore possible solutions, and agree on acceptable noise levels or behaviors moving forward. By fostering understanding and cooperation, mediation can effectively reduce tensions and lead to more sustainable resolutions in these contexts.

The case studies of the Navajo Nation's peace officer mediator program and police mediation by the National Police of Colombia highlight the transformative potential of integrating mediation into law enforcement practices, showcasing how police can effectively engage in community conflict resolution. In the Navajo Nation, the peace officer mediator program illustrates how officers can transition from traditional enforcers of the law to facilitators of peace, aligning modern policing with cultural values that emphasize restoration and communal involvement. This initiative not only strengthens relationships between law enforcement and community members but also encourages individuals to take ownership of their disputes, fostering collaboration and enhancing trust. Similarly, the National Police of Colombia demonstrates how mediation serves as a preventive tool, promoting dialogue and voluntary agreements before conflicts escalate. By shifting the focus from punitive actions to conflict resolution, police mediation not only addresses immediate disputes but also contributes to long-term community safety and harmony. Collectively, these case studies underscore the importance of culturally relevant approaches to policing, showing that officers can play a vital role in supporting community well-being and building stronger, more resilient communities through effective mediation.

Another critical factor in relation to this policy complaint, there is a complex array of stakeholders involved, including the complainant, the landlord, the transient populations of student residents of the property in question, the university, and of course, the City of Berkeley. Regarding the enforcement of noise complaint violations, the University of California has jurisdiction over noise originating from its properties, while the City of Berkeley addresses noise complaints from non-university properties. The MOU between the two agencies clarifies the areas of jurisdiction for each, but it does not specifically address how the BPD responds to incidents involving students that may violate the UC Berkeley Code of Conduct or good neighbor policies. According to Section B.2. of the MOU, titled "BPD Reports to UCPD," the BPD is required to report to the university only when students are victims or suspects of Part 1 crimes.

While UC Berkeley provides its students with guidance on good neighbor practices, including requirements for group living accommodations, mini-dorms, and co-ops, there is no effective mechanism for community members to address grievances related to student behavior. Students are advised to notify neighbors at least 48 hours in advance of events that may generate

elevated noise, provide contact information for an onsite responsible resident, and respond to complaints within 24 hours. They must also submit an Indoor Entertainment Event⁵ application for gatherings of 50 or more attendees, manage trash and recycling properly, use off-street parking in approved areas, and notify property management of any violations (Associate Vice Chancellor & Dean of Students, 2023). However, despite these guidelines, the absence of a straightforward process for community members to voice their concerns limits their ability to address issues effectively when there are violations of these guidelines.

RECOMMENDATIONS

Based on the analysis, the following recommendations are made to enhance the BPD approach to managing noise complaints, fostering collaboration with community stakeholders, and adopting innovative solutions. Additionally, the PAB should consider seeking support from Chief Louis to assign further research to the Office of Strategic Planning and Accountability (OSPA) to evaluate the viability of a mediation program or training and explore the adoption of new technologies to address these issues effectively.

- 1. Update the MOU for Reporting Mechanisms**
The BPD should revise its MOU with the University of California to include a formalized reporting mechanism specifically aimed at addressing repeated noise disturbances linked to University of California students. This update would establish a structured, ongoing communication channel between the BPD and university administration, allowing for timely interventions when student behavior becomes a consistent source of disturbance in the community. Incorporating this mechanism would enable both parties to work collaboratively, ensuring that complaints involving students are promptly addressed and potentially referred to the university's disciplinary or student support services.
- 2. Implement Systematic Recording of University Affiliation**
The BPD should systematically record the **University affiliation or status** of individuals involved in noise complaints, especially in areas with high student populations. This data collection would help the BPD identify trends or patterns in noise-related disturbances and inform decisions about appropriate referrals to the university for disciplinary action or support services. By tracking these incidents, the department could enhance accountability, improve communication with the university, and identify areas where additional interventions may be needed.
- 3. Explore the Viability of a Mediation Program or Training**
Chief Louis should task the OSPA with researching the feasibility of developing a mediation program for noise complaints and neighbor disputes. This research should assess the potential for using trained mediators, CSO's, CIS's or community volunteers as part of a non-enforcement response model, drawing on examples from cities that have successfully implemented such programs. If viable, the program could allow for more constructive

⁵ City of Berkeley Indoor Entertainment Event Form:
https://docs.google.com/forms/d/e/1FAIpQLSdUKGS9sbwtzBQA5kf2GmrdTU0Q8Z1f0ip6euKy_HrtWIE5Dg/viewform

resolution of disputes, reducing the need for formal police involvement in non-violent, recurring issues. Models to explore include:

- a. **Non-Sworn:** CSOs/CISs or other non-sworn personnel for responding to non-violent noise complaints. This approach would alleviate the demand on sworn officers while ensuring that complaints are addressed promptly and professionally. CSOs/CISs could receive specialized training in noise ordinance enforcement and community relations, enabling them to handle situations with sensitivity and a focus on de-escalation, further contributing to positive police-community interactions.
 - b. **Sworn personnel:** as mediators following the Navajo and or Colombian National Police Model. In line with the BPD's focus on community policing, officers should receive enhanced training in mediation, conflict resolution, and de-escalation skills. This training would equip officers to act as facilitators during noise complaints or other low-level disputes, emphasizing peaceful resolution over enforcement when appropriate. Such skills would empower officers to handle these incidents more effectively, reducing tensions between neighbors while still ensuring the law is upheld.
4. **Increase Collaboration with Community Health and Environmental Services**
Strengthening collaboration between the BPD and the City of Berkeley's Environmental Health Division is essential for a unified strategy in managing noise complaints. Holding joint community information sessions could educate residents about noise ordinances, acceptable noise levels, and ways to reduce disturbances. Additionally, cross-departmental resource sharing would allow for quicker, more coordinated responses to ongoing noise complaints, improving community relations and overall service delivery.
 5. **Adopt Technology for Noise Reporting and Assessment**
Chief Louis should task the OSPA with researching the feasibility and viability for the BPD to adopt mobile applications to facilitate community reporting of noise disturbances and assist officers in assessing noise levels. For instance, apps like the CDC's NIOSH Sound Level Meter can enable community members to conduct preliminary noise assessments and submit evidence alongside complaints. This use of technology could help streamline responses by providing officers with real-time data on noise levels, improving accuracy and accountability in how complaints are addressed. Furthermore, technology solutions could assist in tracking patterns in noise complaints and identifying areas where additional resources or policy adjustments are needed.

By implementing these recommendations, the BPD can take a more proactive, collaborative, and community-centered approach to managing noise complaints, fostering better relationships between the department, the university, and the broader Berkeley community.

CONCLUSION

In summary, the relationship between the BPD's response to noise complaints, the increasing demand for police services, and the transient nature of the student population in Berkeley presents considerable challenges. The reliance on sworn officers to address noise complaints, particularly during periods of high demand, hampers their ability to effectively

manage more urgent law enforcement matters. Exploring alternative solutions, such as deploying non-sworn personnel and promoting mediation as a conflict resolution strategy, may alleviate some of the burdens on the BPD. Additionally, incorporating technology like the NIOSH Sound Level Meter app could enhance the enforcement process and bolster community trust in the department's management of noise disturbances. The complex interplay between various stakeholders, including the university, property owners, and students, highlights the need for a comprehensive and accessible framework for reporting grievances and enforcing noise-related guidelines. By adopting a collaborative approach to noise management, the city can foster a more harmonious living environment and strengthen the relationship between the community and law enforcement, ultimately leading to more sustainable and effective solutions for addressing noise complaints in Berkeley.

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Data Sources

Berkeley Police Department Call for Service Data: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/cfs-stats>

Authorities

Berkeley Police Department Policy 430

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=457

Berkeley Police Department Policy 1200

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=927

Berkeley Police Department Policy 1202

https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf#Page=934

Berkeley Municipal Code Chapter 13.40

<https://berkeley.municipal.codes/BMC/13.40>

California Noise Control Act (CA Health & Safety Code Section 46000 – 46002)

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=46000&lawCode=HSC

Operational Agreement Between the City of Berkeley Police Department and the University of California Police Department, Berkeley

https://ucpd.berkeley.edu/sites/default/files/bpd-ucpd_operational_agreement.pdf

APPENDIX

Appendix 1. Policy Complaint 2023-PR-0005



POLICY COMPLAINT FORM

Office of the Director of Police Accountability (DPA)

1947 Center Street, 5th 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

Date Received:

08/21/2023

DPA Case # ^{2023-PR-0005}

1

Name of Complainant: WHYTE. ANNE
Last First Middle

Mailing Address: [REDACTED]
Street City State Zip

Primary Phone: () [REDACTED] Alt Phone: () _____

E-mail address: [REDACTED]

Occupation: GRANDMOTHER Gender: FEMALE Age: BORN 1944

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

2

Identify the Berkeley Police Department (BPD) policy or practice you would like the Police Accountability Board to review.

Everyone in our household has been kept awake almost every night
by exceptionally-loud noise from [REDACTED] for six consecutive
"academic years." Friday last, again, there was excessive noise.
Unfortunately, more than half of all City of Berkeley uniformed police
officers who have "responded" to our requests for service have been
"unable to find" [REDACTED], including last Friday.

3

Location of Incident (if applicable) [REDACTED]

Date & Time of Incident (if applicable) Now, more than six years of elder abuse and cruelty.

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.

We can demonstrate six years of on-going intentional cruelty - now seven years - with
photographs, audio recordings, video recordings, e'mail, text messages, and lists of incidences.
City of Berkeley already has many, not all, of our recordings sent by e'mail.
SIX YEARS OF ELDER ABUSE HAS DONE SIGNIFICANT DAMAGE!

4 What changes to BPD policy, practice, or procedure do you propose?
Some years ago, Officer [REDACTED] summarily instructed us that, when we call for service because there is yet another loud party or whatever, we MUST instruct a responding officer is (1) to park in front of [REDACTED], the building in front, (2) get out of the police car, (3) walk down the driveway to the building behind which is [REDACTED]. Officer [REDACTED]'s "instructions" have not worked!

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.)
This last Friday, when this newest group of University of California students had just moved into [REDACTED], they had a party with amplified music; volume at our property line exceeded 100dBA at times. We provided Officer [REDACTED]'s "instructions" to Dispatcher # [REDACTED]. Eventually, Officer [REDACTED] "responded."
However, Officer [REDACTED] "could not find [REDACTED]."
Eventually, something happened, a male voice began shouting "FUCK! Get the FUCK outs here! [etc.]" and the party stopped. Students ran out.

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

Signature of Complainant

Date

7 **How did you hear about the Director of Police Accountability or Police Accountability Board?**
 Internet
 Berkeley Police Dept.
 Newspaper: _____
 Referred by: a retired Assistant Attorney General not in California.
 Other: _____



POLICY COMPLAINT FORM

Office of the Director of Police Accountability (DPA)

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E-mail: dpa@cityofberkeley.info

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

Date Received:

09/04/2023

DPA Case # ^{2023-PR-0005}

1

Name of Complainant: WHYTE, ANNE
Last First Middle

Mailing Address: [REDACTED]
Street City State Zip

Primary Phone: () [REDACTED] Alt Phone: () _____

E-mail address: [REDACTED]

Occupation: GRANDMOTHER Gender: OLD! Age: OLD!

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

2

Identify the Berkeley Police Department (BPD) policy or practice you would like the Police Accountability Board to review.

It seems to be impossible for City of Berkeley Police Department employees to take seriously that SEVEN YEARS of intentional harassments, intentional loud noise, intentional vandalism, and etc. by tenants and "guests" in [REDACTED] is specifically ELDER ABUSE!
April First 2017 to today = SEVEN YEARS of intentional ELDER ABUSE!

3

Location of Incident (if applicable) [REDACTED]

Date & Time of Incident (if applicable) SEVEN YEARS of FREQUENT CRUELTY!

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.

For seven years we have made requests for service by phone, e'mail, texts, and etc. outlining specific incidents, incidents when most City of Berkeley Police Department employees "blew-off" our requests for protection.

4

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

- City of Berkeley Police Department employees actually enforce black-letter law: City of Berkeley Municipal Code 13.40 et seq.
- City of Berkeley Police Department employees actually "find" [REDACTED] which is behind [REDACTED].
- City of Berkeley Police Department employees actually get out of police cars to actually approach [REDACTED] on foot.

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.)

- Please, see attached.
- Please note several e'mail recently sent to City of Berkeley Police Accountably
- Please review years of previous e'mail sent to just-about everyone, hoping someone in City of Berkeley Police Department would actually do something effective so we can sleep in our home without being woken, again and again and again and ...

6

CERTIFICATION

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

Signature of Complainant

Date

7

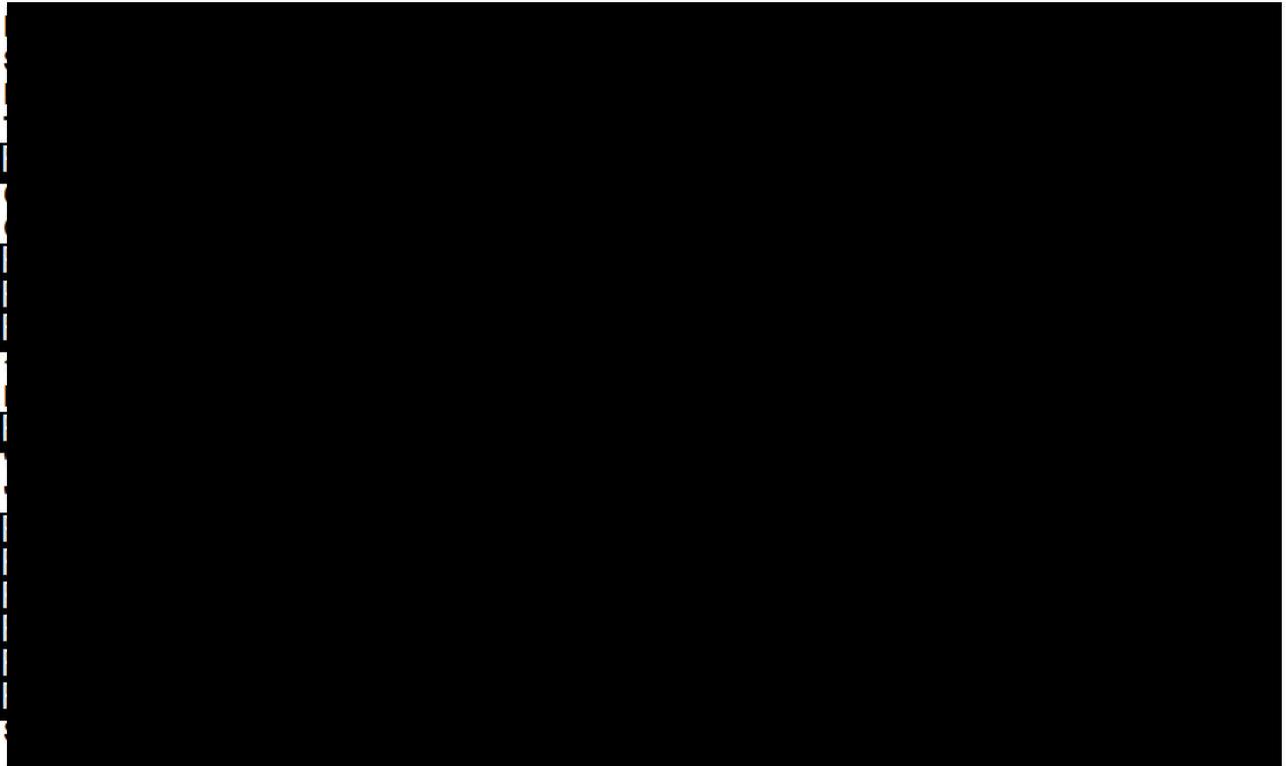
How did you hear about the Director of Police Accountability or Police Accountability Board?

- Internet
- Berkeley Police Dept.
- Newspaper: _____
- Referred by: _____
- Other: A friend looked-up to find - SURPRISE! SURPRISE! - City of Berkeley has Police Accountability!

Murillo, Jose

From: Anne Whyte **REDACTED**
Sent: Sunday, September 03, 2023 1:47 PM
To: Murillo, Jose; Office of the Director of Public Accountability
Subject: **REDACTED** - **REDACTED** CRUELTY MUST STOP.

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.



AGAIN THIS "ACADEMIC YEAR," beginning on 2023 August 18, tenants and their guests in **REDACTED** have intentionally harassed us with loud noise in violations of Berkeley Municipal Code 13.40.

This is the SEVENTH YEAR tenants in **REDACTED** have intentionally harassed us.

As you ALL know, I am a handicapped grandmother almost 80 years old.

By law, my husband is, also, an "elder."

There are several other near-by neighbours older than 65 years old who are, by law, elders.

ELDER ABAUSE IS CRUELTY.
MEHTA CRUELTY MUST STOP.

2023-2024 "ACADEMIC YEAR,"

- Several people moved into REDACTED on 2023 August 18. That night, 2023 August 18, tenants and their guests in REDACTED began making noise at about 9PM — loud noise in excess of 100dBA continued for hours. These brilliant intellectuals had their in-excess-of-100dBA gathering on the west side of REDACTED perhaps thinking that if they were out of direct line of site from our home and other homes, no one would be able to hear their noise in excess of 100dBA?

- On 2023 August 26, AGAIN, tenants and their guests in REDACTED began making noise at about 9PM — loud noise in excess of 100dBA continued for hours. AGAIN, these brilliant intellectuals had their in-excess-of-100dBA gathering on the west side of REDACTED perhaps thinking that if they were out of direct line of site from our home and other homes, no one would be able to hear their noise in excess of 100dBA?

- On 2023 September 3, beginning at 12:30AM, tenants and their guests in REDACTED began making noise that included banging on windows and doors, yipping loudly, shrieking, shrieking even louder. Police arrived at a bout 2:30AM. As police were leaving, tenants and their guests REDACTED "waved" at us, smiling broadly!

Murillo, Jose

From:

REDACTED

Sent:

Saturday, August 26, 2023 11:08 PM

To:

Cc:

Subject:

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.

THIS IS THE SEVENTH YEAR OF LOUD
NOISE FROM **REDACTED**
!!!!!!

THIS IS THE SEVENTH YEAR OF LOUD
NOISE FROM **REDACTED**
!!!!!!

THIS IS THE SEVENTH YEAR OF LOUD
NOISE FROM REDACTED

!!!!

THIS IS THE SEVENTH YEAR OF LOUD
NOISE FROM REDACTED

!!!!

THIS IS THE SEVENTH YEAR OF LOUD
NOISE FROM REDACTED

!!!!

THIS IS THE SEVENTH YEAR OF LOUD
NOISE FROM REDACTED

!!!!

THIS IS THE SEVENTH YEAR OF LOUD
NOISE FROM REDACTED

!!!!

We have a longer video, also!

It is 11PM. No officer has “responded”!

From: Anne Whyte <REDACTED>
Subject: REDACTED
Date: August 26, 2023 at 10:37:22 PM PDT

To:
<po
RE
RE
BPI

This video is before we called City of Berkeley Police from our deck so University of California Women's lacrosse team would be able to hear that phone call!!!

Spoke with #517

Reported:

Loud noise
Elder abuse

Asked that any officer who responded to call me because several previous CoBPD uniformed officers who "responded" have "not been able to find REDACTED !!!

Note: On 2023 August 18 CoBPD officers "could not find REDACTED"

[Click to Download](#)

IMG_2141.MOV
0 bytes

Anne Whyte
REDACTED

Murillo, Jose

From: Anne Whyte **REDACTED**
Sent: Tuesday, August 22, 2023 8:13 AM
To: Murillo, Jose; Office of the Director of Public Accountability
Subject: WHYTE - COMPLAINT (Rev #1) about **REDACTED** (1) a short audio recording and (2) a video recording
Attachments: COMPLAINT - **REDACTED** - 2023 AUGUST 21.pdf
Follow Up Flag: Follow up
Flag Status: Completed

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.

PLEASE NOTE: This “party” at **REDACTED** on Friday, 2023 August 18, was **NOT AS NOISEY** as “parties” at **REDACTED** several times every week during these SIX YEARS of ELDER ABUSE.

230818_2109_01_02_01
1drv.ms



VIDEO starts just before 10:00 PM and runs to about 11:30 PM after end of this “party” on Friday, 2023 August 18.

It’s a very big video, about 4GB

REDACTED -08-18 video ~10-00 PM to ~11-30 PM.mov

1drv.ms

Murillo, Jose

From: Anne Whyte [REDACTED]
Sent: Thursday, July 27, 2023 10:02 AM
To: Humbert, Mark
Cc: Murillo, Jose; Office of the Director of Public Accountability
Subject: WHYTE -- QUIET ENJOYMENT OF OUR HOME -- 5

GEE-WHIZZZ!!!

COUNCILMEMBER HUMBERT, YOU SURE-
DO MAKE IT SOUND AS THOUGH OUR QUIET ENJOYMENT OF OUR
HOME AS IMPORTANT TO YOU!!!

CLEARLY, THE HEALTH, WELFARE,
AND SAFETY OF OUR FAMILY AS A PRIORITY FOR YOU!!!

GOSH!!!

THANKS SOO SOOO MUCH!!!

On Jul 27, 2023, at 9:51 AM, Humbert, Mark [REDACTED] wrote:

I'll have my legislative assistant look into this when he returns from leave, and see what we can find out. Mark

Mark Humbert
Councilmember District 8

From: Anne Whyte [REDACTED]
Sent: Thursday, July 27, 2023 9:41 AM
To: Humbert, Mark [REDACTED]
Cc: Murillo, Jose <JMurillo@berkeleyca.gov>; Office of the Director of Public Accountability <OfficeoftheDirectorofPoliceAccountability@berkeleyca.gov>
Subject: WHYTE -- QUIET ENJOYMENT OF OUR HOME -- 1

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.

Although legally [REDACTED] is “4 bd / 2 ba /1,490 sqft,” this out-of-state property owner — Joginder Mehta lives

in Maryland — advertises **REDACTED**

REDACTED “Remodeled 7 BD/ 5BA House perfect for Student Living” with “2,200 sq ft” of conditioned living space.

Joginder Mehta has recently advertised **REDACTED**

REDACTED for rent of “\$11,375”/ month.

REDACTED is not a legal “mini-dorm”

<MEHTA - **REDACTED** - \$\$11,375 - RENTAL ADVERT AS OF 2023 FEBRUARY 15.png>

Murillo, Jose

From: Anne Whyte **REDACTED**
Sent: Thursday, July 27, 2023 9:24 AM
To: Humbert, Mark
Cc: Office of the Director of Public Accountability; Murillo, Jose
Subject: WHYTE -- QUIET ENJOYMENT OF OUR HOME -- 1

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.

Councilmember Humbert, did you know that CoBPD misinterprets this notice (below) to provide that, no matter how loud the intentionally-loud noise is or how often intentionally-loud noise intentionally wakes neighbors, CoBPD can “ticket” intentionally-loud student-terrorists if-and-only-if there are “ten or more” student-terrorists intentionally harassing neighbours?

In this instance, everyone in our household have been woken again and again and again and ... most nights for six years by residents of the garage apartment just-about forty feet from our bedroom windows.

This garage apartment is **REDACTED**.

Date:

To:

Dear:

The City of Berkeley was required to abate the public nuisance caused by a gathering of 10 or more persons at (location of property) _____, which substantially disrupted the quiet enjoyment of property in a significant segment of the adjacent neighborhood. This is the (second/third/fourth, etc.) such public nuisance at this property within the last 120 days, and thus, a penalty of _____ (\$750, \$1,500, etc.) is imposed on you. If you fail to remit this fine to the City of Berkeley by _____ (30 days from the date of this notification), you will be liable for an additional \$100 penalty, plus interest. The payment should be remitted to the address listed below.

Your liability is based on the fact that you were:

An owner of the property to whom was sent prior notice of a public nuisance at the property within the previous 120 days; and/or

An owner of the property who resided on or adjacent to the property when the public nuisance took place; and/or

An owner of the property who was present when a Notice of a public nuisance was first posted at the property; and/or

A person who resided on or was otherwise in control of the property when the public nuisance took place; and/or

A person who organized or sponsored the event that created the public nuisance at such property; and/or

A person who attended the event constituting the public nuisance at such property and engaged in the conduct which resulted in the public nuisance.

If you believe that you are not liable you may contest the issuance of the administrative citation by requesting a hearing pursuant to BMC Section [1.28.060](#).

Sincerely yours,

(Name, title, address and phone number of signatory)

Murillo, Jose

From: Anne Whyte [REDACTED]
Sent: Wednesday, September 06, 2023 5:01 PM

To: [REDACTED]

Subject: [REDACTED] - SEVEN YEARS OF ELDER ABUSE CONTINUED ON 2023 AUGUST 18, AUGUST 26, AND SEPTEMBER 3

Good afternoon, Officer [REDACTED]

Although this e’mail outlines a tiny portion of seven years of cruelty and elder abuse done to me and abuse done to our household since April First 2017, by owners, “managers,” tenants and tenants’ 24/7 guests, it is very important that you do not misunderstand:

Officer [REDACTED], we are glad that a City of Berkeley Police Department uniformed officer actually did speak with these "brilliant intellectuals" who are newest abusers in [REDACTED]!

Once, years ago, City of Berkeley Police Department Officer [REDACTED] did speak with one of the previous abusive cabals of student-terrorists living in [REDACTED]. That official visit did not work out well! City of Berkeley Police Department Officer

██████████ was accompanied by City of Berkeley Police Department Officer Smar T Pants; Officer Smar T Pants made exceptionally clear by his tone and manner of speaking, accentuated by his body language — slumped in our chair with his legs wide apart, yanking off his mask time-and-again to slurp his refreshments — that this meeting was an extremely-annoying waste of his valuable time. At the end of this meeting, as had happened with absolutely every other meeting with City of Berkeley Police Department Officer ██████████, she lectured me about everything I had done wrong to “cause” these student-terrorists to harm me and my family. And, of course, very-loud noise and intentional harassments from **REDACTED** ██████████ continued unabated, night and day!

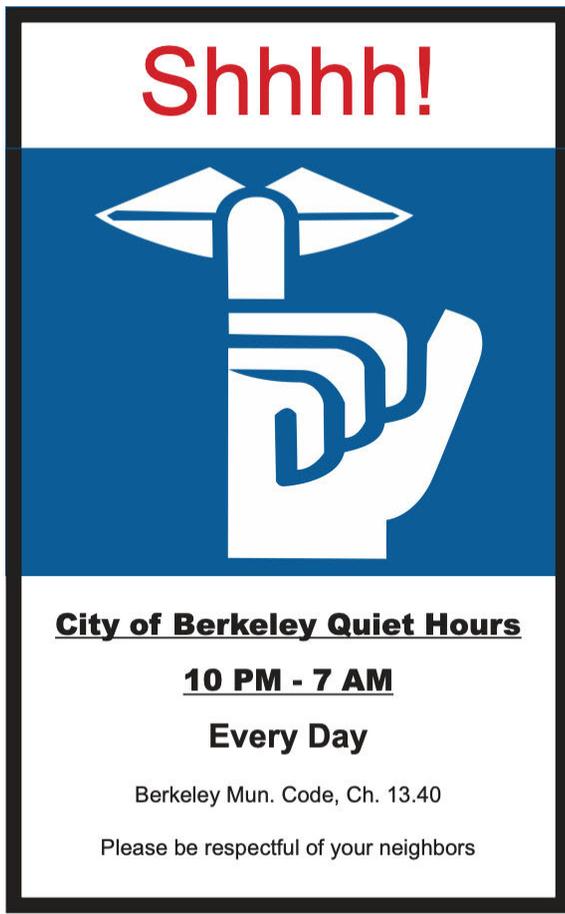
And everyone in our household is very surprised that anyone — anyone at all — associated with the University of California would be willing to work with you to do anything to protect us! For years we have asked for someone at the University of California — anyone at the University of California — to protect us! For years, Associate Director, Government and Community Relations, Jen Loy, has repeated, time and time again: “YOU are not part of OUR University, so OUR University will do nothing to protect YOU!” and such! (Even our requests that obvious chronic alcoholism of a majority of each cabal of cruel University of California student-terrorists living at **REDACTED** ██████████ be addressed went unheeded by University of California employees.)

Officer ██████████ this morning, just to make sure our “Shhhh!” sign was still there, I took this photo.



Sure enough! Our “Shhh!” sign is still where we installed it, years ago, right outside the door of **REDACTED**!

Our “Shhhh!” sign is so obvious — about two years ago, we installed an even-bigger “Shhh!” sign — bigger than our first “Shhhh!” sign — surely, Officer **REDACTED** you noticed our “Shhhh!” sign as you tried to get past the car that is far too close to the entry to **REDACTED** **REDACTED**? (Officer **REDACTED** there is no legal fire exit from **REDACTED**, but City of Berkeley employees have repeatedly demonstrated they just don’t care about legal fire exits at **REDACTED** either.)



And, Officer [REDACTED], did you happen to notice how those harsh too-bright lights at [REDACTED] — lights that flash-on to light several bedrooms and baths in our home — always do a great job to fully light our “Shhhh!” sign?

2023 AUGUST 18:

- So, Officer [REDACTED] these newest tenants in [REDACTED] must have seen our “Shhhh!” sign! Berkeley Municipal Code 13.40 restricts noise between “10PM and 7AM Every Day:”
- Surely, these newest tenants in [REDACTED] must have seen our “Shhhh!” sign when they came to look at [REDACTED], before signing a lease?
- Perhaps parents of these newest tenants in [REDACTED] saw our “Shhhh!” sign when parents of these newest tenants came to look at [REDACTED], before signing a lease?
- Several of these newest tenants moved into [REDACTED] on 2023 August 18.
- As they moved into [REDACTED] on 2023 August 18, these newest tenants in [REDACTED] must have seen our “Shhhh!” sign.

- None the less, that night — 2023 August 18 — these newest tenants and their guests went to the west-side of **REDACTED** to party and make loud noise, including amplified music, in excess of 100 dBA for hours despite having been clearly notified that Berkeley Municipal Code 13.40 restricts noise between "10PM and 7AM Every Day:" <https://1drv.ms/v/s!AsgCKjKBD0h8QTeMokJa8hEdwN?e=t1ROgr>
- Unfortunately, the City of Berkeley Police Department uniformed officer who "responded" more than an hour-and-a-half after my request for protection — my request for protection from this abuse included my statement to that dispatcher that this very loud noise was elder abuse — and, more unfortunately, that City of Berkeley Police Department uniformed officer failed to "find" **REDACTED** — he said he "drove around," including driving up-and-down on Benvenue, but that City of Berkeley Police Department uniformed officer never got out of that City of Berkeley Police Department vehicle.

2023 AUGUST 26:

- Then, Officer **REDACTED**, for a week these newest tenants in **REDACTED** came and went, each time walking right past our "Shhh!" sign: Berkeley Municipal Code 13.40 restricts noise between "10PM and 7AM Every Day:"
- But, because there had been no City of Berkeley Police Department contact with these newest tenants in **REDACTED** about violating black-letter law, on 2023 August 26, these newest tenants in **REDACTED** had yet another very loud party and make noise, including amplified music, in excess of 100 dBA for hours despite having been clearly notified that Berkeley Municipal Code 13.40 restricts noise between "10PM and 7AM Every Day:" <https://1drv.ms/v/s!AsgCKjKBD0h8Rd7brEwhTrNCGWS?e=eyH2pf>
- Unfortunately, the City of Berkeley Police Department uniformed officer "responded" more than an hour-and-a-half after my request for protection — my request for protection from this abuse included my statement that this very loud noise was elder abuse ... etc., etc., etc., etc., etc., etc.,

2023 SEPTEMBER 3:

- So, Officer **REDACTED** then, for another week, these newest tenants in **REDACTED** came and went, each time walking right past our "Shhh!" sign: Berkeley Municipal Code 13.40 restricts noise between "10PM and 7AM Every Day:"
- Because there had been no City of Berkeley Police Department contact with these newest tenants in **REDACTED** about violating black-letter law, on Sunday, 2023 September 3, beginning with banging on the door and windows at 12:30AM, there were hours of loud shrieking and shouts of whatever. At 2AM, again I called City of

Berkeley Police Department non-emergency phone number to ask that I and our family be protected from more abuse by these newest tenants in **REDACTED**.

- To our surprise, two City of Berkeley Police Department uniformed officers actually “found” **REDACTED** in less than an hour.
- These two City of Berkeley Police Department uniformed officers carefully went inside with these newest tenants in **REDACTED** — knowing we have cameras on our home, now — and, after a few minutes, left.
- These newest tenants in **REDACTED** came to their doorway — You know, Officer Futch, that same doorway you used at **REDACTED**? — that same doorway that is not a legal fire exit — smiled and waved! So “charming”!

Officer **REDACTED**, how is it that it would take you coming to speak with these newest tenants in **REDACTED** for them to “understand,” despite having been clearly notified that Berkeley Municipal Code 13.40 restricts noise between “10PM and 7AM Every Day,” for these “brilliant intellectuals” — “athletes” at the University of California, no less — to, perhaps, “hear” and, perhaps, understand that ELDER ABUSE IS A CRIME even if the weapons used to abuse elders living near-by is self-important narcissistic loud noise?

- Do these “brilliant intellectuals” know how to read?
- Can these “brilliant intellectuals” tell time?
- Did these “brilliant intellectuals” take a Civics Class in their previous “education” the included respect for law?
- Is there a chance these “brilliant intellectuals” took a Civics Class in their previous “education” the included discussions about the “Social Contract”?
<https://en.wikipedia.org/wiki/Social_contract>
- Is there any chance even one of these “brilliant intellectuals” — these “brilliant intellectuals” who are newest abusers in **REDACTED** — had any moral teaching of any kind in their previous “education”?

After seven years of cruelty and abuse from those associated with **REDACTED**, everyone in our family has asked me to point out, again: tenants and their 24/7 “guest” in **REDACTED** are the ONLY loud University of California students in our neighbourhood! Every other student household has generally been good neighbours!

Since April First 2017, owners, “managers,” tenants and tenants’ 24/7 “guests” have caused severe harm to me and to every member of our household. In just a few months I will be eighty years old. Each and every year of **these seven years on on-going cruelty** has stolen a year of the limited number of years of life I have left. Each and every year of cruelty by owners, tenants, and tenants’ 24/7 “guests” has done substantial harm to everyone in our household.

Again, Officer [REDACTED] thank you for at least trying to make it possible for our family to have quiet enjoyment of our home, for the first time since April First 2017! Thank you for at least trying to make it possible for our family to sleep in our home.

Again, thank you, Officer [REDACTED],
Mrs Whyte

PS: Officer [REDACTED] although we have not been allowed to actually see or read City Of Berkeley Police Department Case # [REDACTED], you might want to read those documents. Our expenses for that cruelty by tenants and their 24/7 "guest" in [REDACTED] were substantial. In addition to several "trophies" flung through the window at [REDACTED] into our garden, we still have a box of shards of broken glass from that cruelty — that box weighs six-plus pounds — and, from time to time, we find more shards of broken glass in our garden. Those tiny shards of glass are very hard to get out of fingers or feet!

On Sep 5, 2023, at 7:21 AM, [REDACTED] wrote:

Good morning Mrs. White,

I wanted to take a moment to address your concerns about the ongoing noise issues at the address, [REDACTED]. I understand how disruptive excessive noise can be to the neighborhood, and I appreciate your patience as we work towards a resolution.

I personally responded to the [REDACTED] location and had a conversation with the students who live there. I made sure to emphasize the importance of adhering to the city's designated quiet hours. In addition to that, I reached out to some members of the UC Berkeley staff who may have an influence over the residents at that location. During our discussion, I conveyed your concerns as well as the persisting problems regarding noise from this address. Additionally I have a meeting, today with a number of UCB staff, this will also be discussed during that meeting.

Please know I will continue monitoring and addressing the issues that arise. Thank you for bringing this matter to my attention, Mrs. White. If you have any further concerns, please don't hesitate to reach out.

Kind regards,
[REDACTED]

From: Anne@LivingSpacesCA.com <[REDACTED]>

Sent: Monday, September 4, 2023 0 AM

To: [REDACTED]

[REDACTED]

[REDACTED]

THIRD: As I have repeated, again and again, to just-about every City of Berkeley Police Department employee I have dealt with through these SEVEN YEARS OF ELDER ABUSE: "I am a handicapped grandmother almost (my age at that time) years old." So, today, "Officer [REDACTED]," "I AM A HANDICAPPED GRANDMOTHER ALMOST EIGHTY YEARS OLD! AND I AM VERY SHORT OF SLEEP!"

As I wrote to you on "August 28, 2023 at 5:32:22 PM PDT" (below) [REDACTED], in just a few months I will be eighty years old. Each year of cruelty has taken from me another year of the limited number of years of life I have left. Each year of cruelty has stolen a year of the limited number of years of life I have left. Each and every year of cruelty by owners, tenants, and tenants' 24/7 "guests" has done substantial harm to everyone in our household."

FOURTH:

- OUR FAMILY HAS BEEN DEPRIVED OF SLEEP BY SEVEN YEARS OF INTENTIONALLY LOUD NOISE AND HARASSMENTS BY TENANTS AND TENANTS' 24/7 "GUESTS" AT [REDACTED]!
- INTENTIONALLY LOUD NOISE FROM [REDACTED] [REDACTED] HAS DEPRIVED EVERYONE IN OUR HOUSEHOLD OF SLEEP FOR SEVEN YEARS!
- EVERYONE IN OUR HOUSEHOLD HAS BEEN CHRONICALLY SLEEP DEPRIVED BY SEVEN YEARS BY INTENTIONALLY LOUD NOISE FROM [REDACTED] [REDACTED]!
- EVERYONE IN OUR HOUSEHOLD HAS BEEN CHRONICALLY SLEEP DEPRIVED FOR SEVEN YEARS, AND THAT DEPRIVATION HAS SIGNIFICANTLY DAMAGD OUR HEALTH!
- EVERYONE IN OUR HOUSEHOLD HAS BEEN CHRONICALLY SLEEP DEPRIVED FOR SEVEN YEARS, AND THAT DEPRIVATION HAS SIGNIFICANTLY DAMAGD OUR LIVES!
- FOR SEVEN YEARS OF EVERYONE IN OUR HOUSEHOLD HAS BEEN DEPRIVED OF QUIET ENJOYMENT OF OUR HOME, DAY AND NIGHT!
- DAMAGES DONE TO ME AND TO OUR FMAILY BY SEVEN YEARS OF INTENTIONAL CRUELTY DONE BY OWNERS, "MANAGERS," TENANTS,

AND TENANTS' 24/7 "GUESTS" OF [REDACTED] HAVE BEEN LIFE CHANGING!

- AFTER SEVEN YEARS OF OUR REQUESTS FOR FULL AND FAIR ENFORCEMENT OF BLACK-LETTER LAW — REQUESTS THAT CITY OF BERKELEY POLICE DEPARTMENT EMPLOYEES PROTECT ELDERS FROM FURTHER HARM — IT WOULD BE EXPECTED CITY OF BERKELEY POLICE DEPARTMENT EMPLOYEES COULD "FIND" [REDACTED]!

But, "Officer [REDACTED]," you wrote "I drove to the address last Saturday night at 11:30 PM." Clearly, "Officer [REDACTED]," you did not get out of your City of Berkeley Police Department vehicle to actually "find" [REDACTED]. Clearly, "Officer [REDACTED]," like almost every City of Berkeley Police Department "uniform" before you, you did not get out of your City of Berkeley Police Department vehicle to actually "find" [REDACTED]. Our video from August 26, 2023 clearly demonstrates your failure, "Officer [REDACTED]"

So, I have no way of knowing if Dispatch [REDACTED] did tell you about my request to be called by whichever City of Berkeley Police Department "uniform" "responded" to our request for protection from elder abuse — AFTER SEVEN YEARS OF SIMILAR REQUESTS — but what we do know is (1) you did not call me, (2) you did not actually "find" [REDACTED] because you did not get out of your vehicle, and (3) your response to my request for a written response was disrespectful, rude, and snide.

LAST: "Officer [REDACTED]," in my opinion, you are just one more self-important City of Berkeley Police Department "uniform" who doesn't respect The Law — in my opinion, you are just one more self-important City of Berkeley Police Department "uniform" who doesn't respect residents of Berkeley — in my opinion, you are just one more self-important City of Berkeley Police Department "uniform" who really just can't be bothered to actually do the job you have been hired to do.

If this e-mail sounds as though I might be angry about City of Berkeley Police Department's many failures to protect me and protect our family, my anger could possibly be because I am angry about City of Berkeley Police Department's seven years of repeated intentional failures to protect me and our family and snide disrespects!

Mrs Whyte

On Sep 1, 2023, at 10:32 PM, [REDACTED] wrote:
Hi Anne,

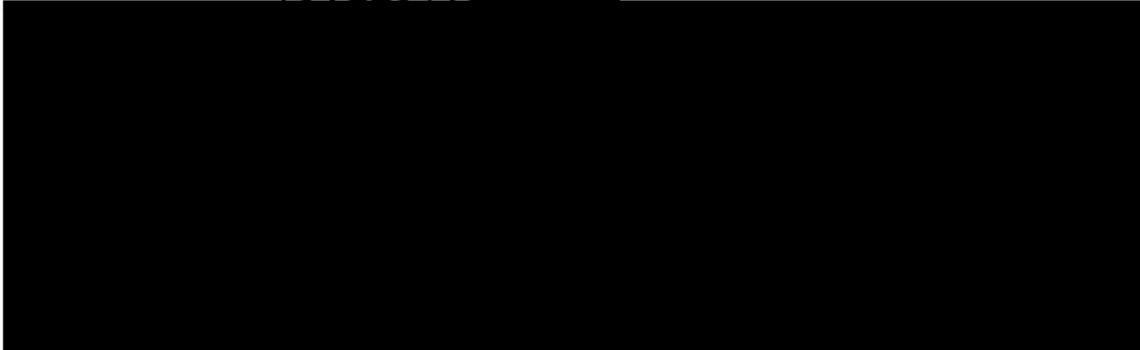
When I drove to the address last Saturday night at 11:30 PM, I did not hear any loud music or noise and that was confirmed by the surveillance video that you sent me. Please direct any further concerns to the area coordinator.

Warm Regards,

Officer [REDACTED]

From: Anne Whyte [REDACTED] >

Sent: Thursday, August 31, 2023 5:54 PM



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.

Good afternoon, Officer [REDACTED]

Re-reading my e-mail to you on 2023 August 28, I see that I had not stated clearly that we do expect a reply from you.

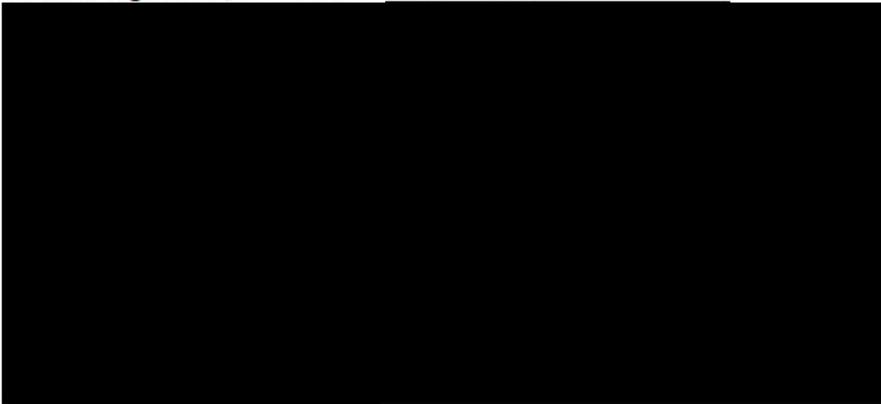
Again, thank you for your service.

Anne Whyte

From: Anne Whyte <Anne@LivingSpacesCA.com>

Subject: [REDACTED] - VERY LOUD NOISE ON
2023 AUGUST 18 AND AUGUST 26,

Date: August 28, 2023 at 5:32:22 PM PDT



Good afternoon, Officer [REDACTED]

When I spoke to Dispatch # [REDACTED] at 10:03PM on August 26, 2023, I specifically asked that whichever City of Berkeley uniformed officer responded to our request for protection — our request that simple unambiguous black-letter law be enforced — our request that simple unambiguous Berkeley Municipal Code 13.40 be enforced — should call me, because since April First, 2017, so many City of Berkeley uniformed officers have "not been able to find" [REDACTED].

However, no City of Berkeley uniformed officer called me on August 26, 2023.

Later, Dispatch # [REDACTED] was clearly annoyed when I called to ask what had happened. Dispatch [REDACTED] told us you were the City of Berkeley employee who “responded” to our request for protection from loud noise coming from [REDACTED] — clearly, that very loud noise from [REDACTED] was intentional — clearly that intentional very loud noise from [REDACTED] continued after 10PM — clearly intentional very loud noise from [REDACTED] exceeded 100dBA — on August 26, 2023.

Dispatch [REDACTED] said you “responded” and you had “found everything quiet” or something like that. Dispatch [REDACTED] said you had “responded” at about 11:30PM to our request [REDACTED] made at 10:03PM. Officer [REDACTED], we reviewed our video; unfortunately, we do not see any City of Berkeley uniformed officer approach [REDACTED], the garage apartment condominium behind [REDACTED]

- Officer [REDACTED], here is a video of similar intentional loud noise at [REDACTED] — including amplified music — recorded on 2023 August 18:
<https://1drv.ms/v/s!AsgCKjKBD0h8QTeMokJa8hlEdwN?e=t1ROgr>
-
- Officer [REDACTED] here is a video of what you may have missed at [REDACTED] on 2023 August 26:
<https://1drv.ms/v/s!AsgCKjKBD0h8Rd7brEwhTrNCGWS?e=eyH2pf>

From April First, 2017 to today includes seven University of California “academic years.” During every one of those seven University of California “academic years,” owners, tenants, and tenants’ 24/7 “guests” at [REDACTED] has been intentionally loud — intentionally loud and intentionally cruel. By now, there are perhaps hundreds of e’mail sent to various City of Berkeley employees that briefly outline cruelty done to me and cruelty done to everyone in our household. Most of my e’mail to City of Berkeley employees has a subject line starting: “[REDACTED].”

Officer [REDACTED], in just a few months I will be eighty years old. Each year of cruelty has taken from me another year of the limited number of years of life I have left. Each year of cruelty has stolen a year of the limited number of years of life I have left. Each and every year of cruelty by owners, tenants, and tenants' 24/7 "guests" has done substantial harm to everyone in our household.

Officer [REDACTED] thank you for your service,
Anne Whyte