

OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

POLICE ACCOUNTABILITY BOARD REGULAR MEETING

Wednesday, February 23, 2022
7:00 P.M.

Board Members:

MICHAEL CHANG, CHAIR
NATHAN MIZELL, VICE-CHAIR
KITTY CALAVITA

REGINA HARRIS
JULIE LEFTWICH
DEBORAH LEVINE

JOHN MOORE III
CHERYL OWENS
ISMAIL RAMSEY

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of the attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82237902987>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial 1 669 900 6833 and enter Meeting ID 822 3790 2987. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized.

AGENDA

1. **CALL TO ORDER & ROLL CALL** (5 minutes)
2. **APPROVAL OF AGENDA** (5 minutes)
3. **PUBLIC COMMENT** (TBD)

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the Board's jurisdiction at this time.)

The Police Accountability Board and Office of the Director of Police Accountability (ODPA) were created to provide independent civilian oversight of the Berkeley Police Department. They review and make recommendations on police department policies, and investigate complaints made by members of the public against police officers. For more information, contact the ODPA.

1947 Center Street, 5th Floor, Berkeley, CA 94704 TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955
Website: www.cityofberkeley.info/dpa/ Email: dpa@cityofberkeley.info

4. **APPROVAL OF MINUTES (3 minutes)**
Regular meeting of February 9, 2022.
5. **CHAIR'S REPORT (5 minutes)**
Update from Board member Calavita on Police Chief Search
Update from Board member Mizell on Reimagining Public Safety Task Force.
6. **DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT (5 minutes)**
Status of complaints; other items.
7. **CHIEF OF POLICE'S REPORT (10 minutes)**
Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.
8. **SUBCOMMITTEE REPORTS (discussion and action) (15 minutes)**
Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:
 - a. Fair & Impartial Policing Implementation – next meeting Feb. 22 at 3:30 p.m.
 - b. Director Search.
 - c. Regulations – next meetings Feb. 22 and March 10 at 7:00 p.m.
 - d. Mental Health Response (Policy Complaint #7).
 - e. Policy 351, Fixed Surveillance Cameras – appoint members.
9. **OLD BUSINESS (discussion and action)**
 - a. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODPA. (15 minutes)
(See materials in Feb. 9, 2022 agenda packet, p. 15.)
 - b. Automated License Plate Readers (ALPRs): Review BPD's proposed ALPR Use Policy, and proposed revisions from Councilmember Harrison and Councilmember Taplin, and provide feedback. (20 minutes)
(See materials in Feb. 9, 2022 agenda packet, p. 19.)
 - c. Form a subcommittee to assist with the preparation of a PAB budget proposal. (5 minutes)
 - d. Lexipol Policies: 1) Update on status; 2) Consider forming a subcommittee to review Lexipol policies. (10 minutes)
(See materials in Feb. 9, 2022 agenda packet, p. 63.)

10. NEW BUSINESS (DISCUSSION AND ACTION)

- a. Consider ways to contribute to the hiring and selection of the permanent Director of Police Accountability and the DPA Investigator. (10 minutes)
From: Board member Levine
- b. Review Policy 319, Hate Crimes, as requested by City Council. (10 minutes)
From: Interim Director

11. PUBLIC COMMENT (TBD)

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)

12. ADJOURNMENT (1 minute)

Communications Disclaimer

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions or committees, are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Board Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the Board Secretary for further information.



Communication Access Information (A.R. 1.12)

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

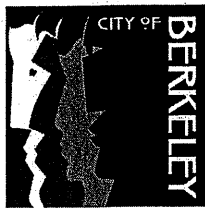
SB 343 Disclaimer

Any writings or documents provided to a majority of the Board regarding any item on this agenda will be made available for public inspection at the Office of the Director of Police Accountability, located at 1947 Center Street, 5th Floor, Berkeley, CA.

Contact the Director of Police Accountability (Board Secretary) at dpa@cityofberkeley.info

**POLICE ACCOUNTABILITY BOARD (PAB)
REGULAR MEETING ATTACHMENTS
FEBRUARY 23, 2022**

<u>MINUTES</u>	
February 9, 2022 Regular Meeting Draft Minutes.	Page 7
<u>AGENDA-RELATED</u>	
Item 8. – Subcommittee List updated 2-10-2022.	Page 11
Item 10.b. – Policy 319, Hate Crimes.	Page 13
Item 10.b. – City Council Annotated Agenda for November 17, 2020, Item 13, Improving Hate Crimes Reporting and Response.	Page 25
Item 10.b. – November 17, 2020 Consent Calendar Item 13 from Mayor Arreguin, Improving Hate Crimes Reporting and Response.	Page 27
<u>COMMUNICATIONS</u>	
February 22, 2022 Information Calendar Item from City Manager/Chief of Police to City Council: Update on the Implementation of Fair and Impartial Policing Task Force Recommendations.	Page 43
<i>Regarding Fixed Video Surveillance Cameras:</i>	
<ul style="list-style-type: none"> • 2-15-22 Memo from PAB to Council re Proposed Policy 351, Public Safety Fixed Video Surveillance Cameras. 	Page 55
<ul style="list-style-type: none"> • 2-10-2022 Emails between Board member Calavita and Interim Director Lee re fixed camera capabilities. 	Page 57
<ul style="list-style-type: none"> • City Council Annotated Agenda for December 14, 2021, Item 44, FY 2021 Year-End and FY 2022 First Quarter Budget Update. 	Page 59
<ul style="list-style-type: none"> • Excerpt from December 14, 2021 Revised Agenda Material for Supp. 2, Item 44. 	Page 61
<ul style="list-style-type: none"> • City Council Annotated Agenda for October 12, 2021, Item 20, Budget Referral: Security Cameras in the Public Right of Way at Intersections Experiencing Increased Violent Crime [etc.]. 	Page 63
<ul style="list-style-type: none"> • City Council October 12, 2021 Revised Agenda Material for Supp. 1, Item 20. 	Page 65



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

DRAFT

POLICE ACCOUNTABILITY BOARD
REGULAR MEETING
MINUTES
(draft)

Wednesday, February 9, 2022, 7:00 P.M.

No physical location; meeting held exclusively through videoconference and teleconference.

1. CALL TO ORDER & ROLL CALL BY CHAIR CHANG AT 7:01 P.M.

Present: Board Member Michael Chang (Chair)
Board Member Nathan Mizell (Vice-Chair)
Board Member Kitty Calavita
Board Member Regina Harris
Board Member Juliet Leftwich
Board Member Deborah Levine
Board Member John Moore
Board Member Cheryl Owens
Board Member Ismail Ramsey

ODPA Staff: Katherine J. Lee, Interim Director of Police Accountability

BPD Staff: Lt. Rob Rittenhouse, Sgt. Sean Ross (BPA)

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Calavita/Leftwich) **Motion Carried by general consent.**

3. PUBLIC COMMENT

4 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Minutes of January 26, 2022

Moved/Second (Calavita/Harris) **Motion Carried by general consent.**

5. CHAIR'S REPORT

Chair Chang reported: His first meeting as chair and thanks to past chair Ramsey. Among important values are transparency, due process and the rule of law.

Board member Calavita reported on Police Chief recruitment by Avery Associates. She is on Steering Committee of community members.

Vice Chair Mizell reported on Reimagining Public Safety Task Force: Meeting tomorrow (possibly last one) at 6:00 p.m.; working on draft response to NICJR report. March 10 Worksession with Council.

6. DIRECTOR OF POLICE ACCOUNTABILITY'S REPORT

The Interim Director reported:

- No new complaints filed since the last meeting. First hearing panels last week.
- ODPa staffing: been in process to hire temporary investigator and now will extend into hiring permanent investigator to replace retiring investigator.
- Amendments to Standing Rules are going before Council March 8.
- Ofc. Peter Lee called to give a heads up about the BPD's first annual report under the Controlled Equipment Ordinance; required to be presented to PAB before going to Council.
- Training: Pocket Guides to POBRA arrived and being sent to Board members. Director will send a new form for Board members to log training and return at the end of the quarter.
- Stipends in process for last quarter of 2021.

7. CHIEF OF POLICE'S REPORT

Lt. Rittenhouse reported on behalf of Interim Chief Louis:

- No change in staffing.
- Recent case: response to 2500 block of Telegraph of man in distress with a knife; officers de-escalated and resolved in 25 minutes without force.
- Update on Fair & Impartial Policing items will go to Council by the end of this week.

Lt. Rittenhouse answered questions from Board members.

8. SUBCOMMITTEE REPORTS (discussion and action)

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

- a. Fair & Impartial Policing Implementation. Chair Calavita: met on Feb. 3; next meeting Feb 22. Been seeking copies of certain draft documents.
- b. Director Search. Chair Levine: met last Weds. and will meet again next week. Want to reach out to the recruiting firm and see how they can contribute more. Working on getting a timeline.
- c. Regulations. Chair Chang: Have gone through the entire draft regulations once and will review once more.

- d. Mental Health Response (Policy Complaint #7). Chair Levine: met today; want more people to participate.

9. OLD BUSINESS (discussion and action)

- a. Revision of Policy 425, Body Worn Cameras, to broaden access by PAB and ODPA.

Discussed; continued to the next meeting.

- b. Automated License Plate Readers (ALPRs): Review BPD's proposed ALPR Use Policy, and proposed revisions from Councilmember Harrison and Councilmember Taplin, and provide feedback.

Discussed; continued to the next meeting.

10. NEW BUSINESS (discussion and action)

- a. Consider inviting BUSD administrators to address the Board regarding the BUSD's threat assessment protocols and engagement with the BPD's School Resource Officer at Berkeley High, in light of October 15, 2021, and January 19, 2022 incidents.

Postponed indefinitely.

- b. Review Policy 351, Public Safety Fixed Video Surveillance Cameras.

Motion to have Board member Calavita write to the Council, with a copy to the City Manager and Police Chief, advising that the PAB needs time to review Policy 351.

Moved/Second (Levine/Leftwich)

Friendly amendment by Ramsey, accepted by Levine and Leftwich:
To also establish a subcommittee to review the policy

Motion, as amended, Carried

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey

Noes: None

Abstain: None

Absent: None

- c. Consider forming a subcommittee to assist with the preparation of a PAB budget proposal.

(Board members Owens, Levine and Harris were appointed, but the Board did not establish the subcommittee. To be re-agendized.)

- d. Lexipol Policies: 1) Update on status; 2) Consider forming a subcommittee to review Lexipol policies.

Discussed; continued to the next meeting.

- e. Response to Chief Louis regarding drafts requested, relating to fair and impartial policing implementation.

Motion to authorize Board member Calavita, as Fair & Impartial Implementation Subcommittee Chair, to meet in person with Chief Louis to discuss the documents the PAB has requested.

Moved/Second (Calavita/Harris) **Motion Carried**

Ayes: Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, and Ramsey.

Noes: None

Abstain: None

Absent: None

11. PUBLIC COMMENT

3 speakers.

Closed Session

The Board will convene in closed session to meet concerning the following:

12. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

Designated representatives: Katherine Lee, Interim Director of Police Accountability; Timothy L. Davis, Labor Negotiator

Employee organization: Berkeley Police Association

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the Board will recess into closed session to discuss and take action on the following matter:

13. TENTATIVE AND FINAL DECISIONS IN COMPLAINTS #1, 2, AND 4

End of Closed Session

14. ANNOUNCEMENT OF CLOSED SESSION ACTION

No reportable action taken.

15. ADJOURNMENT

Motion to adjourn the meeting.

Moved/Second (Owens/Leftwich) **By general consent, the meeting was adjourned at 10:27 p.m.**

**POLICE ACCOUNTABILITY BOARD
SUBCOMMITTEES LIST**

2-10-2022

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21	Calavita Chang Leftwich Owens <u>Public:</u> Kitt Saginor	Chang	Lt. Dan Montgomery
Director Search Formed 8-4-21	Levine Mizell Moore <u>Public:</u> Rivka Polatnick Marc Staton	<u>Co-chairs</u> Levine Moore	
Fair & Impartial Policing Implementation Formed 8-4-21	Calavita Moore Owens Ramsey <u>Public:</u> George Lippman Elliot Halpern Jamie Crook	Calavita	Sgt. Peter Lee
Mental Health Response Formed 11-10-21	Harris Levine <u>Public:</u> Elena Auerbach		Sgt. Joe LeDoux
Fixed Surveillance Cameras (Policy 351) Formed 2-9-21			
PAB Budget (pending)	(Levine Harris Leftwich)		

Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability
- (b) Gender, gender identity or gender expression
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

Hate Crimes

319.2 POLICY

The Berkeley Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

319.4 HATE CRIME VS. HATE INCIDENT

Many acts of hate violence fall under the category of a hate crime, which is punishable by law. However, not all hate incidents are hate crimes. For example, verbal name calling, although offensive, is not a crime and must be accompanied by a viable threat of violence and the ability to carry out the threat.

For a hate incident to be categorized as a hate crime, it must violate a criminal law. A hate crime might include threatening phone calls, physical assaults, destruction of property, bomb threats, and/or the disturbance of religious meetings.

A hate incident that does not constitute a hate crime might include hate speech, display of offensive materials on one's property, the distribution of hate materials in public places, and the posting of hate materials that does not result in property damage. Even if a hate incident does not rise to the level of a hate crime, the victim will still need support and assistance and may have an actionable civil claim as well.

319.5 CRIMINAL STATUTES

The key criminal statutes on hate crimes are

- (a) Penal Code § 422.6 which provides that it is a misdemeanor to both (a) threaten or injure an individual or (b) damage property because of the real or perceived beliefs or characteristics of the other person; and
- (b) Penal Code § 422.7 which provides that it is a felony to both (a) threaten or injure an individual (when the injury could or does result in great bodily injury) or (b) damage

Berkeley Police Department

Law Enforcement Services Manual

Hate Crimes

property (when the damage is in excess of \$950) because of the real or perceived beliefs or characteristics of the other person.

319.6 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
 - 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 - 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
 - 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.
- (g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.
- (h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

Hate Crimes

319.6.1 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems.

319.6.2 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Management Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate.
- (f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

319.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

Hate Crimes

319.8 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

Attachments

Statutes and Legal Requirements.pdf

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023 - Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

Hate Crime Checklist.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
---------------	---	--

BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim's Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
-------------	---	---

BIAS	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
-------------	--

HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
----------------	--	--

WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
----------------	--

POST 05/19 (Based on LAPD's Hate Crime Supplemental Report, used with permission)

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	<input type="checkbox"/> Declined medical treatment <input type="checkbox"/> Will seek own medical treatment <input type="checkbox"/> Received medical treatment
	Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____		
	Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____		

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

POST 05/19

Council Consent Items

13. **Improving Hate Crimes Reporting and Response** *(Reviewed by the Public Safety Committee)*

From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

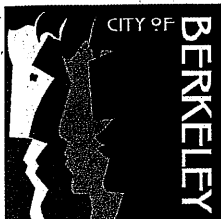
Recommendation: Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes: - Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline. -Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents. -Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police. -Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents. -Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review: privacy policies/procedures for reporting; culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support; The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley. -Refer to the Peace and Justice Commission, Youth Commission and Police Review Commission to develop a citywide campaign to promote outreach, education and dialogue regarding bullying, hate incidents and hate crimes. -Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention; -Coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals. -Review other emerging policies and best practices in other communities that support an inclusive and safe community.

(On November 2, 2020 the Public Safety Committee made a positive recommendation to send the item to the City Council, as submitted in the revised material received on November 2, 2020 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.)

Financial Implications: Unknown

Contact: Jesse Arreguin, Mayor, (510) 981-7100

Action: Approved the recommendation as written on the agenda.



Office of the Mayor

CONSENT CALENDAR
November 17, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin (Author) and Councilmembers Bartlett, Hahn and Wengraf (Co-Sponsors)

Subject: Improving Hate Crimes Reporting and Response

RECOMMENDATION

Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes:

- Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline.
- Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents.
- Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police.
- Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents.
- Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review:
 - privacy policies/procedures for reporting
 - culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support
 - The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley
- Refer to the Peace and Justice Commission, Youth Commission and Police Review Commission to develop a citywide campaign to promote outreach, education and dialogue regarding bullying, hate incidents and hate crimes.
- Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention;

- Coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.
- Review other emerging policies and best practices in other communities that support an inclusive and safe community.

POLICY COMMITTEE

On November 2, 2020, the Public Safety Policy Committee adopted the following action: M/S/C (Wengraf/Kesarwani) to send the item with a positive recommendation to the City Council, as submitted in the revised material received on November 2, 2020 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals. Vote: All Ayes.

SUMMARY

Hate crime victims are usually targeted not because of anything they have said or done, but because of who they are or what they believe in. As such, hate crimes violate the very basic tenets of our democracy by targeting the right of every resident to be themselves and live safely and freely.

Perpetrators of hate crimes seek to send a message to the victim and his or her community that they are unwanted, that they do not belong, and that the community at large does not care about what happens to them. While we cannot eliminate all hate crimes, we can drastically diminish their impact by the approach taken by the City when hate crimes or incidents occur. We can send an even stronger counter-message to hate by developing a strong community-based infrastructure to support victims and ensure that accurate and transparent reporting and accountability occurs.

BACKGROUND

A 1969 federal hate crimes law was expanded in 2009 to provide protections beyond federally protected activity. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act gave the federal government the authority to investigate and prosecute crimes against victims targeted because of race, ethnicity, sexual orientation, gender identity, religion or disability. Proponents of this expansion argued that hate crimes are worse than regular crimes without a prejudiced motivation from a psychological perspective. The time it takes to mentally recover from a hate crime is almost twice as long as it is for a regular crime.

Sadly, Berkeley is not immune to hate incidents and hate crimes and has policies for police response to address hate incidents. (Attachment #1) In 2001, after a rise in violence and hate speech resulting from the September 11, 2001 terrorist attacks, Berkeley declared itself a Hate-Free Zone for those of Middle-Eastern descent and of Muslim faith in order to provide sanctuary and support and discourage hate crimes.

More recently, Berkeley has seen an increase in the number of hate incidents and crimes. Since Donald Trump's election in 2016, there has been a reported increase in hate crimes throughout the country. In response to this alarming trend, the Berkeley City

Council adopted Resolution No. 67,794-N.S. The resolution recitals (Attachment #2) described the increase in hate incidents:

“Communities all over America have witnessed a rise in violence directed towards minorities, particularly against those who are Immigrants, of Middle Eastern descent, Muslim, Jewish, Asian-American, African-American, Hispanics, Women, Disabled, part of LGBTQQIA+ communities, and advocating for equality; and”

“Hate speech, hate behavior and hate crimes appear to be proliferating now, after many years of progress at reducing explicit public displays of hate; and”

On June 19, 2020, two black children learning to rock climb at the popular and picturesque Indian Rock Park in the Berkeley Hills were subjected to a racial slur by a white passerby.¹ And on that same day, Black Lives Matter posters were torn down on Hillcrest Road and a racist altercation occurred concerning the efforts of children chalking their support for their black neighbors. Back on October 23, 2017, at Berkeley’s Pacific Center a man burned a rainbow flag and punched a volunteer.² And on November 28, 2018, someone entered the Pacific School of Religion campus chapel and drew a swastika inside a bible on display. A piece of paper with the words ‘Adolph Hitler’ scribbled on it was tacked onto a nearby bulletin board.³

Acts of hate violence or threats should be viewed as serious and investigations given priority. Such acts generate fear and concern in victims and the public; and have the potential for recurring, escalating and possibly cause retaliation. They divide us, intimidate our most vulnerable citizens and damage our collective spirit. Without addressing these incidents and crimes, communities experience broad harms – well beyond those of the individual victims.

Hate requires a visible and swift response. When such incidents occur the community must be reminded that an attack on one is an attack on all. It is important that Berkeley take proactive steps to create a system of response and reporting and enact procedures to prevent hate incidents. We must remain vigilant and committed to the visible rejection of hate, racism and bigotry.

CURRENT SITUATION AND ITS EFFECTS

Hate Crimes targeted at people based on their perceived race, color, national origin, gender, gender identity, sexual orientation, religion and/or disability are a widespread problem in communities across the United States. However, an acute discrepancy exists between the number of actual hate crimes committed, and the number officially reported to the FBI. This results in significant challenges for a community:

- Hate and bias crimes can escalate if not identified, addresses and tracked
- Without accurate data, appropriate resources cannot be allocated to address tensions and violence in communities
- Inadequate response to hate crimes can leave affected victims feeling unheard and unsafe

¹ <https://www.berkeleyside.com/2020/06/19/black-girls-at-climbing-camp-in-indian-rock-park-called-n-word-by-white-woman>

² <https://www.berkeleyside.com/2017/10/23/man-burns-rainbow-flag-punches-volunteer-pacific-center-berkeley>

³ <https://www.berkeleyside.com/2018/11/28/pacific-school-of-religion-startled-by-anti-semitic-incidents>

Furthermore, there are serious factors that relate to underreporting:

- Communities targeted for hate may not feel safe or comfortable reporting hate crimes to law enforcement
- Long-standing distrust among some communities leads victims to believe law enforcement will be unwilling or unable to help
- Immigrant communities may fear deportation or other consequences if they step forward
- Victims who speak different languages or have disabilities may not report due to cumbersome, inaccessible hate crime reporting procedures
- Individuals and targeted communities may fear retaliation if they report incidents.

Approximately 25% of victims⁴ do not report a hate crime because they do not believe the police would or could help. These statistics point out the reluctance of many targeted groups due to historical difficulties with police departments or a feeling that their interests will not be protected. For victims that are not comfortable reporting to law enforcement, a trusted intermediary or community group should be part of the reporting process, familiar with agency policies and demand accurate, transparent reporting protocols.

The Department of Justice recommends creating and fostering partnerships within community to respond to hate incidents and crime – communities need to be involved in the solutions. They also note that victims of hate and other vulnerable individuals are sometimes mistrustful or fearful of law enforcement and turn first to community groups or faith-based organizations for support and as a link to law enforcement and other authorities.⁵

California Attorney General, Xavier Becerra, launched a new hate crime prevention website, intended to be a one-stop shop for information and resources, and a Hate Crime Rapid Response Team. At the time it was launched, AG Becerra stated, “When someone commits a crime motivated by hate, it is not just an attack on one innocent person, but an attack on the entire State.”⁶

Los Angeles has recently launched LA vs HATE in partnership with Los Angeles County’s Human Relations Commission and Department of Mental Health. 211 LA hosts a hotline for individuals who have been victims or witnesses to acts of bullying or incidents motivated by hate or discrimination to connect with services. San Diego has created a San Diego Regional Hate Crime Coalition⁷ that coordinates outreach, education, and dialogue regarding bullying, hate incidents and hate crimes and also developed a Model Hate Crime Protocol Procedure Manual in coordination with their Hate Crimes Community Working Group.⁸

When a hate crime occurs:

1. Victimization is projected outward to all members of the victim’s wider community.

⁴ <https://www.bjs.gov/content/pub/pdf/hcv0415.pdf>

⁵ <https://www.justice.gov/hatecrimes/preventing-hate-crimes-your-community>

⁶ <https://oag.ca.gov/hatecrimes>

⁷ <https://sdnohate.org>

⁸ https://www.ncjrs.gov/ovc_archives/reports/responding/files/appendixA.pdf

2. Other members of the same group feel victimized.
3. Members of other commonly targeted groups are reminded of their vulnerability to similar attacks.
4. The community is polarized into an "us-versus-them" mentality.
5. It impedes community spirit, morale, and growth.
6. Property values are lowered.
7. It increases security concerns at schools, churches, businesses, and private homes.

RATIONALE FOR RECOMMENDATIONS

While Berkeley police do respond to hate crimes and incidents, real change and support for victims will only occur with a constructed, socially appropriate response from an organized community and neighborhoods infrastructure. City and community mechanisms must be developed to support impacted community members and organizations,

- Consistent communication that the City takes hate crimes and bias incidents seriously
- Online and call-center reporting systems that will allow the incident or crime to be directed to the appropriate resource within the City of Berkeley
- Conduct outreach to individuals and communities targeted for hate to listen to their concerns, assist with their needs and respect requests for privacy
- Develop easy, transparent reporting resources for victims and/or their support networks including accessible and multilingual reporting procedures
- Engage youth to make it clear that bullying, racial slurs and vandalism are hate-fueled incidents
- Establish culturally appropriate and supportive networks that prioritizes clear, decisive response to hate crimes and hate incidents, ongoing collaboration to promote healing and strengthen prevention activities
- Engage and organize the community when it is necessary to stand up to hate groups

Victims should be given an option of first speaking with a public health official or community support group before officially reporting a hate event to Berkeley Police. This could encourage reporting for those that would be otherwise inclined to stay silent. It would also provide support for the victims if it is determined that reporting the crime to Berkeley Police is necessary.

Engaging the community to respond to hate incidents, empowers all to stand up against hateful acts. The response from the Berkeley community to the tragic events of Charlottesville, and the still evident Berkeley Stands United Against Hate signs, speaks to the powerful message embraced by an entire community and region. Ensuring that there are mechanisms in place to rally the community when hate happens will only make Berkeley safer and more inclusive.

FINANCIAL IMPLICATIONS

Unknown. Staff time to determine the optimal approaches for hate crime reporting, organizing an internal response team and engaging the community for real-time action.

Possible resource development that educates the public about what to do when a hate crime occurs.

ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's policies for a safe and resilient community

CONTACT PERSON

Mayor Jesse Arreguin

510-981-7100

Attachments:

1. Berkeley Police Department Policy 319, Hate Crimes
2. Resolution No. 67,794-N.S., "Expand the City's Hate-Free Zone Resolution in Order to Support Vulnerable Individuals and Communities", December 13, 2016, Berkeley City Council
3. Memo on San Francisco Hate Crimes Reporting Hotline

Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability
- (b) Gender, gender identity or gender expression
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

Hate Crimes

319.2 POLICY

The Berkeley Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

319.4 HATE CRIME VS. HATE INCIDENT

Many acts of hate violence fall under the category of a hate crime, which is punishable by law. However, not all hate incidents are hate crimes. For example, verbal name calling, although offensive, is not a crime and must be accompanied by a viable threat of violence and the ability to carry out the threat.

For a hate incident to be categorized as a hate crime, it must violate a criminal law. A hate crime might include threatening phone calls, physical assaults, destruction of property, bomb threats, and/or the disturbance of religious meetings.

A hate incident that does not constitute a hate crime might include hate speech, display of offensive materials on one's property, the distribution of hate materials in public places, and the posting of hate materials that does not result in property damage. Even if a hate incident does not rise to the level of a hate crime, the victim will still need support and assistance and may have an actionable civil claim as well.

319.5 CRIMINAL STATUTES

The key criminal statutes on hate crimes are

- (a) Penal Code § 422.6 which provides that it is a misdemeanor to both (a) threaten or injure an individual or (b) damage property because of the real or perceived beliefs or characteristics of the other person; and
- (b) Penal Code § 422.7 which provides that it is a felony to both (a) threaten or injure an individual (when the injury could or does result in great bodily injury) or (b) damage

Hate Crimes

property (when the damage is in excess of \$950) because of the real or perceived beliefs or characteristics of the other person.

319.6 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.
- (g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.
- (h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

Hate Crimes

319.6.1 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems.

319.6.2 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Management Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate.
- (f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

319.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

RESOLUTION NO. 67,794-N.S.

Attachment #2

EXPAND BERKELEY HATE FREE ZONE TO SUPPORT VULNERABLE INDIVIDUALS
AND COMMUNITIES

WHEREAS, after a rise in violence and persecution resulting from the attacks of September 11, 2001, the City established Berkeley as a Hate-Free Zone for those of Middle-Eastern descent and of Muslim faith in order to provide sanctuary and support; and

WHEREAS, communities all over America have witnessed a rise in violence directed towards minorities, particularly against those who are Immigrants, of Middle Eastern descent, Muslim, Jewish, Asian-American, African-American, Hispanics, Women, Disabled, part of LGBTQQIA+ communities, and advocates for equality; and

WHEREAS, members of the affected communities have expressed their deep concerns for their safety and well-being; and

WHEREAS, hate speech, hate behavior and hate crimes appear to be proliferating now, after many years of progress at reducing explicit public displays of hate; and

WHEREAS, immigrant families and children live in fear of separation and possible permanent loss of loved ones who may be forcibly returned to a country where their lives are in danger; and

WHEREAS, numerous Muslims are facing, what the Council on American-Islamic Relations described as an accelerated spike in Islamophobia and Anti-Muslim rhetoric that have triggered an unbelievable spike of hate crimes targeting Muslims and other minorities with more than 100 incidents specifically targeting Muslims post-election; and

WHEREAS, the Jewish community has faced what the Anti-Defamation League (ADL) described as "growing numbers of reports about anti-Semitic, racist, and bigoted incidents, including vandalism, assaults and harassment, from around the country"; and

WHEREAS, according to Anirvan Chatterjee, the curator of the Berkeley South Asian Radical History Walking Tour that numerous Asian American community members experienced harassments including words like "go back to where you come from", even when many of those members are in fact from the United States; and

WHEREAS, the disabled community has experienced ridicule and disrespect, on top of practical fears of privatization and reductions to life saving health support programs; and

WHEREAS, the LGBTQQIA+ community fears the ongoing failure to ban employment discrimination nationwide will be compounded by high ranking officials including Cabinet nominees who demean and disparage them, and risk rollbacks of the great progress seen in recent years of positive executive branch actions; and

WHEREAS, an estimated 1,500 Berkeley high students walked out of their classes to protest against the prospects of the new Trump administration; and

WHEREAS, the Southern Poverty Law Center has counted over 867 reported incidents of election related intimidation and harassment as of November 29.

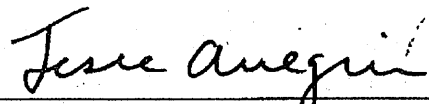
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley sends a clear message to all of our vulnerable threatened communities that we accept them, value them and respect them. Furthermore our city and our leaders will offer solidarity, stand up and speak out against hate speech, hate behavior and hate crimes, and that we will do everything we can to protect people during these difficult days.

The foregoing Resolution was adopted by the Berkeley City Council on December 13, 2016 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

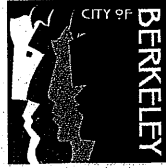
Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk



MEMORANDUM

Date: November 1, 2020
To: Berkeley City Council Public Safety Policy Committee
From: Mayor Jesse Arreguin
Regarding: Research on San Francisco Hate Crimes Hotline

On September 21, 2020, the Berkeley City Council Public Safety Committee discussed the item Improving Hate Crimes Reporting and Response, which recommends that the City Manager implement the following new systems for reporting and responding to hate crimes and hate incidents:

- Develop easy, transparent reporting systems for victims and/or their support networks, including a hate crime reporting hotline and/or an online reporting tool
- Privacy policies and procedures that will provide support for victims and encourage reporting
- Culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support
- Establishing supportive community-based networks that provide clear, decisive response to hate crimes and hate incidents
- The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley
- Engaging youth and BUSD to make it clear that bullying, racial slurs and vandalism are hate-fueled incidents
- Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention
- Other emerging policies and activities that support an inclusive and safe community

The item noted that San Francisco had developed a hotline for hate crimes. On September 28, my staff spoke with Alex Bastian, Prosecutor and Deputy Chief of Staff at San Francisco's District Attorney's Office, to learn about the office's hotline and hate crime reporting policies.

Background

San Francisco, like Berkeley, has seen an uptick in hate crimes and hate incidents since the last presidential election. In response, the then District Attorney George Gascón developed a hate crime hotline in 2016 to be managed by the District Attorney's Office. The office has continued to operate the hotline under the leadership of District Attorney Chesa Boudin.

The San Francisco Hate Crime Hotline's Purpose

San Francisco's hate crime hotline was never intended as a reporting tool. Rather, its purpose is

to provide information about hate crimes and hate incidents and to help connect callers to helpful organizations and sources of information. The District Attorney's Office was wary to develop a hate crime reporting hotline for two reasons:

1. All information provided in a hate crime report, including that in a call to a hate crime reporting hotline, is admissible evidence in court. By *Brady v. Maryland* (1963) the defense has the right to access this information.¹ A civilian employee who answers the hate crime call would become a witness to the reported crime. Police department employees are better trained to be criminal witnesses, and therefore less likely to compromise the case of the District Attorney's Office.
2. Bastian stressed that the hotline is "not a replacement for 911." The SF District Attorney's Office wants the SF Police Department to always be the first to hear reports of hate crimes that are in progress, so that it can quickly respond to emergency situations. Despite its intent, the office has received some hate crime reports through the hate crime hotline.

In these cases, callers have been connected with the dedicated hate crimes prosecutor of the District Attorney's Office, who works with SFPD's Special Investigations Division.

Online Hate Crime Resources

The SF District Attorney's Office did at one point run an email address that people could contact to receive information similar to what the Hate Crime Hotline provides. However, the office encouraged the public to use the hotline instead. Under the California Public Records Act, the office's email threads are recorded for public inspection, making privacy an issue. There is no longer an email for hate crime information listed on the office's website.

Outreach

San Francisco's Hate Crime Hotline is listed on the "Contact" page of the website for the District Attorney's Office.² The office's website also includes Vimeo clips in three languages that offer definitions of hate crimes and explain the city's resources for victims before directing viewers to the hotline.³ In addition, the office has run public service announcements on the radio and on television to raise awareness of the hotline, in multiple languages.

Use Demographics

The hotline is geared towards a diverse population. It is available in Cantonese, Mandarin, Spanish, Tagalog, Vietnamese, and Arabic. Bastian did not have exact statistics for the demographics of the hotline's callers, but he said that the calls "mirror substantially" the demographics of victims of hate crimes and hate incidents. In other words, the proportion of callers coming from a certain victim demographic (e.g. Muslims) roughly correlates with the proportion of hate crimes and incidents committed against that group. However, outreach campaigns have impacted caller demographics. For example, after a PSA about hate crimes

¹ <https://supreme.justia.com/cases/federal/us/373/83/>

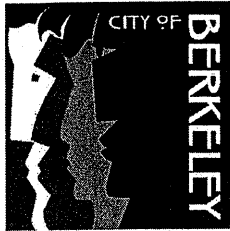
² <https://sfdistrictattorney.org/contact/>

³ You can see these videos here: <https://sfdistrictattorney.org/victim-services/combating-hate-crimes/>

against San Franciscans of Asian descent aired in Cantonese on KTSF, the office saw an increase in callers speaking Cantonese. The same trend occurred after a similar PSA in Spanish.

Costs

According to Bastian, the SF District Attorney's Office incurred only "nominal" costs to develop and implement its Hate Crime Hotline. Gascon and Bastian relied on internal employees and did not need to purchase new information technology. They developed the Hate Crime Hotline by extending the capacity of their Consumer Mediation Hotline. Note that the hotlines have the same phone number: (628) 652-4311.



Office of the City Manager

INFORMATION CALENDAR

February 22, 2022

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jennifer Louis, Interim Chief of Police
Subject: Update on the Implementation of Fair and Impartial Policing Task Force Recommendations

INTRODUCTION

On February 23rd, 2021 during a City Council Special Meeting, Council referred the recommendations from the Mayor's Fair and Impartial Policing (FIP) Task Force to the Berkeley Police Department for implementation. Quarterly updates were requested by Council and the last quarterly update was provided on October 19, 2021.

CURRENT SITUATION AND ITS EFFECTS

This report provides a quarterly update on the implementation of the Task Force recommendations, and is one year after the original referral. The Police Department was asked to implement the recommendations provided by the FIP Task Force. Implementation of the FIP Task Force recommendations remains a priority of the Berkeley Police Department. The Professional Standards Division Sergeants Ledoux and Lee are responsible for managing the project of implementing the recommendations.

Implementation of the recommendations has necessitated the amendment of departmental policies and establishment of new protocols. As part of the process, members of BPD have met on several occasions with Council and Mayor representatives, a Police Review Commission and now Police Accountability Board member, FIP Task Force members, and the Police Accountability Board Subcommittee on FIP recommendation implementation. During these meetings, the substance and progress on the implementation of the recommendations were discussed and BPD has been provided feedback and background on the various intentions with each respective recommendation.

The following outlines the specific Task Force recommendations and the respective progress:

Implement a New Evidence-Based Traffic Enforcement Model

Task Force Recommendations:

- **Focusing the basis for traffic stops on safety and not just low-level offenses &**
- **Minimize or de-emphasize as a lowest priority, stops for low-level offenses**

Implementation:

Officers have been provided data regarding primary collision factors and have been directed to enforce those violations wherever they are observed. In addition to focusing on enforcement of primary collision factor violations, sworn personnel are also expected to make investigative stops related to criminal intelligence and information brought forth by the community or our investigations. BPD's working group, which is comprised of employees working in every division of the Berkeley Police Department and the City of Berkeley Transportation Division Manager, viewed the primary collision factors and built upon that information by looking further into Berkeley specific collision data as well as the National Highway Traffic Safety Administration data concerning vehicle collisions. The working group has identified a focused set of violations that should be an officer's focus while conducting traffic enforcement to promote a safe environment for pedestrians, bicyclists and vehicles in Berkeley. The Working Group developed a three-prong approach that focuses on primary collision factors, community member reports/observations reported to the Berkeley Police Department 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 Berkeley Police Department will be trained on this three-prong approach to approaching traffic stops based on traffic safety.

Status:

Implementation in progress. Training for all sworn personnel has commenced on this approach to enforcement on traffic safety violations. The Traffic Division and the National Highway Traffic Safety Administration continuously collect and provide the Berkeley Police Department with data on primary collision factors and statistics on violations that impact public safety. This data provides officers with current information on what to educate the community on and what violations to focus enforcement on.

Task Force Recommendation:

- **Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects.**

Implementation:

The Police Department is establishing a precision based policing model that considers data and public safety. This model aims to reduce the number of stops that studies have shown had minimal impact on public safety.

Data driven-tools that enable close to real-time dashboard tracking of calls for service demands have been provided to the Community Services Bureau and Patrol Watch Commanders. The Police Department is working on providing these tools to every officer to incorporate into their daily briefings

The Police department is also exploring the feasibility of a system that employs a feedback loop with information flowing both ways. The current system provides the tracking of calls for service with the goal of call analysis for patrol deployment strategies; the feedback loop would provide information back to the Community Services Bureau and provide an accountability measure so strategies can be evaluated.

Status:

Implementation in Progress – The goal is to have data-driven approaches to violence prevention programs and real time crime and call analysis for patrol deployment strategies. The Police Department continues to develop and deploy data-driven tools to enhance a precision-based policing model and approach to enforcement stops. Ensuring that we implement approaches that identify and work to reduce racial disparities will be a cornerstone to our evidence-based approaches. Berkeley Police Department will continue to only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria. During this quarter we successfully filled one of the two Council approved data analyst positions. This will allow continued development of the evidence-based approaches.

Task Force Recommendation:

- **Reaffirming and clarifying that the Berkeley Police Department will only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.**

Implementation:

Penal code 13519.4 is existing California law that prohibits racial profiling. BPD Policy 401 (Fair and Impartial Policing) also prohibits racial profiling. Section 401.2 explicitly states, "Officers shall not consider race, ethnicity, national origin,

gender, age, religion, sexual orientation/identity or socio-economic status in establishing either reasonable suspicion or probable cause, or when carrying out other law enforcement activities...”

The above policies were reviewed in light of the task force recommendations and found to affirm and clarify police officer responsibilities in stops.

Status:

Recommendation implemented. Ongoing efforts include: BPD will continue to conduct ongoing training in topics such as implicit bias, racial profiling, and procedural justice concepts. BPD will hold all members to Departmental Policies, especially those strictly and clearly prohibiting racial profiling. Further, stops will be information and evidence based. BPD Traffic Bureau will regularly provide data on those primary collision factors that most often result in collisions. BPD data analyst team will continue to analyze these statistics along with crime and location-based information. BPD will work closely and regularly with our Vision Zero partners to use this information to focus enforcement efforts.

Implement Procedural Justice Reforms

Task Force Recommendation:

- **Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops.**

Implementation:

The current Early Warning System was originally issued in 2004 and revised in 2008. The system mandates the monitoring of officer's behavior and performance to include, but not limited to attendance, complaints, use of force incidents, and other factors. The Early Warning System serves as a program that identifies and address behavior or training issues before they become a disciplinary matter. Amendments are being made to our existing policy to specifically identify additional activity that should be considered when applying this policy.

Status:

Implementation in progress. Pursuant to the FIP recommendation and after meeting with the FIP task Force stakeholders, language was added to the current Early Warning System policy to include data around traffic, bicycle, and pedestrian stops as a category that supervisors will consider for early intervention if merited. The new Early Warning System policy is being reviewed by the police union and is in the meet and confer process to ensure that the policy can be properly applied to train, redirect and recognize performance issues and not conflict with disciplinary processes.

Task Force Recommendation:

- **Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback.**

Implementation:

A revised written consent form has been created and amendments are being made to our existing search and seizure policy to require written consent for all consent searches. Consultation with the Alameda County District Attorney was conducted to ensure that policy changes did not have a detrimental effect on charging or prosecution.

Status:

Implementation in progress. The new search and seizure policy is being reviewed by the police union and is in the meet and confer process to consider relevant officer safety concerns. Language in the policy is being drafted to address citizen rights, exigent circumstances as well as officer safety concerns.

Task Force Recommendation:

- **Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole.**

Implementation:

On February 10, 2021, updates were completed on Policy 311. Sections 311.5 and 311.6 were modified to reflect the above limitations to warrantless searches. The above policies were reviewed and modified in line with the task force recommendations and departmental goals to build trust and collaborate with the community to address crime and safety concerns.

Status:

Recommendation implemented. The update to Policy 311 limits the searches conducted on individuals on supervised release status.

Task Force Recommendation:

- **Address Profiling by Proxy (PAB Policy Development, Dispatcher Training).**

Implementation:

The Communications Center Operation Manual has been amended to address handling cases involving profiling by proxy. All dispatchers have reviewed the

amended manual and are instructed to be cognizant and screen for profiling by proxy calls.

Status:

Recommendation implemented. Berkeley Police Department will continue to educate and train dispatchers on how to identify and address biased based reporting. Officers and supervisors are also expected to screen profiling by proxy calls. The Department as a whole will continue to seek out and train on anti-bias, implicit bias, and profiling by proxy topics to strengthen our ability to identify and address biased based reporting.

Task Force Recommendation:

- **Fire racist police officers identified through social media and other media screens.**

Implementation:

The following existing policies dictate procedures for investigating employees in this area; these policies adhere to due process and Government Section 3300:

Policy 1029 (Employee Speech, Expression and Social Networking) provides accountability to employee personal social media posts. Section 1029.4(b) states "Speech or expression that, while not made pursuant to an official duty, is significantly link to, or related to, the Berkeley Police Department and tends to compromise or damage the mission, function, or reputation of professionalism of the Berkeley police Department or its employee.

PR 232 (Controversial Discussion), PR 235 (Acts –Statements-By employees), PR 238 (Organizational Membership), and PR 250 (enforcement of Law, Impartiality) are also policies that provide accountability for any racist behaviors.

The above policies were reviewed in light of the task force recommendations found to provide necessary authority to investigate allegations of racism. Departmental policy clearly identifies discrimination based upon a person's race as misconduct, and requires reporting and prompt investigating of any allegation of racism. Any employee who becomes aware of or observes any discrimination on the basis of a protected class is required to notify a supervisor by the end of their shift or within 24 hours if they are off duty.

Status:

Recommendation implemented, however the Berkeley Police Department is committed to continuing to explore additional lawful methods to identify and

address potentially racist behaviors or actions by our members. If at any time the police department becomes aware of any issues related to these concerns, the matter would be thoroughly investigated and employees will be held accountable.

Task Force Recommendation:

- **Require regular analysis of BPD stop, search, and use of force data;**

Implementation:

The Open Data Portal (ODP) is a public facing website that gives the public access to police data and is accessible through the City's website. This allows for open and independent analysis and review to foster police accountability and transparency.

ODP is operational and the data is updated approximately every 60 days. BPD is in the process of eliminating the 180-day time range that currently exist to allow for searches several years into the past. BPD is also in the process of expanding the call for service dataset to include all types of calls and creating a user-friendly interface for the system.

A vendor, Global Technologies Group, has been contracted to update the open data portal and work has begun.

Status:

Implementation in progress. BPD is committed to transparency and is continuously exploring different ways to provide the public with access to more police data. The anticipated completion date is prior to the summer of 2022, but is dependent on the technological needs and data analyst staffing levels.

Task Force Recommendations:

- **Make resources on police-civilian encounters more publicly available such as through RAHEEM.org;**
- **For any individual detained, BPD officers shall provide a business card with information on the commendation and complaint process with the Police Accountability Board and the Berkeley Police Department, Internal Affairs Bureau.**

Implementation:

In May of 2021, labels were printed for officers to place on the backside of their business cards containing the phone numbers to Internal Affairs and the Police Accountability Board. The label also contains a QR code to the Berkeley Police Department's website containing information on how to file a complaint. Officers were instructed to provide business cards with the labels to all detained

individuals pending new business cards. In addition to the information on how to make a complaint, a link to the ACLU webpage containing information on police-civilian encounters has been added to the Berkeley Police webpage.

Status:

Recommendation implemented. All business cards now printed for BPD have the same information as the labels. The QR code and BPD website provide community members with resources on police-civilian encounters. These resources ensure police accountability as well as ways the community can comment on the service BPD has provided.

Refer the following recommendations summarized below to the Reimagine Public Safety process

Task Force Recommendations:

- **Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins;**
Conduct a baseline community survey

Implementation:

BPD's participation in work on the Reimagine Public Safety Task Force is ongoing and while no formalized feedback systems are in place at this time, BPD remains responsive to answering questions, providing hands-on experience and discussing opportunities, impacts and effects of recommendations.

A community survey from the Reimagine Public Safety Task Force and National Institute for Criminal Justice Reform (NICJR) has been completed. This survey gauges the community's initial assessment on public safety in Berkeley to include what they thought was top priority, and where city resources were needed for better public safety. The results of this survey have been published. The final report is pending NICJR and Reimagine Task Force review.

Status:

Implementation in progress. The Berkeley Police Department is committed to working collaboratively with the Reimagine Public Safety Task Force in accomplishing both recommendations.

Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway

Task Force Recommendation:

- **BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;**

Implementation:

The police department released the requested historical data in December of 2020. Approximately every 60 days BPD stop, arrest, and calls for service data are updated in the Open Data Portal.

Status:

Recommendation implemented. The police department is currently working with IT and a vendor to provide the public with access to more police data through the Open Data Portal. Building trust through transparency and allowing for individual analysis of police data is the cornerstone of the police department's work in building community trust and engaging in collaborative problem solving.

Task Force Recommendation:

- **Fund and implement a specialized care unit for mental health crises;**

Implementation:

The City has contracted with a consulting firm, RDA Consulting, to conduct a feasibility study for a specialized care unit. The study has concluded; refer to below supporting materials for link to the final report from RDA Consulting.

Status:

Implementation in progress. The police department will continue to collaborate with the city towards the development of a Specialized Care Unit. While the work to create a Specialized Care Unit continues, three community based contracts managed by the Health, Housing and Community Services Department have been initiated to provide interim services.

Task Force Recommendation:

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

Implementation:

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.

As part of our continued efforts to collect more complete and comprehensive data, we have added additional disposition codes to our CAD program. Since July 1st, 2021, we have begun collecting data on our police contacts with individuals experiencing homelessness and/or mental health crisis. This both addresses the recommendation by the City's Auditors report as well as the ongoing discussions around the need to better harness alternative and sometimes more appropriate resources to address incidents. In response to another recommendation by the City's Auditors report, we are expanding our data sets on the Open Data Portal to encompass more call types and eliminate the 180-day time range that currently exist to allow for searches several years into the past. This allows for the public to access more police data and for the Police Department to be more transparent in order to foster trust with our community.

Status:

Implementation in progress. During this quarter we successfully filled one of the two Council approved data analyst positions. One of the analyst tasks will be to conduct an ongoing analysis of police calls and responses. The work that the analyst will conduct will contribute to the police department's precision-based policing model as well as our personnel deployment strategies.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

POSSIBLE FUTURE ACTION

The Police Department will continue to work toward the full implementation of the Task Force recommendations.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Staff time and additional training time to be determined at a later date.

CONTACT PERSON

Jennifer Louis, Interim Chief of Police, (510) 981-5700

Supporting Materials:

1: Berkeley Police Policy 401

[https://www.cityofberkeley.info/uploadedFiles/Police/Level 3 - General/401%20Fair and Impartial Policing\(1\).pdf](https://www.cityofberkeley.info/uploadedFiles/Police/Level 3 - General/401%20Fair and Impartial Policing(1).pdf)

2: Berkeley Police Policy 311

<https://www.cityofberkeley.info/uploadedFiles/Police/Level 3 - General/Search and Seizure.pdf>

3: California Legislative Information

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13519.4.&nodeTreePath=7.5.1.2&lawCode=PEN

4. Berkeley Police Policy 1029

<https://www.cityofberkeley.info/uploadedFiles/Police/Level 3 - General/1029%20Employee Speech Expression and Social Networking.pdf>

5. Berkeley Police Regulation Chapter 2

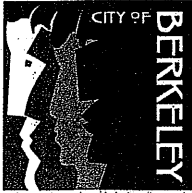
https://www.cityofberkeley.info/uploadedFiles/Police/Level 3 - General/PR%20Ch2_08Mar17.pdf

6. Reimagine Task Force and National Institute for Criminal Justice Reform (NICJR) Survey

<https://berkeley-rps.org/wp-content/uploads/2021/10/Berkeley-Community-Engagement-Report-v7.pdf>

7. RDA Consulting Final Report on Specialize Care Unit

<https://www.cityofberkeley.info/uploadedFiles/Clerk/Level 3 - Commissions/Berkeley-MH-SCU Final-Recommendations FINAL.pdf>



OFFICE OF THE DIRECTOR
OF POLICE ACCOUNTABILITY

February 15, 2022

To: Honorable Mayor and Members of the City Council

From: Michael Chang, Chairperson, Police Accountability Board

Re: Proposed Policy 351, Public Safety Fixed Video Surveillance Cameras

Mayor Arréguin recently forwarded to the Interim Director of Police Accountability a copy of the January 25, 2022 memo from the City Manager to you and City Councilmembers regarding fixed surveillance cameras at ten City intersections. Attached to the City Manager's memo was a copy of proposed Berkeley Police Department Policy 351, which delineates the purpose, use, and restrictions of the fixed surveillance cameras.

The Police Accountability Board takes seriously its oversight duty to review BPD policies. A preliminary perusal of the proposed Policy 351 reveals several gaps and weaknesses, which are especially concerning for a policy with such broad civil liberty and privacy implications.

At its meeting on February 9, 2022, the PAB voted unanimously to communicate these concerns to you, and also to form a subcommittee to review the policy, on its own merits and in conjunction with City Council's endorsement of the fixed surveillance cameras. (Moved/seconded – Levine/Leftwich; Ayes – Calavita, Chang, Harris, Leftwich, Levine, Mizell, Moore, Owens, Ramsey; Noes – none; Abstentions – none; Absent – none.)

The PAB intends to expedite its review, but it will take a few weeks to conduct an adequate and thorough assessment of Policy 351.

cc: Dee Williams-Ridley, City Manager
Jennifer Louis, Interim Chief of Police
Police Accountability Board Members

Lee, Katherine

From: Lee, Katherine
Sent: Thursday, February 10, 2022 2:42 PM
To: Lee, Katherine
Subject: FW: cameras

Dear Board members,

Please see below from Board member Calavita.

I recall that this was raised during Council's consideration of the cameras, and that City staff acknowledged that the cameras do have those capabilities, while asserting that those capabilities are not enabled on the cameras in use.

-Kathy

Katherine J. Lee
Interim Director of Police Accountability City of Berkeley
o: 510.981.4960 (usually in office during regular business hours)
c: 510.926.1103

-----Original Message-----

From: Kitty Calavita <kccalavi@uci.edu>
Sent: Thursday, February 10, 2022 8:48 AM
To: Lee, Katherine <KLee@cityofberkeley.info>
Subject: cameras

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Kathy:

Good meeting last night.

Could you please distribute this information I received from Tracy Rosenberg (Oakland Privacy and SF Media Alliance) after last night's meeting, where it was mentioned the cameras to be used in the BPD policy would probably be CCTV cameras:

"The cameras installed in San Pablo Park are not CCTV cameras. The Avilgon cameras (Avilgon is now a subsidiary of Motorola), in the park are "smart cameras, with object detection and face search analytical capability. (Face search is technically not full face recognition, but it is awfully close)."

Thanks,

Kitty

Action Calendar – New Business

44. FY 2021 Year-End and FY 2022 First Quarter Budget Update

From: City Manager

Recommendation: Discuss and determine the funding allocations for FY 2022 based on the FY 2021 Excess Equity and Excess Property Transfer Tax for the following: 1) the General Fund Reserves 2) City Manager Budget Recommendations and 3) the Council Budget Referrals approved during FY 2022 to be considered in November 2021.

Financial Implications: See report

Contact: Rama Murty, Budget Office, (510) 981-7000

Action: M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 45.

Vote: All Ayes.

Action: M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:15 p.m. to complete Items 44 and 45; and to continue Items 46 and 47 to January 18, 2022.

Vote: All Ayes.

Action: 23 speakers. M/S/C (Arreguin/Kesarwani) to adopt the budget recommendations for excess equity as contained in the supplemental materials submitted at the meeting with the amendment that funding of the security cameras is conditioned on development and implementation of a Use Policy prior to deployment and Siting of Cameras in District 1, District 2 and District 8 locations as proposed by the Police Department and at 62nd & King (District 3). Policy will be adopted administratively and presented to the City Council as an off-agenda memo; repayment of the Workers Comp fund will be a top priority in the June budget process.

Vote: All Ayes.

Public Works	Public Restroom People's Park	83,428	Appropriate funds received from Enclave Partners for a public restroom at People's Park
Total Department Requests		2,418,956	

Council Referrals

Referred By	Item	Amount	Comment
Taplin and Kesarwani	Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas	1,330,000	links to council member Taplin's Oct. 12, 2021 report
Taplin, Mayor Arreguin, Harrison, and Hahn	Resolution Recognizing Housing as Human Right; Referring to City Manager Several Measures to Begin Developing Social Housing in the City of Berkeley	300,000	
Bartlett	Homeless Outreach Coordinator for South Shattuck Avenue and Adeline Street	100,000	
Robinson and Mayor Arreguin	Durant Parklet and Telegraph Plaza Improvements	60,000	
Taplin, Bartlett, Mayor Arreguin, and Wengraf	Berkeley Ceasefire	200,000	
Total Council Referrals		1,990,000	
Total Tier 1 Funding Requests		4,408,956	
Unspent Excess Equity Funds		791,737	

Tier 2 (Non-Critical Operational Needs that maybe on hold or have existing funding)

Department	Item	Amount	Comments
Finance	Tax Assessment System Replacement	300,000	Project on hold till FY 2023
Information Technology	IT Move to 1947 Center Street	770,000	Adjustment to FY 2022 General Fund Baseline recommended for Pre-Funding in AAO #1. Move is currently on hold.
Information Technology	IT 2180 Milvia/4th Floor Rent	106,017	Adjustment to FY 2022 General Fund Baseline recommended for Pre-Funding in AAO #1. Could possibly fund from existing budget.
Information Technology	Cybersecurity for Telecommuting Needs	819,000	2nd Half of \$1.638 million allocation; Initial funds still have not been fully spent yet in FY 2022
Police	Police Overtime	1,000,000	Adjustment to FY 2022 General Fund Baseline recommended for Pre-Funding in AAO #1. Baseline funding for overtime may be sufficient for overtime costs in FY 2022
Police	School Crossing Guards	77,156	Hire 4 School Crossing Guard positions to fully cover all 18 Crossing Guard posts
Public Works	Ped Xing Signal @ Intersection of Shattuck & Prince	100,000	Adjustment to FY 2022 General Fund Baseline recommended for Pre-Funding in AAO #1
Public Works	Traffic Calming at MLK and Stuart Street	100,000	Adjustment to FY 2022 General Fund Baseline recommended for Pre-Funding in AAO #1
Public Works	George Florence Park/10th Street Traffic Calming	220,000	Approved for Pre-Funding in AAO #1 in June 2021
Total Department Items		3,492,173	

Council Referrals

Handwritten text at the top of the page, possibly a title or header.

Handwritten text in the upper left quadrant of the page.

Council Consent Items

20. Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas

From: Councilmember Taplin (Author), Councilmember Kesarwani (Author)

Recommendation: In order to deter gun violence and obtain evidence to solve criminal investigations, adopt the following recommendations: 1. Authorize the City Manager to install security cameras, prominent signage, and increased lighting in the public right-of-way at intersections experiencing a rise in violent crime, including appropriate arterial streets serving as entry into and exit out of the City of Berkeley; 2. Refer to the City Manager an environmental safety assessment of the high crime areas specifically in South and West Berkeley; 3. Refer costs for security cameras and lighting to the Annual Appropriations Ordinance (AAO) #1 budget process.

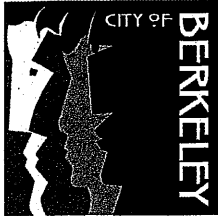
We note that the security camera footage would be used solely for the purpose of solving criminal investigations. The cameras are not intended and would not be used for any kind of surveillance purposes whatsoever. Key intersections entering and leaving Berkeley for security camera installation could include those listed below. Arterial intersections along University, Ashby and Alcatraz in close proximity to gun violence in South and West Berkeley should be prioritized: 6th/University, 7th/Ashby, San Pablo Ave./Ashby, Sacramento/Alcatraz, Alcatraz/Adeline, Ashby/Telegraph, Gilman/6th, College/Alcatraz, Ashby/Domingo, Ashby/Claremont. Other locations within Berkeley may include the following: University/San Pablo, University/Sacramento, Sacramento/Ashby, George Florence Park, 10th/Bancroft, 8th/Channing, 8th/Addison.

Financial Implications: See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Approved recommendation as revised in Supplemental Communications Packet #1 from Councilmember Taplin, and further revised to include the amendments below.

- Refer to the City Manager to develop a use policy for the security cameras that includes provisions that the data may be used for active investigations only and that the policy will include the data retention schedule. Staff to provide Council with an off-agenda memo commemorating the use policy.
- The locations of the cameras will be based on calls-for-service data; that staff will bring a list of locations to Council; and to refer the item to the AAO1 budget process.



Terry Taplin
Councilmember District 2
Rashi Kesarwani
Councilmember District 1

REVISED AGENDA MATERIAL for Supplemental Packet 1

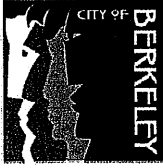
Meeting Date: October 12, 2021

Item Number: 20

Item Description: Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas

Submitted by: Councilmember Taplin, Councilmember Kesarwani

- Removed several locations from recommended intersections for camera placement
- Specified compatibility with existing cameras
- Revised fiscal estimate
- Revised background section to include updated gunfire statistics
- Added statistics on private security cameras registered with BPD



CONSENT CALENDAR
Oct. 12, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Kesarwani (Author)

Subject: Budget Referral: Security Cameras in the Public Right Of Way at Intersections Experiencing Increased Violent Crime, and Environmental Safety Assessment for High Crime Areas

RECOMMENDATION

In order to deter gun violence and obtain evidence to solve criminal investigations, adopt the following recommendations:

1. Authorize the City Manager to install security cameras, prominent signage, and increased lighting in the public right-of-way at intersections experiencing a rise in violent crime, including appropriate arterial streets serving as entry into and exit out of the City of Berkeley;
2. Refer to the City Manager an environmental safety assessment of the high crime areas specifically in South and West Berkeley;
3. Refer costs for security cameras and lighting to the Annual Appropriations Ordinance (AAO) #1 budget process.

We note that the security camera footage would be used solely for the purpose of solving criminal investigations. The cameras are not intended and would not be used for any kind of surveillance purposes whatsoever. Cameras should be compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205.

Key intersections entering and leaving Berkeley for security camera installation as recommended by the Berkeley Police Department could include those listed below. Arterial intersections along University and Ashby and Alcatraz in close proximity to gun violence in South and West Berkeley should be prioritized.

- ~~Sixth~~6th/University
- ~~Seventh~~7th/Ashby
- San Pablo Ave/Ashby
- ~~Sacramento~~/Alcatraz
- ~~Alcatraz~~/Adeline
- University/San Pablo
- Sacramento/Ashby
-
- MLK/Ashby

- Dwight/7th
- San Pablo and Dwight
- ~~Gilman/6th~~
- ~~College/Alcatraz~~
- ~~Ashby/Domingo~~
- Ashby/Claremont

Other locations within Berkeley as requested by residents may include the following:

- ~~University/Sacramento~~
- Sacramento/Oregon
- George Florence Park
- ~~10th/Bancroft~~
- Eighthth/Channing
- ~~108th/Addison~~

Formatted: Indent: Left: 0.5", No bullets or numbering
 Formatted: Font: 11 pt, Font color: Black, Not Strikethrough

FINANCIAL IMPLICATIONS

Estimated one-time costs to install cameras, signage and lighting are likely to range from \$75,000 to \$150,000 per intersection, plus \$40,000 annually for data, software and maintenance. Total costs would vary based on the number of intersections selected. Specifically, total one-time costs for prioritizing seven intersections recommended by the Berkeley Police Department would be \$525,000 to \$1,050,000 plus ongoing data, software and maintenance costs of \$280,000.

Approximately \$975,000 to \$1,950,000 to \$100,000 to \$1 million for purchasing security cameras including camera storage and maintenance, as well as signage installation and increased lighting. Estimated one-time costs to install cameras, signage and lighting are likely to range from \$75,000 to \$150,000 per intersection, plus \$40,000 annually for data, software and maintenance.

CURRENT SITUATION AND ITS EFFECTS

According to the Berkeley Police Department, there were ~~29-35~~ shootings in 2021 as of September ~~6~~24, compared to ~~22-24~~ shootings by the same date in 2020. Only 10 of the investigations on those shootings have been closed with an identified suspect, and the Department has recovered 70 firearms this year so far; 22 of those firearms, including 4 rifles, were recovered during detective follow-up investigations.



*2021 Berkeley Gunfire Map*¹

West Berkeley neighborhoods have experienced repeated terrorizing incidents of gunfire in recent weeks. On the morning of Saturday, September 4, 2021, West Berkeley residents reported 8 to -10 gunshots from two cars driving on Tenth¹⁰ St. past George Florence Park.² Panicked parents grabbed their children and ran for cover, but the park is fenced in on three sides, and is only open on the side of the street where the gunfire was identified. Police responded to the scene and found evidence of a second shooting just two blocks away at Ninth⁹ and Allston. This follows recent shootings at Eighth⁸ and Channing on August 20, and one that injured a man at San Pablo and Allston on August 14.³ On the evening of September 23, a shooting at the intersection of Channing Way and Byron Street sent a teenage girl to the hospital with injuries.⁴ Residents of this neighborhood are alarmed by the surge in gun violence and have urged the City to install security cameras in public spaces with a high incidence of violent crime, along with other evidence-based public safety elley-responses, to ensure safer streets.

High-quality images of suspect vehicles would provide valuable investigative leads to assist efforts to bring accountability for violent gun crimes. Shootings often involve suspects who flee the area of the crime in their vehicles. Police investigating the crime often rely on private security cameras owned by residents and/or businesses in order to obtain video evidence. Installing high-quality cameras at major arterials would ensure access to videos and allow investigators to check the footage videos for suspects fleeing the crime area in their vehicle. High-quality images of suspect vehicles would provide valuable investigative leads.

The City already urges private property owners with security cameras to register their cameras with the Berkeley Police Department (BPD) to assist in criminal investigations, and property owners readily avail themselves of this resource. According to the Department, a total of 283 security cameras owned by private citizens and businesses are currently registered with BPD. Valuable public safety resources should not be delegated entirely to the voluntary cooperation of private entities, particularly when violent gunfire has occurred in many public spaces including parks and major intersections.

¹ Raguso, E. (2021). The 2021 Berkeley Gunfire Map. *Berkeleyside*. Retrieved Sept. 4³²⁴, 2021 from <https://www.berkeleyside.org/2021/05/22/2021-berkeley-gunfire-map>

² Raguso, E. (Sept. 4, 2021). Police investigate daytime shoot-out in Berkeley on Saturday. *Berkeleyside*. Retrieved from <https://www.berkeleyside.org/2021/09/05/police-investigate-daytime-shoot-out-west-berkeley-saturday>

³ Raguso, E. (Aug. 14, 2021). Update: Man shot in Berkeley is expected to survive; roadway is open. *Berkeleyside*. Retrieved from <https://www.berkeleyside.org/2021/08/14/man-shot-berkeley-traffic-san-pablo-avenue>

⁴ Raguso, E. (Sept. 23, 2021). Berkeley shooting sends teenage girl to hospital. *Berkeleyside*. Retrieved from <https://www.berkeleyside.org/2021/09/23/southwest-berkeley-shooting-hospital-girl-16>

Strategically placed cameras should be of sufficient quality to capture high resolution video. Cameras would *not* be equipped with Automated License Plate Readers (ALPR), and would not be monitored. The recordings would be an investigative resource which officers could access while investigating specific crimes and could assist in a reduction of crime. This would be an additional element of our Police Department's crime prevention strategies.

Formatted: Font: Italic

"Stationary security cameras affixed to City property or facilities" are not regulated under the Surveillance Technology Ordinance (e.f. BMC Section 2.99.020.1.i). As a result, stationary camera installation at major thoroughfares would be exempt from the requirements of BMC Chapter 2.99.

Providing security cameras in the public right-of-way is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

BACKGROUND

A 2011 report⁵ from The Urban Institute's Justice Policy Center noted that cameras can be an effective tool for preventing crimes and supporting investigations. These tools appear fiscally prudent both as tools for investigations, and with the installation and maintenance of security cameras being less costly than the costs associated with crimes that may take place without them. Moreover, an experiment conducted at the University of Twente in the Netherlands finds evidence that the presence of security cameras can encourage "prosocial" and "helping behavior" among bystanders.⁶

Berkeley's Police Department has been conducting Crime Prevention Through Environmental Design (CPTED) assessments for neighborhoods throughout the City over the past several years. These assessments include recommendations such as: increased lighting, maintenance of properties, landscaping and signage that can be used to deter criminal behavior.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Terry Taplin Council District 2 510-981-7120
Councilmember Rashi Kesarwani Council District 1 510-981-7110

⁵ La Vigne, N. G., et al. (2011). Evaluating the use of public surveillance cameras for crime control and prevention. Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Urban Institute, Justice Policy Center, 1-152.

⁶ Van Rompay, T. J., et al. (2009). The eye of the camera: Effects of security cameras on prosocial behavior. Environment and Behavior, 41(1), 60-74. Retrieved from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.844.4026&rep=rep1&type=pdf>

Formatted: Border: Top: (No border), Bottom: (No border), Left: (No border), Right: (No border), Between : (No border)