

July 24, 2018

Officer Byron White
Public Information Officer
Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, California 94704

Re: California Public Records Act Request

Dear Officer White:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF) and pursuant to the California Public Records Act, Gov. Code § 6250, *et seq.*, we request copies of the following public records:

1. Any and all documents, including police reports, audio and/or transcripts of 911 calls, and videos, relating to an incident that reportedly occurred on March 26, 2018 at or around Willard Middle School involving an apparent assault on a Black student, who is a minor, by a white male adult motorist who attempted to make a citizen's arrest. Andrew Greenwood, Police Chief of the Berkeley Police Department authored an opinion editorial about the incident. *See*, Andrew Greenwood, *Opinion: No Crime Was Committed In Troublesome Willard Incident, Police Conclude*, May 23, 2018, <http://www.berkeleyside.com/2018/05/23/opinion-no-crime-was-committed-in-troublesome-willard-incident-police-conclude>. According to this editorial, the Black student engaged in horseplay with a fellow white student, who is a friend, but the white motorist mistakenly believed the Black student was assaulting the girl. The motorist was not charged with a crime.
2. Any and all documents relating to citizen arrests made within the jurisdiction of the Berkeley Police Department from January 1, 2016 to the present, including the race/ethnicity of the citizen making the arrest, the race/ethnicity of the person arrested, reason for the arrest, and whether charges were filed against the arrestee.

Kindly provide a response to this request no more than ten calendar days of receipt of it. Gov. Code § 6253. If possible, please provide the requested information in an electronic format that is searchable and analyzable. Please also provide any individual computer records or scanned documents in a searchable format such as Microsoft Word or searchable Adobe Acrobat pdf and any data and statistical information in a format that is searchable and analyzable, such as a .txt or .csv file or an excel spreadsheet. Documents and data extracts should include necessary variable definitions and descriptions to facilitate understanding and analysis.



If the fees for locating and reproducing the requested information exceeds \$25, kindly provide us with an invoice detailing the costs prior to copying the documents. If you determine that any or all of the requested information is exempt and will not be disclosed, please provide a notification specifying each claimed exemption, explaining the factual basis of each exemption, and citing the legal authorities on which you rely. *See* Gov. Code § 6255.

It is within the public's interest to ensure that children and youth may engage in play and attend school without being subjected to attacks by overzealous citizens turned crimefighters. Therefore, we look forward to your timely response to this request.

Thank you for your attention to this matter. If you have any questions or concerns, please do not hesitate to contact Aaron Sussman or Kristen Johnson at 212-965-2200.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janai S. Nelson", with a long horizontal line extending to the right.

Janai S. Nelson
Associate Director Counsel

A handwritten signature in black ink, appearing to read "Aaron Sussman", with a long horizontal line extending to the right.

Aaron Sussman
Law & Policy Fellow

A handwritten signature in blue ink, appearing to read "Kristen Johnson", with a long horizontal line extending to the right.

Kristen Johnson
Fried Frank Fellow