

PURGING THE POOR

ARREST QUOTAS, RACIST
TEXTS AND THE ROLE OF
CITY LEADERSHIP IN THE
“TEXTGATE” SCANDAL



2024 Report



**BERKELEY
COPWATCH**



Photo by Yesica Prado

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TABLE OF CONTENTS

I. INTRODUCTION AND EXECUTIVE SUMMARY	1
II. BACKGROUND	3
III. METHODS	8
IV. KEY FINDINGS	10
V. CONCLUSIONS	15
VI. RECOMMENDATIONS	17



I INTRODUCTION AND EXECUTIVE SUMMARY

In November of 2022, former Berkeley Police Department (BPD) Bike Unit Officer Corey Shedoudy made headlines when he revealed that, as a member of the unit, he was pressured to make arrests in support of a monthly quota. He alleged that the [quota](#) was required by his supervisor Sergeant Kacelek, who was also serving as the President of the Berkeley Police Officers Association (BPA). Texts and emails released (and authenticated by a City of Berkeley commissioned investigation) corroborate Shedoudy's allegation and demonstrate racist and anti-houseless sentiment by officers. In November, 2022, Shedoudy was in [arbitration](#) with the department and said he would reveal more texts and emails once the arbitration was over. As of this writing, there have been no more public disclosures by Shedoudy although the arbitration was concluded as of April, 2023.

There was strong public reaction in response to the disclosure of the texts and Shedoudy's allegations. A proposal by the city manager and city council to make Interim Chief Jen Louis the permanent chief for the department led to many hours of public comment in opposition to her permanent appointment. Many community members felt that Louis should have known about the quotas and other misconduct because she was in a top administrative position within the department at that time.

The city council agreed to pull the proposal to confirm Louis' appointment until an external [investigation](#) could be conducted. In addition, the city's Police Accountability Board (PAB) initiated its own, separate investigation. However, before these investigations were able to conclude, the city manager and city council decided to resubmit the proposal to [confirm the interim chief](#) as the permanent chief at its meeting on May 9, 2023. The chief was confirmed.

Since then, the external investigation conducted by the law firm Swanson & McNamara was concluded and its contents will remain a confidential personnel matter. However, the city manager shared that the investigation determined that there was [no basis for Shedoudy's allegations](#) of a quota system or of any racial bias. The PAB continues its efforts to gain access to information held by the police department and city agencies. The PAB's investigation is ongoing.

The issues and concerns raised by the disclosure of the original texts led Copwatch to initiate its own investigation. Unrestrained by city or legislative requirements, Berkeley Copwatch initiated its investigation in late December 2022. Our investigation was intended to answer these questions:

1. Was Officer Shedoudy's allegation that BPD Bike Force had a quota system, either formal or informal, true?
2. Were the arrests made by the Bike Force in the interests of public safety?
3. Were Shedoudy's allegations of racial profiling by the BPD Bike Force supported by the data? Is the problem department-wide, the result of individual bias, or were disparities concentrated in the Bike Force arrests?
4. Has the problem of quotas, arrests made without solid legal basis, and racial profiling continued, or has the problem been addressed by department management?



Photo by Copwatch

II BACKGROUND

1. The Texts Indicate Serious Issues

The texts that were shared by Shedoudy went public on Monday, Nov 14, 2022. Calls to halt the appointment of Captain Jen Louis resounded through the community and also the PAB. The whistleblower, former BPD officer Corey Shedoudy, referred to the texts as the “tip of the iceberg” and said that he would release others after his arbitration concluded. No other text messages have been released. However, as evidenced by the sampling of texts, it is clear that there were some sort of incentives for Bike Force officers to make 100 arrests per month. Evidence suggests they felt that the continuation of their unit depended on the public perception that they were impacting the crime situation in Berkeley.

This is a sampling of [some of the texts released by Shedoudy](#):

(Sgt. Kacalek) I just read this. I’m on my third rum and Coke. This is definitely a “drink” day. Stern is gonna come back with a new strain that wipes out the homeless pop. We just ride by the bodies!

(Shedoudy) Imho arrests are the means not the ends. For all the businesses know, we arrest 20 people a day. XX arrests won’t impress them. Solving their pain points will impress them...

(Sgt. Kacalek) For sure Corey, but numbers are a way of quantifying it as we move to really solving long term problems. Tickets and arrests are more of a notification to problematic people that we are out and about and there to enforce problematic criminal behavior.

(Unknown- possibly Sgt Kacalek) How’s Operation 100 going?

(Sgt. Kacalek 10/25/19) I was thinking whoever gets the least arrests today does the waxing

(Sgt. Kacalek 11/12/19) 81 arrests! We can do 19 by Friday for sure!

(Michalczyk) It’s been over half a shift...how many 1015s? (subjects in custody)

(Michalczyk) I'm 14 Coors lights down but can I get some real talk guys...we are the 1st street team BPD has had in 4+ years...we didn't have to interview...we have an open check book for the next 5 months...have our own office...it's unprecedented in this history of BPD...let's not fuck this up

(Sgt. Kacalek) I was at Kevin Reece's birthday party just now and Dave was there and we briefly talked about DTF. He said just kick ass, arrest people, have fun and get me results and I will never jam you about overtime.

(Sgt. Kacalek) I'll put it this way. If you can keep a smile on the Captain's face from jump to Halloween AND you have kids that need to collect candy, then I'm sure we can figure out some kind of flex schedule for that day. But we'll see, I don't want to abuse any use of being in a special TEMPORARY assignment out of the gate!

(Sgt. Kacalek) What I was trying to say is special favors are earned!!

(Sgt. Kacalek) Did you guys realize that all 5 people you arrested had something in common? (All of the same heritage)

(Sgt. Kacalek) Good work. We are gonna have to step up our game if we want to stay in business as bikes. When staffing goes down, I don't want to be the unit that gets picked apart.

The reference to keeping a smile on the "Captain's face" (possibly referring to then Captain Jennifer Louis) leaves some room for questions. Interim Chief Louis publicly stated [that she was unaware](#) of any misbehavior by the Bike Force or its members and that she was not tasked with supervising that unit. However, emails identified through California Public Records Act Requests (CPRA) requests confirm that Sgt. Kacalek and Interim Chief Louis scheduled a meeting for March 6, 2021 and a date six months before Officer Shedoudy was fired. This was the time during which the quotas were alleged to have been in effect and the spike in arrests occurred (see Key Findings below). It strains credibility to believe that the Interim Chief had no knowledge of the rates of arrests or the "progress" of this high profile unit.

2. Berkeley Police Have a Long History of Racially Biased Policing

In 2014, a coalition of community and student groups (including the Berkeley NAACP, Berkeley Copwatch and UC Berkeley's Black Student Union) released an [initial analysis of BPD stop data](#) that showed gross racial disparities in stops. Eventually and after much delay from BPD, the Center for Policing Equity released a [report in 2018](#) that was even more damning. In response, the Mayor's [Fair & Impartial Policing Task Force](#) was created.

The Task Force concluded that City Manager Dee Williams-Ridley had failed in her essential responsibility to implement the overwhelming majority of previous city council directives to address racial disparities in Berkeley policing. In fact, a number of task force members issued a statement that said, "This lack of implementation by the city manager was one of the central reasons for the creation of this working group." The city manager's failure to take accusations of racism seriously was part of a pattern that persists today.

In February 2021, the city council unanimously approved a sweeping list of recommendations from the Fair & Impartial Policing Task Force, and it was the city manager's job to implement these recommendations. These recommendations have not been [fully implemented as of this writing](#).

According to the [2022 BPD stop data](#), racial profiling has gotten worse, not better. Black people are now seven times more likely per capita than white people to be stopped while driving, four times more likely on bicycle, and almost nine times more likely to be stopped on foot.

Despite the long history of racial bias and the city's unsuccessful attempts to address it, the Swanson & McNamara investigation concluded that there was "[no evidence of racial bias](#)".

3. City Staff and Elected Officials Coordinated Tactics with Downtown Business Association to Discourage and Remove Unhoused People from City Center

The Downtown Task Force was approved and funded in March of 2018 to patrol the downtown and Telegraph Avenue commercial shopping districts. In September 2020, the Downtown Task Force was re-launched into a seven officer bike force supervised by Sergeant Darren Kacalek, and composed of Officers Greg Michalczyk, Corey Shedoudy, Dan Breaux, James Seaton, Marissa Pickett, and Tom Stern. City council members expanded the Bike Force in response to merchant concerns about an increase in unhoused people congregating in public areas during the pandemic.

The targeting of unhoused and poor people by the BPD was supported by the city government as it worked with the Downtown Business Association

The re-establishment of the Bike Force in 2020 was related to the declining situation for businesses throughout the city due to the pandemic. City policy overall was to “support” merchants and their organizations and, when possible, to discourage unhoused individuals from remaining in city centers and business areas. The targeting of unhoused and poor people by the BPD was supported by the city government as it worked with the Downtown Business Association (DBA).

A wide variety of tactics were employed by city staff and members of the DBA, which operates its own private, yet city-subsidized security force known as “The Ambassadors.” Email correspondence from the city and DBA confirms the following:

- **Power was cut to BART plaza as a way to discourage unhoused**

[Emails](#) between Chief Greenwood and John Caner (Executive Director of the DBA) in April 10, 2020 (one month into the pandemic) describe how they planned to [cut off power](#) at the downtown Berkeley Plaza as a means of discouraging unhoused people from being in the area and recharging their cell phones.

- **Individuals were targeted for conservatorships**

Even the mayor was involved in targeting specific individuals for “conservatorship” and removal from the downtown area. ([Email](#) from John Caner to Jesse Arreguin 1/15/21)

- **Pepper spray use was not disclosed, and data collection was discouraged**

Chief Greenwood responded to a question from John Caner about how to report uses of pepper spray by staff (against unhoused people, presumably) and seemed to advocate that Caner collect less information as a way to [avoid liability](#) in case of a misconduct claim. The chief said, *“I would absolutely consult your legal counsel about this idea. I would be concerned about liability and the amount of info your staff puts on a form.”* (August 26, 2020)

- **BPD refused to be accountable for their communications with merchants**

Berkeley Police were working with the DBA and merchants to help them manage the environment around their businesses during the pandemic. *“BPD says they do not want to do a merchant pamphlet as per their two training sessions. They said they do not want it in writing, since it could put them in a difficult position with merchants and other stakeholders. This is really frustrating since most merchants are not able to make the training, and many forget what they are told also.”* ([pg. 5 Feb. 12, 2020: John Caner to City Manager Dee Williams-Ridley](#))

It is troubling that BPD was reluctant to put their workshop topics and advice on paper.

- **Ambassadors weaponized with city approval and knowledge of abuses**

“Ambassadors” are a [program of the DBA](#) that began in the 1990s. In September of 2020 they were [provided with batons and pepper spray](#) in order for them to be able to discourage unhoused people from being in the city centers.

[Additional incidents](#) (pg 7-10) involving City/Downtown Berkeley Association (DBA) sponsored Ambassadors using violence against unhoused people.

Based on the actions and communications of the mayor, city council members, the Downtown Berkeley Association, and its staff, it is not surprising that BPD members took this anti-houseless approach to the next level and employed extra-judicial tactics to “communicate a message” of hostility and intimidation by means of targeted arrests and quotas.

III METHODS

In order to answer our guiding questions, we looked for individuals who could confirm that they had had encounters with Bike Force officers that led to arrests, which were later dropped. Copwatch volunteers posted flyers inviting members of the public to share their stories of the Bike Force. Volunteers also interviewed individuals from Telegraph Ave. and Shattuck Ave. - areas where the Bike Force spent much of its time. Local service providers, such as Dorothy Day House and Food Not Bombs, were also interviewed.

In addition, we used the data from the Public Records Act requests to identify the names of people who had been arrested by officers in the Bike Force and we reached out to them. Overall, due to the almost 14 month gap from the time Officer Shedoudy left the department to when he made his accusations public, many of those who had been targeted by the Bike Force were no longer living in the area. Others feared speaking out. We also bear in mind that those who were being targeted were members of marginalized groups and included people with substance use and/or mental health issues. According to the data, there were many people who had been arrested more than once, only to have those charges dropped by the district attorney.

We also made numerous CPRA requests which received varying degrees of cooperation from BPD. Perhaps the most important data source was BPD itself.

We requested a list of all arrests from the BPD (CPRA [23-717](#)), and a list of all cases processed by the Alameda District Attorney (CPRA [3082](#)) between January 1, 2018 and December 31, 2022. (To be clear, Pamela Price was elected in Nov. 2022. The data set includes only cases evaluated by District

Attorney Nancy O'Malley's office and no cases evaluated under the leadership of District Attorney Pamela Price.)

Tarak Shah, a researcher at the Human Rights Data Analysis Group (HRDAG) at U.C. Berkeley, in collaboration with Copwatch volunteers, combined these data into a [master table](#) in order to determine how many arrests never resulted in a charge and did not have a solid legal basis. (The dispositions of arrests were also provided by BPD in CPRA [22-1171](#) and explained [here](#).) The graphs shown below were generated by Tarak. We also used CPRAs to obtain communications between members of the BPD, the city government, and the DBA. We reached out directly to Corey Shedoudy, but never received a response. Finally, we drew from the authenticated texts themselves.

TEXTGATE: TIMELINE OF EVENTS

Dec. 20, 2017: City [suspends Bike Patrol](#) unit

Oct. 19, 2019 - Dec. 8, 2020 : Bike Force [text messages](#) are sent.

Feb. 2020: Huge spike in Bike Force arrests (see graph pg. 11)

Mar. 2020: Huge drop in arrests (see graph pg. 11)

Sept. 2020: [Bike Patrol](#) gets full funding. Shedoudy is hired.

Mar. 4, 2021: [Chief](#) announces retirement and city council proposes "national search" for new chief. Louis begins as Interim Chief.

Aug. 31, 2021: [Shedoudy fired](#). (October 2019-August 2021 Shedoudy on bike force)

Feb. 2022: [Re-Imagining Final Report](#)

Nov. 10, 2022: Shedoudy [letter](#) to city council

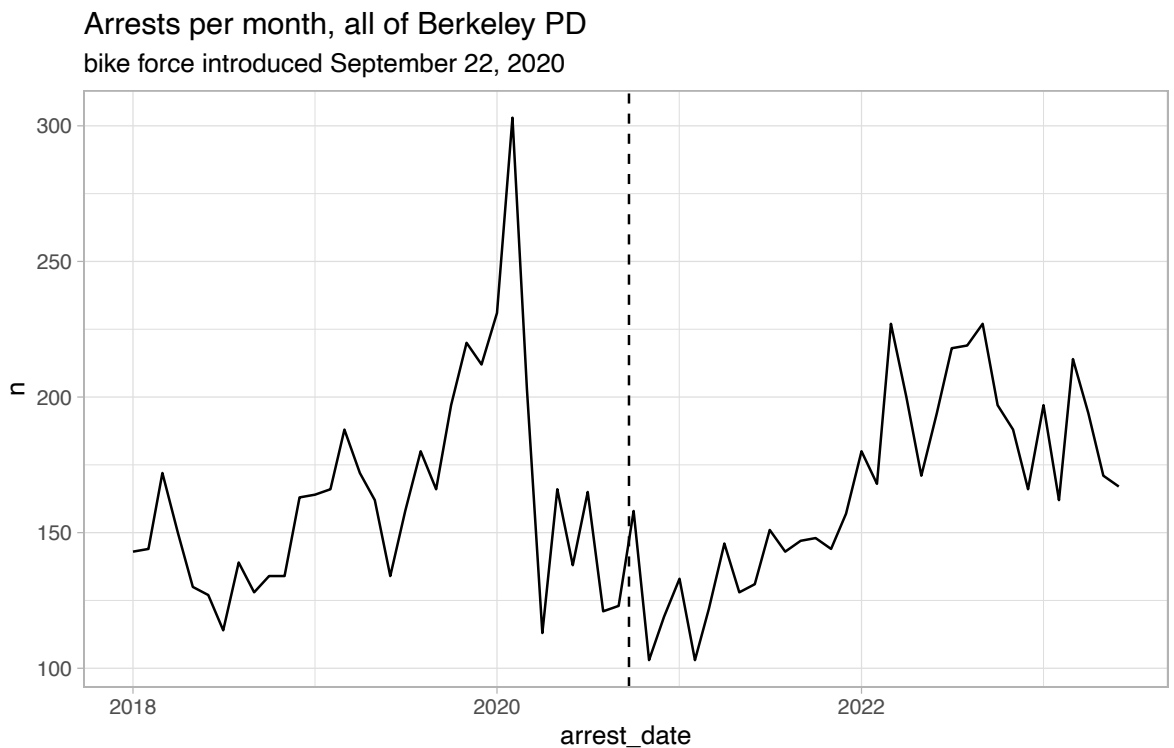
Nov. 14 2022: [Secure Justice](#) calls for investigation by California's Attorney General.

Nov. 16, 2022: First [Textgate leaks](#) by Shedoudy.

Dec. 9, 2022: [City Manager commissioned Investigation](#) into Textgate begins.

IV KEY FINDINGS

1. Arrests climbed drastically in the Fall of 2019 and Winter of 2020, and Bike Force officers made a disproportionate contribution to this trend.

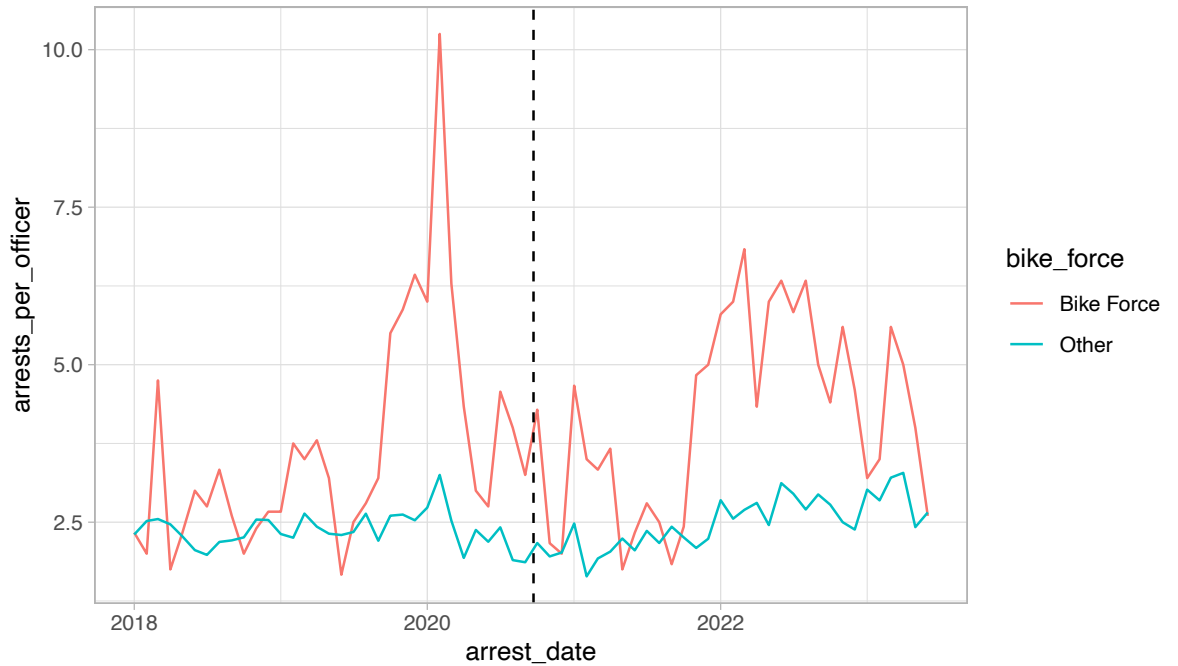


This graph shows arrests per month made by all active BPD officers, from 2018-2022. The dashed line marks the date that Bike Force was formally introduced.

Arrests per month in Berkeley peaked sharply, directly preceding the onset of the COVID-19 pandemic (November 2019 - February, 2020). The screenshots shared by Corey Shedoudy alleging arrest quotas date to November 12, 2019, and are consistent with a steep rise in arrests during this period.

Arrests per month per officer

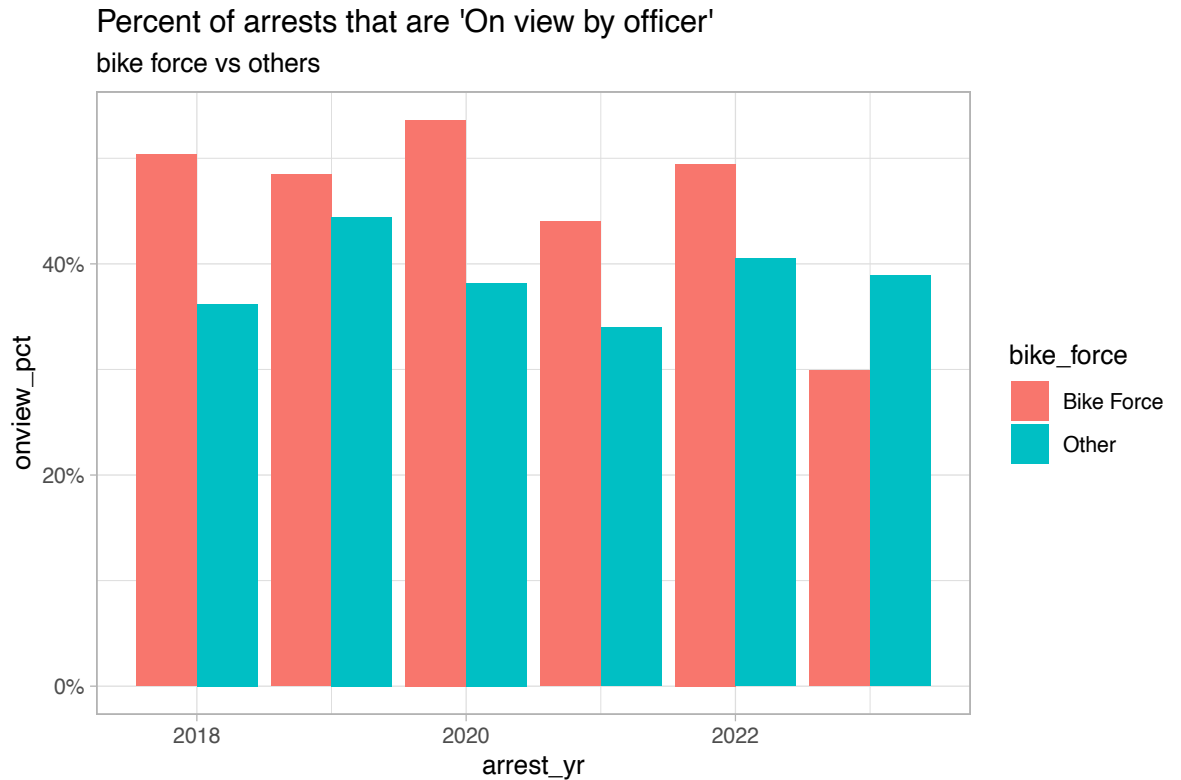
only includes officer-months in which at least 1 arrest was made



*This graph shows arrests per month, per officer. The red line depicts known Bike Force officers, the blue line depicts all other **active** officers. Officers were included in the **active** set if they made at least one arrest per month.*

Officers who were known participants in the Bike Force (Breau, Kacelek, Michalcyzk, Pickett, Schikore, Seaton, Shedoudy, Stern) made far more arrests per month than other active officers. This trend emerged most noticeably after 2019 and persisted.

2. Bike Force officers made more officer initiated arrests, compared to active officers overall.

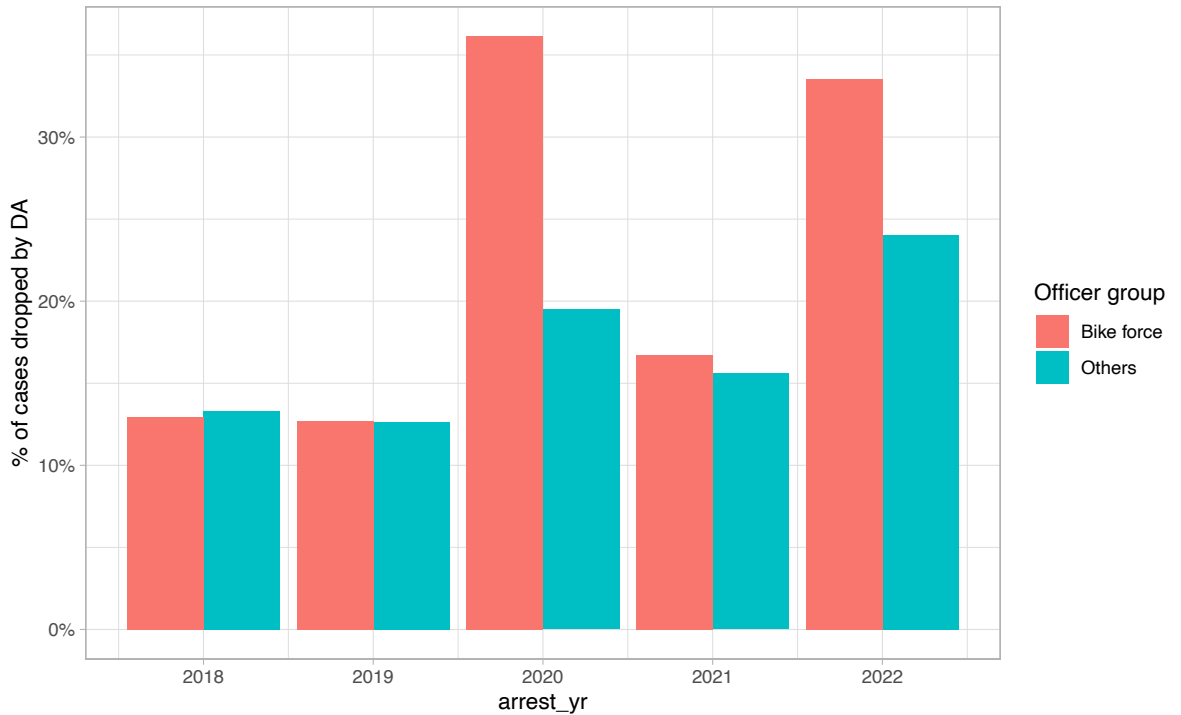


This graph shows the share of arrests that were “on view by officer” (initiated by officers) made by Bike Force officers (pink) and other active officers (blue).

Bike force officers consistently made more arrests “on view by officer” relative to other active members of the department. These arrests were not made in response to calls for service from members of the public, and depend entirely on an officer’s perception of criminal behavior. It follows that these arrests are particularly vulnerable to the subjective biases of an officer, much like traffic stops.

3. Bike Force officers made more arrests that resulted in dropped-charges. That is, innocent people were arrested.

Arrests dropped by the D.A. due to lack of evidence or interest of justice identified using prosecutor disposition codes T1, T2, T3, and T7. Arrests without a disposition code are not considered dropped

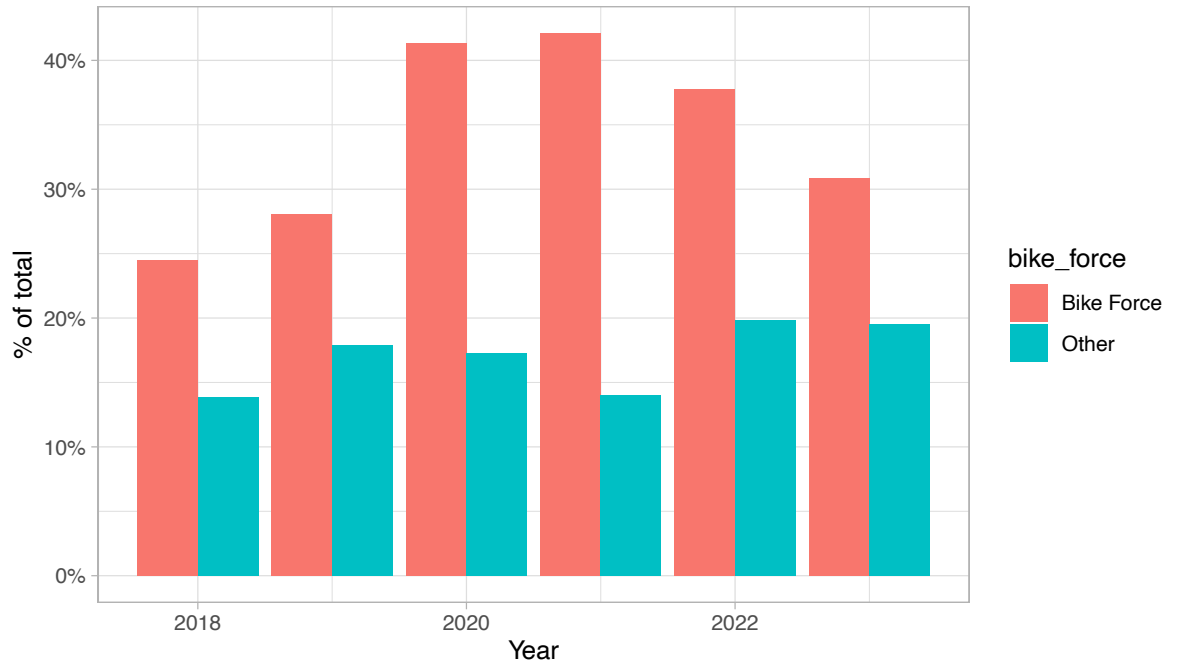


Here 'bike force' is shorthand for arrests by any of: Michalczyk, Seaton, Breaux, Pickett, Kacalek, Shedoudy, Schikore, or Stern, even if the arrest was made prior to the creation of the bike force

This graph shows the number of arrests made by bike force officers (pink) and other active officers (blue), for which charges were dropped by District Attorney Nancy O'Malley.

What was the outcome of arrests made by the Bike Force? We flagged arrests for which charges were dropped by the District Attorney for any of four reasons: in the interest of justice (T7), because of a lack of evidence (T2), insufficient evidence (T1), or because evidence was inadmissible (T3) ([DA Disposition Codes](#)). We consider these to be unnecessary arrests, arrests of innocent people (individuals never charged with a crime, let alone found guilty). The overwhelming majority of these unnecessary arrests were for non-violent offenses.

Percent of arrests with discretionary charges
defined as 375(A), 647(F), 11364(A)



This graph shows the number of arrests made by bike force officers (pink) and other active officers (blue) which resulted in any of these three charges.

Three penal-code violations were dropped by the DA with particularly high frequency. These were 375 (A): public urination, 647 (F): public intoxication and 11364 (A): possessing opium pipe or smoking/injection paraphernalia. The decision to arrest an individual for these non-violent violations is almost entirely up to the discretion of the officer. Further, these violations stem from behaviors and conditions (drug use, mental illness, lack of sufficient public accommodations) which the city claims it wants to remediate through non-police responses.

The Bike Force specialized in enforcing these three codes, which constituted more than 30% of the unit's total arrests from 2020 onwards. Notably, the share of total arrests for these three codes jumped dramatically among Bike Force officers between 2019 and 2020 - the same period of time Corey Shedoudy alleged the unit was operating under a quota system.

4. The actions of the officers happened with the support of the elected leaders of city government and employees

(including police lieutenant, chief of police, business leaders, and city council members). Dubious methods (see section II, subsection 3) were used to dislodge or displace unhoused people from downtown areas that are detrimental to the well-being of poor and unhoused people.

5. Officers in the Bike Force were incentivized by an illegal arrest quota.

According to the leaked [text messages](#) released by Corey Shedoudy and authenticated by the city commissioned Swanson & McNamara investigation, officers in the Bike Force were encouraged to make a predefined number of arrests per month. "Operation 100" was referenced in the original text messages to describe the push to make 100 arrests per month. Sergeant Kacelek stated explicitly "81 arrests! We can do 19 by Friday" and chastised his subordinates "... whoever does the least arrests today does the waxing."

6. One in two people arrested by the BPD between 2018 and 2022 were Black

Berkeley's Black population is shrinking and is now below 8% - the fact that nearly 50% of all individuals arrested [between 2018 and 2022](#) points to extreme racial disparities in policing.



V CONCLUSIONS

The alleged arrest quota, evidenced by the leaked and [verified text messages themselves](#) instigated this investigation. However, the trends identified in publicly available arrest records tell a broader story. The state of policing in Berkeley, city priorities, and the functioning of city government may have led officers to believe that their actions were reasonable and even aligned with the city's objectives.

The Bike Force specialized in enforcing low level offenses ([key point 3](#)) with a special focus on unhoused residents - a conclusion supported by the unit's fixation on the unhoused (i.e. "Stern is gonna come back with a new strain that wipes out the homeless pop" texted Darren Kacelek). Based on direct observation by Copwatchers and testimony from members of the public, the Bike Force focused on the "Downtown" areas and worked to clear unhoused people from these areas. Indeed, the penal code violations most frequently enforced by the Bike Force (public urination, possession of drug paraphernalia, and open alcohol containers) effectively criminalized houselessness itself. Public urination, for example, is bound to be frequent in a city with few and often no publicly available restrooms in its Downtown or Telegraph Avenue commercial districts. The act of urination was a regularly cited offense by these officers.

Selective enforcement was also applied to possession of "smoking paraphernalia" which is ubiquitous in Berkeley. However, when young adults who attend U.C. Berkeley smoke marijuana from bongs and pipes in public (i.e. 420 celebration at Memorial Glade) they are rarely punished and almost never arrested. The previous point applies exactly in the case of public intoxication. We believe this leniency is just, and are merely interested in showing how the enforcement of drug laws is used selectively to target our poorest and most marginalized residents.

The enforcement of drug laws is used selectively to target our poorest and most marginalized residents

Arrests were used by officers down the hierarchy to curry favors with

leadership, who provided what appears to have been unlimited overtime and flexible shift schedules in return (i.e. “He said just kick ass, arrest people, have fun and get me results and I will never jam you about overtime,” texted Darren Kacelek, referring to a superior). The unit appears to have pursued a quota system in order to avoid the risk of cuts to its program as had happened in the past. In the text response of Sgt. Kacalek *“We are gonna have to step up our game if we want to stay in business as bikes. When staffing goes down, I don’t want to be the unit that gets picked apart.”* The point is that the unit became self-serving and self-perpetuating. Management should have been aware of this structural flaw when the unit was created.

The arrests the Bike Force made rarely moved forward in the criminal legal system, as shown by the frequency of arrests for which charges were not brought by the DA. In this manner, the city’s most vulnerable residents were systematically removed from the street by force, detained, sometimes jailed, and usually released back onto the street to begin the cycle again.

Wrongful arrests are not trivial. They disrupt every aspect of an arrestee’s life from housing, to employment, to education, to healthcare. Critically, while arrests targeted individuals in mental health crises, and who were disproportionately unhoused, the experience of arrest itself has been shown to exacerbate the effects of mental health crisis, with ramifications that ripple through families and communities ([Sugie et al., 2017](#)). This is obvious to anyone who has experienced arrest. Unfortunately, those who the Bike Force preyed upon represent the most marginalized and vulnerable members of our community; people who have the least chance of success of prevailing in a civil suit or internal complaint.

Wrongful arrests are not trivial. They disrupt every aspect of an arrestee’s life from housing, to employment, to education, to healthcare.

We found that nearly [one in two](#) people arrested by BPD are Black (~49%). In a city that is [less than 8% Black](#), situated in a county that is [less than 11% Black](#), these figures highlight the effects of structural racism on our city’s Black residents and visitors. Taken together with the racist rhetoric used by Bike Force Sergeant (and former Berkeley Police Association President) Darren Kacelek, these findings suggest the state of policing in Berkeley is at odds with the city’s self image

as anti-racist. In this way, BPD is similar to other police departments in the United States.

When confronted with this pattern of misconduct, how did the city's leaders respond? When allegations were initially brought to light, preceding Jen Louis' appointment to permanent chief in November 2021, the city manager stated outright that she expected any investigation would exonerate Louis. Members of the city council made [public statements](#) condemning Kacelek's rhetoric and entrusted the PAB to carry on an investigation. Months later, in May 2023, before the results of any investigation were released, the council voted to confirm Louis as chief effectively undercutting the PAB's most critical task to date - vetting a future chief's culpability in misconduct. Since then, they've taken no action to repair the public's trust in the council or in the police department's leadership.



VI RECOMMENDATIONS

1. **Dismiss Sergeant Darren Kacelek** for violations of law and duty to the people of Berkeley.
2. **Fire City Manager Dee Williams-Ridley for failure to address discrimination against unhoused people and racist police practices.** As well as for her persistent failure to implement policing reforms, to hold police accountable for misconduct, to prioritize the safety of poor and unhoused residents, and for her decision to commission a private report that circumvented the Police Accountability Board's process and produced findings that recklessly contradicted years of previous data, study, and analysis.
3. **Review Jen Louis' appointment as Chief of Police due to her meeting with Sgt. Kacelek despite her claim to not have been aware of specific Bike Force activity.** Determine whether, despite meeting with Sgt. Kacelek numerous times, she misrepresented her awareness of the activities of the Bike Force and the sergeant.
4. **Lower the enforcement priority of petty infractions** like possession of an opium pipe or open container, and instead provide access to harm reduction resources.
5. **Provide independent counsel for the PAB** in order for that body to be able to pursue information when they are not being given access to vital investigative information.
6. **Implement the Reimagining Public Safety Task Force [recommendations](#).**
7. **Stop BPD's abhorrent pattern of unnecessary arrests.** Eliminate the number of arrests that lack a solid legal justification. Hold officers accountable for unnecessary arrests.
8. **Remove the Ambassador program from the oversight of the Downtown Business Association.** The agenda of the Downtown Berkeley Association is hostile to the presence of poor people and people who have behavioral or substance abuse issues. The funds should instead be used for violence prevention programs and to provide Berkeley residents with adequate training to interact productively with all types of people.