

# January 2013 Police Department Report

February 8, 2013

- Department Personnel
  - We are currently fully staffed at 10 sworn positions and we currently have two reserve officers.  
  
Stephanie Wilkens has completed Phase 1 of her Field training and is currently in Phase 2 with Officer Rodney Martinez.
- Commendations and Correspondence
  - On January 14<sup>th</sup>, we received a thank you letter from El Cerrito Police Chief Sylvia Moir for the assistance given to their agency by Sergeant Kevin Hui and Officer Chris Turner on December 27, 2012.
- Investigation of Alleged Misconduct
  - Department Investigation 2012-002 was initiated on May 14<sup>th</sup>, 2012, on an allegation that an officer was insubordinate. This investigation is being conducted by Sergeant Hull.
  - Citizen's Investigation 2012-003 was initiated on June 28<sup>th</sup>, 2012, on an allegation that 3 officers were rude during a traffic stop. This investigation is being conducted by Sergeant Hui.
  - Citizen's Investigation 2012-004 was initiated on June 29<sup>th</sup>, 2012, on an allegation that an officer used racial profiling in making a traffic stop. This investigation is being conducted by Sergeant Hull.
  - Citizen's Investigation 2013-001 was initiated on January 3, 2013, on allegations that two officers acted in an unprofessional manner. This investigation is being conducted by Chief Harman.
- 9-1-1 / Richmond Communication Center Information.

The Ring Time Report for December 2012 documented a total of 44 "911" calls for service with one having a ring time over 20 seconds that occurred on 12-0212 at 8:16 AM with a ring time of 34 seconds. After speaking with the dispatcher, there was no call for service.

The average ring time for the month of December was 6 seconds.

The Ring Time Report for January 2013 documented a total of 34 “911” calls for service with no ring times over 20 seconds.

The average ring time for January was 5 seconds.

- Community Networking

- On 01-03-12, Chief Harman attended the PTA meeting at the Kensington Hilltop School.
- On 01-07-13, Chief Harman, KPPCSD President Tony Lloyd, and KPPCSD Director Linda Lipscomb attended the Annual KCC meeting.
- On 01-14-13, Chief Harman attended a meeting with the staff of the Growing Lights Nursery School and the Arlington Church to discuss traffic and safety concerns.
- On 01-14-12, Officer Wilson attended the Kensington Public Safety Council meeting.
- On 01-15-13, Sergeant Hui participated in the Boy Scout Troop 100 Induction Ceremony.
- On 01-17-13, Officers Wilson and Wilkens, along with Chief Harman participated in the KPSC/ KPPCSD sponsored “Identify Theft Workshop”. There were 150 people in attendance for the program.
- On 01-18-13, Chief Harman represented the Kensington Police Department at a meeting with State Senator Loni Hancock to discuss law enforcement issues with her and other local law enforcement leaders from her district.
- On 01-23-13, Chief Harman attended the Contra Costa County Police Chief’s Association meeting in Martinez.
- On 01-28-13, Chief Harman, KPPCSD President Tony Lloyd, and KPPCSD Director Linda Lipscomb attended the Contra Costa County California Special District Association Chapter meeting in Concord.

- Community Criminal Activity
  - This section of the Watch Commander's Reports are prepared by Sergeant Barrow for Team One, Sergeant Hui for Team Two, and Detective Stegman.
- Watch Commander Reports
  - **Sergeant Barrow**

TEAM #1 STATISTICS

Officer:	Ramos (K41) (0600-1800)	Wilson (K38) (1800-0600)	Wilkins (K50) (1800-0600)
Days Worked	15	15	5
Traffic Stops	23	12	9
Moving Citations	13	2	10
Parking Citations	1	3	4
Vacation/Security Checks	16	64	41
FI-Field Interview	0	0	0
Traffic Accident Reports	2	0	1
Cases	6	3	1
Arrests	0	0	3
Calls for Service	45	18	14

Sergeant Barrow attended a 24 hour Internal Affairs Investigation Class.

- BRIEFING/TRAINING:
  - Reviewed Case Law: Maxwell v. County of San Diego
  - Reviewed Case Law: People v. Fernandez
  - Reviewed Case Law: People v. Robinson
  - Reviewed Case Law: People v. Schmitz
  - Reviewed Case Law: People v. Tully
  - Reviewed Case Law: People v. Rodriguez
  - Reviewed PC 148 – Resist/Obstruct/Firearm
  - Reviewed VC 23123 – Driving while using a wireless telephone
  - Reviewed VC 23123.5 – Driving motor vehicle while texting
  - Reviewed VC 15620 – Unsupervised children in a motor vehicle
  - Reviewed Hot Pursuit of Misdemeanants into a Home
  - Reviewed Law Enforcement Telephone Investigations Resource Guide
  - Reviewed changes to CVC laws for Electronic Verification of Financial Responsibility
  - Discussed DMV “Pending Master File” on vehicle registrations
  - Reviewed KPD Policy #206 – Disaster Plan

- Reviewed KPD Policy #212 – Electronic Mail
- Reviewed KPD Policy #214 – Administrative Communications
- Reviewed KPD Policy #600 – Investigation and Prosecution
- Reviewed KPD Policy #602 – Sexual Assault Victim’s DNA Rights
- Reviewed KPD Policy #608 – Confidential Informants
- Reviewed KPD Policy #704 – Vehicle Maintenance
- Reviewed KPD Policy #706 – Vehicle Use
- Reviewed KPD Policy #808 – Restoration of Firearms
- Reviewed KPD Policy #810 – Release of Records Information
- Reviewed KPD Policy #1024 – Body Armor
- Reviewed KPD Policy #1026 – Peace Officer Personnel Files

SERGEANT’S REVIEW:

- Reviewed participation requirements for the Victim Compensation Program.

SERGEANT’S SUMMARY:

- Reviewed Contra Costa County Response to Domestic Violence Protocol.

During the month of January we saw very little or no rain. The weather will be changing very soon and we should start seeing more rain and fog in the near future. I would ask drivers to check their vehicle’s tires, windshield wipers and lighting, to see if all are in good working order. Tires with minimal or no tread may lose traction with the roadway or hydroplane, potentially causing a collision. Windshield wipers that are hard, cracked or that don’t have good contact with the windshield surface can also potentially limit your vision. Not fully removing the water from your windshield could potentially obscure hazards in the roadway, people, pets, deer and vehicles. Not maintaining your vehicle’s lighting can also potentially cause hazardous conditions. People will have difficulty seeing you and vice versa. By not maintaining your vehicle you can potentially be cited for each of these violations. So please maintain your vehicle and drive safely for yourself and others.

- SIGNIFICANT EVENTS:

- 2013-001 – On 1-1-2013, Officers Wilson and Wilkens responded to the 200 block of Arlington Avenue and arrested three juveniles for possession of alcohol.
- 2013-124 – On 1-8-2013, Officer Armanino responded to the 00 block of Sunset Drive for a reported vandalism, damaged sign.
- 2013-125 – On 1-8-2013, Officer Ramos responded to the 200 block of Stanford Avenue for a reported identity theft.
- 2013-229 – On 1-13-2013, Officer Ramos responded to the 00 block of Arlington Avenue for a reported vandalism, damaged front door.

- 2013-242 – On 1-14-2013, Officer Ramos responded to the 200 block of Arlington Avenue for a reported non-injury traffic collision.
- 2013-245 – On 1-14-2013, Officer Ramos responded to the 00 block of Lawson Drive for a reported residential burglary.
- 2013-276 – On 1-15-2013, Officers Wilson and Wilkens responded to the 1600 block of Oak View Avenue for a reported non-injury traffic collision.
- 2013-397 – On 1-23-2013, Officer Ramos responded to the 500 block of Coventry Road for a reported vandalism, property spray painted.
- 2013-398 – On 1-23-2013, Officer Ramos responded to the 500 block of Coventry Road for a reported vandalism, property spray painted.
- 2013-399 – On 1-23-2013, Officer Ramos responded to the 500 block of Coventry Road for a reported vandalism, roadway sign spray painted.
- 2013-403 – On 1-23-2013, Officer Ramos responded to the 00 block of Edgcroft Drive for a reported identity theft.
- 2013-405 – On 1-23-2013, Sergeant Barrow and Detective Stegman responded to the area of Liberty Street and Stockton Avenue in El Cerrito to assist El Cerrito Police Officers in the search for shooting suspects.
- 2013-529 – On 1-28-2013, Officer Ramos responded to the 1600 block of Oak view Avenue for a reported theft from an unlocked vehicle.

**TRAFFIC STATISTICS:**

28 moving citations were issued on Colusa Ave.  
 37 moving citations were issued on Arlington Ave.  
 1 moving citation was issued on Franciscan Way.  
 1 moving citation was issued on Sunset Ave.  
 1 moving citation was issued on Rincon Road.  
 1 moving citation was issued on Coventry Road.  
 1 moving citation was issued on Amherst Ave.  
 1 moving citation was issued on Highland Blvd.  
 1 moving citation was issued on Stanford Ave.  
 4 moving citations were issued on Berkeley Park Blvd.

**•• Sergeant Hui**

**TEAM #2 STATISTICS**

Sergeant Hui (K42)  
 (1600-0400)

Officer:	Martinez (K31) (0600-1800)	Turner (K46) (1800-0600)
Days Worked	16	16
Traffic Stops	25	53
Moving Citations	10	20
Parking Citations	1	2

Vacation/Security Checks	49	71
FI-Field Interview	0	0
Cases	2	3
Arrests	0	1
Traffic Accident Reports	0	0
Calls for Service	58	43

Officer Turner and Sergeant Hui attended a 2 hr CPR/AED update course.  
Sergeant Hui recovered 12 hours of comp time.

Sergeant Hui attended a 24 hour Internal Affairs Investigation Class.

Officer Wilkens is currently training with Officer Martinez

#### BRIEFING/TRAINING:

- Reviewed Case Law: Maxwell v. County of San Diego
- Reviewed Case Law: People v. Fernandez
- Reviewed Case Law: People v. Robinson
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- Reviewed KPD Policy #1026 – Peace Officer Personnel Files

#### SERGEANT’S REVIEW:

- Reviewed County Response to Domestic Violence Protocols.

## SERGEANT'S SUMMARY:

On January 17, 2013, the Kensington Police Department hosted an identity theft presentation by LifeLock. Officer Wilson did a great job in coordinating this event and we had a fantastic turn out of both Kensington and El Cerrito residents.

As many of you know, identity theft continues to be a problem for just about every community within the country. Identity theft crimes are often difficult to solve. Factors that increase the difficulty of finding a resolution to these types of crimes include limited resources of the investigating law enforcement agencies and that the commission of these crimes can span across states and even countries. Some of us have been unfortunate enough to have been the victim of identity theft and have learned how much time it takes to try and regain control of our identity. The best way to combat identity theft is to try and prevent it.

There are several ways that you can be proactive in combating identity theft. These include:

- Check your credit report every year. You are entitled to a free credit report each year. Take advantage of the free credit report and verify that the information it contains is correct.
- Opt out of direct marketing mail. By opting out of direct marketing mail, you should be able to greatly reduce the number of pre-approved credit offers that you receive.

There were several organizations and websites provided during the LifeLock Identity Theft presentation. I've created a Identity Theft Prevention page on the [www.kensingtoncalifornia.org](http://www.kensingtoncalifornia.org) website under the "Police Department" menu that lists these resources. I would encourage you to take a look at this page and research some of the information there.

One topic covered during the ID Theft presentation was RFID enabled credit cards. These are credit cards that have a RFID chip imbedded within that uses radio frequency electromagnetic fields to transfer information wirelessly. These cards look like regular credit cards with the exception of a RFID chip that is imbedded in the card. You may have been to stores that are capable of accepting these cards. They typically have a "reader" that you have to pass your card over (instead of the conventional credit card terminals that you have to swipe your card through). Many fast food restaurants have these devices where a reader is mounted on the exterior of the drive thru window. Apparently, these RFID enabled credit cards are always emitting your credit card information. A would be identity thief can use specialized equipment to "read" your RFID signal while parked across the parking lot (or possibly further). The easy way to combat this type of identity theft is to check to see if you have any of these RFID enabled

credit cards. If you have one, contact the issuing bank and have them re-issue a card that does not have an RFID chip.

**SIGNIFICANT EVENTS:**

- 2013-0034– On 01/03/2013, Officer Turner responded to the unit blk of Ardmore Rd on a report of a residential burglary.
- 2013-0182– On 01/11/2013, Officer Martinez responded to the unit blk of Arlington Ct on a report of an identity theft.
- 2013-0347– On 01/18/2013, Officer Turner responded to the 400 blk of Berkeley Park Blvd on a report of a vehicle burglary.
- 2013-0457– On 01/25/2013, Officer Martinez and Officer Wilkens responded to the 200 blk of Arlington Ave on a report of a fraud.
- 2013-0478—On 01/26/2013 Officer Turner arrested a driver on the unit blk of Arlington Ave for driving under the influence.

Reserve Officer:	Armanino (K47)
Days Worked	4
Traffic Stops	11
Moving Citations	11
Parking Citations	0
Vacation/Security Checks	1
FI-Field Interview	0
Cases	0
Arrests	0
Traffic Accident Reports	0
Calls for Service	7

•• **Detective Eric Stegman**

**SIGNIFICANT EVENTS:**

**08-1636 Stolen Vehicle**

On 1/4/13 KPD was notified a stolen vehicle which was reported stolen on 3/27/08, had been recovered by CHP. CHP advised they had a suspect in custody in connection with the stolen vehicle. **This case is cleared and will be submitted to the Alameda County District Attorneys Office by the arresting agency.** As I and Chief Harman have explained in the past, classifying a case as suspended is not the “death” of a case. It simply means there are no further investigative avenues or leads in which can be acted upon currently. This case is a prime example. There were no leads for nearly five years and all of a sudden a suspect was located and arrested.



### **13-245 Burglary**

On 1/14/13, a burglary was reported on the unit block of Lawson Rd. The resident who previously lived there had passed away recently and the house was not occupied, however the deceased's belongings remained in the house. There were no signs of forced entry. It is believed a family acquaintance of the deceased may still be in possession of a key to the house and was also aware of where valuables were stored. **This case is under investigation.**

### **13-397, 13-398, 13-399 Vandalism**

A series of vandalisms (graffiti) were reported which all occurred between 1/22/13 and 1/23/13. These are all believed to be connected because of the similar moniker ("KEG") at each location. Below is a photograph of one of the graffiti. **If you have any information regarding this case please contact Detective Eric Stegman.**



### **13-0485 Vandalism**

During the day of 1/25/13 there was roadway construction near the intersection of Arlington Ave and Westminster Ave. When the construction crew left for the evening they parked a paving machine on Westminster Ave near Arlington Ave, at around 1630 hours, which was to be picked up later that evening. By the time the construction employee arrived to retrieve the machine that night at 2130 hours, someone had cut a main wiring harness inside the engine compartment of the machine. These wires were essential to the machine's operation and the machine was completely disabled, costing the company several thousand dollars in repairs to the machine. After talking with patrol officers who worked on 1/25/13, they told me there was a great deal of anger expressed towards the construction crew by motorists who were delayed in daily activities by the construction. It is quite possible an angry motorist or resident was responsible for returning and causing damage to the paving machine. Given the high traffic area where the machine was parked, and the time of day this occurred I believe it

is likely someone may have seen this occur, or at least seen the suspect lurking around the machine, and not realized what was actually occurring. **If you have any information regarding this case please contact Detective Eric Stegman.**

## **KPD INVESTIGATIONS INFORMATION:**

### 12-5354 Murder

On 8/13/12 at approximately 1145 hours, Officer Ramos responded to a welfare check for a potential fall victim (James Durkin). Shortly after his arrival Officer Ramos requested I respond to the scene. Due to the initial circumstances I began investigating the case as a homicide. During the investigation it was revealed the victim had been stabbed in the chest with a serrated kitchen knife. Later in the investigation, the suspect (Diane Sydenham), was identified. Early on 8/14/12, Sydenham was arrested for the Murder of James Durkin. On 8/16/12 the Contra Costa County District Attorney's Office formally charged Sydenham with Murder and she was arraigned.

On 8/30/12 a judge granted an increase in Sydenham's Bail from \$1,000,000 to \$2,000,000. On 9/20/12 Sydenham entered a not guilty plea. The date of the preliminary hearing is TBD.

### 2011-1618 Homicide.

On 03-12-11, KPD Officers were dispatched to a possible dead body in the 00 block of Arlington Avenue. The individual was pronounced dead at the scene. This case is being investigated as a homicide.

## **KPD INVESTIGATIONS**

- I made court runs for filling cases, and retrieve court notifications.
- I updated the KPD Case Review Log.
- I reviewed the "Trak Flyer" messages and maintained the flyer board.
- I assisted WestNET and the Siskiyou County Sheriff's Department, with the execution of two search warrants on 1/15/13. This was in relation to a \$1.25 million theft of gold, which occurred at the Siskiyou County Courthouse.
- On 1/28/13, I assisted WestNET with a surveillance operation.

## KPD Monthly Crime Statistics

January 2012

<b>Part 1 Crimes</b>	<b>Reported</b>	<b>Open/ Pending</b>	<b>Suspended</b>	<b>Closed</b>	<b>Arrest</b>
Homicide	0	1*	0	0	0
Rape	0	0	0	0	0
Robbery	0	0	0	0	0
Assault	0	0	0	0	0
Residential Burglary	2	1	1	0	0
Larceny Theft	1	0	1	0	0
Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b><u>Part 1 Totals</u></b>	<b><u>3</u></b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>0</u></b>	<b><u>0</u></b>
<b>Other Crimes</b>					
Auto Burglary	0	0	0	0	0
Identity Theft	3	1	2	0	0
Fraud	0	0	0	0	0
Forgeries	0	0	0	0	0
Restraining Order Violations/ Stalking/ Criminal Threats	0	0	0	0	0
Sex Crimes (other)	0	0	0	0	0
Assault/ Battery (other)	0	0	0	0	0
Vandalism	6	0	6	0	0
Drugs	0	0	0	0	0
Warrant	0	0	0	0	0
Hit and Run Felony	0	0	0	0	0
Hit and Run Misdemeanor	0	0	0	0	0
Other Misdemeanor Traffic	1	0	0	1	1
<b><u>Other Crime Totals</u></b>	<b><u>10</u></b>	<b><u>1</u></b>	<b><u>8</u></b>	<b><u>1</u></b>	<b><u>1</u></b>
<b><u>All Crime Totals</u></b>	<b><u>13</u></b>	<b><u>2</u></b>	<b><u>10</u></b>	<b><u>1</u></b>	<b><u>1</u></b>

Traffic Accidents (Non Injury)	3
Traffic Accidents (Injury)	0

\*Case from a previous year.

•• **Chief Harman**

A question was raised at the January 10<sup>th</sup> KPPCSD Board meeting in regards to the way we clear our cases. Master Sergeant Hull provided an excellent definition of the way we come to the dispositions of our investigations which is in the “Correspondence” portion of the February 14<sup>th</sup> agenda packet.

Not wanting to miss an opportunity to get the word out, I have included a portion of his response here:

“The Kensington Police Department’s (KPD) clearance rates are in line with the FBI’s clearance rates in so far as the total number of crimes are divided by the total number of crimes cleared. KPD utilizes three dispositions for cases; Closed; Suspended; and Pending. KPD considers a crime cleared when a case is closed by several means, not limited to the following:

**Closed:**

- Victim does not desire prosecution of an identified responsible party.
- If a suspect has been identified and arrested.
- If a suspect is identified and/or arrested but the District Attorney’s Office decides not to prosecute the case.
- If the statute of limitations have been exceeded for a particular offense, this case will be considered closed. **However, a case that falls within this defined criteria is not considered to be cleared for statistical purposes.**

KPD does not use any form of administrative closing of cases. Other case dispositions are as follows:

**Suspended:**

- Lack of investigative leads.
- Lack of victim/witness cooperation.
- No further follow up is necessary.

**Pending:**

- Witnesses still need to be contacted.
- Case investigation has not been completed.

I think if you compare KPD's criteria for closing crime cases for statistical purposes it is almost identical to the FBI's with the exception that KPD does not use the designation cleared or closed by "exceptional means." Though the FBI considers cases closed or cleared "exceptional" to be a cleared case for statistical purposes. KPD will classify this same case as "closed" which will have the same affect on the KPD clearance rate."

Now even when we do suspend a case, that does not mean we never re-open the investigation. There are times that new information is developed later and this scenario occurred this month as reported by Detective Stegman in his monthly report above.

"On 1/4/13 KPD was notified a stolen vehicle which was reported stolen on 3/27/08, had been recovered by CHP. CHP advised they had a suspect in custody in connection with the stolen vehicle. **This case is cleared and will be submitted to the Alameda County District Attorneys Office by the arresting agency.** As I and Chief Harman have explained in the past, classifying a case as suspended is not the "death" of a case. It simply means there are no further investigative avenues or leads in which can be acted upon currently. This case is a prime example. There were no leads for nearly five years and all of a sudden a suspect was located and arrested."

We will continue to investigate each case we encounter fully, and continue to do so exhausting all leads, in an effort to bring the case to a successful conclusion. We do so not to record the best clearance rates in the County, but to provide the best service to you, our community.