



Office of the City Manager

March 24, 2021

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Re: Update on Re-Imagining Public Safety

On July 14, 2020, City Council adopted an omnibus package to re-imagine public safety and policing in the City of Berkeley. The omnibus package consisted of numerous elements including, but not limited to the following:

- Having the City Auditor perform an analysis of City's emergency 9-1-1 calls-for-service and responses, as well as analysis of the Berkeley Police Department's (BPD) budget.
- Analyzing and developing a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit.
- Creating plans and protocols for calls for service to be routed and assigned to alternative preferred responding entities and consider placing dispatch in the Fire Department or elsewhere outside the Police Department.
- Analyzing litigation outcomes and exposure for city departments in order to guide the creation of City policy to reduce the impact of settlements on the General Fund.
- Engaging a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.
- Pursuing the creation of a Berkeley Department of Transportation ("BerkDoT") to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs and infrastructure, and identify and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations

Subsequent to the adoption of the omnibus package, the City established a multi-department working group to oversee and implement various components of the package. The working group consists of the following:

- City Manager;
- Deputy City Managers;

- City Attorney;
- Fire Chief;
- Health, Housing and Community Services (HHCS) Director;
- Human Resources Director;
- Police Chief; and
- Public Works Director.

We have established weekly meetings and have developed an organizational structure that will enable us to advance the various referrals in the omnibus package at the same time.

Our work to advance the omnibus package has been organized in the following manner:

- HHCS Director, Lisa Warhuus, is leading the work to develop a Specialized Care Unit pilot program.
- Fire Chief, David Brannigan, is leading the work to develop a plan for priority dispatching.
- City Attorney, Farimah Brown, is managing the analysis of litigation claims and settlements.
- The Public Safety / Police Re-Imagining and community engagement process will be led by Deputy City Manager David White. Deputy City Manager White will also be supporting the City Manager by providing overall project management support to the team.
- BerkDoT will be led by our Public Works Director, Liam Garland.

### **Current Updates (*for the March 9, 2021 City Council Meeting*)**

The following provides a brief overview of what has been accomplished since the last update to City Council on February 23, 2021.

- City Auditor calls-for-service and budget analysis
  - City staff continue to meet with the City Auditor to coordinate and respond to any questions or needs that arise.
  - It is anticipated that the City Auditor will present the results of the calls-for-service analysis to the Reimagining Public Safety Task Force in April / May 2021.
- Priority Dispatching
  - The final draft of the Request for Proposal for a consultant to develop an implementation plan for prioritized dispatch is being sent to the Finance Department for release.

- Selection of a vendor will occur in late March / April 2021 with an anticipated start on or around May 1, 2021.
- The consultant will consolidate options and system needs as well as recommend a project plan and budget for implementation.
- Specialized Care Unit (SCU)
  - The steering committee, in partnership with several community members, has compiled a comprehensive list of organizations and individuals who the consultant (RDA) will include in the community engagement process.
  - RDA is working on a draft community outreach plan that includes the aforementioned organizations and individuals, and also ensures an inclusive and safe engagement process. It is anticipated that the outreach process will begin before the end of March.
  - RDA is also pulling together research conducted on effective crisis response models that do not involve police engagement.
- Analysis of Claims and Settlements
  - No updates to report.
- Public safety and Police Re-imagining Community Engagement
  - (Background) On December 15, 2020, the City Council authorized the City Manager to enter into a contract with the [National Institute of Criminal Justice Reform](#) (NICJR) to conduct research, analysis, and use its expertise to develop reports and recommendations for community safety and police reform as well as plan, develop, and lead an inclusive and transparent community engagement process to help the City achieve a new and transformative model of positive, equitable and community-centered safety for Berkeley.
  - City staff from the City Manager's Office are meeting regularly with NICJR to coordinate project implementation.
  - NICJR continues to collaborate and coordinate with the City Auditor on the calls-for-service analysis and continues to make progress on the initial report addressing new and emerging models of community safety and policing, which is anticipated to be presented to the Task Force in April/May 2021. Subsequent to the upcoming Task Force meeting, NICJR will finalize and launch the community engagement process.

- [Reimagining Public Safety Task Force \(Task Force\)](#)<sup>1</sup>
  - (Enabling legislation for background only) On January 19, 2021, the City Council adopted [revisions to the enabling legislation for the Reimagining Public Safety Task Force](#)<sup>2</sup>.
  - At the March 9, 2021 City Council meeting, the City Council will be asked to confirm the appointments of the three “At-Large” Task Force members that were appointed by the [Task Force](#)<sup>3</sup>. The three individuals recommended by the Task Force are:
    - Alex Diaz
    - Frances Ho
    - Liza Lutzker
  - The second meeting of the Task Force will occur on March 11, 2021, and the Agenda has been published and is available on the [City’s website](#)<sup>4</sup>. The Agenda for the upcoming meeting includes:
    - Public Safety Reimagining process overview and all the work that is being accomplished throughout the organization.
    - An overview of the National Institute for Criminal Justice Reform’s workplan.
    - An overview of the community engagement process.

In addition, the Task Force will be asked to select a regular meeting date, elect a permanent Chair and Vice Chair, and the City Attorney’s Office will be providing an overview of the Brown Act.
- BerkDoT
  - Staff presented to the Public Works Commission on [March 4](#)<sup>5</sup>. The staff report is listed as item 1 under the Commission’s Action Items, and the presentation is attached.
  - The attached presentation, which was previously discussed with the Transportation Commission, and revised based on their feedback, included the following:
    - Purpose and vision;

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<sup>1</sup> <https://www.cityofberkeley.info/RIPST.aspx>.

<sup>2</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/01\\_Jan/Documents/2021-01-19\\_Item\\_18\\_Revisions\\_to\\_Enabling\\_Legislation\\_for\\_Reimagining.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/01_Jan/Documents/2021-01-19_Item_18_Revisions_to_Enabling_Legislation_for_Reimagining.aspx)

<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/03\\_Mar/Documents/2021-03-09\\_Item\\_04\\_Confirming\\_%E2%80%9CAt-Large%E2%80%9D\\_Appointments.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/03_Mar/Documents/2021-03-09_Item_04_Confirming_%E2%80%9CAt-Large%E2%80%9D_Appointments.aspx)

<sup>4</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_Commissions/Reimagining-Public-Safety-Task-Force\\_3-11%20Meeting%20Packet.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/Reimagining-Public-Safety-Task-Force_3-11%20Meeting%20Packet.pdf)

<sup>5</sup> [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Commissions/Commission\\_for\\_Public\\_Works/PWC%20Agenda%20Packet%202021.3.4.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Commissions/Commission_for_Public_Works/PWC%20Agenda%20Packet%202021.3.4.pdf)

- Three organizational approaches to a BerkDOT;
- Shared analysis and information on the shifting of nearly 100 positions and up to \$50M in budget to a new BerkDoT under any of the three approaches;
- Proposed two approaches to building a racial justice lens into the organization; and
- Identified various short- and long-term actions.

Several parking enforcement officers spoke under public comment and expressed their desire to stay within the Berkeley Police Department rather than transition to a new BerkDOT.

Staff will incorporate the Public Works Commission's and public speakers' input into a report shared with the Reimagining Public Safety Task Force at one of its upcoming meetings.

- Staff continues to meet in an interdepartmental team every two weeks, consult with stakeholders regularly, and utilize consultants to help learn and apply lessons from other contexts.

Attachment:

1. BerkDoT Public Works Commission presentation dated March 4, 2021.

cc: Paul Buddenhagen, Deputy City Manager  
David White, Deputy City Manager  
Jenny Wong, City Auditor  
Farimah Brown, City Attorney  
Mark Numainville, City Clerk  
David Brannigan, Fire Chief  
Lisa Warhuus, Director of Health, Housing & Community Services  
LaTanya Bellow, Director of Human Resources  
Jen Louis, Interim Chief of Police  
Liam Garland, Public Works Director  
Matthai Chakko, Assistant to the City Manager

# Public Safety Reimagining: BerkDOT

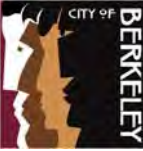
## Agenda

1. Why BerkDOT
2. Timeline
3. Three Organizational Approaches
4. Assessing Functions
5. Getting Input



# Why BerkDOT: Goals Beyond Transportation

1. **Racial Justice** in services, staffing, and outcomes
2. **Equitable Mobility** regardless of race, age, gender, wealth, or ability
3. **Safety** from:
  1. Traffic Violence
  2. Institutional Violence
  3. Economic Violence
4. **Public and Environmental Health**



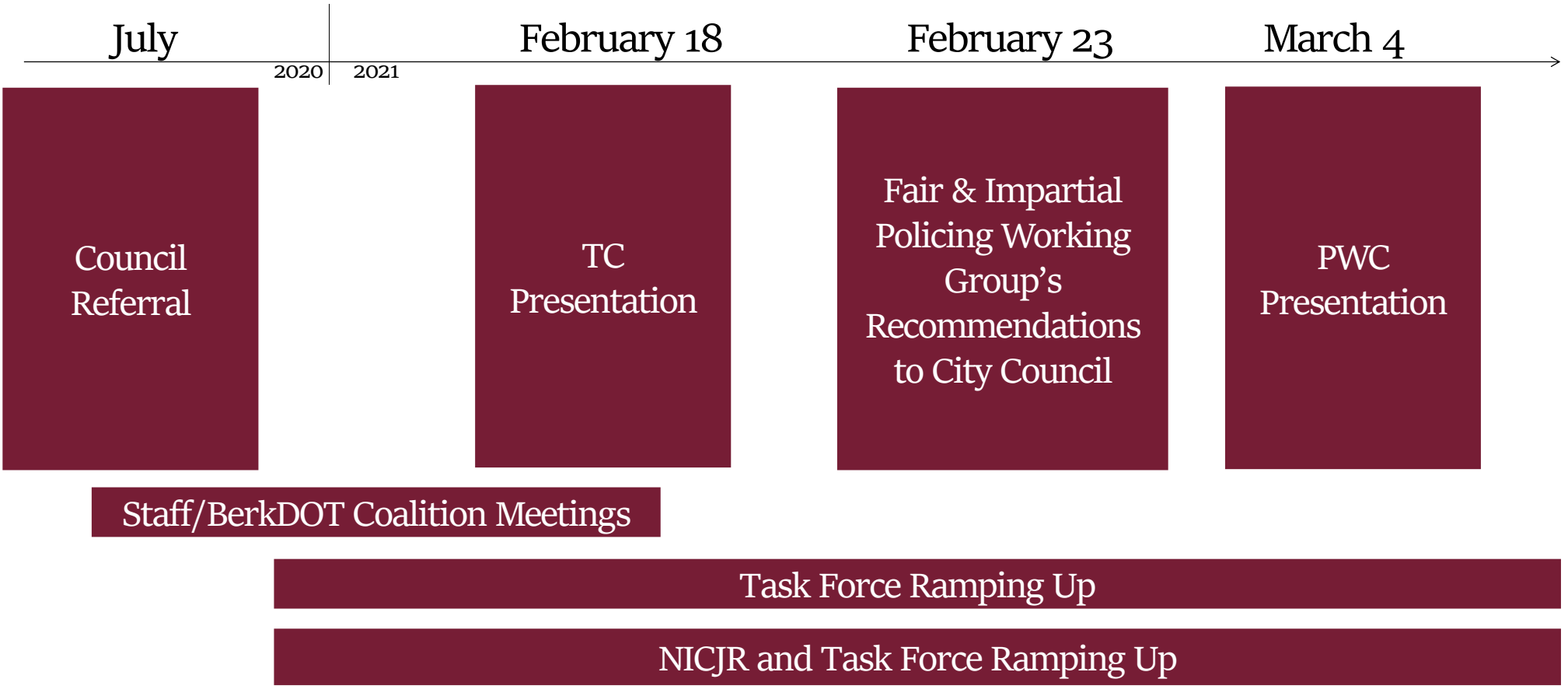
# Why BerkDOT: Structure to House New Functions

1. Consolidate existing functions from other Departments or Divisions.
2. Add functions that are not currently done anywhere in the organization.
3. Provide unified leadership with the authority and capacity to deliver all aspects of the BerkDOT vision.
4. Eliminate silos in the organization that have different goals and responsibilities, but which rely on each other for success.
5. Keep what is working.





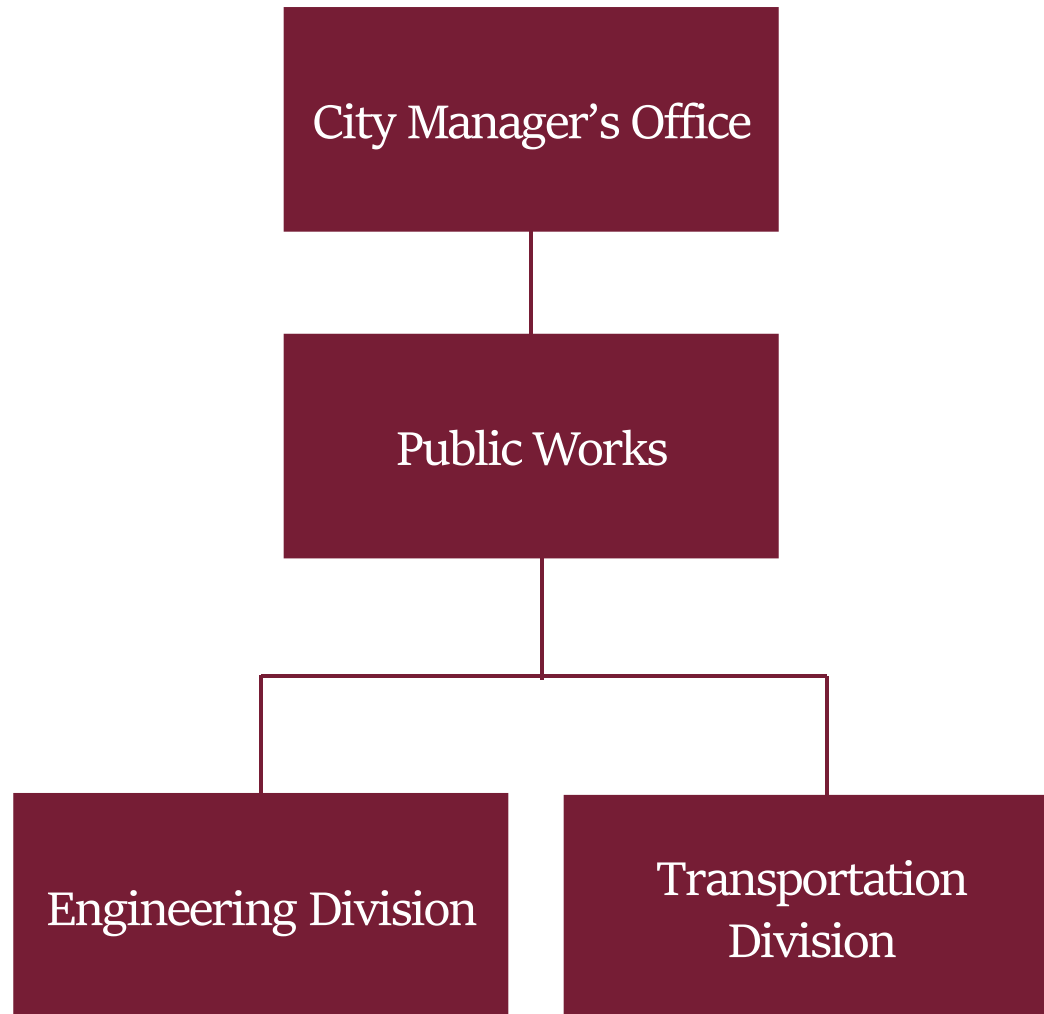
# Timeline



# Current Public Works Department Structure



# Current Public Works Structure



# Three Organizational Approaches to BerkDOT

Infrastructure

## A BerkDOT Division in Public Works

## B BerkDOTI Department

## C BerkDOT Department

City Manager

City Manager

City Manager

Public Works

BerkDOTI

Public Works

BerkDOT

Engineering Division

BerkDOT

Engineering Division

Transportation Division

Departments

Divisions

# Evaluating the Approaches

**Racial Justice:** Do any of these approaches uniquely advance our transportation policy, programs, and infrastructure to advance racial justice and equity?

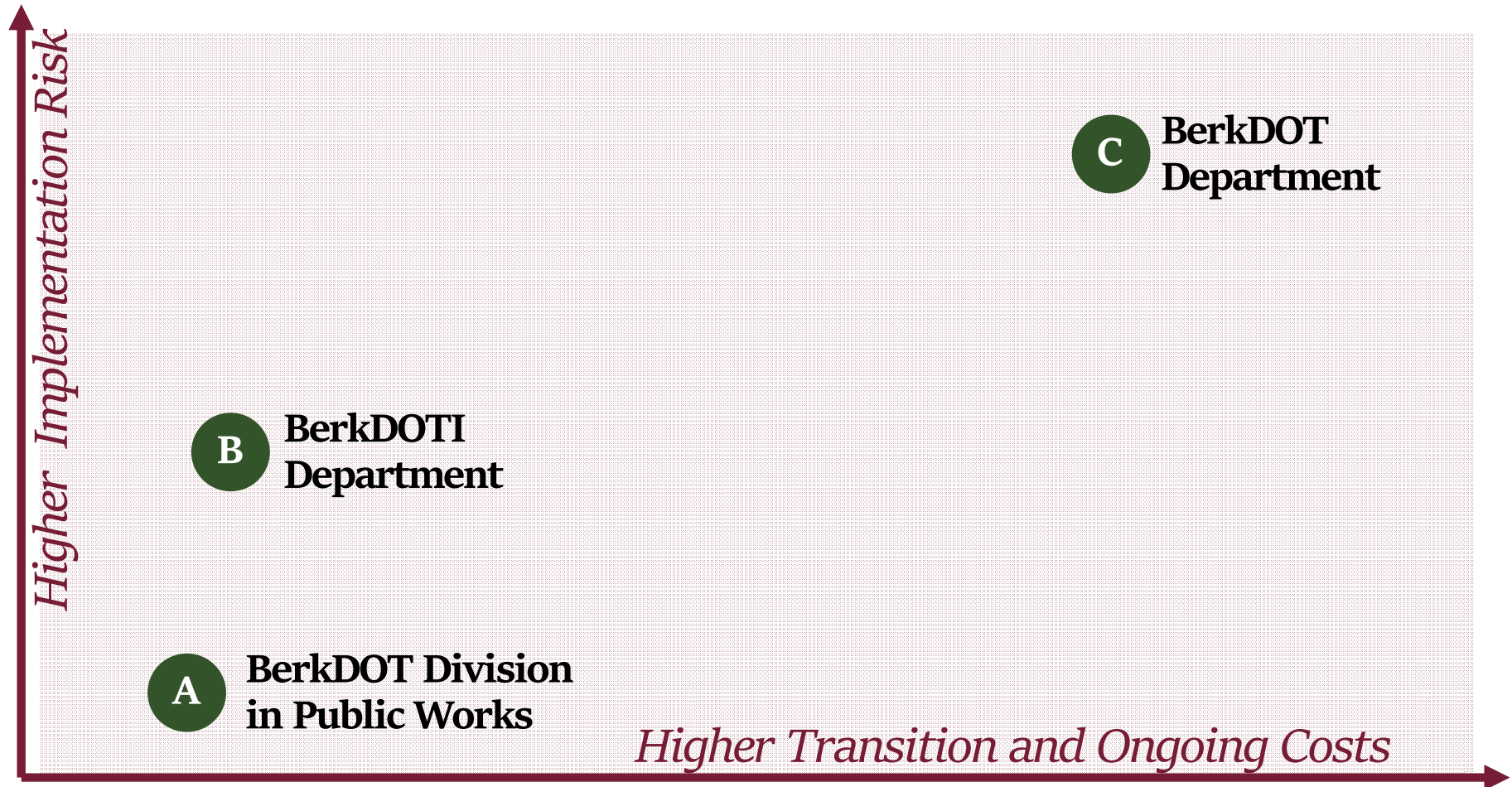
**Mission/Vision:** Do any of the options present an opportunity clarify departmental mission or advance strategic priorities?

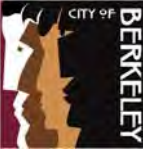
**Prioritization/  
Coordination:** Which approach balances these two important principles?

**Shifting  
Functions:** Do any of these approaches facilitate function shifting well?

**Costs and Implementation Risk...**

# Evaluating the Approaches: Implementation Risk & Transition Costs





# Functional Considerations & Opportunities

## Current Police Function

New Unarmed  
Traffic Unit

Crossing Guards

Parking Enforcement

Paving

Collision Investigation

Traffic Control

## Considerations & Opportunities

Subject to City Council's addressing Fair & Impartial Policing Working Group's recommendations and changes to State law

3.7 FTEs = 15 part timers, possible FY 21/22

24 FTEs, possible FY 22/23

2.5 FTEs....could be other PW functions, possible FY 22/23

Need an additional FTE for Vision Zero work

Parking enforcement officers, sworn officers, PW staff

# Functional Considerations & Opportunities

~100 positions,  
\$50M



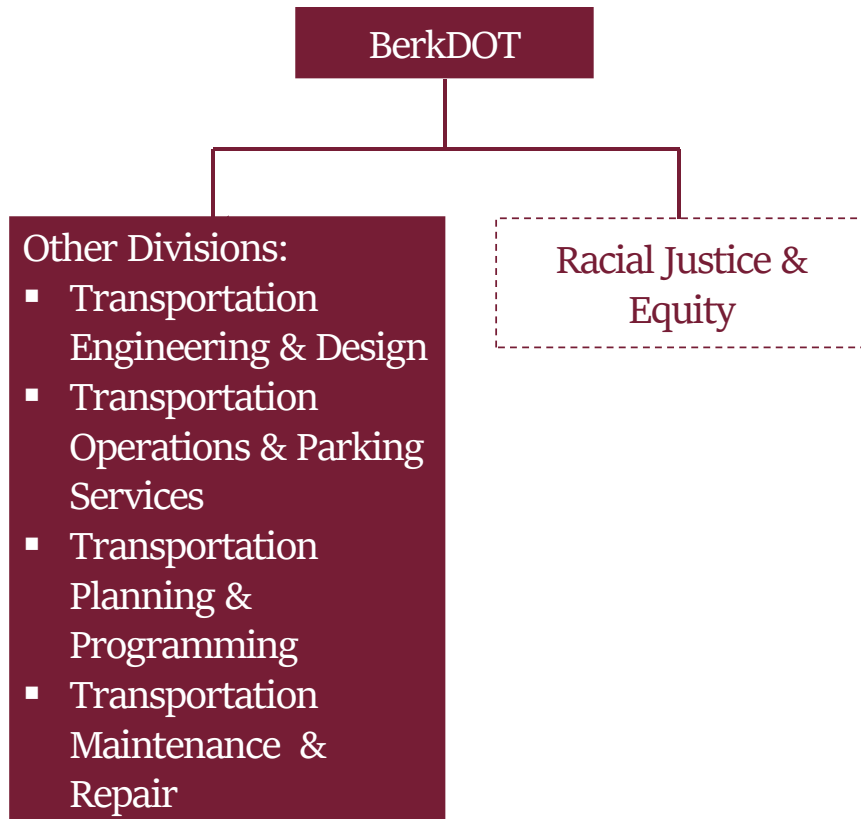
# Racial Justice Lens

## Working Definition

*Ensuring a racial justice lens in transportation policy, programs, and infrastructure would mean that all decisions, procedures, and guidelines that govern transportation in this City would affirmatively work to reduce the burdens of racial inequities and mitigate structural harm put on people of color, and create streets where people are safe, experience belonging, and can thrive.*

# Racial Justice Lens in the Organizational Structure

## A Racial Justice & Equity Division within BerkDOT



## B Deputy Director of Transportation, Racial Justice, & Equity



# Near-Term and Long-Term Actions

## Near-Term

1. Determine near term actions Public Works and Transportation can take to advance racial justice and equity. Explain what this means for our transportation work's mission, vision, programs, projects, and services
2. Clarify the preference for where the Racial Justice and Equity functions sit:
  - A. Within BerkDOT as a division,
  - B. Within BerkDOT assigned to a deputy director position with possible support from a specialist.
3. Determine what, if any, additional functions should be moved to whichever BerkDOT approach is determined.
4. Continue to support, advocate, and plan for state law changes that permit flexibility in local traffic enforcement (civilian unit, automated enforcement).
5. Determine the appropriate BerkDOT structure from the three organizational approaches above.

# Near-Term and Long-Term Actions

## **Long-Term**

1. Continue to research and develop recommendations on traffic enforcement, focus stops on traffic safety (not minor violations), and distinguish between major and minor traffic violations.
2. Continue to support and advocate for state changes to allow automated enforcement, reform speed limit setting, etc.
3. Continue to explore fines, fees, and towing policies that promote racial justice and equity.



# Questions for Commission Input

1. What near term actions should be prioritized?
2. What areas of future research and/or due diligence should staff focus on?
3. What is missing from the analysis and possible actions to date?
4. Which of the three organizational approaches to a BerkDOT align best with the City Council's referral and the City's adopted strategic and other plans?