

# RLS RAINS LUCIA STERN, PC

Harry S. Stern  
Attorney at Law  
HStern@RLSlawyers.com

May 1, 2014

VIA ELECTRONIC MAIL [MANAGER@CITYOFBERKELEY.INFO] & FIRST CLASS MAIL

Christine Daniel  
City Manager  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

**Re: Release of Confidential Personnel Information**

Dear Ms. Daniel:

I am writing to you on behalf of the Berkeley Police Association (“BPA”) and individual members of the Police Department who were subjects of a Police Review Commission (“PRC”) investigation concerning the death of Kayla Moore.

It has come to my attention that the PRC’s findings have been “leaked” to the Daily Californian newspaper. This breach of confidentiality is not only outrageous, it is a crime.

Pursuant to Penal Code § 832.7 in conjunction with Government Code § 1222 and as further explained by the California Attorney General (Cal. Attorney General Opp. 99-503), the release of a California peace officer’s personnel records is a criminal offense. In addition, the PRC is subject to civil liability for this invasion of privacy and defamation.

The City of Berkeley must take the following steps immediately: launch a criminal investigation by an independent authority in order to identify the perpetrator of this crime (it goes without saying that the offending commissioner be immediately removed from his or her position) and suspend all pending PRC investigations until the source of the leak is found.

Members of the BPA will not be participating in PRC inquiries until the City can assure the BPA that strong measures have been put in effect to protect the confidentiality of their personnel information.

The release of the findings undermines the credibility of the PRC; it is clear that at least one commissioner has an agenda that evidences bias against the accused officers. The leak is particularly egregious in that there is a lawsuit pending. The leak has the obvious effect of causing potential unwarranted prejudice against the named officers.

2300 Contra Costa Boulevard | Suite 500 | Pleasant Hill, CA | 94523 | T 925.609.1699 | F 925.609.1690  
Pleasant Hill | Sacramento | San Francisco | San Jose | Santa Rosa

[www.RLSlawyers.com](http://www.RLSlawyers.com)

Christine Daniel

**Re: Release of Confidential Personnel Information**

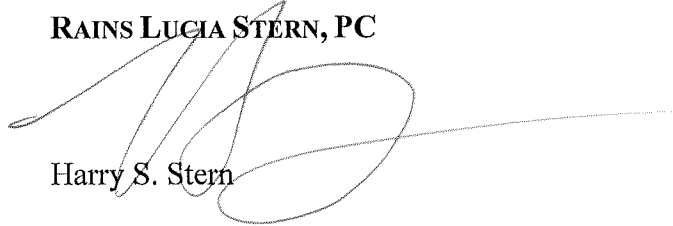
May 1, 2014

Page 2

Thank you for your anticipated cooperation. Please do not hesitate to call me if you have any questions.

Sincerely,

**RAINS LUCIA STERN, PC**

A handwritten signature in black ink, appearing to read "Harry S. Stern", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Harry S. Stern

HSS:my

cc: Chris Stines, BPA President  
Chief Meehan  
Katherine Lee, PRC Director