



PROCLAMATION CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

**Tuesday, March 14, 2023
4:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

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Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <https://cityofberkeley-info.zoomgov.com/j/1600955724>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter Meeting ID: **160 095 5724**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Worksession

1. **Berkeley Police Department Annual Report, 2022 Year End Data Reports**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900

Public Comment - Items on this agenda only

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on this 9th day of March, 2023.



Jesse Arreguin, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:



Date: March 9, 2023
Mark Numainville, City Clerk

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

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and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Please refrain from wearing scented products to this meeting.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.



Office of the City Manager

WORKSESSION
March 14, 2023

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim Chief of Police

Subject: **Berkeley Police Department Annual Report
2022 Year End Data Reports**

INTRODUCTION

At the request of City Council, the City Manager provides regular reports on crime in Berkeley. This report details the year end crime, collision, stop data and use of force data for 2022. Status updates will also be provided on several Council referral items and department initiatives.

CURRENT SITUATION AND ITS EFFECTS

CALLS FOR SERVICE

In 2022 Berkeley Police Department received a total of 62,245 calls for service (CFS). This closely mirrors the call volume reported for 2021 (60,393 total), as calls for service have not returned to pre-pandemic levels to date. BPD has received an average 71,113 CFS per year for the past 7 years.

CRIME DATA

Part One Crimes

In 2022, total Part One crime in Berkeley increased by 15.4% overall from the year prior. Part One Violent Crimes increased by 134 cases and Part One Property Crimes

increased by 826 cases. The largest percentage increases in Part One Crimes were seen in Sexual Assault (56.1%), Aggravated Assault (34.3%), and Burglary (29.0%). Decreases were seen in Auto Theft (-23.9%) and Arson (-27.8%).

Part One Crimes Comparison

	2021	2022	Change	%Change
HOMICIDE	0	3	3	+3
RAPE	57	89	32	56.1%
ROBBERY	265	292	27	10.2%
AGG ASSAULT	210	282	72	34.3%
TOTAL VIOLENT CRIMES	536	666	134	25.2%
BURGLARY	803	1036	233	29.0%
LARCENY	3736	4611	875	18.9%
AUTO THEFT	1098	836	-262	23.9%
ARSON	72	52	-20	27.8%
TOTAL PROPERTY CRIMES	5709	6535	826	14.5%
TOTAL PART ONE CRIMES	6241	7201	960	15.4%

The following chart provides historical crime data for Part One Crimes from 2013 through 2022:

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Homicide	4	3	1	2	1	1	0	5	0	3
Sexual Assault	26	35	44	54	83	65	74	47	57	89
Robbery	410	263	330	361	364	353	369	274	265	292
Aggravated Assault	122	130	155	185	218	167	175	210	210	282
Burglary	1055	932	1090	805	843	829	771	797	803	1036
Larceny	3658	3615	4099	3965	4556	4004	4993	3933	3736	4611
Auto Theft	664	555	717	650	621	548	492	805	1098	836
Arson	16	15	22	24	30	31	17	52	72	52
TOTAL	5955	5548	6458	6046	6716	5998	6891	6123	6241	7201

Part One Crimes per Capita:

With a population of 117,684 in 2022, there were 612 part one crimes overall per 10,000 residents. There were 57 violent crimes per 10,000 residents and 555 property crimes per 10,000 residents.

Using the latest publicly available DOJ data, we know that in 2021, there were 47 violent crimes and 219 property crimes reported for every 10,000 residents in California. Also, in 2021, Oakland (pop. 433,823) reported 145 violent crimes and 582 property crimes per 10,000; San Leandro (pop. 88,868) reported 56 violent crimes and 380 property crimes per 10,000 residents; Santa Clara (pop. 127,151) reported 23 violent crimes and 276 property crimes per 10,000 residents.¹

Gun Violence and Firearm Seizure:

The total number of shootings rose slightly in the City of Berkeley in 2022. During this reporting period there were 53 confirmed shooting incidents versus 52 in 2021. Confirmed shooting incidents include witnessed events as well as loud report calls where shell casings or other evidence of gunfire was found. In 2022, BPD's closure rate for shootings was 38% despite the fact that many incidents are heard only or have few witnesses or leads. Forensic and electronic evidence, diligent and detailed investigative efforts, as well as community willingness to share information was critical to developing leads and chargeable cases.

SHOOTINGS	2018	2019	2020	2021	2022
TOTAL	20	28	40	52	53
Cases Closed	11	9	23	24	20
Cases Charged	6	6	15	15	17

In 2022 there were a total of 119 firearms recovered by BPD, which was an increase of 1%. In 2022, 34 of the firearms seized were ghost guns compared to 33 in 2022 and 6 in 2020.

FIREARM RECOVERY METHODS	2019	2020	2021	2022
Patrol calls for service	33	36	51	64
Patrol proactive traffic stops	25	17	24	12
Detective Follow-up investigation	29	32	43	43
TOTAL	87	85	118	119

¹ [State of California Department of Justice - OpenJustice](#)

Robbery:

Total robbery cases continue to remain below pre-pandemic levels. The most notable change during 2022 was the increase in the number of pedestrian robberies.

ROBBERY CASES	2018	2019	2020	2021	2022
Pedestrian	229	247	131	119	148
Commercial	108	97	117	118	117
Home Invasion	5	4	8	8	8
Bank	3	2	5	6	4
Carjacking	10	14	13	14	15
TOTAL	355	364	274	265	292

Hate Crimes:

In 2022 there were 38 incidents of hate crimes, down from 42 in 2021. Hate Crime reports continue to be primarily reported as crimes of intimidation (either by using slurs or by leaving graffiti) rather than crimes of violence.

HATE CRIMES	2018	2019	2020	2021	2022
Race/Ethnicity/National Origin	11	5	7	29	24
Religion	3	1	2	11	3
Sexual Orientation	3	2	1	2	11
Gender	1	0	2	0	0
Disability	0	0	0	0	0
TOTAL	18	8	12	42	38

The Department led a coordinated multi-city department response to the Council referral item on improving hate crimes reporting and response. Several recommendations were completed including a public-facing mapping tool for hate crimes, a public outreach video in collaboration with the Mayor and PAB, ongoing relationships with at-risk communities, and connections with BUSD and UCPD staff. BPD provided a Council update on progress on this referral in November of 2022. Work continues on developing additional partnerships with targeted groups and creating a multi-lingual public outreach video.

Additional Property Crimes:

In addition to the Part One Property Crimes data provided above, additional Property Crimes data is as follows:

	2019	2020	2021	2022
Catalytic Converter Thefts	150	523	477	995*
Auto Burglary	2473	1042	1021	1288

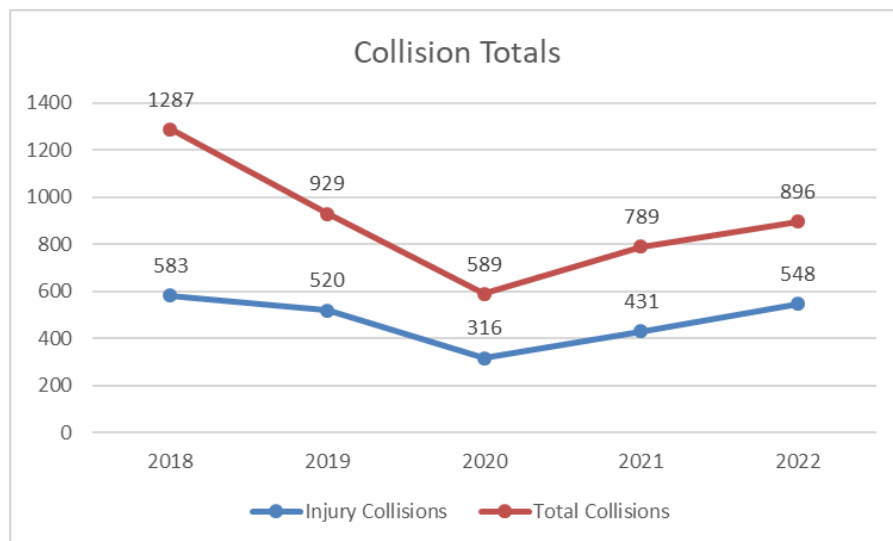
*The total for 2022 includes attempted catalytic converter thefts and reports of damage. In 2022, 809 catalytic converters were reported stolen.

COLLISION DATA

In 2022, there were a total of 896 collisions. They included, 548 injury and 346 non-injury collisions. Total collisions increased by 107, or 13.6% from 2021. Non-injury collisions decreased by 1.4% and fatal collisions decreased by 71.4%. Injury collisions increased by 27.2% and DUI collisions increased by 35.9%.

COLLISIONS	2019	2020	2021	2022
Fatal collisions	4	2	7	2
Injury collisions	520	316	431	548
Non-injury collisions	405	271	351	346
TOTAL collisions	929	589	789	896

The most common cause of collisions (the primary collision factor or PCF) was failure to yield right of way, unsafe speed, unsafe turn, and red-light violations. Bicyclists (114) and pedestrians (83) accounted for 36% of the injury collisions. Bicyclists were found at fault in 54 of the collisions and pedestrians in 10 of the collisions. A closer examination of the 54 at fault injury collisions involving a bicycle revealed 16 involved a solo bicyclist falling or hitting an object. There have been 47 right of way violations that have caused injury to a pedestrian this year.



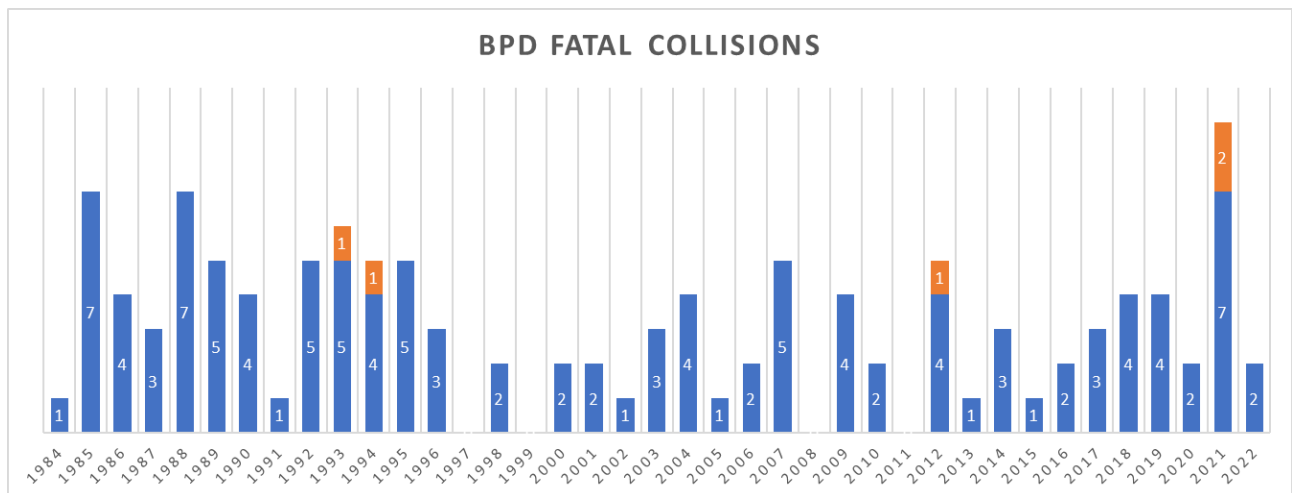
Of the two fatal collisions in 2022, one involved a pedestrian and the other a solo motorcyclist versus a fixed object (where alcohol was a factor). Additionally, 53 collisions involved a DUI driver (an increase from 39 in 2021) which resulted in 25 injuries. There have been 47 right of way violations that have caused injury to a pedestrian this year.

The two intersections which accounted for the highest number of collisions were Shattuck Ave and Haste St and Ashby and Shattuck Avenues (tied with 12 collisions each). The top twelve intersections where collisions occurred were:

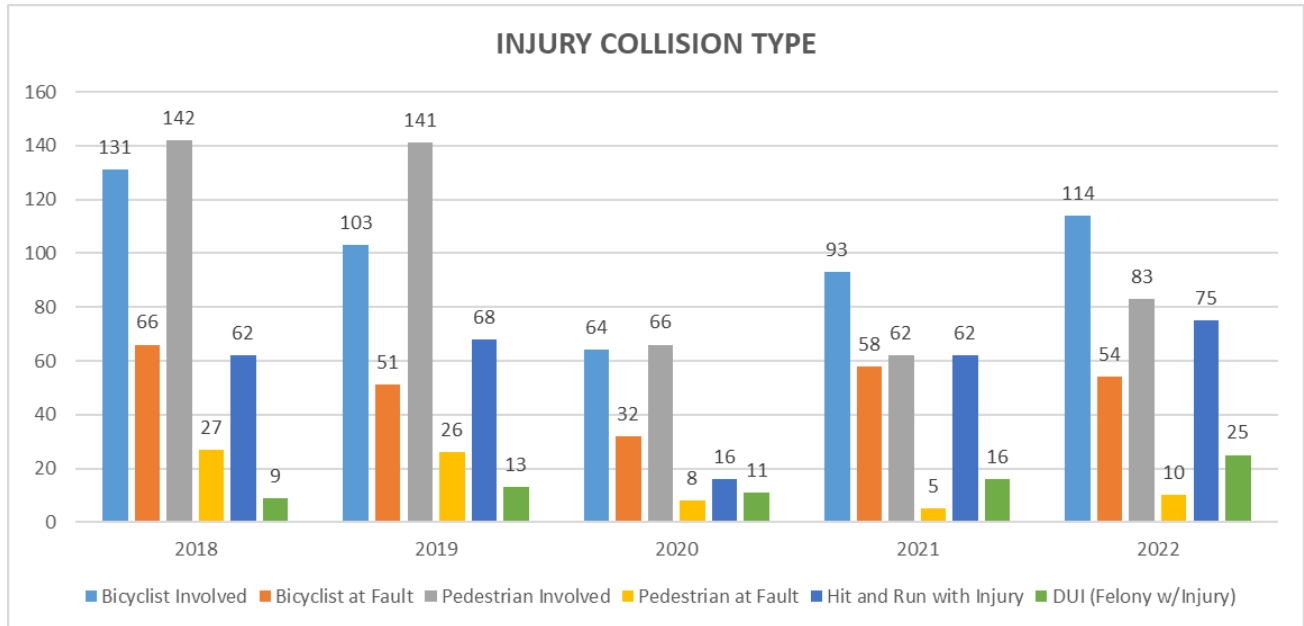
COLLISION INTERSECTIONS	Total Collisions	Injury Collisions	# of People Injured	Suspected Serious Injury
Shattuck Ave / Haste St	12	10	14	2
Ashby Ave / Shattuck Ave	12	9	10	2
Ashby Ave / San Pablo Ave	11	6	14	1
Ashby Ave / Sacramento St	11	6	6	0
University Ave / 6th St	10	4	5	0
MLK Jr Way / Ashby Ave	10	5	5	0
University Ave / Acton St	8	4	6	1
Dwight Way / Sacramento St	6	4	5	0
San Pablo Ave / Cedar St	5	2	2	0
University Ave / MLK Jr Way	5	5	6	1
Ashby Ave / College Ave	5	5	6	0
Shattuck Ave / Dwight Way	5	2	2	0

- Suspected serious injury is any injury other than a fatality that results in significant injury as defined in the CHP Collision Investigation Manual (CHP, 2017, p. 5-5)

The following provides historical data on fatal collisions in the City of Berkeley:



As previously stated, bicycles were involved in 114 of the injury collisions and pedestrians were involved in 83. Right of way violations affected pedestrians in 47 of those collisions. The primary collision factor was found to be the bicyclist in 54 collisions, the pedestrian in 10 collisions and DUI in 25 collisions.



BPD applied for and was awarded grant funding that supports our efforts to reduce traffic collisions and impaired driving in Berkeley. Grant sources include the Office of Traffic Safety (Selective Traffic Enforcement Program / STEP Grant) and the California Highway Patrol Cannabis Tax Fund Grant to provide additional enforcement, education and traffic safety programs. The funding allows us to standup DUI checkpoints, DUI patrols and provide enforcement in locations identified as high collision areas targeting dangerous driving behavior. Grant funding allows officers to attend training to become proficient in field sobriety testing to detect both alcohol and drug impairment. In partnership with OTS and other law enforcement agencies throughout the state BPD participates in national campaigns such as pedestrian safety month, winter DUI mobilization, distracted driving awareness, bicycle safety, motorcycle safety, walk to school day and click it or ticket enforcement.

A 2020 survey from the AAA Foundation for Traffic Safety found that people who drove more than usual during the pandemic were more likely to engage in risky behaviors including reading text messages, speeding, running red lights on purpose, aggressively changing lanes, not wearing seat belts, or driving after having consumed alcohol or cannabis. According to the National Highway Traffic Safety Administration (NHTSA) traffic fatalities decreased in 2022 overall; however, pedestrians, motorcyclists and bicyclist fatalities were up.

Currently, there are two full time traffic enforcement (motorcycle) officers, one data analyst, one sergeant and one lieutenant assigned to the Traffic Bureau. With three

officers short, the Traffic Bureau issued 38% of all moving violations for the department. Staffing shortages within BPD have made enforcement of dangerous driving behaviors challenging.

The BPD has reprioritized traffic enforcement efforts around a three-prong approach that focuses on primary collision factors, community member reports and observations reported to the BPD and community caretaking. Community caretaking functions consider safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions. The BPD will continue to collect, analyze collision data to understand and guide needs, the effectiveness of enforcement strategies and shape future deployment and resource allocation.

STOP DATA REPORT

In October 2020, the Berkeley Police Department began tracking and ultimately supplying the State of California with our stop data pursuant to the Racial Identity Profiling Act (RIPA). BPD began this data collection a full two and a half years before agencies our size were required to comply with RIPA. Berkeley began this process early as part of the department's efforts to better capture, understand and share the data associated with our stops.

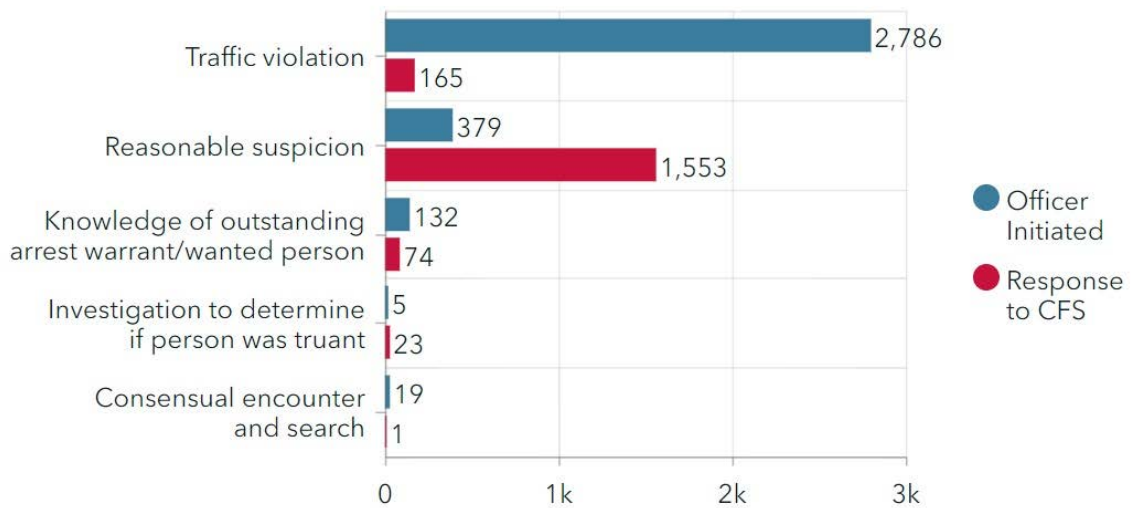
During 2022, BPD averaged 258 vehicle stops, 162 pedestrian stops, and 8 bicycle stops per month for a 2022 total of 3,101 vehicle stops, 1942 pedestrian stops, and 94 bicycle stops. Here's the monthly breakdown:

Type of Stop



Overall, the majority of all of our stops (64.67%) were self-initiated and focused on traffic violations. The remaining 35.33% of our stops were in response to a call for service. The following graph outlines the reasons for the stop, with blue bars representing self-initiated activity and red bars indicating a response to a call for service.

Reason for Stop



The table below outlines the moving violations associated with our stops. The violations related to this year’s stop data correlate with primary collision factors (discussed earlier in this report), as well as other serious traffic safety violations geared toward community caretaking.

Most frequent moving violations*

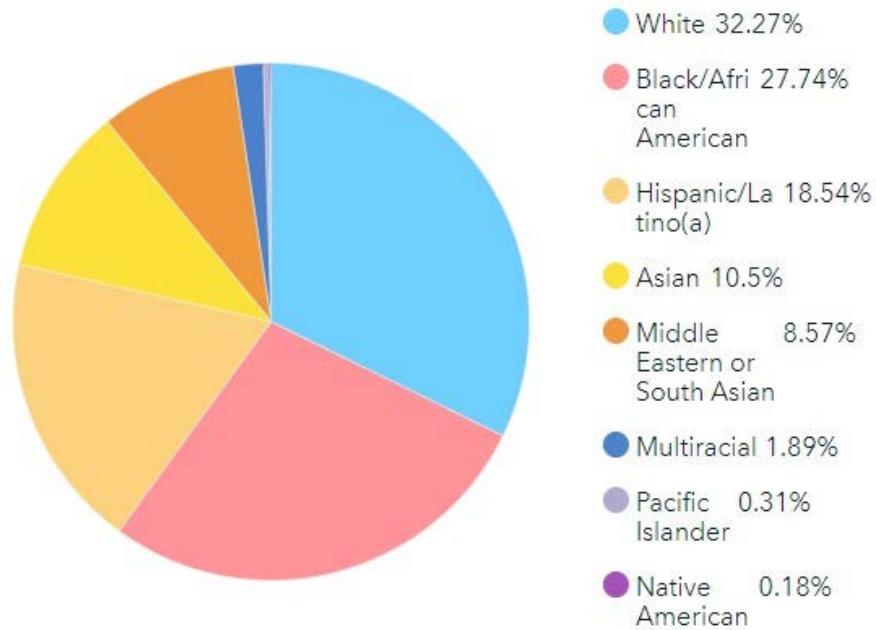
2022



*Excludes stops made in response to calls for service and information-based stops

A review of the stop demographics excluding stops made in response to calls for service and information-based stops over the last year showed White individuals made up 32.27% of those stops, Black individuals made up 27.74%, and Latinx 18.54%. Further, 51.12% of those stopped were not Berkeley residents.

Race*
2022

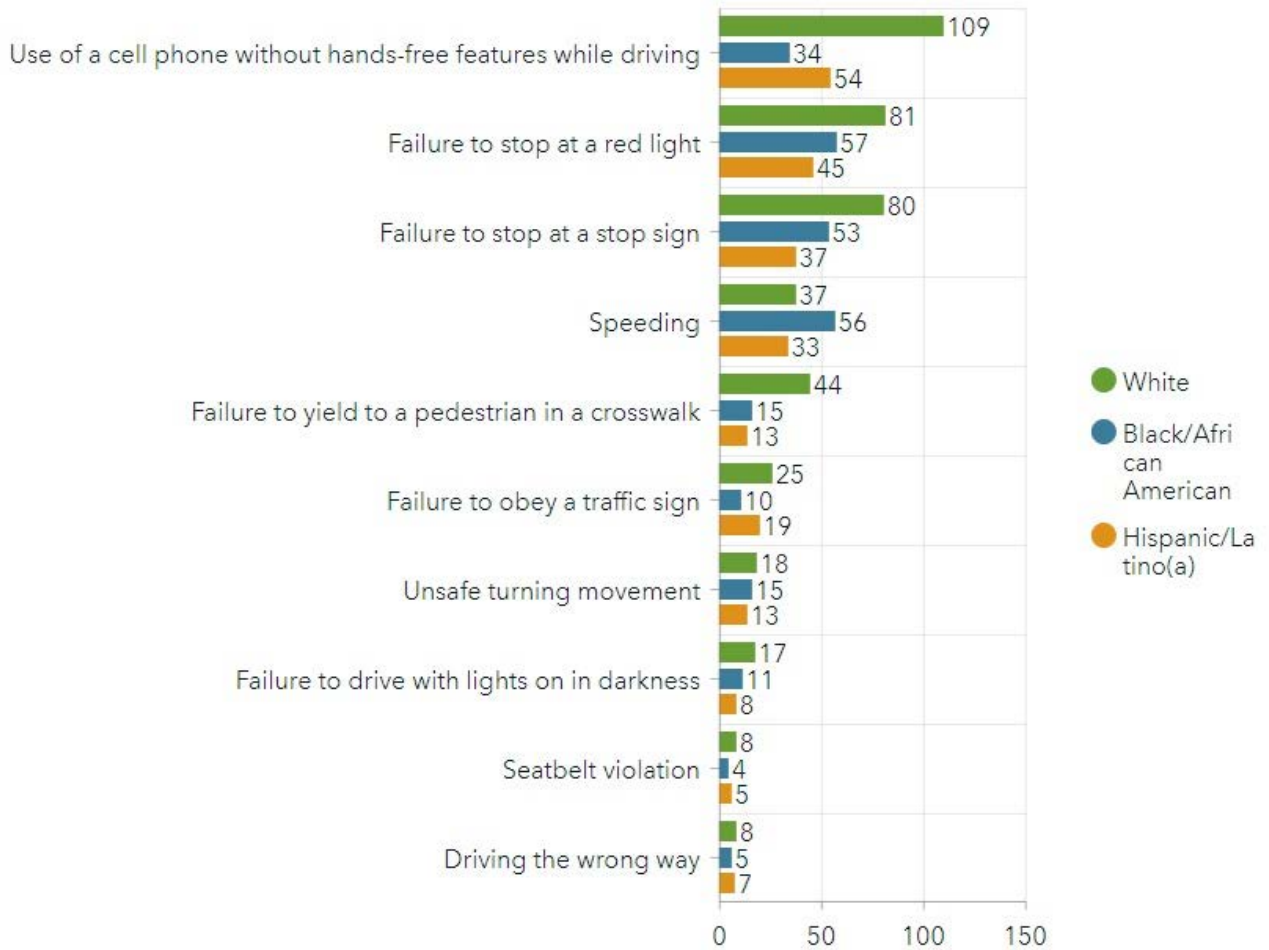


*Excludes stops made in response to calls for service and information-based stops

The chart below again looks at the moving violations associated with our stops and breaks down how they compare among different demographic groups.

Most frequent moving violations*

2022



*Excludes stops made in response to calls for service and information-based stops

RIPA data entry also allowed us to capture information about search rates. In 2022 BPD’s search rate for all stops was 20% and had an overall contraband yield rate of 51%. Those searches resulted in the seizure of 92 weapons, including 16 firearms.

One method of determining whether officer discretion is influenced by implicit racial bias is to measure whether the officer’s decision to search is subject to a lower threshold of suspicion for Black and Brown people as compared to for White people. Often called yield rate analysis, the method assumes that race-neutral indicators observable by an officer will accurately predict the probability that a search will turn up contraband. The logic follows that a search triggered by a given level of suspicion based on race-neutral

factors will 'yield' contraband at the same rate across racial groups. Conversely, a lower yield rate for searches of White people as compared to searches of Black people would indicate that officers are deciding to search White people when they have a higher confidence of finding contraband.

Breaking down the demographic and contraband yield rate by race reveals the following:

- Black 28% search rate 51% yield rate
- White 20% search rate 50% yield rate
- Hispanic/Latino(a) 17% search rate 59% yield rate

The 1:1 yield rate ratio for searches of Black and White subjects suggests that officers are making decisions to search based on race-neutral factors.

USE OF FORCE REPORT

Berkeley Police Department takes pride in our ability to accomplish our work with minimal reliance on force through approaches that include de-escalation techniques, as well as an awareness of mental health crisis issues and appropriate responses. The department reinforces these skills and strategies through regular training.

A review of the Berkeley Police Department's use of force statistics reflects the department's commitment to using minimal force. Data covering January 2015 through December 2022 shows the department responded to an annual average of 71,113 calls for service per year and effectuated 2,765 arrests. Under the department's prior reporting standards, there was an average of 75 uses of force per year.

In February 2021, BPD transitioned to a new Use of Force Policy that had several substantial changes, that included a de-escalation requirement and an expanded use of force reporting standard. Under this policy, reportable force is delineated into the following four categories:

- Level 1 – Involves grabs, control holds, the use of leverage, or body weight with no injury or complaint of pain.
- Level 2 – Applies when an officer points or deploys a firearm while interacting with someone. It also applies to a Level 1 force that involves more than momentary discomfort but does not have an injury or complaint of pain.
- Level 3 – Parallels our old Use of Force reporting standard and involves the use of a weapon, subject injury, or complaint of pain. This category also applies to specific circumstances when an officer does not activate their body-worn camera.
- Level 4 – Applies when an officer uses a firearm or when there is an in-custody death.

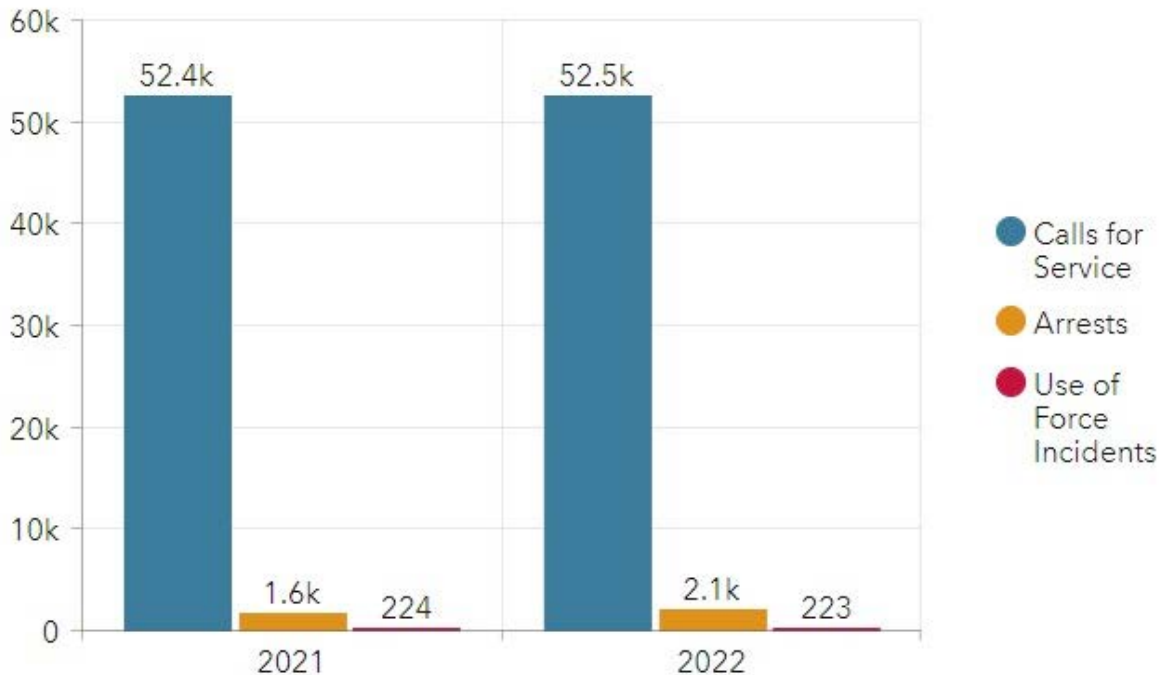
The department use of force policy requires officers to report uses of force to their sergeant, who documents these incidents in a formal report. A lieutenant and captain

review each report, including associated body worn camera (BWC) footage, before forwarding it to Internal Affairs. In a given incident, more than one technique or type of force may be used to bring a resistant or combative individual into custody, and more than one officer may use force during the incident.

During 2022 there were 62,245 Calls for Service and 2478 arrests. Under the new reporting standard, in 2022 there were 369 incidents that involved 1301 uses of force. Of the 369 incidents where force was used, 68.5% were Level 1 uses of force, and 27.6% were level two. These two categories accounted for 96.1% of uses of force, demonstrating BPD officers' commitment to using minimal force when it is required. The department started capturing our updated use of force data in March of 2021, the Chart below compares our 2022 statistics for the same time period.

All Calls for Service, Arrests, and Use of Force Incidents*

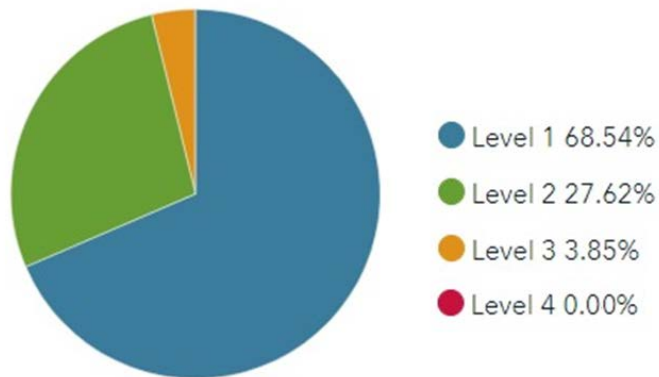
March - December



*Use of Force Incidents involving an arrested subject

While the department has consistently evaluated individual use of force incidents, our expanded data collection and analysis tools allow us to understand and evaluate our use of force trends and share them with the community. We also use this information to help inform our policies and training. Here is a summary of our key findings:

Use of Force Level (by Uses)

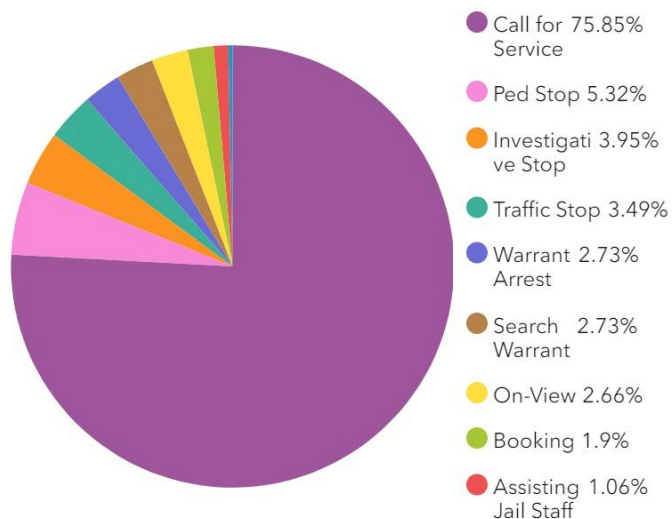


Total Uses by Level

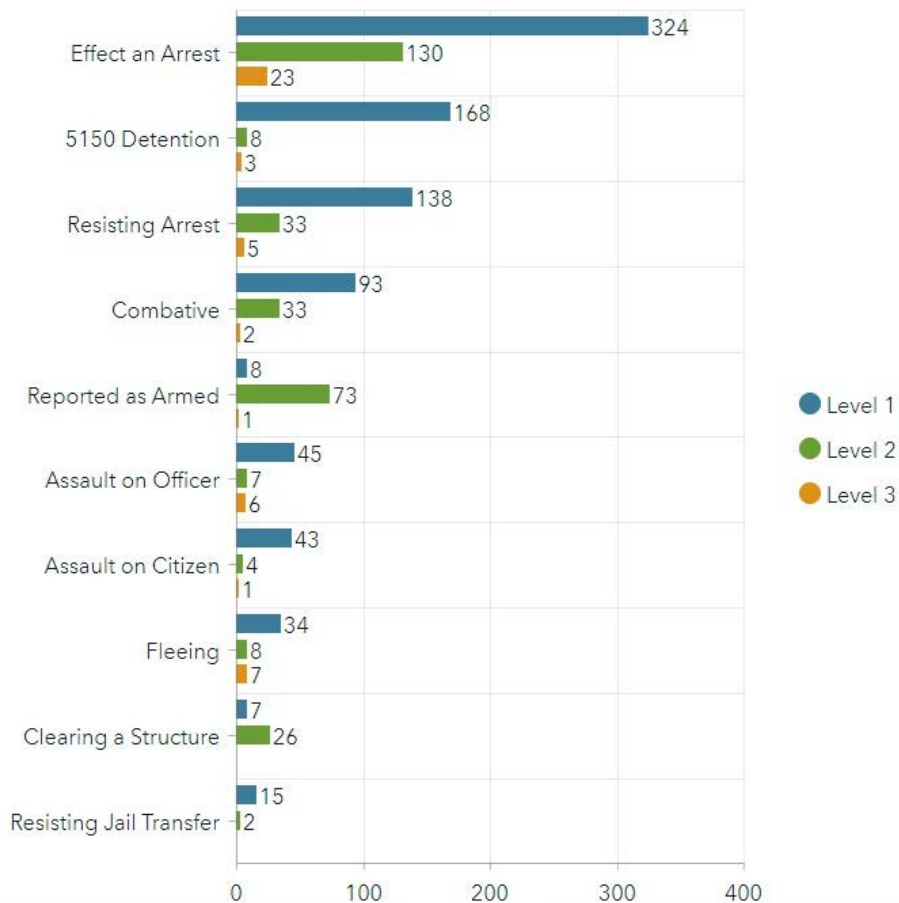


Data indicates that the majority of our uses of force occurred when officers responded to calls for service from the community. Use of Force occurred most often in relation to arrests and the majority of the force incidents involved the lowest level of force.

Incident Types (by Uses)

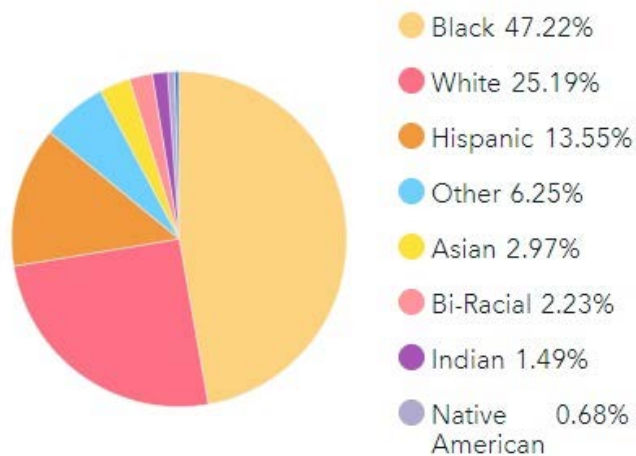


Most Frequent Use of Force Reasons (by Uses)



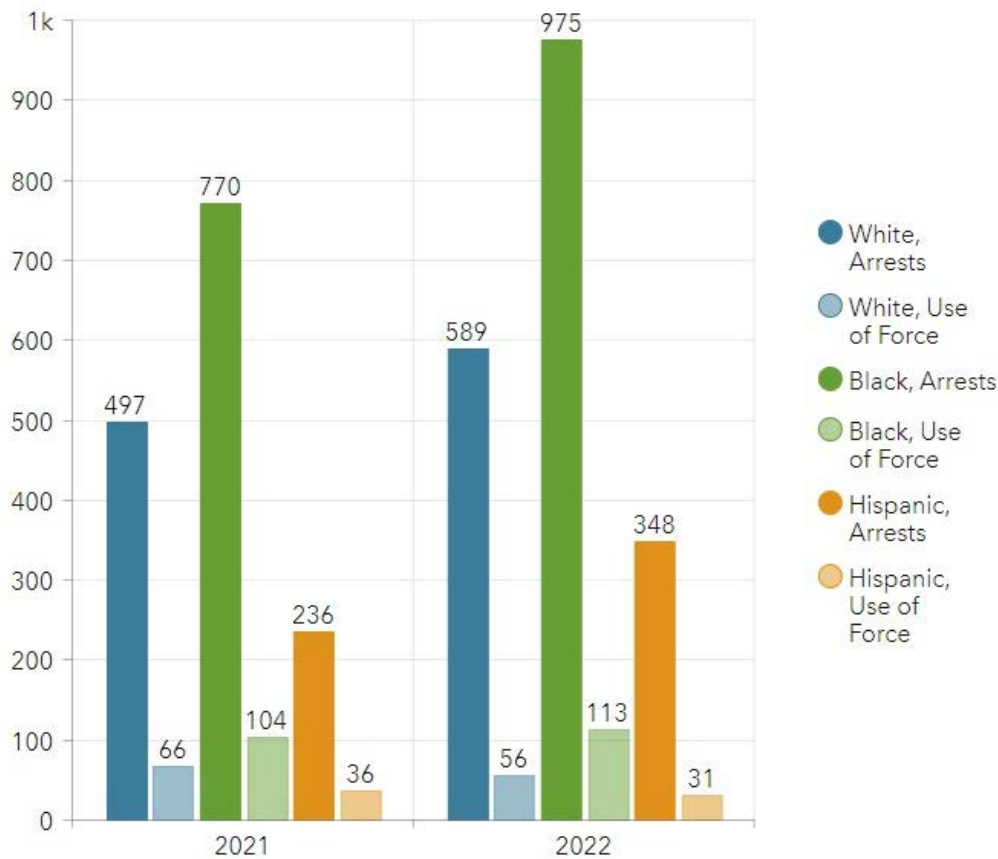
Demographic breakdown of uses of force:

Subject Race (by Uses)



Arrests and Use of Force Incidents*

March - December



*Use of Force Incidents involving an arrested subject

This year's use of force trends parallel last year's, and show that BPD officers minimally use force and apply the lowest levels of force when circumstances require it. Of the 62,245 calls for service that BPD received in 2022, only 0.42% (266 incidents) resulted in a use of force incident, and only 0.03% (19) resulted in a use of force that produced more than a minor complaint of pain or where a weapon was used (Level 3 and 4). Additionally, trends show that calls for service account for a larger percentage of cases where force was used this year (75.85% versus 68.5%), much of which was attributed to a reduction in force incidents associated with investigative stops.

One of the other ways the department evaluates our responses is by tracking data associated with use of force complaints. While all of our use of force cases are always reviewed by a Lieutenant and Captain, those associated with a personnel complaint are also subject to an Internal Affairs Bureau (IAB) investigation. The results of the investigation (including BWC footage) are given to a Board of Review that evaluates the case and makes a recommendation to the Chief.

In 2022 the department received a total of five complaints associated with use of force incidents involving 19 applications of force. To date, three of those investigations have been completed while two are still being evaluated. Additionally, two out of those three cases were also independently assessed by the Director of Police Accountability and Police Accountability Board. None of the cases reviewed by the department or the DPA /PAB resulted in sustained findings of misconduct.

The department will continue to collect, evaluate, and assess our use of force data and use it to inform our policies and training with a focus on achieving positive outcomes.

DEPARTMENT PERSONNEL

The Berkeley Police Department prides itself on rigorous evaluation of police officer applicants, as well as hiring and training some of the profession's best officers who exemplify the Department's overall mission as well as the values of our diverse and vibrant City. Beyond the expectations to successfully complete training and education requirements, the Department demands that officers hold themselves to a departmental culture of integrity, respect and professionalism.

We are currently staffed at 150 sworn police officers, well below our current authorized staffing level of 181 sworn personnel. Three of those positions are held by recruit officers who are currently in academy training and will not reach solo officer status until Fall 2023. Twenty of the 150 officers are eligible to retire and several of them have stated an intent to retire over the course of 2023.

Berkeley Police Department currently is authorized 36 dispatch positions, and is currently staffed with 20 dispatchers and 4 dispatch supervisors. There are currently 5 dispatchers and 1 supervisor that are eligible to retire. The Communications Center is supported by several per diem and other dispatch qualified employees who alleviate some of the strain of understaffing. In a recent consultant report by Federal

Engineering, the recommendation is to increase the total staffing number from 36 to 60 employees (Section 6.2). The goals of the higher staffing number include ensuring the ability to provide Emergency Medical Dispatching (EMD), improve the span of control for supervisors, increase minimum staffing and creating a Training & Quality Assurance Coordinator position.

We are also in the process of hiring additional Community Service Officers (CSO). We are authorized 29 CSO and are currently staffed with 23. For the last several years we were authorized 22 CSO but six CSO and a CSO Supervisor were added to the Fiscal Year 2023 budget as a recommendation stemming from the reimagining public safety process. The additional CSO will be trained to respond to lower priority calls and a variety of tasks that would have traditionally fallen to a sworn officer. Community outreach and engagement will be part of the work of CSO as well. Staff has encountered difficulty identifying the scope of necessary training and attracting existing CSO to this developing position since it was only funded on a limited three-year term in the FY 2023 budget. The Department is committed to supporting this reimagining public safety goal and will continue work to develop this program.

Low staffing numbers challenge the department's ability to proactively address and solve problems in the community. It also negatively impacts morale and the overall wellness of the Department. The Department continues to actively recruit and work with Human Resources to facilitate open and continuous recruitments to reach full staffing of police officers and dispatchers. Furthermore, to help address the challenges associated with hiring, in 2022 the Department committed to the creation of a Recruitment and Retention Team. That team is comprised of officers and dispatchers who work with Personnel and Training on a part time basis to attend job fairs, work on our social media outreach, respond to applicants who submit interest cards and facilitate ride-alongs with officers and sit-alongs with dispatchers. In 2022, the Department worked on a Recruitment and Retention Incentive Program that was recently approved by City Council. The Department is currently working through the logistics and is excited about the potential the program provides for recruiting and retention.

CITY AUDITOR REPORTS

There are currently three open audits involving BPD that were produced by Auditor Wong and her staff;

1. 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale
2. Data Analysis of Berkeley's Police Response
3. Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

The Department will be submitting audit updates to City Council in May 2023 regarding the three open audits. Working with the City Auditor's Office in this process, we anticipate completion of the first two audits before May with all items having been addressed. The third audit is not complete but we have made significant progress on the recommendations listed in the report. This includes the implementation of a significant technology project related to an electronic staffing software. We are eager to continue working with Auditor Wong's office to accomplish all of the recommendations in this budget related audit.

FAIR AND IMPARTIAL POLICING UPDATE

Implementing the FIP Task Force recommendations remains a priority of the Berkeley Police Department. The Professional Standards Division is responsible for managing the project of implementing the recommendations. This report provides a quarterly update on the implementation of the Task Force recommendations.

The FIP Task Force recommendations required the department to amend its policies and establish a number of new protocols. As part of the process, members of BPD engaged with the Mayor, Council and their representatives, the Police Review Commission (now the Police Accountability Board or PAB), FIP Task Force members, and the PAB Subcommittee on FIP recommendation implementation. During these meetings, BPD staff collaborated with and updated each group on the substance and progress of this important project.

The Berkeley Police Department remains committed to equitable and unbiased policing and we are proud to have implemented almost all of the FIP recommendations. A policy in the form of a special order has been released to ensure that current and future members of the Berkeley Police Department carry forward and build upon this important foundational work initiated by the Fair and Impartial Policing Task Force. Below are the updates since the last reporting period. Once the final recommendations of the referral are completed the Department will continue efforts related to fair and impartial policing and provide annual updates and progress in this report.

- *Recommendations related to: Implement Procedural Justice Reforms*

Pursuant to the FIP recommendation and after meeting with the FIP task Force stakeholders, language was added to the current Early Warning System (EWS) policy to include data around traffic, bicycle, and pedestrian stops as a category that supervisors will consider for early intervention if merited. This new EWS policy has been implemented.

Ongoing efforts include implementing new systems for the monitoring of officer's individual stop data by their respective supervisors. The Audits and Inspections Sergeant began conducting separate and random quarterly audits of officer's stop data,

complaints, uses of force incidents and other factors and report the findings to the Chief of Police. Results of these audits are provided to the Police Accountability Board.

- *Recommendations related to: Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.*

The City's Auditor's report was released which analyzed Computer Aided Dispatch data. Recommendations from this analysis were provided to the Police Department and findings were referred to the Reimagine Public Safety Task Force. BPD has implemented the recommendations and an assessment of overall staffing levels as well as patrol beat specific analysis will be conducted as part of the sworn staffing assessment described above. This assessment will study our organizational structure, resource allocation, and geographical patrol boundaries.

Internally the Strategic Analysis Team has been directed to continue their work to refine the way and type of data that is collected, and analyze call response time to support the likely upcoming consultant work.

DEPARTMENT INITIATIVES

The Berkeley Police Department mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect. As discussed, the BPD is experiencing significant staffing issues in several critical classifications but especially in sworn officers and dispatchers. We forecast that recruitment and retention will be key to weathering unprecedented staffing pressures. Department initiatives underway support and guide this mission despite our expected challenges. Some of these are listed below:

Sworn Staffing Study:

Both the Re-imagine Policing work and Auditor's Audit on Police Overtime called for independent analysis of our workload, service demands, staffing levels, and allocation of resources. The Department opened a request for proposals from consultants that specialize in public safety staffing. All the bids received exceeded the current budget authority, which may affect the breadth of the analysis that we can complete. We are evaluating several proposals and will take the appropriate next steps to contract a consultant to advise on the long-term deployment of police services in Berkeley. We expect that work to inform decision-making as we rebound from a low point expected in the next year to 18 months. It should also help us to incorporate recommendations from the Re-Imagining Public Safety process.

In the meantime, the department is making adjustments to cope with low staffing. This has included reducing staffing in special assignments, delaying work on longer term

projects, and looking for additional ways to increase efficiencies. As the majority of the sworn personnel are deployed in our Operations Division as patrol officers, the department conducted analysis on call for service volume as it occurs throughout the day and week. Our existing 16 beat structure was deployed nearly a decade ago. At the time, it was balanced in terms of workload and service delivery. Over time, crime patterns and demands for services change. Further, our critically low staffing has made the 16-beat deployment difficult to staff requiring more forced overtime for our shrinking patrol resources. Our Strategic Analysis Team worked on a 14 beat map was able to create more efficiency and parity in service delivery and workload. The new structure should be more resilient to what we expect to be a very difficult year. The Patrol Operations division will transition to the new beat structure in April of 2023. The 14 beat project will also provide useful data for the sworn staffing study.

From Pilot to Best Practice: Recovery Officer

In response to multiple high-profile in-custody deaths, Berkeley Police Department officers have developed new ideas to improve their response to these challenging events. Central to these recommendations was a plan to reinforce the sanctity of life. In October of 2021, BPD identified a new role of Recovery Officer during certain in-progress incidents. This role has three basic objectives: improve scene management on incidents where an involved party has undergone extreme exertion, evaluate medical needs sooner, and decrease BFD response time so any necessary treatment can occur more rapidly. De-escalation wherever possible remains the department's goal. However, in those instances where de-escalation efforts fail, there will be a proactive plan to get the subject evaluation and care as soon as practical.

The Recovery Officer Pilot Program was launched with great success. We are currently studying the deployment to continue to improve the transition from physical altercation to care. Initial analysis suggests Officers are calling BFD Paramedics to more scenes involving physical altercations and have positively impacted response times. We couldn't have achieved the positive change without the support of the Berkeley Fire Department. The Strategic Analysis Team is partnering with use of force experts as well as Berkeley Fire Department to assess the practice, its impacts both qualitative (data, response times, outcomes) and quantitative (procedure, de-escalation, communication) to continue to develop and refine our practices around combative subjects. At the conclusion of the analysis, we will incorporate the practice into future trainings and formalize the approach in policy.

Reinforcing Best Practices: Duty to Intercede

Berkeley PD has had a “Duty to Intercede” policy for over a decade. Use of Force Policy (BPD Policy 300.1 - Use of Force) requires; “Whenever possible, officers shall intervene when they know or have reason to know that another officer is about to use, or is using, unnecessary force. Officers shall promptly report any use of unnecessary force and the efforts made to intervene to a supervisor.” Since, George Floyd’s death, Duty to Intercede is a fundamental training element in our use of force training scenarios. Officers are trained and expected to take decisive action to prevent abuse and to protect the sanctity of life. One example in 2022 was an eight-hour training session for our staff that covered use of force decision-making. Several scenarios and debriefs specifically covered the duty to intercede.

Improved Training for Sergeants

In the past year, we have increased training for supervisors in Patrol Operations. We have had mandatory leadership meetings with all patrol supervisors twice a year. These meetings improve clarity on leadership and help emphasize how we are leading during an unprecedented period of change in our industry. We have also introduced Operations Leadership Work Groups, where leaders solve problems, strategize, and deploy solutions to challenges. The BPD established several internal work groups to include develop data analysis tools supporting evidence-based policing strategies, update and realign our patrol officer and supervisor annual performance evaluations, evaluate alternative schedule deployments to better cope with critically low staffing, and improve training, departmental practice, and leadership around the use of Body Worn Cameras.

Strategic Analysis Team and Problem-Solving Approaches:

BPD has hired two analysts to further the goal of establishing a unit that focuses primarily on crime prevention, supporting investigative strategies, strengthening problem solving approaches and providing transparency to our community.

Referred to as the Data Analysis team in previous reports, the Strategic Analysis Team (2 data analysts and 1 officer) launched the Berkeley Police Transparency Hub in 2022 as part of an effort to enhance our communication with the community about our work. The Transparency Hub features the following data dashboards that the community can use to follow our work at their own leisure: Stop Data, Calls for Service, Use of Force and Crimes Data. The Transparency Hub contains a page for Community Engagement, so the community may follow the many events throughout the city in which BPD participates. Additionally, the Community Engagement page allows for community members to engage with BPD’s initiatives of Crime Prevention and Merchant Partnerships. A key tool utilized by BPD to support these initiatives is the multi-disciplinary survey assessment, Crime Prevention Through Environmental Design

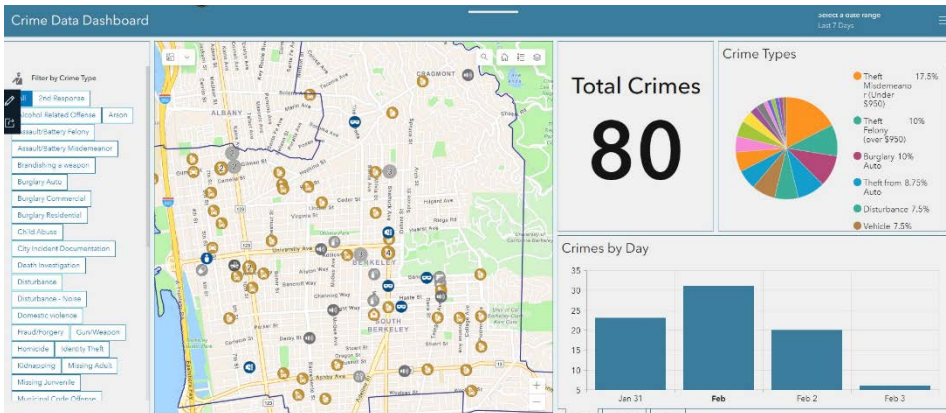
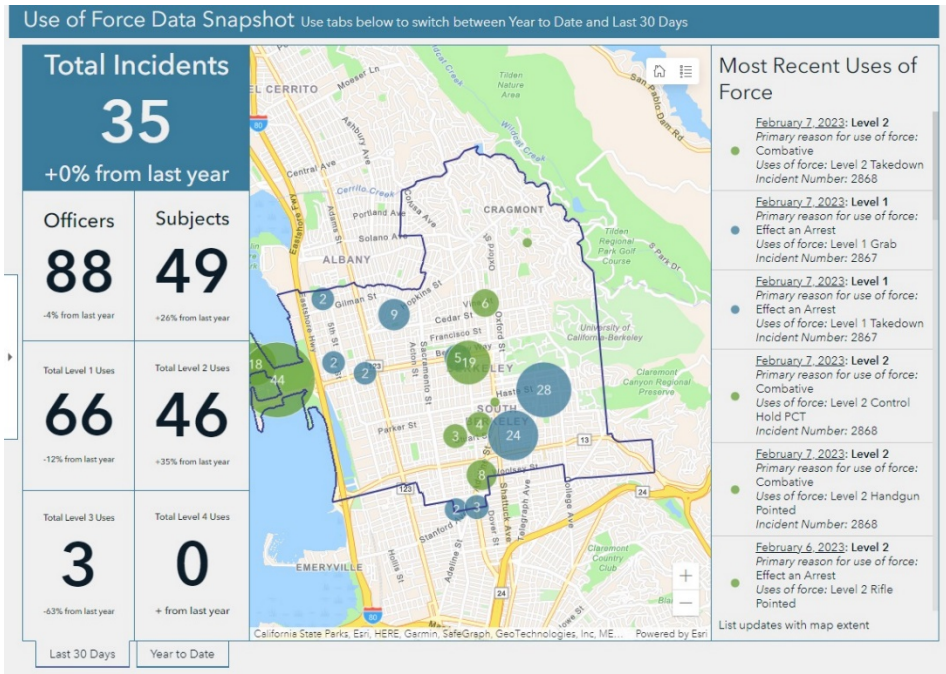
(CPTED). A CPTED survey can be requested online by any community member at any time. Finally, the Transparency Hub includes a page of Current Trends. This page contains specific data of interest to the community. Currently the page includes data related to the following topics: Gun Violence, Hate Crimes, Ghost Guns and Catalytic Converter Thefts. The Transparency Hub provides the transparency and accountability for BPD which the community demands.

The Strategic Analysis Team also launched internal tools to assist officers' understanding of the people, locations and behaviors that most negatively impact public safety. The tools are specific to areas and people, updated daily and accessible to all officers. Additional internal tools include problem specific data for the following topics: Retail Crime, Catalytic Converter Theft and Traffic. The purpose of these internal tools is to provide officers with information to more accurately indicate the proper intervention for the problem with which they are faced. This may mean enforcement or collaboration with other providers and/or city partners.

The Strategic Analysis Team has provided BPD with the necessary tools to respond to people, locations and behaviors with the most appropriate, optimal and equitable interventions. The data and tools to provide the most appropriate, optimal and equitable interventions allows for a more positive BPD "footprint" within the community. As officers increase their work with these tools, we expect there to be increases in yield rates in the stop data, but an overall reduction in the total number of stops. Analysis of the effectiveness and impact of these efforts will be important and is ongoing.

Upcoming work from the Strategic Analysis Team includes the addition of a Traffic Data page to the Transparency Hub. The page will provide quarterly counts of collisions of all types and analysis of primary collision factors, as well as highlight BPD's ongoing work to reduce unsafe driving patterns.

The below screenshots are examples of what is found on the Transparency Hub for the community:



ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

CONTACT PERSON

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