



Sent via Electronic Mail

November 23, 2022

Office of the Attorney General
State of California Department of Justice
1300 "I" Street
Sacramento, CA 95814-2929
Rob.Bonta@doj.ca.gov

Re: Berkeley Police Department Arrest Quota and Racial Profiling Investigation

Dear Attorney General Bonta:

On behalf of Secure Justice, I write to request that your Office initiate a pattern or practice investigation into the Berkeley Police Department Downtown Task Force and Bike Detail's (hereinafter "BPD Bike Detail") alleged arrest quota program, which appears to both engage in rampant racial profiling and unlawfully target unhoused communities in the city of Berkeley.

Secure Justice is a San Francisco Bay Area non-profit organization that advocates against state abuses of power and for reductions in government and corporate over-reach. We target change in government contracting and corporate complicity with government policies and practices that are inconsistent with democratic values and principles of human rights.

BPD Officer Alleges Arrest Quota Program

On November 14, 2022, Secure Justice helped expose an alleged arrest quota program within the Berkeley Police Department (hereinafter "BPD") after a brave whistleblower provided us with an email from former BPD Officer Corey Shedoudy to the Berkeley City Council, claiming the existence of such a program. Officer Shedoudy's email to the City Council included support for his allegations; specifically, it attached screenshots of text messages from a group thread that includes BPD Sergeant Darren Kacalek and various members of the BPD Bike Detail, which he supervised. Secure Justice published both the email and the screenshots on November 14, 2022.¹

¹ Secure Justice, "Secure Justice Calls for Attorney General Investigation into BPD Arrest Quota Policy," Nov. 14, 2022, *available at* <https://secure-justice.org/blog/secure-justice-calls-for-attorney-general-investigation-into-bpd-arrest-quota-policy>.

These are enclosed with this letter, and are also readily available from many news outlets.² On their face, the texts appear to give credibility to Officer Shedoudy's claim that Sergeant Kacalek imposed a 100-arrests-per-month quota program in the BPD Bike Detail that Sergeant Kacalek supervised³ and that Officer Shedoudy was a member of. As Officer Shedoudy points out in his letter, that figure is more than the rest of the city's police department combined.

In addition to the referencing the quota, the texts also contain extremely offensive language about the Black community and the unhoused community. The egregious language seems to indicate a culture of racial profiling and targeting of the unhoused by those entrusted to enforce our laws, including our civil and human rights.

Officer Shedoudy further alleges that the BPD Bike Detail was ordered to use unconstitutional and long-discredited practices like "stop and frisk" to meet their quota, and that they would unnecessarily detain and search probationers without any reasonable suspicion of wrongdoing. The officer claimed in his email to the City Council that he has hundreds of such messages, and he promises to release them in the near future.

BPD's Racial Stop Data Reveals Targeting Of Black Drivers

Earlier this year, your Office released the annual report required by the Racial and Identity Profiling Act, which helps provide Californians with data about certain practices of our local police departments. As past reports have seemingly confirmed, all across our state, we see a pattern of racial profiling amongst California law enforcement agencies.

As an Oaklander (whose police department in its record-setting nineteenth consecutive year of federal oversight due to egregious racial profiling practices), I have been researching the alarming patterns in BPD's own racial stop data from the past 5 years. Generally, BPD's metrics are worse than Oakland's when it comes to the disparate impact felt by Black drivers being targeted in far greater percentages than demographics, arrests, or probation violations would indicate.⁴

Oversight

When Officer Shedoudy's allegations are viewed in the context of the racial stop data provided by BPD itself,⁵ we believe there is sufficient need and justification for our state's highest law enforcement official to conduct a truly independent investigation into these alleged practices. As

² See e.g. Nico Savidge et al., "Leaked texts show Berkeley police union leader made derogatory comments about homeless residents, people of color, ex-officer says," *Berkeleyside*, Nov. 14, 2022, available at <https://www.berkeleyside.org/2022/11/14/berkeley-police-text-messages-darren-kacalek-bpa>; see also Noah Goldberg, "Berkeley Police Department in turmoil over leaked texts about arrest quotas," *L.A. Times*, Nov. 17, 2022, available at <https://www.latimes.com/california/story/2022-11-17/berkeley-police-department-in-turmoil-over-leaked-texts-about-arrest-quotas>.

³ Sergeant Kacalek was also the President of the BPD Police Officer's Association. On November 19, he resigned from his position as President of the BPD POA, and he was placed on administrative leave by the City Manager.

⁴ Jacob Souza, "Racial disparities in Berkeley police stop data may indicate racial bias," *Daily Californian*, July 23, 2020, available at <https://www.dailycal.org/2020/07/23/racial-disparities-in-berkeley-police-stop-data-may-indicate-racial-bias>.

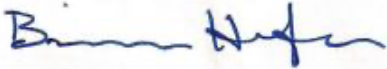
⁵ *Id.*

the multiple years of racial stop data indicates, BPD may have a larger systemic problem that could be ameliorated by an oversight framework that would provide training, monitor its patterns and practices, and conduct random audits (including of communications between officers) to gauge whether BPD's culture is improving to where outside oversight is no longer necessary.

Since this story broke, Secure Justice has been contacted by many individuals who either reside in Berkeley and/or provide services to Berkeley's unhoused community; they have shared similar allegations of racial profiling and harassment, including allegations pertaining specifically to the BPD Bike Detail. We are in the process of attempting to substantiate these claims and will make those additional allegations public as appropriate.

We look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Hofer", is written over a light blue horizontal line.

Brian Hofer
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<https://secure-justice.org/>

Encl.