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Reimagining Public Safety Task Force

To: Honorable Mayor and Members of the City Council

From: Reimagining Public Safety Task Force

Submitted by: Nathan Mizell, Chairperson, boona cheema, Vice Chairperson

Subject: Consideration of the Reimagining Public Safety Task Force's Response to the National Institute for Criminal Justice Reform Recommendations

RECOMMENDATION
Discuss the Recommendations of the Reimagining Public Safety Task Force in response to the National Institute of Criminal Justice Reform (NICJR). Accept the report and refer to the City Manager.

SUMMARY
The Reimagining Public Safety Task Force, facilitated by NICJR was called upon to provide input to and make recommendations to NICJR and city staff on a set of recommended programs, structures and initiatives to outline a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of Reduce, Improve and Reinvest as proposed by the National Institute for Criminal Justice Reform

The Response to NICJR's Report is comprised of several recommendations including:
● Further Analysis of CERN dispatch model
● Rejecting "Attrition Only" BPD budget reductions
● Rejecting the development of a Progressive Police Academy
● Conditional Approval of a Guaranteed Income Pilot Program
● Conditional Approval of increased Sustainability of Community Based Organizations

In addition to direct responses to NICJR Recommendations, the response includes historical information relating to public safety and steps to address and repair harm in the Berkeley Community.

FISCAL IMPACTS OF RECOMMENDATION
Unknown

CURRENT SITUATION AND ITS EFFECTS
Reimagining Public Safety is a Strategic Plan Priority Project, advancing our goal to transform public safety, provide state-of-the-art new and innovative solutions to increase the safety of all including:

Reducing the footprint of the Berkeley Police Department in providing services which can be provided by local Community Based Organizations.

BACKGROUND
On July 14, 2020, the Berkeley City Council passed Resolution 69,501-N.S to launch a "robust community engagement process" to "transform Community Safety" in the City of Berkeley.

Following the adoption of the resolution, the council adopted Resolution 69,695-N.S, establishing the Reimagining Public Safety Task Force and its responsibility to "recommend a new, community-centered public safety paradigm."

The membership of the Task Force includes:

- One (1) representative appointed by each member of the City Council and Mayor,
- One (1) representative appointed from the Mental Health Commission, Youth Commission and Police Review Commission, and
- one (1) representative appointed by the Associated Students of the University of California (ASUC) External Affairs Vice President
- one (1) representative appointed by the Berkeley Community Safety Coalition (BCSC) Steering Committee, and three (3) additional members to be appointed "At-Large" by the Task Force

Fulfilling its responsibility, the Reimagining Public Safety Task Force submitted this report.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
None.

RATIONALE FOR RECOMMENDATION
To improve public safety and meet the obligations under Resolution 69,695-N.S.

ALTERNATIVE ACTIONS CONSIDERED
None.

<u>CONTACT PERSON</u>
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Co-Secretary, LaTanya Bellow, Deputy City Manager
City Manager's Office
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**Response and New Recommendations
to NICJR's Report on Reimagining Public Safety
February 18, 2022**

R eimagining

P ublic

Equity

S afety

B erkeley Task Force

Reimagining Public Safety
Task Force Members

District 1 – Margaret Fine appointed by Councilmember Rashi Kesarwani
District 2 – Sarah Abigail Ejigu appointed by Councilmember Terry Taplin
District 3 – boona cheema appointed by Councilmember Ben Bartlett
District 4 – Paul Kealoha Blake appointed by Councilmember Kate Harrison
District 4 - Jamie Crook appointed by Councilmember Kate Harrison (current)
District 5 – Dan Lindheim appointed by Councilmember Sophie Hahn
District 6 – La Dell Dangerfield appointed by Councilmember Susan Wengraf
District 7 – Barnali Ghosh appointed by Councilmember Rigel Robinson
District 8 – Pamela Hyde appointed by Councilmember Lori Droste
Hector Malvido appointed by the Office of Mayor Jesse Arreguin
Youth Commission – Nayo Polk
Youth Commission - Nina Thompson
Police Review Commission – Nathan Mizell
Mental Health Commission – Edward Opton
Berkeley Community Safety Coalition – Todd Walker
Berkeley Community Safety Coalition - Jamaica Moon (current)
Associated Students of University California – Alecia Harger
At-large – Alex Diaz
At-large – Liza Lutzker
At-large – Frances Ho

City of Berkeley Mission Statement

Our mission is to provide quality service to our diverse community; promote an accessible, safe, healthy, environmentally sound, and culturally rich city; initiate innovative solutions; embrace respectful democratic participation; respond quickly and effectively to neighborhood and commercial concerns, and do so in a fiscally sound manner.

City of Berkeley Police Dept. Mission Statement

Our Mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect.

City of Berkeley Health, Housing and Community Services Mission Statement

Our mission is to improve the quality of life for individuals and families in the City of Berkeley through innovative policies, effective services, and strong community partnerships.

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Berkeley Task Force
Response and New Recommendations
to NICJR's Report on Reimagining Public Safety

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The Reimagining Public Safety Task Force has reflected on the charge laid out in the George Floyd Act to take a fresh look at public safety in Berkeley, as well as NICJR's investigation into how a transition to a reimagined system could begin. We are proud to present a Report from a Berkeley community perspective to accompany the consultant's report.

Task Force members are united in the approach to implementing the revisioning of public safety that began publicly in 2020. At the same time, our Report provides a range of views on specific points of implementation. It is our hope that readers will appreciate both the broad strokes we propose and that within the group, in the vibrant tapestry that is Berkeley, there are diverse ideas about the exact programs, mechanisms, and levels of funding that will be appropriate to implement such complex changes in our system of public safety.

Civilianizing certain roles within the police department could lead to a reduction in the police budget as well as increased efficacy of said positions. Investigations and evidence handling for example do not need to be executed by uniformed and armed officers. Moreover, it is possible that community members may feel more comfortable assisting in investigations if the investigator were not a police officer. This was not researched by NICJR so more analysis is required but it is a promising idea that should be explored further.

NICJR Recommendations and Votes by Task Force

	NICJR Recommendation	*Vote by Task Force*	*Reason for vote*	*Proposed Narrative Summary for report*
1	**Establish tiered dispatch/CERN model (p.14)**	More analysis needed	1. Need separate, non-police phone # 2. How will Dispatch be organized to take in calls for service from 911, BPD non-emergency, and SCU non-police line? 3. How will Dispatch triage & direct calls to: CERN team, SCU team (are these first two categories the same or different?), BPD, MCT, EMS, BFD, BerkDOT? 4. How will CERN, SCU responders & police then prioritize themselves during call for service as it evolves? For CFS that specifically requested a non-police/SCU response, can SCU team work to see the call through to conclusion without involving police (unless certain conditions arise like a firearm appears, which naturally would require BPD)? 5. What training will all responders go through so there are clear and commonly understood protocols for all elements of a call for service? 6. Will adjacent groups like Street Ambassadors and Campus police/personnel also get the same training and use the same reporting and data management systems so Berkeley can measure results for the whole city?	Overall, the Task Force supports the idea of a community-based response as an alternative to an armed response that would decrease the footprint of the police department. As presented, commissioners are concerned that the co-responder model proposal by NICJR would not decrease the footprint of the police and could have the consequence of having the community see CBOS as an extension of the police. In addition, commissioners need more clarity on how CERN would work with other new models like SCU, BerkDOT and dispatch.
2	**Contracting with local CBOS for Tier 1 CERN response**	More analysis needed	1. Which CBOS? (Where is the landscape analysis that was promised by NICJR?) 2. Has the City dialogued with each CBO to confirm their interest in providing responders and their timeframe to make responders available, including hiring new staff? 3. What will the pay structure to CBO responders be; does each CBO set their own rates, or will the City set rates?	The Task Force would need more analysis to understand the investment that it would take for the city to ask CBOS to take on this responsibility, including training, the infrastructure a CBO would need, and skills needed for the types of cases in the new model.

		4. How will all responders be trained to achieve a systematic SCU non-police response for calls for service?	
3	Evaluate CERN (p. 19-20)	(did not vote on this)	
4	**Full implementation of Tiered Dispatch/CERN Pilot Program and reduction of BPD patrol division of 50%**	More analysis needed		No analysis was provided by NICJR for how police department would be reduced by 50%, especially if NICJR recommends no officer layoffs, and reductions through attrition only. Is full implementation dependent on the department reducing by 50% and when would this occur?
5	**Reduce BPD budget through attrition only and no layoffs (p. 20)**	Reject		This recommendation is unresponsive to the goal of reducing the police department by up to 50% to make resources available for other programs.
6	**End pretextual stops (p. 24)**	Reject		The Task Force is fully in favor of the elimination of pretextual stops by BPD - this work is already well underway and thus does not constitute a useful recommendation. In 2020 the Mayor's Fair and Impartial Policing Working Group recommended that BPD focus on "the basis for traffic stops on safety and not just low-level offenses" and that they minimize or de-emphasize as a lowest priority stops for low-level offenses," and in February 2021, Council unanimously approved the Working Group's recommendations for adoption. Plans are currently underway for implementation, with quarterly updates being provided to the Police Accountability Board. *(based on analysis from Liza Lutzker's report to RPSTF, linked to in the Improve & Reinvest*

				Subcommittee's Feedback document posted January 6, 2022)
7	**BerkDOT (p.25)**	Accept with Conditions	1. This is in NICJR Report but is not mentioned in the Implementation Plan grid. 2. This needs MUCH more analysis, much like Dispatch changes required by CERN implementation, which NICJR does not detail.	While the Task Force is glad to see that NICJR sees the value in the creation of BerkDOT as a strategy to reduce the footprint of policing in Berkeley, the description provided for BerkDOT is inadequate with respect to the components of and motivation for BerkDOT (the NICJR report describes BerkDOT as a moving of traffic enforcement away from BPD). Because the BerkDOT creation process is moving forward separately, a complete description and analysis of BerkDOT are not necessary, but at a minimum, the NICJR recommendation ought to accurately describe what a proposed BerkDOT would consist of and provide the rationale for pursuing this approach beyond simply reducing the staffing and budget of BPD. Specifically, BerkDOT needs to be described as a consolation of all transportation-related work being done by the City and would entail combining the current Public Works Department's above-ground street and sidewalk planning, maintenance, and engineering responsibilities with the current transportation-related BPD functions of parking enforcement, traffic law enforcement, school crossing guard management, and collision response, investigation, data collection, analysis, and reporting.

8	**BPD Become A Highly Accountable Learning Organization (HALO) (p. 26)**	Reject	1. Not credible that this change comes at "no additional cost" 2. RPSTF focused on spending less on BPD, not more 3. More training does not necessarily lead to changes in police culture 4. This process is not about re-imagining police	Overall, commissioners did not think there was enough information provided in the NICJR report that allowed an accurate assessment of the program and also disagreed with NICJR's indication that this recommendation would come at no cost. Some commissioners felt strongly that any programs that potentially increase funding to police should not be prioritized, and more training will likely not lead to changes in police culture or address the racial disparities that continue to persist in the city.
9	**BPD join ABLE program**	(Did not vote unless this is part of the HALO program)	1. HALO, EPIC and ABLE might be good programs, but what cost to join/enact? Recordkeeping alone would be a cost.	Same analysis as item 8
10	**Expand EIS to assess all Use of Force**	Reject	1. In general recommendations limited to police reform and requiring additional funding were not seen as ideas in the spirit of re-imagining public safety 2. Side question: Is Fair & Impartial's EIS measuring new best-practice gauge of proportionality? Not relying only on officer reporting & citizen complaints through PAB. Not being "de-fanged" by Union during implementation? See Univ of Chicago/Ron Huberman work: https://polsky.uchicago.edu/2021/06/08/benchmarking-police-performance-for-early-intervention-evidence-based-solutions/	The Task Force supports an EIS. However, this work is already well underway and thus does not constitute a useful recommendation. The EIS was recommended in 2020 by the Mayor's Fair and Impartial Policing Working Group and in February 2021, Council unanimously approved the Working Group's recommendations for adoption.
11	**BPD Expand current Personnel and Training Bureau OR Create Quality Assurance and Training Bureau**	Reject		Rejected, similar to the reason in item 8. The Task Force did not believe that additional investment in training would create the change needed to change police culture and the racial disparities that continue to persist in the city.

12	**Transfer 5 officers and 2 civilian staff to new Quality Assurance and Training Bureau (p. 32)**	Reject	Rejecting #12 above, so rejecting this related item, which is yet more additional training/QA cost.	
13	**BPD provide semi-annual reports to public (p. 32)**	Accept with Conditions	1. Data should be available on a real-time basis, all the time. 2. Build a dashboard that is constantly updating.	Data should be provided to the community through a dashboard, in real-time. Reports can be helpful, and should be provided, in addition to real-time data.
14	**Develop a Bay Area Progressive Police Academy (BAPPA) (p. 35)**	Reject	RPSTF is focused on reducing BPD spending, not increasing. 2. BAPPA is dependent on a great deal of inter-agency agreement, sharing and teamwork, which don't already exist. Would take many man-hours to get others on board, agree scope of work, convince all to start contributing. 3. Very high staff and overhead costs. 4. BPD regularly states they have top-notch training and sourcing for sworn and non-sworn personnel – it is not clear that a Berkeley-run academy would solve any hiring difficulties. 5. Instead of spending on this, RPSTF recommends spending on creating a Public Safety & Community Solutions Institute.	The Task Force recognizes that many cities are gearing up to provide a robust, expert non-police response to citizens in need, but that this type of workforce does not yet exist in a coordinated fashion. Berkeley can be in the vanguard of cities creating this workforce and expanding best-practice training beyond paid professionals and offering it to the general public, interested groups, students, and the like. The Public Safety & Community Solutions Institute can bring together crisis intervention and situation calming, triage, medical response, mental health response, peer counseling, city and county services offerings, case work, data capture, and follow up with compassionate, trauma-centered delivery. The Institute's trainings and coursework will be created by experts at Berkeley's SCU and the division of Mental Health, and tailored for other relevant audiences, e.g., BerkDOT. The Task Force feels this would be an exemplary area in which to spend time, money, and other

				resources to provide citizens with resources and support.
15	**Increase diversity of BPD leadership (p. 36)**	Accept with conditions	1. What is the plan for achieving diversity? 2. What are the numerical definitions of diversity?	The Task Force agreed that diversity in leadership alone would be insufficient to change an entire police culture. However, commissioners do acknowledge the importance of diversity and having responders who are from the city and the taskforce recommends making diversity a priority for all employees, including leadership.
16	**Increase Standards for Field Training Officers (p. 36)**	Needs more analysis	1. Need numbers about what % of officers have more than 2 complaints or 1 sustained complaint in a 12-month period? 2. How does race & gender data map with complaints data? 3. How do we assess whether implicit bias has played a role in complaint data figures?	
17	**Revise BPD's Use of Force policies to limit any use of deadly force as a last resort to situations where a subject is clearly armed with a deadly weapon and is using a threatening to use the deadly weapon against another person**	Reject	1. Use of Force policy was revised a year ago. Did NICJR read it and is this different than most recent version? 2. Use of Force policies are complex, making changes is a lengthy process. Shouldn't change what has been recently agreed upon without good reason.	This was rejected because this work has already been done and is covered by a different process and does not need to be duplicated in this process.

18	**Launch a guaranteed income pilot program (p. 37)**	Accept with Conditions	1. Strong support for the program 2. Addresses root causes 3. Strong preference for unconditional funds that puts trust in people to use the money as they see fit 4. Unclear who is responsible for administering pilot 5. Unclear how families will be selected 6. Informed by completed/ongoing pilots in Stockton, Fremont, Richmond, etc.	Members strongly support this type of program and note that other communities have implemented these programs successfully. More information is needed to understand how families would be selected, and the city should consider whether other groups, like the AAPI or Indigenous community, should be included in this program.
19	**Launch a community beautification employment program (p. 39)**	Accept with Conditions	1. General support for employment programs 2. Current recommendation is specific to previously incarcerated folks, and funding source is based on that, and could be expanded to include other funding sources, and serve other communities e.g., youth, unhoused population 3. Remove the word beautification that is superficial 4. The program should be responsive to skills and talents of folks 5. Program could benefit from integrating professional development, pipeline to employment, especially folks who are generally left out of the workforce 6. Program should aim for goals and results that are transformative	Members are very interested in increasing job skills and opportunities. However, programs should be centered around the interests of the target group. The Task Force therefore rejects the idea of simply a beautification program but fully supports programs that focus on professional development, and serve as a pipeline to employment, especially for those who face additional barriers like a criminal record. Any program should have the goal of being transformative.
20	Increase funding for CBOS in one of two ways: (1) increase grant amounts by 25%, or (2) create local government agency/ department (Department of Community Development) (p. 40)	Accept with conditions	1. Unclear where the funding is coming from, some of it is coming from Measure W 2. Recommendation is too general, and funding of CBOS should be prioritized based on RPS goals and improving social determinants of health 3. Strong disagreement with approach that proposes across the board funding for CBOS 4. Preference for a recommendation that includes a new department could play a role in visioning and tracking of CBOS and funds, and oversee increased funding	While members generally agree with increasing the capacity of community-based organizations as a way to improve public safety, funding should be targeted and focus on the goals set forth in the enabling legislation for reimagining public safety. Members also note that this recommendation does not explain where the additional funds would come from, as NICJR does not propose any layoffs to reduce the police budget. Members are very

				interested in creating a city division that could continue this work and focus on issues of equity.
	Notes			
	Grid is based on Pg. 43 of NICJR Final Report, titled Implementation Plan; it's a 2-page, 4-column grid in blue.			
	Recommendations highlighted in orange indicate items not listed on the grid in the NICJR Final Report			

Reduce, Improve, Reinvest Recommendations and Task Force Responses

A. REDUCE

To achieve the goal of a smaller law enforcement footprint and to reallocate a portion of the BPD budget towards more community supports, NICJR recommends the following measures:

NICJR recommends the establishment of a Tiered Dispatch/CERN Pilot Program, focused on a subset of the Tier 1 call types that can be used in the pilot phase in order to work out logistical and practical challenges prior to scaling up the program.

> **Task Force Response: More Analysis Needed.**

Overall, the Task Force supports the idea of a community-based response as an alternative to an armed response that would decrease the footprint of the police department. As presented, commissioners are concerned that the proposal by NICJR would not decrease the footprint of the police and, due to the use of the co-responder model, could have the consequence of having the community see CBOS as an extension of the police. In addition, commissioners need more clarity on how CERN would work with other new models like SCU, BerkDOT and dispatch.

Questions and Issues for Further Analysis:

1. Need for separate, non-police phone number.
2. How will Dispatch be organized to take in calls from 911, BPD non-emergency, and SCU non-police line?
3. How will Dispatch triage & direct calls to: CERN team, SCU team (are these first 2 categories the same or different?), BPD, MCU, EMS, BFD, BerkDOT?
4. How will CERN, SCU responders & police then prioritize themselves during call for service as it evolves? For CFS that specifically requested a non-police/SCU response, can SCU team work to see the call through to conclusion without involving police (unless conditions arise like a firearm appears, which would require BPD)?
5. What training will all responders go through so there are clear/commonly understood protocols for all elements of a call for service?

"…the NICJR recommendation ought to accurately describe what a proposed BerkDOT would consist of."

6. Will adjacent groups like Street Ambassadors and Campus police/personnel also get the same training and use the same reporting and data management systems so Berkeley can measure results for the whole city?

NICJR recommends contracting with local Community Based Organizations (CBOS) who are best prepared to successfully navigate and leverage local resources, services, and supports, to respond to the pilot Tier 1 calls.

➤ **Task Force Response: More Analysis Needed.**

The Task Force would need more analysis to understand the investment that it would take for the city to ask CBOS to take on this responsibility, including training, the infrastructure a CBO would need, and skills needed for the types of cases in the new model.

Questions and Issues for Further Analysis:

1. Which CBOS? Where is the landscape analysis from NICJR?
2. Has the City dialoged with each CBO to confirm their interest in providing responders and their timeframe to make responders available, including hiring new staff?
3. What will the pay structure to CBO responders be; does each CBO set their own rates, or will the city set rates?
4. How will all responders be trained to achieve a systematic SCU non-police response for calls for service?

NICJR Recommends evaluating CERN

➤ **Task Force Response: The Task Force did not vote on this.**

NICJR recommends full implementation of Tiered Dispatch/CERN Pilot Program and reduction of BPD patrol division of 50%.

➤ **Task Force Response: More analysis needed.**

No analysis was provided by NICJR for how police department would be reduced by 50%, especially if NICJR recommends no officer layoffs, and reductions through attrition only. Is full implementation dependent on the department reducing by 50% and when would this occur?

NICJR recommends reducing BPD budget through attrition only and no layoffs.

➢ **Task Force Response: Reject.**

This recommendation is unresponsive to the goal of reducing the police department by up to 50% to make resources available for other programs.

NICJR recommends ending pretextual stops.

➢ **Task Force Response: Reject.**

The Task Force is in favor of the elimination of pretextual stops by BPD. However, this work is already underway and does not constitute a useful recommendation. In 2020 the Mayor's Fair and Impartial Policing Working Group recommended that BPD focus "the basis for traffic stops on safety and not just low-level offenses" and "minimize or de-emphasize as a lowest priority stops for low-level offenses," and in February 2021, Council unanimously approved the Working Group's recommendations for adoption. Plans are currently underway for implementation, with quarterly updates being provided to the Police Accountability Board.

NICJR recommends creating a Berkeley Department of Transportation.

➢ **Task Force Response: Accept with Conditions.**

While the Task Force is glad to see that NICJR sees the value in the creation of BerkDOT as a strategy to reduce the footprint of policing in Berkeley, the description provided for BerkDOT is inadequate with respect to the components of and motivation for BerkDOT (the NICJR report describes BerkDOT only as a move of traffic enforcement away from BPD). Because the BerkDOT creation process is moving forward separately, a complete description and analysis of BerkDOT are not necessary, but at a minimum, the NICJR recommendation ought to accurately describe what a proposed BerkDOT would consist of and provide the rationale for

pursuing this approach beyond simply reducing the staffing and budget of BPD.

Specifically, BerkDOT needs to be described as a consolidation of all transportation-related work being done by the City and would entail combining the current Public Works Department's above-ground street and sidewalk planning, maintenance, and engineering responsibilities with the current transportation-related BPD functions of parking enforcement, traffic law enforcement, school crossing guard management, and collision response, investigation, data collection, analysis, and reporting. Further, the motivations for the creation of BerkDOT need to be clearly outlined in the NICJR report. The three goals for BerkDOT are: to reduce the threat of police violence and harassment during traffic stops, to invest in road safety, and to advance Vision Zero and mobility in Berkeley.

B. IMPROVE

This section focuses on how BPD and the public safety system in Berkeley can improve its quality, increase its accountability, and become more transparent. NICJR recommends the following improvement strategies:

NICJR recommends that the Berkeley Police Department become a Highly Accountable Learning Organization (HALO).

> ➤ **Task Force Response: Reject.**

Overall, commissioners did not think there was enough information provided in the NICJR report that allowed an accurate assessment of the program and disagreed with NICJR's indication that this recommendation would come at no cost. HALO, EPIC and ABLE might be good programs, but what cost to join/enact? Record keeping alone would be a cost. Some commissioners felt strongly that any programs that potentially increases funding to police should not be prioritized, and more training will likely not lead to changes in police culture or address the racial disparities that continue to persist in the city.

NICJR recommends that BPD should join the ABLE program to receive training and technical assistance and use the new Quality Assurance and Training Bureau discussed below to ensure the department adheres to the training, principles, and practices of the program.

> ➤ **Task Force Response: Did not vote specifically on ABLE (except as falling under the HALO program).**

NICJR recommends that the EIS should be expanded to assess all Use of Force incidents, complaints, and information gleaned from the Body Worn Camera (BWC) footage reviewed by the Quality Assurance and Training Bureau.

> ➤ **Task Force Response: Reject.**

The Task Force supports an EIS. However, this work is already well underway and thus does not constitute a useful recommendation. The EIS was recommended in 2020 by the Mayor's Fair and Impartial Policing Working Group and in February 2021, Council unanimously approved the Working Group's recommendations for adoption

In general, recommendations limited to police reform and requiring additional funding were not seen as ideas in the spirit of re-imagining public safety.

NICJR recommends that BPD expand current Personnel and Training Bureau or create Quality Assurance and Training (QAT) Bureau.

> ➢ **Task Force Response: Reject.**

The Task Force did not believe that additional investment in training would create the change needed to change police culture and the racial disparities that continue to persist in the city. Again, recommendations requiring additional funding were not seen as ideas in the spirit of re-imagining public safety.

NICJR recommends BPD should transfer 5 officers and 2 civilian staff to new Quality Assurance and Training (QAT) Bureau.

> ➢ **Task Force Response: Reject.**

This rejection of this recommendation is related to the rejection of the creation QAT in the first place.

NICJR recommends: BPD should provide semi-annual reports to the public on stops, arrests, complaints, and uses of force, including totals, by race and gender, by area of the city, and other aggregate outcomes.

> ➢ **Task Force Response: Accept with Conditions.**

Data should be provided to the community through a dashboard, in real-time. Reports can be helpful, and should be provided, in addition to real-time data.

NICJR recommends that the preceding information be used to develop a Bay Area Progressive Police Academy built on adult learning concepts and focused on helping recruits develop the psychological skills and values necessary to perform their complex and stressful jobs in a manner that reflects the guardian mentality.

> ➢ **Task Force Response: Reject.**

The creation of a police academy would undoubtedly be very costly and would require giving large amounts of money to the police department, flying in the face of the enabling legislation's goal of decreasing the police budget. As was stated by Nikki Jones in her presentation to the taskforce, the Progressive Police Academy "is the least imaginative and transformative component of the draft report and one that is likely to be mired in political battles and a good deal of resistance on the ground. It would also have the impact of investing what is likely to be millions of taxpayer dollars into policing, instead of investing much needed funding in building up an infrastructure of care in the city."

The Task Force recognizes that many cities are gearing up to provide a robust, expert non-police response to citizens in need, but that this type of workforce does not yet exist in a coordinated fashion. Berkeley can be in the vanguard of cities creating this workforce and expanding best-practice training beyond paid professionals and offering it to the general public, interested groups, students and the like.

The Public Safety & Community Solutions Institute can bring together crisis intervention and situation calming, triage, medical response, mental health response, peer counseling, city and county services offerings, case work, data capture, and follow up with compassionate, trauma-centered delivery. The Institute trainings and coursework will be created by experts at Berkeley's SCU and Mental Health departments, and tailored for other relevant audiences, e.g. BerkDOT. The Task Force feels this would be an exemplary area in which to spend time, money and other resources to provide citizens with resources and support.

NICJR recommends increasing diversity of BPD leadership.

> **Task Force Response: Accept with Conditions.**

The Task Force agreed that diversity in leadership alone, would be insufficient to change an entire police culture. However, commissioners do acknowledge the importance of diversity and having responders who are from the city and recommends making diversity a priority for all employees, including leadership, and recognizing intersectionality.

NICJR recommends increasing Standards for Field Training Officers.

> ➤ **Task Force Response: Needs More Analysis.**

To efficiently implement this recommendation, numbers are needed on the percentage of officers who have had more than 2 complaints or 1 sustained complaint in a 12-month period, and how race and gender data map with complaints data. How will the Department assess whether implicit bias has played a role in complaint data figures?

NICJR recommends that BPD's Use of Force policies be revised to limit any use of deadly force as a last resort to situations where a suspect is clearly armed with a deadly weapon and is using or threatening to use the deadly weapon against another person. All other force must be absolutely necessary and proportional.

> ➤ **Task Force Response: Reject.**

This was rejected because this work has already been done and is covered by a different process and does not need to be duplicated in this process.

C. REINVEST

NICJR recommends that the City take the following measures to increase investment in vulnerable communities and fundamental cause issues:

NICJR recommends that Berkeley should launch a Guaranteed Income Pilot program similar to other cities in the region. The pilot program should select a subpopulation of 200 Black and Latinx families that have children under 10 years of age and have household incomes below $50,000.

➢ **Task Force Response: Accept with Conditions.**

Members strongly support this type of program and notes that other communities have implemented these programs successfully. More information is needed to understand how families would be selected, whether other groups like the AAPI or Indigenous communities should be included in this program, and how the program will be administered. Members want the program to address the root causes of inequity, with a strong preference for unconditional funds that puts trust in people to use the money as they see fit.

NICJR recommends that the City launch a crew-based employment program, or expand an existing program that employs formerly incarcerated people to help beautify their own neighborhood: hire and train no less than 100 formerly incarcerated Berkeley residents to conduct Community Beautification services, including: blight abatement, tree planting, plant and maintain community gardens, make and track 311 service requests, and other community beautification projects.

➢ **Task Force Response: Accept with Conditions.**

Members are very interested in increasing job skills and opportunities. However, programs should be centered on the interests of the target group. The Task Force therefore rejects the idea of a 'beautification' program but fully supports programs that focus on professional development, and serve as a pipeline to employment, especially for those who face additional barriers like a criminal record. Any program should have the goal of being transformative.

NICJR recommends increasing Funding for Community Based Organizations: CBOS that provide services to those who are unhoused, live in poverty, have behavioral health challenges, have substance abuse challenges, are system-involved, and/or are LGBTQ

should receive an increase in funding using Reinvest dollars. CBO funding could be increased through an across-the-board increase or through local departmental decision-making.

> ➢ **Task Force Response: Accept with Conditions.**

While members generally agree with increasing the capacity of community-based organizations as a way to improve public safety, funding should be targeted and focus on the goals set forth in the enabling legislation for reimagining public safety. Members also note that this recommendation does not explain where the additional funds would come from, as NICJR does not propose any layoffs to reduce the police budget. Members are very interested in creating a city division that could continue this work and focus on issues of equity.

"Public Safety underlies the health and well-being of every neighborhood, every family, and every resident."

Task Force Letter to the Community

The goal of *Reimagining Public Safety for Berkeley* is one of the highest priorities for our city: public safety underlies the health and well-being of every neighborhood, every family, and every resident. Policies and practices that protect Public Safety must recognize the equal value of every community member and must apply protections fairly and equitably – yet systemic and structural racism means this is not our current reality.

Berkeley, like so many other cities across the Country, initiated the current *Reimagining* process in response to a series of high-profile police brutality incidents that pulled the curtain back on this systemic racism and demanded a response. Police department-related issues (e.g., recruiting, training, hiring, procedures, and the mutation of the department's role beyond public safety) are high on the list of systems that need to be reimagined and restructured. But they are not the *only* systems that impact public safety, and if this process focuses too narrowly on internal police policies and protocols – if it moves too quickly to implement highly complex new initiatives without adequate analysis and planning – if it neglects to address the multi-dimensional inequity that *creates* patterns of crime, violence, poverty, and social disconnection – then it will fail.

Across American cities, neighborhoods with high rates of poverty, health inequities, low rates of home and business ownership, unsafe/unhealthy housing conditions, food insecurity, failing schools, and inadequate job opportunity are the *same neighborhoods* that have higher rates of crime and higher concentrations of justice-involved residents: the connection is inescapable.

Moreover, those inequities are not random: they have been created by decades of disinvestment and neglect stemming from racially biased policies. And the cycle is self-perpetuating: communities with high levels of exposure to policing, criminal, legal and incarceration systems experience individual, family, and cultural trauma; they have a deep lack of trust in the police and the justice system; and they lack the resources and opportunities needed to escape and thrive.

Systemic inequity, and the uneven patterns of crime that result from it, is human-made harm created by bad policies can at least in part reversed and remedied by good policies. This is the goal of Berkeley's Reimagining Public Safety process. But for the process to succeed, the people who personally experience these inequities must be integrally and continually involved – not just through initial listening sessions but *throughout* the design, decision-making, implementation, evaluation, and follow up.

This is the only way proposed solutions will truly see, understand, and address the reality of people's experiences, and the only way impacted communities will trust the changes being implemented.

We know that for many this effort feels like too little, too late: the hurdles feel insurmountable. And because of the pain experienced by communities of color and the urgent need for change, it can be tempting to move too quickly – but we must proceed with a cohesive vision at the foundation of all decisions (with equity as our guiding star), and with thorough analysis to ensure that the measures put in place are realistic, effective, and enact the long-term change we seek.

We believe this process is a beginning, and we look forward to continuing to work with all stakeholders on both short and long-term solutions that will make Berkeley a Public Safety model for other communities.

Repairing and Doing Less Harm

We recognize the harm policing has historically revealed, disproportionately negatively affecting Black, Brown, Indigenous, AAPI, LGBTQIA+, those who are differently abled, unhoused individuals, and other vulnerable groups. It is imperative that this harm be repaired to build sustaining trust and mutual respect between Berkeley residents/community, City Council, City Staff, Community Based Organizations (CBO) and the Berkeley Police Department. The safety of our people must come first and at times we must compromise and take the approach that produces the least harm.

We also acknowledge that policing is a challenging profession which can leave law enforcement officers traumatized, and we have compassion for their families.

Recommendations for accountability should look like but not be limited to these ideas:

- **Service satisfaction survey distributed after police interactions**
- **Regular evaluations of BPD from the greater community (quarterly or twice yearly)**
- **Answerability from BPD and adjustments made accordingly**

Another essential restorative measure which has not yet been discussed but may stand on its own is for offended parties (individuals and families subject to abuse by law enforcement) to be informed of the levels of discipline rendered, such as supervisor referral, written advice, written reprimand, suspension, or termination.

Overview
Policing & The Berkeley Police Department History

"The fault lines of our society have been exposed. The pressure points that we face in American society are the irrevocable products of its history. The brutality of the American experience for black people is incomparable and all efforts to curb the appetite for racist outcomes are indispensable to what comes next for our society. Policing is an anachronism precisely because it is incomplete and does not keep the entire society safe. The police have traditionally maintained the socioeconomic lines between white and non-white, rich and poor, the mainstream, countercultural and vulnerable communities. We must dismantle this system of oppression."

– La Dell Dangerfield, Reimagining Public Safety Task Force

The summer of 2020 brought with it the largest wave of protests in the history of the United States. While the proximal reason for the protests was the murder of George Floyd, the unrest spoke to an underlying dissatisfaction with the place and the purpose of policing in our society. Cities across the country were lit with protests and community members packed city council meetings for weeks on end.

In response to these calls to action, the Berkeley City Council adopted Resolution NO. 69,501-N.S., to create a "Community Safety Coalition" - later renamed The Reimaging Public Safety Task Force (RPSTF). In doing so, City Council was not only responding to the George Floyd uprisings but recognizing that "decades of police reform efforts have not created equitable public safety in our community, and our efforts to achieve transformative public safety will not be deterred by the inertia of existing institutions, contracts, and legislation." The RPSTF was given the mandate to "Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change."

To move forward, we must first consider the past. Since its inception, policing in America has been deeply instrumental in the oppression of marginalized people. In the South, policing began as Slave patrols, in the North as a force to control new immigrant populations and suppress labor organizing, and in the Southwest policing power was used to control indigenous populations and allow for the continued theft of indigenous land and resources.[1][2][3][4] The use of policing as a tool for 'law and order' has been used

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[1] Sally E Hadden, *Slave Patrols*, 2001
[2] https://www.smithsonianmag.com/smithsonian-institution/long-painful-history-police-brutality-in-the-us-180964098/
[3] https://www.loc.gov/classroom-materials/immigration/native-american/removing-native-americans-from-their-land/
[4] https://ekuonline.eku.edu/blog/police-studies/the-history-of-policing-in-the-united-states-part-3/

to justify police brutality during protests, harass unhoused and mentally ill community members, and enforce drug laws along class and race-based lines.

Since inception, policing has seen numerous reform eras, perhaps none more important than those launched by August Vollmer, the first police chief in the City of Berkeley and a champion of "progressive policing." Vollmer, a veteran of the Spanish-American War, applied many tactics he learned from fighting in the Philippines to policing in the City of Berkeley, such as the mapping of insurgent attacks in an attempt to predict future attacks (later transmuted into hotspot policing).[5]

Vollmer also imported a racialized lens: the attempts of the "progressive policing" movement to regiment, professionalize, and reform the police were enacted to prevent crime that these 'progressives' felt was borne of poor people, people of color and immigrants.[6] In Vollmer's 1917 plan for the Berkeley School for Police he included "eugenics" and "race degeneration" in the course outline.[7] Vollmer believed that "feeble-minded, insane, epileptic and other degenerate person[s]" should not be allowed to have children and that "Preventing the socially unfit from multiplying [is] … vital to national welfare and would greatly reduce crime statistics."[8] Vollmer became a member of the American Eugenics Society in 1924.

Despite these beliefs, the City has hailed him as a shining example of positive reformism in police. The City's website states that, "Chief Vollmer's progressive thinking

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[5] https://www.kqed.org/news/11847612/who-was-august-vollmer-and-is-he-responsible-for-the-modern-police-force
[6] https://www.kqed.org/news/11847612/who-was-august-vollmer-and-is-he-responsible-for-the-modern-police-force
[7] https://www.berkeleyside.org/wp-content/uploads/2020/09/Vollmers-plan-for-UC-Berkeley-criminology-school-in-1917.pdf
[8] https://www.berkeleyside.org/2020/09/15/berkeleys-first-police-chief-supported-eugenics-prompting-calls-to-rename-vollmer-peak

and use of new innovations in law enforcement became the foundation that BPD has been built upon"[9] – in other words, upon the legacy of a racist eugenicist.

The 1960s would bring a short-lived period of social investment followed by a decades-long period of police expansion. In response to 1960s uprisings, President Johnson created the Kerner Commission to address the causes and find solutions. The findings ("Our nation is moving toward two societies, one black, one white—separate and unequal") detailed the inequality in lived experience, from police brutality to inadequate housing and municipal services, yet would be largely ignored, and the 1968 Omnibus Crime Control and Safe Streets Act would formalize the transfer of military equipment to the police department[10].

The election of President Nixon would further solidify the pivot towards greater police spending, which increased by over 300 times ($22 million to roughly 7 billion) from 1965 to the start of the Reagan Presidency[11]. The 1980s would mark the beginning of mass incarceration and a further expansion of police funding. Today, yearly police spending in the United States equals roughly $115 billion dollars yet most data shows policing to be generally ineffective at preventing crime, especially violent crime. While some data show policing can have short-term, non-permanent effects, this finding rarely considers the negative systemic impacts of policing or the opportunity to accomplish the perceived gains of policing through other means.

Though not common knowledge, the Berkeley Police Department has a vast history of misconduct and violence. In 2006, Former Sgt. Cary Kent pled guilty to tampering with as many as 181 envelopes of evidence from criminal cases dating back to 1998. In 2007 Officer Steve Fleming was suspected of having stolen money and other property belonging to people that he was arresting or booking into the Berkeley jail though the D.A. decided not to prosecute, citing a lack of evidence. In 2013, the Department was called to the apartment of Kayla Moore, a Black trans woman living with schizophrenia, by a friend concerned for her safety. Though Moore needed behavioral health care, the police tried to place Moore under arrest, wrestling her to the ground and asphyxiating her to death under the weight of six officers. In 2014, the Department used force against protesters to such an extreme that the City later awarded $125,000 to seven plaintiffs in conjunction with an agreement from BPD that they reform their use of force policy.

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[9] https://www.cityofberkeley.info/Police/Home/History_The_Earliest_Years_1905-1925.aspx
[10] Elizabeth Hinton, "A War within Our Own Boundaries": Lyndon Johnson's Great Society and the Rise of the Carceral State, Journal of American History, Volume 102, Issue 1, June 2015, Pages 100–112, https://doi.org/10.1093/jahist/jav328
[11] Ibid

" Improved public safety for all Berkeley citizens cannot occur when a disproportionate amount of our budget is being spent on outmoded means of community safety."

Yet by focusing on individual cases, one risks overlooking the day-to-day interactions that make up much of BPD's operations. The Berkeley Police Department regularly harasses, detains, and displaces unhoused people in our city and has high levels of interaction with people who have behavioral health conditions, documented in contemporaneous reports dating back to the 1990s from Copwatch, a local organization that promotes grassroots police accountability. A study from Yale and Columbia University shows that there is a connection between interaction with law enforcement and behavioral health. We know anecdotally that many community members feel less safe in the presence of police officers, as is evidenced by the Peer Listening Session Report.

Every interaction that BPD has with the public has the potential to create harm, particularly for people who are Black, unhoused, or living with behavioral health challenges.

We also have evidence that shows that the Berkeley Police Department regularly engages in racist policing. Black people make up 8% of Berkeley's population but account for 34% of police stops.[12] The yield rate for traffic stops also shows great racial disparity (20% and 40% for White and Black people respectively).[13] Traffic stops can be deadly - as is evidenced by the killing of Duante Wright and Janoah Donald - particularly for Black and Indigenous people, and this disparity in policing is unacceptable.

The Berkeley Police Department's numerous presentations emphasized training and professionalism without any reflections on the failures of the department. Nor were there any tangible proposed solutions. The Berkeley Police Department budget will take up a proposed 33% of Berkeley's 2022 general fund budget expenditure, and the Department has outspent its budget for at least the last three successive fiscal years. This funding does nothing to address the underlying causes of criminogenic factors such as homelessness and poverty, not to mention repairing department-caused harms.

Improved public safety for all Berkeley citizens cannot occur when a disproportionate amount of our budget is being spent on outmoded means of "community safety": crime response can create a temporary impression of crime reduction, but it is cyclical and crime rates inevitably resurge when underlying causes are not removed: we must leave

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[12] https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/A.6_Police%20Data%20Presentation.pdf
[13] Fair & Impartial Policing Working Group - City of Berkeleyhttps://www.cityofberkeley.info › Documents › 2...

behind the hamster wheel and invest in programs that apply as great a response to the *why* as to the *what* of crime.

When community members poured into our city council meetings and public comment ran for hours it was not just because of the horrifying murder of George Floyd: it was decades of misconduct, brutality, and corruption coming to a boiling point. Resolution NO. 69,501-N.S was passed because our typical paths of reform were not delivering positive outcomes and after decades of reformism, we were still seeing deaths at the hands of the police. The Reimagining Public Safety Taskforce aims to help enact true transformational change.

Task Force Recommendations

Reimagining Public Safety Initiative Topic	Specific Task Force Recommendation
Traffic Law Enforcement & Traffic Safety	Review Transportation Laws, Fines and Fees to Promote Safety and Equity
	Fully Fund the BerkDOT Planning Process
911 Call Processing & Alternative Calls-for-Service Systems	Adopt City Auditor's Recommendations for Call Processing and Dispatching of First Responders and Others Contained in Report, and Add 'Substance Use' to 911 Recommendations
	Implement Specialized Care Unit (SCU): Alternative Non-Police Responder to Meet the Needs of People Experiencing Behavioral Health Challenges
	Establish Crisis Stabilization Center to Meet the Needs of People Experiencing Behavioral Health Challenges and Further Implement A Comprehensive 24/7 Behavioral Health Crisis Response System
	Implement A Behavioral Health General Order for the Berkeley Police Department That Emphasizes Diversion Away from Policing Whenever Possible
Gender-Equity Response Systems	City Leadership to Host Regular Meetings and Coordinate Services
	Coordinate with Court and Other Law Enforcement to Implement New Firearm and Ammunition Surrender Laws
	Annually Update the Police Department's Domestic Violence Policies and Victim Resource Materials
	Implement Regular Domestic Violence and Trauma-Informed Training for Officers,

	Dispatch, and Responders to 911 and Non-Emergency Calls
	Publish Victim Resources in Plan Language and Multiple Languages
Gender-Equity Response Systems	Screen for Domestic Violence in All 911 and Non-Emergency Calls
	Assign A Female Officer to Interview, Examine, or Take Pictures of Alleged Victims at Victim's Request
	Police Response to DV Calls Should be Accompanied by or Coordinated with DV Advocate
Disability & People with Behavioral Health Challenges (PEERS)	Include PEERS in Developing Behavioral Health Responses
	Sufficiently Fund Behavioral Health Respite Centers
	Have a Reconciliation Process with People with Behavioral Health Challenges and Police
	Clarify the Risk Assessment by Call Takers, Dispatchers, and Police for Behavioral Health
	Improve De-Escalation Training for Police & Offer Public Education on Behavioral Health
	Account for Overlapping Systems of Care for People Living with Behavioral Health Challenges
	Further Research Recommendations (in report)
LGBTQIA+ and Queer/Trans People	Develop Collaboration between LGBTQ+ Liaison for Berkeley Police Department and the Pacific Center for Human Growth
	Establish Partnership between the Division of Mental Health and the Pacific Center for Human Growth

	Increase Capacity for Behavioral Health Workers to Serve LGBTQIA+ Clients
Addressing Underlying Causes of Inequity, Violence, and Crime	Develop a Training and Community Solutions Institute
	Develop Community Violence Prevention Programs
	Support City Efforts to Establish the Office of Equity and Diversity
	Implement a Pilot Guaranteed Income Project
	Support the Police Accountability Board and Fair & Impartial Policing
Addressing Community-Based Organizations' Capacity for Efficient Partnership in Reimaging Public Safety	Conduct Needs Assessment on CBO Capacity
	Create Coordination and Communication Opportunities for CBO Staff
	Improve Referral Systems
	Remove City Funding System Inefficiencies and Duplication
	Develop Additional Metrics for Community-Based Organizations
	Help CBOS Enhance Their Funding

Synopsis of Community Engagement
Research Findings, 2021

Diverse groups had challenges interacting with Police. Some avoided or did not call 911 Emergency Services.

Citywide research conducted in 2021 by the Brightstar Research Group (BRG) and Task Force Commissioners showed broad support for: reducing the policing footprint in Berkeley; using de-escalation strategies for calls relating to homelessness and mental health or substance use crises; and prioritizing programs/funding to help vulnerable community members meet basic needs. Many individuals, particularly those who did not identify as white and/or who face housing security, reported feeling unsafe in the presence of police and said they do not look to the BPD for protection.

Research included a survey widely distributed across Berkeley, and focus groups and listening sessions with Black, Latinx, LGBTQ+, people with behavioral health challenges, those who were formerly incarcerated, people experiencing food/housing insecurity, vulnerable youth, and BIPOC students. The Task Force's Gender-Equity and Violence Subcommittee also conducted listening sessions with service providers focused on gender-based and intimate-partner violence. NICJR conducted focus groups comprising BPD command and line staff and members of the Berkeley Merchant Association. NICJR and the Task Force, with support from the City Manager's Office, conducted several citywide community meetings.

A. Citywide Survey for Reimagining Public Safety in Berkeley

The following summary seeks to highlight trends and preferences at a high level. More detailed summaries including more comparative analysis of results disaggregated by race are included in Appendix J to the NICJR report. The results of the communitywide survey may not be adequately representative of the community as a whole given the under-representation of people who identify as Black, Asian, Latinx, male, and younger people, and the over-representation of groups including people who identify as white, women, LGBTQ+, and people over the age of 45. Several wealthier zip codes were overrepresented as well.

Across groups, there is broad support for investment in mental health services. A majority of community members rated homelessness, sexual assault, shootings, and homicides as the most important public safety concerns. Drug sales and substance use are among residents' lowest public safety priorities.

Overall, a plurality reported feeling "somewhat safe" in Berkeley. White residents were more likely to perceive Berkeley as safe or very safe, and Black and other nonwhite residents were significantly more likely to perceive Berkeley as unsafe or very unsafe.

A majority of community members are likely to call 911 in response to an emergency that does not involve mental health or substance use compared to an emergency that does relate to mental health or substance use. Across groups, a majority preferred a response to emergency calls related to mental health and substance use from "trained mental health providers with support from police when needed." A large majority similarly preferred that homeless service providers respond to calls related to homelessness, with police support available when needed.

Black, Brown, unhoused, and young people frequently reported feeling that the BPD and/or city leaders prioritize the safety of wealthy and/or white community members at the expense of their own safety. Black people and students believe gentrification is detrimental to community safety and community cohesion and negatively impacts their sense of belonging in their own neighborhoods. These groups were more likely to report feeling unsafe.

Respondents identified themselves as other than white were more likely to believe that the BPD is not very effective or not effective at all.

B. Community Focus Groups & Listening Sessions

Black Identified Community Members, Latinx Identified Community Members, Justice-System-Impacted Students, and Low-Income Community Members Including Unhoused, Housing Challenged, and Formerly Incarcerated People

Overall, the participants in these focus groups conducted by Brightstar Research do not view the BPD as a community resource and instead rely on themselves and their communities for safety. Black men, women, and youth shared recent personal experiences of being racially profiled and stopped by the BPD and expressed feelings of anger about their experiences. Two Latinx students explained that they and their friends are often stopped on and near the campus by both the campus police and the BPD because they do not fit the profile of the average UC Berkeley student. Brightstar research conducted these focus groups with the populations above, and these are their findings and recommendations.

In addition, the youth who participated in the focus group said they had witnessed the police harassing homeless people and immigrants working as street vendors. Individuals struggling with housing insecurity reported being targeted by the police due to their race and income level. As a result of harassment and targeting, many members of the Black, housing insecure, student, and youth focus groups attempt to avoid the police whenever possible.

At the same time, members of these groups often feel overlooked by those charged with keeping Berkeley safe, sensing that safety for some (whiter, wealthier) comes at their expense. They question the city's priorities, e.g., installing speed bumps and enforcing quality-of-life issues instead of improving police response times to emergency calls and building relationships with communities who experience racial disparities in both policing and crime. Youth especially voiced a desire for the BPD to use the power it has to support their communities, to be part of and live in their communities, and to engage in activities such as youth sports and mentoring.

These groups identified homelessness and the housing crisis as among the most pressing public safety issues in Berkeley and urged the city to provide for residents' basic needs. These groups shared a vision of community public safety defined less by the absence of crime and more by equitable access to a higher quality of life for low-income, unhoused, and Black and Brown residents.
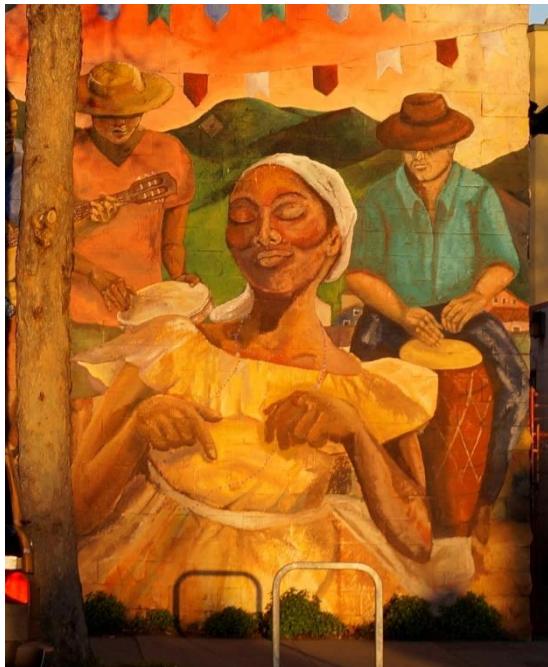
Latinx participants also emphasized a desire for increased maintenance of public spaces, increased neighborhood lighting, traffic control, and addressing homelessness.

It bears noting that Brightstar's findings and recommendations are derived from amalgamating their qualitative data from these focus groups without necessarily attributing a finding to a particular group. Because there were so few Latinx respondents, Brightstar analyzed the citywide survey research. The results indicating the views of this group in particular may not be representative of Berkeley's Latinx population overall.

C. Community Members with Behavioral Health Challenges (PEERS)

PEERS listening session participants primarily expressed their fears of interacting with police during a health crisis in the community - fears that were frequently tied to lived experiences of a policing response negatively impacting their ability to feel "safe" in Berkeley.

During the community engagement listening session, participants identified
       1) feeling stigmatized as "public safety threats" by officers
       2) feeling that officers felt uneasy about connecting with them during a crisis
       3) the role of de-escalation if any
       4) feeling traumatized or re-triggered by police during a mental health crisis.

Participants explained that police presence may exacerbate personal distress and create terror, rather than emotional "safety."

PEERS discussed their perceptions and feelings about being seen as "public safety threats," and generally something to be controlled rather than as human beings who need emotional "safety" to resolve their crisis. In particular, the participants expressed their fears of being met with police violence instead of with compassion and empathy for their plights.

Further one participant stated that "many people have negative feelings on police" and when they see police "it can be triggering, it can be negative, not friendly, open." Yet another participant "witnessed police in action in Berkeley," and said they did not want police on mental health calls, as they were traumatized to the point of seeing police in a "whole different light."

Participants talked about how the presence of police could exacerbate the intensity of personal distress and create feelings of extreme terror and instant fear of extinction, as opposed to creating ones of emotional "safety." While the participant did not describe the basis for officers' arriving at the scene, he described his feelings about a police response by stating "it is multiple police cruisers, you feel like the world out to get you and annihilate you, officers are intimidating, 3-4 cruisers with multiple cops, very, very troubling and high-risk situation." This feeling of being responded to, instead of being met with, is a sentiment people shared, especially in the context of de-escalation.

Individuals stated they did not desire to call 911 emergency services for fear of police response to a person experiencing a mental health crisis in the community. One person did not feel proud of their decision to call 911, knowing that police would arrive but did so because they did not feel like they had alternative options to provide that person with appropriate support. She stated: "I've had to call the police on people with mental health issues and it broke my heart and that is something I would not like to do."

Lastly, one participant underscored that police officers "use major tool like [a] gun and bullets; something startles them, go for the gun." The point was further underpinned by another participant, who stated based on their experience with police, "that it is always with guns; it's a threat, always a threat of violence out there, the police come with their guns," and that we are "much better served with people not heavily armed, I don't know how I think the conversation and non-violent tactics."

"QTBIPOC people may be resistant to a police response because of trauma."

D. LGBTQIA+ Staff—The Pacific Center for Human Growth

A listening session the LGBTQIA+ Queer/Trans provider, the Pacific Center for Human Growth, which serves LGBTQIA+ Queer/Trans people with behavioral health challenges, identified hate crimes against the group they serve, as well as the need for police and other first responders to have a more nuanced understanding of the experiences of QTBIPOC (Queer, Trans, Black, Indigenous, People of Color) people, including trauma. For example, one provider noted that QTBIPOC people may be resistant to a police response because of trauma.

Specifically, a participant provider discussed how a police presence is traumatic for everyone when they show up as it creates a "huge scene for the neighborhood, flashing lights" and then as a mental health professional having to unpack the trauma with families and clients later.

Another participant, who was very explicit about their feelings about the police, said: "I stay away from the Berkeley Police Department and advise young people to do the same. The Berkeley Police Department are not my friends, they are not people who I trust as an entity, and not people I say should be called for help." There are difficult situations in which there is a Queer Black Femme Cis Woman and warm violence, but the person does not want to call the police. Every single interaction will not lead to hot violence, but we know statistically that Queer Trans BIPOC people with mental health issues, who are disabled or developmentally challenged, are far more likely to experience violence, be harmed and be killed."

The Pacific Center staff emphasized the need for an intersectional understanding that includes race, ethnicity, gender identity and expression, sexual orientation, disability, age, and class to fully understand the impacts of policing on diverse LGBTQIA+ and Queer/Trans people and groups, as well as their perceptions of public safety in the Berkeley

E. Providers of Gender-Based Violence Services

The Task Force's Gender-Based Violence Subcommittee conducted two listening sessions with providers who serve domestic violence, human trafficking, and sexual abuse survivors, who reported that victims of such violence may experience barriers in accessing help and justice, including language barriers, the impact of trauma, racism, discrimination, fear of immigration consequences, and an inability to meet basic shelter and other needs. Some victims will not look to police for help, and providers offered recommendations to provide alternative services and to invest in prevention efforts.

F. Recommendations Arising Out of Community Research

The culmination of the community engagement research indicates that the following recommendations would have strong, broad community support with an emphasis on increasing the safety of Berkeley's most vulnerable residents:

1. Increase investment in community-based and peer-led violence prevention programs
2. Create Black-centered and Black-led mentorship interventions to help young BIPOC resist gang recruitment.
3. Establish programs to help economically vulnerable residents meet their basic needs and invest more money in housing, health care, youth programs, and wraparound services
4. For Berkeley's unhoused residents, establish 24-hour street teams to provide medical and mental health care; provide more safe, indoor public spaces that stay open late; provide more drop-in programs to meet basic needs; and increase access to education, job training, and healing arts
5. Employ a first-responders team with diverse crisis members
6. Increase the capacity of community-based organizations to provide services and violence prevention, including in K-12 settings
7. Provide services for people who cause harm

8. Regularly update domestic violence policies and training for officers
9. Assign female officers to interview and examine female victims of gender-based violence
10. Police responses should include, when possible, a domestic violence advocate, a homeless service provider, a mental health professional, a social worker, etc. depending on the type of situation necessitating a police call
11. Train policy in relationship building, cultural competency, de-escalation, and restorative justice
12. Employ safety ambassadors to act as a bridge between victimized communities and the BPD

Task Force Recommendations on Traffic Law Enforcement and Traffic Safety

The Berkeley Police Department dedicates an enormous amount of time initiating and responding to a wide variety of traffic-related activities. This wide reach of policing into transportation is neither effective with respect to traffic safety[14] nor crime prevention,[15,16] and significant racial biases have been observed in Berkeley's traffic stop data, harming many in our community. To address these issues, City Council approved the creation of a Berkeley Department of Transportation (BerkDOT) to de-police transportation and called for the reduction or elimination of pretextual stops.

The Task Force recommends the following three immediate actions to improve safety and mobility:

1. Move forward with the transfer of both collision analysis and school-crossing-guard management away from BPD and over to Public Works.
2. Review Transportation Laws, Fines and Fees to Promote Safety and Equity
3. Fully Fund the BerkDOT Planning Process (at an estimated $200,000)

Importantly, transportation and mobility tie in heavily to broader inequities, social determinants of health, and resident well-being. For greater context and a more extensive discussion of these intersections, as well as a summary of community engagement findings around police transportation work in Berkeley, see Appendix 2.

A. Berkeley City Council's Direction: Reduce/Eliminate Pretextual Stops and Create BerkDOT (A Berkeley Department of Transportation)

To address the stark racial disparities and risks of harassment and violence associated with traffic stops, as well as to enhance traffic safety, Berkeley City Council approved a measure in July 2020 to: "Pursue the creation of a Berkeley Department of Transportation to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs and infrastructure, and identify and implement

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[14] Sarode, AL, Ho VP, Chen L, Bachman KC, Linden PA, Lasinski AM, Moorman ML, Towe CW. Traffic Stops Do Not Prevent Traffic Deaths. Journal of Trauma and Acute Care Surgery, Vol. 91, No. 1, 2021, pp. 141–147. https://doi.org/10.1097/TA.0000000000003163.

[15] Chohlas-Wood, Alex, Sharad Goel, Amy Shoemaker, and Ravi Shroff. An analysis of the Metropolitan Nashville Police Department's traffic stop practices. Technical report, Stanford Computational Policy Lab, 2018. http://www.law.nyu.edu/sites/default/files/upload_documents/Shroff_nashville-traffic-stops.pdf

[16] Fliss, Mike Dolan, Frank Baumgartner, Paul Delamater, Steve Marshall, Charles Poole, and Whitney Robinson. "Re-prioritizing traffic stops to reduce motor vehicle crash outcomes and racial disparities." Injury epidemiology 7, no. 1 (2020): 1-15. https://injepijournal.biomedcentral.com/articles/10.1186/s40621-019-0227-6

approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations."

Council's recommendation to reduce or eliminate pretextual stops is well underway. After multiple meetings throughout 2020, the Mayor's Fair and Impartial Policing Working Group recommended that BPD focus "the basis for traffic stops on safety and not just low-level offenses" and "minimize or de-emphasize as a lowest priority stops for low-level offenses." In February 2021, Council unanimously approved the Working Group's recommendations for adoption.[17] Plans are currently underway for implementation, with quarterly updates being provided to the Police Accountability Board.

Alongside the overall process of Re-Imagining Public Safety, the creation of a Berkeley Department of Transportation (BerkDOT) is moving forward as a parallel process. The purpose of BerkDOT is to significantly increase safety and enhance mobility in Berkeley, while reducing the potential for violence, humiliation, and harassment during traffic stops. The vision for the new civilian-staffed BerkDOT combines the current Public Works Department's above-ground street and sidewalk planning, maintenance, and engineering responsibilities and the current transportation-related BPD functions of parking enforcement, traffic law enforcement, school crossing guard management, and collision response, investigation, data collection, analysis, and reporting. We can begin to move forward on our vision for BerkDOT in the very near term, starting with the transfer of both collision analysis and school-crossing-guard management away from BPD and over to Public Works.

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[17] City of Berkeley, City Council Special Meeting, February 23, 2021. Motion, Item #1: "Report and Recommendations from Mayor's Fair and Impartial Policing Working Group"
https://www.cityofberkeley.info/uploadedFiles/Clerk/Motion%20Item%201%20Fair%20and%20Impartial%20Policing.pdf

"Black persons in Berkeley were about 6.5 times more likely per capita than White persons to be stopped while driving."

B. Racial Disparities in Traffic Stops by BPD

The Berkeley Police Department has a consistent and long-running history of racial disparities in the traffic stops it conducts. In May 2018, the Center for Policing Equity (CPE) released a report documenting these disparities by analyzing vehicle stops from 2012 to 2016 and pedestrian stops from 2015 to 2016. CPE found that "Black persons in Berkeley were about 6.5 times more likely per capita than White persons to be stopped while driving, and 4.5 times more likely to be stopped on foot."[18] The report also found that "Hispanic persons were about twice as likely, per capita, as White persons to be stopped while driving." Notably, the CPE report found that, among both drivers and pedestrians stopped by BPD, when compared to White persons, Black persons were 4 times more likely and Hispanic persons 2 times more likely to be searched.

Despite these disparities in both stop and search rates, the CPE report found that "Black and Hispanic persons who are searched are less likely to be found committing a criminal offense than their White counterparts are. Searches of Black individuals yield arrests only half as often as searches of White individuals do; searches of Hispanic individuals yield arrests 39% less often than searches of White individuals do." This underscores the idea that many of these stops are pretextual and biased in nature - Berkeley police are making stops in a racially disparate manner that is not backed by underlying rates of criminal offenses.

In July 2021, using updated data from 2015 to 2019, the City of Berkeley's Auditor released a report on police response and performed similar analyses.[19] The Auditor's investigation showed similar disparities for Black persons as the CPE report: Black people in Berkeley were about 4.3 times more likely per capita than White persons to be stopped across all stop types – 4 times greater for vehicle stops, 4.5 times greater for pedestrian stops, 4.6 times greater for bicycle stops, and 6.3 times greater for "suspicious vehicle" stops. Notable disparities in stops for Hispanics were not observed.

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[18] Buchanan JS, Pouget E, Goff PA (2018). The science of justice: Berkeley Police Department. Center for Policing Equity. https://www.cityofberkeley.info/uploadedFiles/Police_Review_Commission/Commissions/2018/Berkeley%20Report%20-%20May%202018.pdf
[19] Berkeley City Auditor (2021). Data Analysis of the City of Berkeley's Police Response. https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Data%20Analysis%20of%20the%20City%20of%20Berkeley's%20Police%20Response.pdf

The Auditor's report also showed that, once stopped by BPD, there were significant disparities in search rates: Black people were more than twice as likely to be searched when compared to white people (25% vs 11%) and Hispanic people were about 50% more likely to be searched (17% vs. 11%). Yet the yield rate once searched (i.e., the percent of those searched who are then arrested) is about a quarter lower for both Black and Hispanic people compared to their white counterparts (19% for Black people and 20% for Hispanic people vs 25% for white people).

While racial bias in stop data is not a problem unique to Berkeley, Berkeley's traffic stop disparities for Black people are much higher than in many other jurisdictions in California: the stop-per-capita disparity shown in the CPE (4.5 times higher) and shown by the Berkeley Auditor (4.3 times higher) dwarfs the disparities seen in Oakland (disparity of 2.1)[20], San Francisco (disparity of 2.6)[21], Fresno (disparity of 1.9)[22], San Jose (disparity of 2.6)[23], San Diego (disparity of 2.4)[24], Sacramento (disparity of 2.9)[25] and Los Angeles (disparity of 3.0)[26].

Because the stop percentages are compared to population percentages to examine disparities, questions have been raised by BPD and others as to whether Berkeley's stark disparities could be accounted for by the presence of Black non-Berkeley residents driving through the city. Starting in October 2020, Berkeley began collecting traffic stop data in accordance with the Racial and Identity Profiling Act (RIPA), which requires the collection of data on city of residence for all persons stopped by BPD, thus allowing this hypothesis around residence to be tested. Using 2021 RIPA traffic stop data, the disparity for traffic stops remains virtually unchanged - among Black Berkeley residents only, the per capita disparity in traffic stops is 4.1 (31% of traffic stops were Black people while the Black population in Berkeley has dipped to 7.6%).[27,28]

[20] Hetey RC, Monin B, Maitreyi A, Eberhardt, JL (2016). Data for change: A statistical analysis of police stops, searches, handcuffings, and arrests in Oakland, Calif., 2013-2014. Stanford SPARQ. https://stanford.app.box.com/v/Data-for-Change
[21] Khogali M, Graham M, Tindel J, Rau H, Mulligan K, Mebius C, Dunn K, Johnson-Ahorlu RN, Martin D, Beckles C, Weintraub SB, Goff PA (2020). The science of justice: San Francisco Police Department. Center for Policing Equity. https://www.sanfranciscopolice.org/sites/default/files/2021-03/SFPD.CPE_.Report.20210304.pdf
[22] Reis Thebault and Alexandria Fuller. "Justice for Who?"Unequal from Birth. https://unequalfrombirth.com/revised/justiceforwho/
[23] Smith MR, Rojek J, Tillyer R, Lloyd C (2017). "San Jose police department traffic and pedestrian stop study." El Paso, TX: University of Texas at El Paso, Center for Law and Human Behavior. https://www2.sjpd.org/records/UTEP-SJPD_Traffic-Pedestrian_Stop_Study_2017.pdf
[24] Justice Navigator, San Diego City, CA 2021: Traffic Stops. https://justicenavigator.org/report/sandiego-city-ca-2021/vs
[25] Justice Navigator, Sacramento City, CA 2021: Traffic Stops. https://justicenavigator.org/report/sacramento-city-ca-2021/summary.
[26] Los Angeles Police Commission, Office of the Inspector General. Review of Stops Conducted by the Los Angeles Police Department In 2019. https://a27e0481-a3d0-44b8-8142-1376cfbb6e32.filesusr.com/ugd/b2dd23_d3e88738022547acb55f3ad9dd7a1dcb.pdf
[27] City of Berkeley Open Data, Berkeley PD - Stop Data (October 1, 2020 - Present). https://data.cityofberkeley.info/Public-Safety/Berkeley-PD-Stop-Data-October-1-2020-Present-/ysvs-bcge
[28] 2020 Decennial Census. Table P2: Hispanic or Latino, and Not Hispanic or Latino By Race. https://data.census.gov/cedsci/table?q=Berkeley%20city,%20California&tid=DECENNIALPL2020.P2

C. The Drain of Traffic-Related Duties on Berkeley Police Department

Traffic stops are the single most common interaction people have with the police in the US,[29] and BPD performs an outsized number of traffic stops. In 2019, Berkeley police conducted nearly 11,000 traffic stops,[30] while Oakland, a city 3.5 times larger, had only 14,600 stops that same year (note: Oakland once had as many 38,000 stops (in 2015), prior to implementing their principled policing strategy).[31]

According to the Berkeley City Auditor's report analyzing 2015-2019 calls for service,[32] vehicle stops are the single most common type of police activity in the city, accounting for 13% of all police "events." After the 2nd most common type (disturbing the peace), vehicle stops are 2-4 times more common than any of the other top ten events. Adding in bicycle stops, the total number of stops over the 5-year period was 47,579 (for an average of 9,516 per year).[33] Vehicle and bicycle stops, in particular, stand apart from other calls for service in that the majority are officer-initiated (i.e., they are not initiated as a response to a community call to dispatch), making them attractive targets for how we might re-imagine policing. Officer-initiated responses represented 26% of police calls for service, and together, vehicle and bicycle stops represented a full 85% of these officer-initiated responses.

Beyond traffic stops, BPD dedicates a significant amount of time to multiple other traffic-related functions, including collision response, parking violations, vehicle abatement, and management of traffic flow during events. In fact, events characterized as "Traffic" in the Auditor's report account for nearly one-fifth (18%) of personnel time.[34] Not included in this 18% is time spent by sworn officers processing collision reports or managing the school crossing guard program, or time by non-sworn BPD employees such as parking enforcement officers or school crossing guards.

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[29] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Traffic Stops. https://www.bjs.gov/index.cfm?tid=702&ty=tp
[30] Kate Gosselin. Traffic enforcement and collisions in Berkeley, CA from 2015 to 2019. https://sites.google.com/view/saferstreetsberkeley/home
[31] [31] Oakland once had as many 38,000 stops (in 2015), prior to implementing their principled policing strategy. Oakland Police Department, Office of Chief of Police. 2019 Annual Stop Data Report. https://cao-94612.s3.amazonaws.com/documents/2019-Stop-Data-Annual-Report-6Oct20-Final-Signed-1.pdf
[32] Berkeley City Auditor (2021). Data Analysis of the City of Berkeley's Police Response. https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Data%20Analysis%20of%20the%20City%20of%20Berkeley's%20Police%20Response.pdf
[33] While considered in the Auditor's report, pedestrian stops were not included here, as a review of the descriptions shows that few relate to actual traffic-related violations. Instead, many "pedestrian" stops relate to "quality of life" violations such as blocking the sidewalk or having an open container in public.
[34] Berkeley City Auditor (2021). Data Analysis of the City of Berkeley's Police Response. https://www.cityofberkeley.info/uploadedFiles/Auditor/Level_3_-_General/Data%20Analysis%20of%20the%20City%20of%20Berkeley's%20Police%20Response.pdf

And finally, while BPD has its own Traffic Bureau, staffed with 3-4 officers, we still see that a full 25% of all events that patrol (i.e., non-traffic) officers respond to fall into the Auditor's "Traffic" category. Time spent responding to these traffic events represents patrol time not spent preventing serious crime and building community trust.

TASK FORCE RECOMMENDATIONS

1. **Review Transportation Laws, Fines and Fees to Promote Safety and Equity**

Numerous laws, fines and fees are in place in Berkeley that do nothing to promote public safety but instead disproportionately punish poverty and trap people in an inescapable cycle of debt. These laws, fines and fees actually undermine true public safety.

Berkeley should conduct a full review of the Berkeley Municipal Code (BMC) and our structure of fines and fees as they relate to transportation. This review should specifically identify items that serve only to criminalize and penalize poverty or serve as pretext to target at-risk populations. Once reviewed, any identified items should be brought to City Council to either eliminate or revise. In cases when these BMC laws

have State law equivalents, City Council should make clear that BPD should make enforcement of these State laws their lowest priority (i.e., decriminalize these behaviors).

Several transportation regulations within the BMC criminalize behavior that exists only because inadequate transportation infrastructure exists - individuals should not be penalized in these cases, but instead, the insufficient infrastructure should be addressed. One example is BMC 14.32.050, which requires pedestrians to obey "special traffic signals installed for pedestrians" even if vehicular traffic signals indicate it is safe for them to cross. These pedestrian signals are activated by "beg buttons," or push buttons that only give a "WALK" signal if pressed before the traffic light turns green. But if pressed even fractions of a second after the light turns green, a pedestrian must wait a full light phase before being able to cross, even when there is ample time for a pedestrian to proceed.[35] Here, it is clear that safety is not the issue, yet this law allows BPD discretion to stop and cite individuals in violation, opening the door to racial and other forms of bias. Instead, Berkeley could easily reset all signals to automatically give pedestrians a "WALK" signal when the vehicular traffic light turns green, without no need to press a button.[36]

Another example of a law that should instead be addressed by changes in infrastructure is BMC 14.68.130, which bars riding bicycles on the sidewalk (except by juveniles and police officers). This law may be enforced regardless of whether safe bicycling infrastructure exists on a street, and its existence asks bicycle riders to weigh their personal safety and risks of being hit by a car driver with violation of a law that has not been shown to increase safety. Again, this law fails to address the root problem (inadequate infrastructure) and opens the door to discretionary and biased police stops.[37]

Other BMC laws aren't easily addressed by infrastructure fixes but simply have no reason to be maintained in our code. One example is the bicycle licensing requirements laid out in BMC 14.68.0, requiring that all bicycle riders must have a license that gets renewed annually. Though the fees for the license are not excessive, the simple

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[35] Charles Siegel. (2018) "Opinion: 'Beg buttons' make Berkeley's pedestrians less safe" Berkeleyside. https://www.berkeleyside.com/2018/09/17/opinion-beg-buttons-make-berkeleys-pedestrians-less-safe

[36] The City did this at many intersections during the COVID-19 pandemic and could easily make those changes permanent alongside revising the code.

[37] A recent study in Chicago demonstrates this well - the study found that tickets for sidewalk riding were issued 8 times more often per capita in majority Black census tracts and 3 times more often in majority Latino tracts (compared to white tracts), but that across neighborhoods, tickets were issued 85% less often on streets with adequate bike infrastructure than on those without this infrastructure. Further, the issuance of tickets was not associated with increased collisions. Barajas, Jesus M. "Biking where Black: Connecting transportation planning and infrastructure to disproportionate policing." Transportation research part D: transport and environment 99 (2021): 103027. https://www.sciencedirect.com/science/article/pii/S1361920921003254

"…significant further research on alternatives to armed traffic law enforcement by police is needed."

presence of this absurd law in the BMC provides a pretextual reason for BPD to target some bicycle riders, while providing absolutely no benefit to public safety.[38]

Another issue is the matter of how Berkeley approaches fines and fees for violations issued. One example relates to our penalties for parking tickets, which can be devastatingly expensive to those experiencing poverty. While the city does offer an Indigent Payment Plan for Parking Citations[39] where late fees are waived and payments can be spread over time, there are substantial administrative hurdles to jump through to apply to this program and there are still fees to be paid. In instances in which a vehicle is towed,[40] the spiraling fines and fees could lead to the loss of a car or license, and this loss of mobility can further lead to loss of access to employment, education, or medical care.[41] Ensuring that cars are parked properly often does have an important public safety component, but not always, and punitive fines and fees certainly do not improve public safety.

Finally, Berkeley should reconsider how we issue tickets for equipment violations that do have a clear relationship to safety. Under California Vehicle Code (CVC 40303.5), certain vehicle equipment violations are eligible to be "corrected" within 30 days of the date of the notice of violation so that, with proof of correction, the penalty amount will be reduced to $10. However, vehicle repair is very expensive, and repair of an essential safety feature may be financially out of reach of many low-income individuals.

To address this, for those equipment violations that are absolutely critical to ensuring public safety (e.g., if both headlights are non-functional), Berkeley should put in place policies and procedures directing BPD to issue such violations as "correctable" on the ticket, and further, should explore a program to provide loans or vouchers for vehicle repairs for low-income drivers. Equivalently, bicyclists should never be ticketed for lacking lights on their bike - instead BPD should hand out bike lights to anyone who

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[38] In early 2021 in Perth-Amboy, NJ, a similar law provided cover for police to approach a group of Black and Latino youth on their bikes, harass and handcuff them, and ultimately confiscate their bikes. Sarah Holder. "Bike License Laws Have a Racial Profiling Problem" Bloomberg City Lab. https://www.bloomberg.com/news/articles/2021-04-23/the-biggest-problem-with-bicycle-licensing-laws

[39] City of Berkeley. Indigent Payment Plans for Parking Citations: Frequently Asked Questions. https://www.cityofberkeley.info/uploadedFiles/Customer_Service/Level_3_-_General/Indigent%20Payment%20Plan%20FAQ's.pdf

[40] If a vehicle is towed, for example, due to the 72-hour rule (BMC 14.36.050) or parking improperly during UC Berkeley football games, individuals must pay extremely expensive towing and storage charge plus an additional $75 release fee.

[41] Jorge Alvarado, Public Law Center, et al., Towed Into Debt: How Towing Practices In California Punish Poor People (2019). https://wclp.org/wp-content/uploads/2019/03/TowedIntoDebt.Report.pdf

doesn't have one. This approach will reduce unnecessary fines and fees while at the same time ensuring that critical safety fixes get addressed regardless of someone's ability to pay.

2. Fully Fund the BerkDOT Planning Process

As described in detail above, widespread systemic inequities plague Berkeley's traffic laws and traffic law enforcement. The City of Berkeley is leading the country in this effort to de-police transportation, with an approach that has been heralded nationwide as a model to follow. After Berkeley City Council passed BerkDOT, cities around the

country (including, but not limited to, Oakland, San Francisco, Los Angeles, Seattle, Philadelphia, and Cambridge) have been discussing similar efforts, citing Berkeley's leadership on the issue. These cities, and others, are looking for Berkeley's leadership on this important issue. It is critical that the groundbreaking work that City Council has launched on BerkDOT continue to progress, with appropriate resources, community engagement, and clear communications about the intent of the work.

The BerkDOT exploration and planning process is moving forward in parallel with the bulk of the Re-Imagining Public Safety Process. To date, Council has allocated $175K to this process, an initial $75K in October 2020 allocated as a result the City Manager's evaluation of Council's July 2020 BerkDOT referral[42] and an additional $100K allocated in December 2021 to " continue the study of potential BerkDOT or alternate organizational structure."[43]

Given the size, scope, and ambition of the BerkDOT proposal, and given the fact that Berkeley is the first city in the nation to approach this topic, there is a substantial need to adequately fund the BerkDOT exploration and planning process. In comparison, the SCU planning process received $185K, but SCU faces no legal challenges and has numerous models from around the country off which to build. To-date, the $175K allocated to BerkDOT has funded some initial background research on free-standing departments of transportation and also a community engagement component around traffic safety and enforcement (a BerkDOT-specific citywide survey and listening sessions).

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[42] City of Berkeley, Office of the City Manager, Update on Re-Imagining Public Safety, October 14, 2020. https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Reimagining%20Public%20Safety%20101420.pdf
[43] City of Berkeley, City Council: Supplemental Agenda Material for Supplemental Packet 2. FY 2021 Year-End and FY 2022 First Quarter Budget Update. December 14, 2021. https://www.cityofberkeley.info/Clerk/City_Council/2021/12_Dec/Documents/2021-12-14_Supp_2_Reports_Item_44_Supp_Mayor_pdf.aspx

To move this important and groundbreaking work forward, significant further research on alternatives to armed traffic law enforcement by police is needed, as is additional community engagement. Currently, Public Works staff estimates that an additional $200-250K would provide the adequate amount of funding needed to complete the BerkDOT planning process. Without this funding, the BerkDOT process cannot move forward with any degree of success, and the City absolutely needs to provide this funding.

Task Force Recommendations on 911 Call Processing and Alternative Call-for-Service Systems

A. The Emergence of 911 - "The Little Known, Racist History of the 911 Emergency Call System"

Excerpts below from: Katrina Feldkamp and S. Rebecca Neusteter, "The Little Known, Racist History of the 911 Emergency Call System," In These Times, January 26, 2021. Rebecca Neusteter is a first author for the renowned Vera Institute studies on 911 call processing and dispatching. Katrina Feldkamp is a public service lawyer.

"Telephoning an emergency service was a thorny process until the late 1960s. Local jurisdictions (which often overlapped) all had their own local telephone numbers. When a person called the police, for example, first they had to figure out the relevant jurisdiction they were in, then dial the department directly and hope someone was there to answer.

President Lyndon Johnson's administration is credited with "solving" these problems of responsiveness and efficiency with the creation of the centralized 911 system we know today. But the Johnson administration's motives were less than benevolent, aimed at quickly suppressing what it saw as harmful civil disorder — namely, protests by Black communities against segregation and police brutality.

In the summer of 1967, following several years of civil rights protests (159 across the country that summer alone), Johnson appointed a National Advisory Commission on Civil Disorders, better known as the Kerner Commission. The Kerner Commission was tasked with studying 24 so-called disorders that had occurred in 23 cities that summer. The commission's 11 members (almost entirely white, male, moderate politicians) and 118 staffers and assistants issued recommendations for preventing future "riots" in the Kerner Report, released Feb. 29, 1968.

The report is most remembered for condemning white America's racism as the primary cause of civil unrest in Black communities. It demanded investment in housing and social services for Black communities, recommended federal action to challenge discrimination in employment and education, and cited numerous instances in which police, not protesters, escalated riots. The commission, however, was not a bastion of progressivism."

"Tellingly, in the report's 'Supplement on Control of Disorder' — a section left out of nearly all published copies of the report but eventually converted into a training program administered by the Department of Justice — the Commission recommends expanding police capacity to suppress protests. The section advises state and federal law enforcement to intervene in civil disorders, recommends local police departments adopt militaristic riot control training and equipment (including tear gas) and encourages police departments to infiltrate Black communities."

"In February 1968, Johnson argued to Congress that the 911 number would decrease emergency response times, increase arrests and provide a "more immediate" solution to crime. Though [FCC Commissioner Lee] Loevinger warned Johnson it would likely attract calls that did not involve crime nor emergent harm, Johnson moved the project forward. In the 52 years following Loevinger's warning, countless 911 calls, dialed because of racial biases, have resulted in police violence and the murder of civilians, and funneled millions of Black, poor and oppressed individuals into the criminal justice system."

The report is most remembered for condemning white America's racism as the primary cause of civil unrest in Black communities. It demanded investment in housing and social services for Black communities, recommended federal action to challenge discrimination in employment and education, and cited numerous instances in which police, not protesters, escalated riots. The commission, however, was not a bastion of progressivism."
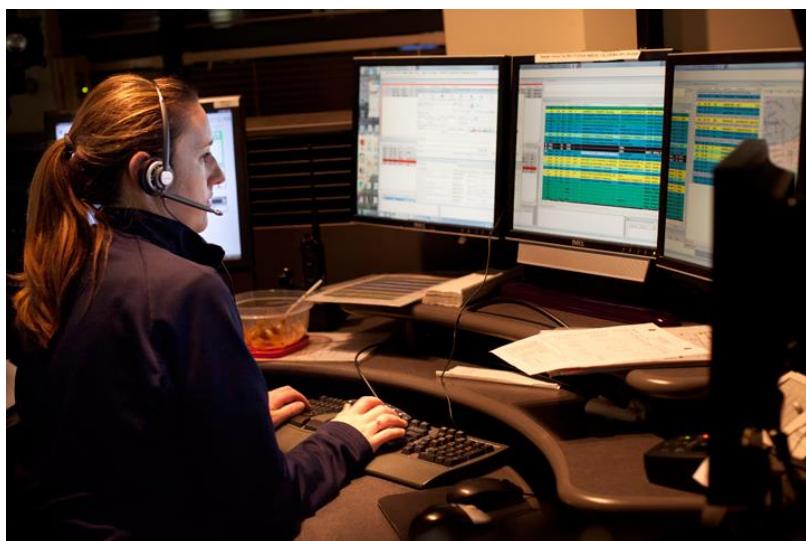
B. Berkeley City Council's Direction: Have City Auditor Perform an Analysis of the City's Emergency 911 Calls for Service and Police Response

The Berkeley City Council directed the elected City Auditor to perform an analysis of the 911 (and non-911) calls for service and police responses for Berkeley as one of the fundamental components of the Reimagining Public Safety Initiative. The City Auditor analyzed the Berkeley Police

Department's Computer Aided Dispatch system (CAD) data reflecting the City of Berkeley's 911 and non-911 calls for service from 2015-2019 (358,000+ calls).

The City of Berkeley further directed the commissioned consultant, the National Institute for Criminal Justice Reform, to analyze these calls for service in its contract for reimagining public safety for Berkeley. Neither the City Auditor nor the consultant provided demographic or geographic population analysis. The City Auditor analyzed the total calls data from 2015-2019 for mental health and homelessness components of total calls for service, while the consultant divided the calls between penal and non-penal codes.

C. Berkeley City Council's Direction: Develop Alternative Non-Police Responder Program to Reassign Non-Criminal Police Service Calls to a Specialized Care Unit (SCU)

The City of Berkeley has directed analysis and initiated development of a Specialized Care Unit consisting of trained crisis response field workers who will respond to calls from the Public Safety Communications Center. The City of Berkeley contracted with a health, behavioral health, and social services nonprofit organization, Research Development Associates (RDA), for community engagement research and a feasibility study to implement the SCU.

RDA produced 3 reports, including:

1) USA and international non-police response models
2) an evaluation the current City of Berkeley's co-responder mobile crisis unit with the Berkeley Police Department and deep community engagement research in Berkeley; and
3) Final Recommendations and rationales for the Specialized Care Unit.

The stakeholder perspectives reflecting the community engagement research are designed to underpin RDA's final recommendations for the SCU program.

It is noteworthy that the commissioned consultant has proposed a separate telephone line for the SCU as this local community engagement research and scholarship show diverse and marginalized people are extremely reluctant, avoid or do not use 911 for fear of a police response. RDA further provided a thorough implementation plan for moving towards developing a comprehensive 24/7 behavioral Health crisis response model for the City of Berkeley.

D. Introduction to Berkeley's Public Communications Center

The City of Berkeley has a Public Communications Center that is staffed by 911 professionals, managed under police leadership, and located in the Berkeley Police Department. In Berkeley, these professionals include call takers and dispatchers. In recognizing the importance of our 911 professionals, it is noteworthy that there are national and international associations such as the National Emergency Number Association (NENA) and the Association of Public Safety Communications Officials (APCO International, est. 1935), including for providing individual certifications and organizational accreditation.

E. City of Berkeley's Public Communication Center and 911 Professionals' Duties

Per the City Auditor's report, the 911 professionals—call takers/processors and dispatchers—answer emergency and non-emergency calls and dispatch police officers to events; they also accept, and process inbound 911 and administrative calls for police, fire, and medical services in the City of Berkeley (Auditor, 2021; 8). The City of Berkeley's call takers/processors further input call information into the Computer Aided Dispatch (CAD) systems and transfer the information to fire and police dispatch staff (Ibid.). Dispatchers coordinate all police-related calls requiring a response from law enforcement and enter all officer-initiated incidents into the CAD system such as pedestrian and traffic stops; they maintain radio contact with field staff as well (Ibid.). The term "processor" is used to further encompass the range of 911 professionals' duties, in addition to taking and answering the call.

F. Berkeley City Council Direction: Equitably Reduce Policing and Improve Wellbeing Using Calls for Service Data

For purposes of reimagining public safety, there must be an approach to analyzing 911 and non-911 and non-911 calls for service that results in reducing reliance on policing and equitably improving well-being for diverse and vulnerable communities who need emergency and nonemergency services: Black, Latinx, AAPI, immigrant, LGBTQIA+, people with disabilities, young, seniors, unhoused, formerly incarcerated and people with multiple identities. It is noted the City Auditor and the commissioned consultant did not analyze the CAD data by demographic populations or geographic areas such as zip codes or council districts.

"…They (Dispatch) only have call types such as "suicide attempt" and "5150" as primary call types for someone experiencing a mental health crisis in the community."

However, the City Auditor's CAD data analysis assessed the available CAD data about the number of events that related to mental health and homelessness in Berkeley from 2015-2019. This 911 analysis is important for potentially reducing reliance on policing to meet the needs of diverse and vulnerable people experiencing distress in the community in an equitable manner that improves well-being, although it is recommended here to further include a substance use component.

Specifically, the City Auditor's analysis identified 42,427 unduplicated events with a mental health component, or 12 percent of all events from (Auditor, 2021, 55). This analysis also identified 21,683 events involving homelessness, which represent 6.2 percent of all events during the same time period (Auditor, 2021; 57). While the data analysis reported that these events are "significantly undercounted" as the Berkeley Police Department does not identify all calls related to mental health and homelessness (Auditor, 2021; 53-54).

The commissioned consultant, on the other hand, analyzed 911 and non-911 calls for service by dividing call types into penal and non-penal categories in order to recommend 10 call types for non-police or civilian first responders (NICJR, 2021). Eight of these 10 call types recommended by this consultant appear to include administrative duties that BerkDOT or another municipal government agency may address: abandoned vehicle, found property, inoperable vehicle, lost property, non-injury accident, vehicles blocking driveway, vehicles blocking sidewalks, vehicle double parking. Further the other call types such as disturbance and suspicious circumstance can be cross-referenced to the top 10 call types identified by the City Auditor with a mental health and homelessness component.

Further the City Auditor's Data Analysis identified areas for improvement in call taking/processing and dispatching for entering CAD data into the system. As it stands, call takers/processors are trained to assign call types for the primary reason for the call, and currently they only have call types such as "suicide attempt" and "5150" as primary call types for someone experiencing a mental health crisis in the community (Auditor, 2021; 53). Further if the event involves a potential crime, dispatchers will always log it using a corresponding crime code and not a mental health call type (Ibid.). Thus, if a police officer arrives at the scene and there is no crime in progress, then the information may not reflect a mental health issue and moreover, may be assigned to another general call type such as welfare check or person down (Auditor, 2021; 53-54).

Moreover, the narrative descriptions entered by call takers and dispatchers, and the disposition codes used to reflect the actual event, do not necessarily capture a mental health or homelessness issue (Auditor, 2021; 54). The City Auditor's research reflected that out of 28,959 events with a mental health term, only 23 percent assigned to a mental health disposition code and showed officers further do not use disposition codes consistently (Ibid.). Additionally, the CAD system does not have a disposition code that indicates an event where an individual is experiencing homelessness (Ibid.). Moreover, the Public Safety Communications Procedures used by City of Berkeley's 911 professionals and the Berkeley Police Department are general and not specifically tailored for behavioral health call processing and dispatching.

G. TASK FORCE RECOMMENDATIONS ON CALLS FOR SERVICE

1. **Adopt City Auditor's Recommendations for Call Processing and Dispatching of First Responders and Others Contained in Report, and Add 'Substance Use' to 911 Recommendations**

At this stage the 911 call processing and dispatching research data on mental health and homelessness offers one of the most direct approaches to reducing reliance on policing and improving well-being for our most diverse and vulnerable communities and overall, for reimagining public safety. Given that alternative hotlines such as the national 988 mental health hotline (which will be live in July 2022) and alternative non-police responders such as the Specialized Care Unit will soon be options for 911 professionals in Berkeley, we can have keen foresight and effectively plan for these changes by implementing these recommendations:

1. To identify all calls for service that have an apparent mental health, substance use, and homelessness component in a manner that protects the privacy rights of individuals involved. (Auditor, 2021; 5—substance use added)
2. To create clear mechanisms for identifying mental health, substance use, and homelessness call types and to use them consistently during 911 call processing and dispatching including when they are not the primary reason for the call.
3. To consistently follow standardized language to describe mental health, substance use, and homelessness-related events in the narrative descriptions for every call.

4. To consistently use disposition codes for mental health and substance use events, and to create a disposition code for events that have a homelessness component.
5. To record any requests for a Mobile Crisis Team from the Division of Mental Health regardless of if this team responds to an event.
6. To establish quality assurance standards to create and measure clear, consistent use of call types, narrative descriptions, and disposition code for mental health, substance use, and homelessness (recommendation made in addition to Auditor's Report).
7. To expand the current calls for service data available on the City's Open Data Portal to include all call types and data fields (Auditor's Report, 2021; 5).

These recommendations can provide 911 professionals with the basis for establishing systematic, consistent procedures and behavioral health call scripts that screen and divert mental health, substance use, and homelessness calls towards an alternative non-police response. In July 2022, 911 professionals will soon have the option to transfer mental health calls to a national hotline, so it is imperative to establish this process. These professionals can further avoid punitive measures resulting from policing, criminal legal, and incarcerations involvement whenever possible, particularly for diverse and marginalized groups of people who are extremely reluctant, avoid or do not use 911 for fear of a police response.

   2. **Implement Specialized Care Unit (SCU): Alternative Non-Police Responder to Meet the Needs for People Experiencing Behavioral Health Challenges in Berkeley**

On July 14, 2020, Councilmembers Ben Bartlett and Mayor Jesse Arreguin and Councilmember Rigel Robinson proposed allocating general municipal funding to develop a Specialized Care Unit (SCU). The Specialized Care Unit (SCU) will be a non-police crisis response program for providing mental health and substance use services to distressed people in the community.

Councilmember Bartlett is the co-author of the Safety for All: The George Floyd Community Safety Act and Mayor Arreguin and Councilmember Rigel Robinson co-sponsored the municipal legislation. In the municipal legislation, they stated the SCU would "allow the police to focus on investigating and solving crimes while reducing the problem of over-policing black communities" and further that "More residents will experience better outcomes in public safety and community health." They cited these types of crisis assistance in other areas such as Eugene, Oregon where a "program known as CAHOOTS has been in place for 30 years."

In January 2021, the City Manager designated the Director of Health, Housing, and Community Services, Dr. Lisa Warhuus, as the project manager for the Specialized Care Unit program. Dr. Warhuss further established an SCU Steering Committee to work with the commissioned consultant, Research Development Associates, on the SCU program. The SCU Steering Committee is composed of municipal and community stakeholders: Fire, EMT, Mobile Crisis Unit for the Division of Mental Health, Mental Health Commission, and community leaders including from the Berkeley Community Safety Coalition (BCSC).

The City of Berkeley contracted with Research Development Associates to conduct three distinct reports in order to initiate the process to establish an SCU for Berkeley. For the past year, the SCU Steering Committee met bi-weekly including to work extensively with the commissioned consultant on the reports. The reports are available on the Reimagining Public Safety Task Force website.

The first report, "Crisis Response Models Report," presents a summary of crisis response programs in the United States and internationally. The second report, "Mental Health Crisis Response Services and Stakeholder Perspectives Report," is the result of extensive community engagement with stakeholders of the crisis system. These stakeholders include City of Berkeley and Alameda County agencies, local community-based organizations (CBOS), local community leaders, and utilizers of Berkeley's crisis response services. The report also presents a summary of key themes to inform the Specialized Care Unit model.

The third report, "City of Berkeley Specialized Care Unit Crisis Response Recommendations," proposes the consultant recommendations and guide implementation of the SCU model in the City of Berkeley. This report includes core components and guiding aims of the SCU model; stakeholder and best practice-driven design recommendations; considerations for planning and implementation; a phased implementation approach; system level-recommendations; and future design considerations. It is noteworthy that each recommendation put forth is deeply rooted in the stakeholder feedback of the two previous reports.

3. Establish Crisis Stabilization Center to Meet the Needs of People Experiencing Behavioral Health Challenges in Berkeley and Further Implement A Comprehensive 24/7 Behavioral Health Crisis Response System

The Substance Abuse and Mental Health Services Administration defines crisis stabilization services as:

A direct service that assists with deescalating the severity of a person's level of distress and/or need for urgent care associated with a substance use or mental disorder. Crisis stabilization services are designed to prevent or ameliorate a behavioral health crisis and/or reduce acute symptoms of mental illness by providing continuous 24-hour observation and supervision for persons who do not require inpatient services." (SAMHSA, 2014; 9) (SAMHSA, 2020; 23).[44]

Over the last two decades, crisis centers have been expanding across the country, evolving to become more comprehensive, recovery-oriented, and welcoming to individuals, first responders, and referral sources (NASMHPD, 2020; 10). Key components for crisis stabilization centers often include 24/7 staffing with a multidisciplinary team of behavioral health (mental health and substance use) specialists, including peers, clinicians, and psychiatrists or nurse practitioners (via telehealth) (NASMHPD, 2020; 10).[45]

Crisis Stabilization Centers can serve as an alternative to using emergency departments and moreover, criminal legal and incarceration systems as a crisis response to individuals experiencing a behavioral health and/or substance use crisis in the community. They can receive referrals, walk-ins and first responder drop-offs. (SAMHSA, 2020; 22). SAMHSA has further defined minimum expectations to operate crisis receiving and stabilization services, including accepting all referrals, not requiring medical clearance, designing services for both mental health and substance use issues, being staffed (24/7/365) with multidisciplinary team capable of meeting the needs of individuals experiencing all levels of crisis (SAMHSA, 2020; 22).

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[44] National Guidelines for Behavioral Health Crisis Care - A Best Practice Toolkit. Knowledge Informing Transformation. SAMHSA (2020). [online] Available at: https://www.samhsa.gov/sites/default/files/national-guidelines-for-behavioral-health-crisis-care-02242020.pdf and Crisis Services: Effectiveness, Cost- Effectiveness, and Funding Strategies. SAMHSA. (2014). [online] Available at: https://store.samhsa.gov/sites/default/files/d7/priv/sma14-4848.pdf
[45] Addressing Substance Use in Behavioral Health Crisis Care: A Companion Resource to the SAMHSA Crisis Toolkit. (2020). [online] Available at: https://www.nasmhpd.org/sites/default/files/2020paper4.pdf

Additionally, in areas where methamphetamine use is prevalent such as California, crisis providers have further become skilled in addressing methamphetamine induced psychosis, recognizing the need to treat the psychosis first and then connect individuals to the right level of care (NASMHPD, 2020; 10). Further crisis stabilization centers have addressed individuals who may need withdrawal management services (detoxification), including to offer services or provide immediate linkages and referrals, and to arrange transport to detoxification programs for crisis center clients who require that service (Ibid).

Crisis Stabilization Centers can thus represent a clear opportunity for improving the crisis response system to better meet the needs of distressed individuals from mental illness and/or substance use. These centers are designed to address the behavioral health crisis, reducing acute symptoms in a safe, warm, and supportive environment while observing for safety and assessing the needs of the individual (NASMHPD, 2020; 10). They can further reduce trauma and costs as a more appropriate level of care for people who do not require involuntary commitment to address their behavioral health needs (Ibid.).

4. **Implement A Behavioral Health General Order for the Berkeley Police Department that Emphasizes Diversion Away from Policing Whenever Possible**

For purposes of reducing policing and improving well-being, the aim of a Behavioral Health General Order is to addresses behavioral health— both mental health and/or substance use—for people experiencing distress in the community, to address 5150 involuntary commitments, de-escalating behavioral health crises, and divert people

towards an appropriate level of care and away from arrest, detainment, criminal case processing, and incarceration whenever possible.

An appropriate level of behavioral health care needs to be trauma- and harm-reduction informed, culturally safe, equitable and inclusive to meet the needs of Berkeley populations: Black, Latinx, AAPI, immigrants, LGBTQIA+ and Queer/Trans, people with disabilities, young, old, formerly incarcerated, historically or currently marginalized— those groups delineated in the Berkeley City Council's reimagining public safety referrals, resolutions, and directives in the omnibus packaged dated July 14, 2020.

Currently the BPD General Orders related to behavioral health are focused on: 1) CIT (Crisis Intervention Training), 2) Mentally Disordered Persons, 3) Intoxicated Persons.[46] Initially it is important to evaluate the language contained in these orders to ensure they do not use stigmatizing language. Moreover, there are a significant number of people who may experience distress resulting from the impacts of both mental illness and substance use, and the general orders need to account for this prevalent reality.

Symptoms can manifest from a mental health condition such as schizophrenia that mirror those from substance use such as methamphetamine. Symptoms of both mental illness and substance use can further manifest simultaneously and they may not be decipherable unless, for instance, the impacts from substance use diminish in intensity over time. Consequently, this reality means evaluating both mental health and substance use issues and conditions or potentially missing key considerations of critical needs for determining an appropriate level of care treatment and diverting people away from criminal case processing and incarceration.

As it stands, the Berkeley Police Department has a "Crisis Intervention Team" General Order that provides four primary objectives for their CIT Program, including de-escalating crises, reducing the necessity for use of force, reducing recidivism, and collaborating with behavioral health providers and consumers to meet these goals. However, this General Order indicates dispatching CIT officers when possible and as an ancillary duty. Thus, it is possible Berkeley police officers may respond to crisis who are not trained to de-escalate mental health crisis and potentially if CIT trained, they may not have received substance use training.

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[46] The Berkeley Police Department (BPD) General Orders are located on the City of Berkeley webpage for Training and Policy. They are available at: https://www.cityofberkeley.info/BPD_General_Orders.aspx The BPD CIT General Order is C-66; the BPD Intoxication General Order is I-15; and Mentally Disordered General Order is I-16.

The "Mentally Disordered Person" General Order defines a "mentally disordered person" as a "person who is a danger to him-/herself, others, or is gravely disabled as a result of a mental disorder." This General Order is designed to define the state law language under the Welfare and Institutions Code, Sec. 5150, and the legal requirements to implement it, as opposed to providing a Behavioral Health General Order that addresses persons in crisis from the impacts of mental illness and/or substance use and when it rises to the level of a 5150 involuntary hold for purposes of diverting people away from involuntary treatment when possible and only using 5150 holds as a last resort. It is noted that the terms "mentally disordered" may be stigmatizing and that potentially using a person experiencing a mental health crisis may improve the language.

The "Intoxication" General Order defines "Intoxicated person" as any person who, by reason or his/her ingestion of an alcoholic beverage and/or drug use, loses the ability to provide for his/her immediate safety and/or welfare needs. In addition, the BPD "Intoxication" General Order states that it is designed to "permit dispositions other than incarceration for intoxicated persons to provide for the welfare of the subject and maintenance of peace."

It is noteworthy that the "Intoxication" General Order discusses "custody" and the basis for detaining a person, but also eligibility for release and non-criminal disposition, and sets forth options for police officers such as driving the "intoxicated" person home if not subject to physical arrest and booking. Generally, this "Intoxication" General Order appears to be framed more in terms of meeting safety and welfare needs and diversion from punitive measures such as criminal case processing and incarceration.

Overall, the BPD CIT General Order uses a de-escalation approach for people in a mental health crisis, while the BPD "Mentally Disordered Person" General Order for 5150 involuntary holds states that it is designed to "establish policy and procedure for the custody and transportation of mentally disordered persons to designated treatment facilities, and other processes." It does not provide for persons who do not meet the 5150 standard and diverting them to an appropriate level of care and not criminal case processing and incarceration. It is also framed in terms of people experiencing mental illness as generally dangerous, and not necessarily as vulnerable individuals deserving of treatment and services. Thus, an overarching, comprehensive Berkeley Police Department Behavioral Health General Order would potentially provide for streamlining the current orders and diverting as many people as possible away from policing and towards well-being services in the community.

Additional Information for Proposed Tiered Dispatch and CERN (Community Emergency Response Network)

A. Introduction to Tiered Dispatch

The commissioned consultant for the City of Berkeley, the National Institute for Criminal Justice Reform, has proposed alternative non-police first responder program referred to as "CERN"–Community Emergency Response Network. As previously discussed, the consultant looked at the Auditor's calls for service analysis of 358,000 calls from 2015-2019 and re-classified those calls into penal and non-penal calls. Based on their analysis of non-penal calls, they determined 10 call types that an alternative first responder, their proposed CERN, could respond to in the community. The call types, as formerly discussed, focus primarily on traffic and property related calls, and those calls that may likely have a mental health or homelessness component such as disturbance or suspicious person.

In addition, the commissioned consultant recommends a 911-tiered dispatch program whereby the City of Berkeley's Public Safety Communications Center would have 4 tiers for dispatching first responders to people in the community. Tier 1 would only dispatch CERN responders in response to the non-criminal calls for service. For Tier 2, CERN responders would lead, and officers would be present. The calls for service would have a low potential for violence where arrest is unnecessary or unlikely, although the consultant did not recommend specific call types for Tier 2. Tier 3 refers to officers leading and CERN present for non-violent felonies where there is a low potential for violence, and arrest is unnecessary or unlikely. Again, the consultant did not recommend specific call types for Tier 3. For Tier 4, only officers would respond as these calls for service would involve serious violent felonies.

Under their Reduce construct, the consultant NICJR states: "To achieve the goal of a smaller law enforcement footprint and to reallocate a portion of the BPD budget towards more community supports, NICJR recommends the Implementation of the Tiered Dispatch/CERN model."

An underlying premise of the Reimagining process was that many current calls for service do not require a badge or a gun and can be better handled by non-police response. This is the view of both the Task Force and the NICJR consultant. Further, there is agreement that most mental health and homeless related calls for service, and most officer-initiated traffic stops, fit into this category, as do various other call types. There is also general agreement that there is a continuing role for police – primarily to

focus on prevention of community crime and violence and responding to calls for service involving crimes and/or violence.

B. General Questions on 911 Call Processing and Dispatching First Responders

The general agreement described above masks many complex questions that are either not, or inadequately, discussed by the consultant in their discussion of their CERN proposal.

Questions include:

1. Who determines, and at what point in time, which calls are handled by whom (e.g., by CERN, BPD, SCU)?
2. What is the system (or multiple systems) for both receiving calls and routing the responses?
3. How does one system (e.g., CERN) mix and match with other programs under discussion (e.g., SCU, BerkDOT)?
4. Who will provide and staff these non-police responses (i.e., City staff or contractor, professional credentialed or community responders) and if contractors, under what color of authority will they provide City service?
5. When will staffing, and at what staffing level, be available to change, if at all, the allocation of calls for service -- whatever the merits of replacing police, we cannot replace something with nothing?
6. What system is in place should the nature of the call change (i.e., what is the back-up system in case seemingly benign calls turn violent and/or criminal)?
7. Is BPD involved (e.g., as co-responder, as back-up, etc.) or are they required to be separate from these non-police responses?
8. What liability issues do these new responses present to the City; (ix) what impact, if any, does reallocating some percentage of calls for service from police affect the minimum police patrol staffing necessary to perform their function of focusing on and responding to calls for service involving crimes and or violence?

"It was clear to the Task Force that there had been no serious vetting of the NICJR proposal by Dispatch."

C. Inquiries

Inquiry 1 – Determining What a Tier 1 Call Is

The basic premise of the CERN model is that the only appropriate use of police is in responding to criminal or violent calls for service and that CERN would handle 50% of "Tier 1" calls (calls for service that are neither criminal nor violent.) CERN assumes that the current 911 Dispatch would refer certain Tier 1 calls to a CERN dispatch (i.e., that meet certain criteria regarding call for service call type).

There is no clear agreement between Berkeley Dispatch and NICJR as to how to interpret or dispatch many types of calls. Many calls considered CERN-referral calls by NICJR (e.g., Disturbance) may be considered BPD calls by Dispatch. This is because very frequently the call provides insufficient information to know what is actually happening.

In Task Force meetings, and in "sit-alongs" with Dispatch, it was clear that very little was known until someone was dispatched to the scene. Moreover, Dispatch seemed reluctant to send police officers to some (apparently non-criminal) calls without available officer back-up. Whether they would refer these, and other, calls to a CERN unit is unknown. Currently the BPD uses general communications procedures that are not tailored for behavioral health call processing and dispatching, and there is a need to improve the CAD system for handling behavioral health calls at the BPD Public Safety Communications Centers. Potentially these deficits contribute to the resistance by call takers and dispatchers to support alternative responders.

While these issues might be resolvable through actual implementation, it was clear to the Task Force that there had been no serious vetting of the NICJR proposal by Dispatch. Moreover, when discussing the NICJR proposals with the Task Force, senior Dispatch officials took serious objection.

Note: It is the view of BPD that while they agree that many calls for service may ultimately not require police intervention, they argue that until the officer is dispatched to the scene to assess the situation, that this determination cannot be made.

It should be noted that various SCU type programs addressing mental health and substance use calls for service divert some calls to their SCU version without sending police to the scene. There are SCU type programs in Eugene, Portland, Olympia, Seattle, Sacramento, Oakland, San Francisco, Santa Cruz, Los Angeles, Albuquerque, Houston, Austin, Denver, Chicago, and New York City. Some 911 centers also use behavioral health call scripts to screen for low level mental health and substance use calls that can be handled by alternative non-police responders. It is also well-established that the majority of 911 calls are not police related.[47] It is important to further consider how we can move forward to ensure equitable 911 service delivery for diverse groups of people. The SCU consultant has proposed training for Dispatch in the Final Report and Recommendations, including with other cities that have these programs.

Inquiry 2: Defining the Relationship between CERN, SCU and BerkDOT

It is unclear how CERN would relate to whatever SCU dispatch system is forthcoming or whether a successful build-out of the SCU would reduce demand for CERN. While the Reimagining and SCU processes were distinct, they were occurring at the same time and the NICJR proposals did not seem informed by the SCU process or recommendations. There could be substantial confusion and complexity in piloting both SCU and CERN at the same time.

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[47] See Vera Institute studies and the Community Responder Model Report by the Center for American Progress and the Law Enforcement Action Partnership. The later report has further shown substantially adverse outcomes for communities of color, people with behavioral health disabilities and others from sending police unnecessarily in response to these calls for service (see report, 2020, p. 3).

The BPD Public Safety Communications Center handles 911 calls for service and will presumably continue to do so, including for CERN and other calls. The consultant, RDA, has proposed a separate line for SCU as many diverse and marginalized groups do not use 911 for fear of police response.

Also unclear is how CERN would relate to numerous future BerkDOT activities that are being proposed. Specific calls for service falling into this category include abandoned vehicles, inoperable vehicles, non-injury "accident," vehicle blocking driveway, vehicle blocking sidewalk, and vehicle double parking. Using 2019 data in NICJR's report, these future BerkDOT activities represent ~12% of calls for service to be covered in the CERN pilot. To include transportation calls for service as a part of CERN when they would clearly fall under the BerkDOT framework represents a problematic proposal, and inclusion of these call types within CERN requires more analysis as it relates to BerkDOT.

Overall, the proposed 10 call types for the CERN pilot can generally be divided between BerkDOT and SCU. Seven of 10 call types are either property or traffic related reporting/administrative duties. Two call types for disturbance and suspicious person may include a mental health or homelessness component. Ultimately there may be no reason for establishing a CERN if other alternative responders can take on the work.

The 911 recommendations above in this Reimagining Report include specific items to improve call processing and dispatching for mental health and substance use calls, including addressing call types, narrative descriptions, disposition codes that allow for appropriately categorizing calls.

Inquiry 3 – The Role of Back-up by Police for Alternative Responders

There was no NICJR discussion as to whether CERN (or SCU or BerkDOT) staff would have back-up from BPD should that become necessary or requested. This is important for two reasons: (i) for the security of the non-police responders; and (ii) the strongly held view of both SCU and Task Force members that it is important for callers to be assured that their call for assistance will not result in any possibility of referral to police and the criminal justice system. The future of any non-police response system depends on the continued security of non-police responders. Protecting callers for service from any police involvement for certain types of calls was considered of major importance.

Inquiry 4 – Staffing and Organizational Capacity for Piloting Programs

NICJR indicates that CERN responses would be provided under contract to local non-profits. Some non-profits were briefly identified, though there was no analysis of their capacity to handle the CERN work. Assuming for the sake of argument that a CERN system makes sense, there is an important debate as to whether this should be staffed by City staff or outside contractors. For some calls for service, particularly the behavioral health ones to be handled by the SCU, contract responders may provide excellent service. For other calls for service within the CERN Tier 1 list, there is a question as to what staffing qualifications and capabilities are required and whether responses might be better handled by City staff as opposed to non-profit contractors. In particular, there is a question whether non-City staff responders would have the legitimacy or authority to address conflicts between residents.

The NICJR report provides examples of Tier 1 CERN-related issues (e.g., a noisy party or blocked driveways). NICJR states that the mediation skills of the non-profit team would be sufficient to gain resolution. This may not be the case. Resolution may not necessitate the police, but it might require the possibility of some form of citation (e.g., by code enforcement officials).

These are not irreconcilable issues, but they need to be thought through. In both cases, a code enforcement model might be applicable using their authority to issue citations. This will not work if staffing is with non-profit employees. If staffed with City employees, it will require increasing code enforcement staffing. The issue of responder qualifications or whether color of City authority may be necessary, or how often, is not discussed or analyzed by NICJR.

It is worth noting that for the SCU, the SCU consultant, RDA, has recommended an EMT, behavioral health clinician, and peer specialist as their staffing model.

Inquiry 5 – Screening, Triaging, and Dispatching Calls for Service

Dispatch issues are at the core of the implementation of any Reimagining process. Whatever changes are recommended or approved must consider the realities faced by Dispatch.

Dispatch currently has limited triage responsibilities. It essentially dispatches officers to respond to calls for service. If a call seems to be a behavioral health call, and when the MCT is on duty (roughly 25% of the time), Dispatch also sends the MCT. Dispatch has no other triage responsibilities (other than to counsel the caller themselves).

If behavioral health, homeless, or other Tier 1 calls continue to get routed through Dispatch, this will require a major change for Dispatch. Dispatch will now have to determine who to send the call to: BPD or some other responders. In addition, if dispatching to other non-BPD, to what extent will these calls require some form of back-up.

Questions requiring consideration and not analyzed by consultant:

1. How do we coordinate 911 calls for police, SCU, CERN?
2. How will the community know who to call for which services, especially if want no BPD involvement?
3. How will responses be coordinated if some calls go to Dispatch and others go to a separate dispatching phone number?
4. What is the process for resolving these issues?

The City of Berkeley has executed a contract for a public safety consultant to work with the Fire/EMS Department in order to address 911 call processing and dispatching for fire/EMS calls for service. The City's contract provides some $100,000 for up to 3 years for this purpose. We do not know the full scope of this project, but it intends to enhance triage responsibilities outside BPD. In addition, there is a possibility of placing a behavioral health clinician outside of the BPD dispatch including at the CBO for SCU.

Inquiry 6 – Effects on Patrol Staffing and Potential Police Savings

NICJR recommends that by removing 50% of non-violent, non-criminal calls for service from BPD that BPD Patrol staffing could be reduced by 50%. NICJR explicitly maintains a BPD role to focus on crime and violence, but NICJR does no analysis of the Patrol staffing levels necessary to perform the new BPD Patrol role.

This issue merits further discussion. The belief that removing some calls for service from BPD will have a corresponding reduction in BPD Patrol staffing needs, and that these reductions can finance the build-out of the SCU and whatever form of CERN-like entity the City

ultimately pursues, was not analyzed by the consultant.

(a) Consultant Recommendation of 50% Patrol Reduction

The consultant reviewed the Auditor's report regarding calls for service (CFS) and determined that a large percentage of types of calls for service need not be handled by BPD. The consultant also stated that some types of calls for service do need to be responded to by police.

From this "analysis", the consultant asserts that half of BPD "patrol" officers could be removed from Patrol. However, there is nothing in the consultant report that would lead to this conclusion. The consultant did not study the personnel resources it takes to respond to each type of service and made no analysis of the police resources needed to respond to those calls for service the consultant states should remain with police. The consultant just assumed, not based on analysis, that all calls for service are roughly identical in terms of staffing demands.

The major question regarding the potential for reducing police patrol staffing is analyzing the number of officers on duty at any point in time (not on average across a year) that are needed to respond to that set of calls for service deemed to require BPD (calls involving crime, violence, and other requisite BPD responses). Currently, Patrol is staffed at 22-24 officers for most shifts (1 per each of the 18 Patrol beats with some minor additional coverage) and roughly 9 officers during the "dog-watch" hours of the early morning in which each officer covering 2 of the 18 Patrol beats).

Key questions:

1. Regardless of how many Tier 1 calls for service are taken from BPD, how many fewer Patrol officers on duty at any particular time are sufficient to provide adequate coverage for those calls for service deemed to require police responses?
2. Would two-thirds of this staffing be sufficient (i.e., 14-16 officers on duty during major hours and 6 officers in the wee hours)?
3. Would half of this staffing be sufficient as stated by the consultant (i.e., 11-12 officers on duty per principal shifts and 4-5 officers for the entire city during the wee hours)?

We could imagine that BPD could adequately cover Berkeley Patrol needs with fewer beats and hence fewer officers to cover these reduced number of beats but determining

the magnitude of such reductions and creating a reduced number of police beats requires analysis and this was not studied by the consultant.[1]

The Task Force attempted to elicit information from the Acting Police Chief during her many presentations to the Task Force, but she was not forthcoming (presumably not wanting to negotiate Patrol staffing reductions in public).

Bottom line: the operational question is not the number of calls for service of different types as per the consultant approach; rather, it is the minimum police staffing, at any point in time, that is required to respond to those calls for service that the City deems should be responded to by BPD as well as any other BPD Patrol duties. This remains to be analyzed.

(b) Patrol staffing vs. BPD staffing

In analyzing potential reductions to BPD staffing, it is important to differentiate Patrol staffing (about 60%) and all other BPD sworn staffing. In Berkeley, non-Patrol staffing includes Investigations (investigating crimes), Traffic Bureau, Community Services, Administration, among other functions. Many proponents of reducing Patrol (including the consultant), believe it is important to maintain or increase Investigations. *(Note: the consultant called for an increase of 5 officers in Investigations.).*

Assuming that many Patrol functions can be better handled by non-BPD does not lead to a corresponding reduction in non-Patrol staffing. As such, the consultant recommendation to reduce Patrol by 50% (the lack of consultant analysis to support that recommendation notwithstanding) would only reduce total BPD sworn staffing by 50% of the 60% of BPD sworn or a total of 30% reduction. Moreover, the consultant recommended that 5 of those reduced from Patrol should be re-assigned to Investigations. This would lead to a reduction of 35 officers or about $7-8M per year. These 35 officers compare with that total BPD sworn staffing of or about 22%.

(c) Potential Unintended Consequences of Reduced Patrol Staffing

BPD "de-escalation" is based on controlling situations by responding in numbers with multiple officers. It is important to note that the efficacy of this mode of de-escalation has not been proven and bringing multiple officers on scene can escalate some instances such as behavioral health crises. This compares with the Oakland approach of using fewer officers to "control" incidents, but with a more aggressive use of weapons. Reduced Patrol staffing may make current de-escalation strategy difficult.

Query: Will reductions in Patrol officers on duty lead to arguments for additional uses of force? This was not analyzed by the consultant and will bear close monitoring.

Inquiry 7: CERN and BerkDOT

Among other concerns with NICJRs recommendation to establish a CERN Pilot Program is the presence of numerous future BerkDOT activities that are being proposed. Specific calls for service falling into this category include abandoned vehicles, inoperable vehicles, non-injury "accident," vehicle blocking driveway, vehicle blocking sidewalk, and vehicle double parking. Just taking the 2019 data presented in NICJR's report, these future BerkDOT activities represent ~12% of pilot calls for service to be covered in the CERN pilot. To move forward with these responses are part of CERN, when they should clearly fall under the BerkDOT framework, represents a problematic proposal and these suggestions were made without reference to the separate and parallel BerkDOT development process. Inclusion of these transportation-related calls for service within CERN requires more analysis as it relates to BerkDOT.

Inquiry 8: CERN Staffing and its Sufficiency

NICJR proposes staffing their CERN pilot as follows: "NICJR's recommendation is to divide the City into two CERN districts and award contracts to two CBOS to cover each district. Each CERN district should have three teams (one team per shift) of two CERN responders or Community Intervention Specialists, plus two additional Community Intervention Specialists as floaters to cover staff who call out or are on vacation." Whatever the merits of CERN, this staffing model seems insufficient. It claims to cover 3 shifts per day with 3 teams but seems to ignore weekends. It mentions some coverage for vacation, but there will be sickness, training, and other drains on staffing. As indicated above regarding policing, it roughly takes 5x staff to cover one full staff slot 24/7. NICJR is only indicating coverage at 3x. This is a minor concern but seems to substantially understate the requisite staffing and the consequent costs.

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[1] Technical note: To staff one shift 24/7, requires a minimum of 4.2 staff, just to cover the hours – i.e., 7 days x 24 hours = 168 hours/week; this requires 4.2 x 40 hour shifts. Taking into account vacation, sick leave, training, court time, etc., this 4.2 rises to approximately 5x.

[1] "The Police Operations Division budget, which houses costs associated with Patrol, comprised between 52 and 60 percent of the Department's budget during the review period; Patrol is responsible for responding to CFS in the City of Berkeley."

"This analysis suggests that under any scenario, officer time associated with responding to all calls for service accounts for less than half of the Police Operations Division budget. . . This result suggests that most costs are NOT associated with on-scene response." (p. 11)

Task Force Recommendations
on Gender-Equitable Response Systems

A. Improving Gender Equity in Berkeley

Investments by the City to address gender-based violence could have a profound impact not only in preventing further abuse, but in building a future in which all community members feel safe at home, and in their communities. The Task Force hosted two listening sessions for providers of gender-based violence (domestic abuse, sexual assault, human trafficking) to identify ways responses could be improved, enhanced, and reimagined. Input gathered from these sessions as well Task Force members' expertise form the basis of the recommendations listed below. It is estimated that implementation of these recommendations would cost just under one-million dollars.

Task Force Recommendations on Gender Equity

1. Provide City Leadership to Host Regular Meetings and Coordinate Services

The City should create a forum for service providers, advocates, community members and response teams (police department, behavioral health crisis) to address issues related to domestic violence, human trafficking, and sexual abuse. This group should meet regularly. City leadership should also participate in County efforts, like the Family Violence Council in Alameda County [1]

Having the City serve as lead will institutionalize these much-needed partnerships. These meetings would be especially important if a tiered response system is adopted by the City, as victims and survivors of crime will be captured in all tiers (e.g. domestic violence may be reported by a caller as a noise disturbance). During the first listening session, many providers noted that the listening session was the first time that they had been asked for their feedback. Establishing a forum would forge new and ongoing partnerships between the City and providers. For survivors of intimate partner violence, a coordinated community response serves as a protective factor against future violence.[2] Outreach should be done to ensure that BIPOC leaders are at the table.

2. **Coordinate with Court and Other Law Enforcement to Implement New Firearm and Ammunition Surrender Laws**

Countywide coordination will be needed to implement Senate Bill 320[3], which would require law enforcement to act quickly to enforce firearm and ammunition restrictions for domestic violence restraining orders. Safely removing firearms in these situations is crucial, as research shows a strong association between domestic violence and mass shootings.[4]

Local courts are now required to notify law enforcement when the court has found that a person is in possession of a firearm or ammunition, in violation of a domestic violence restraining order. Law enforcement must take all necessary actions to obtain the identified firearms/ammunition.

3. **Annually Update the Police Department's Domestic Violence Policies and Victim Resource Materials**

California law frequently changes in the area of domestic violence. For example, during the 2021-2022 state legislative cycle, at least five bills passed that change the law for domestic violence restraining orders, including SB 320 noted above. Updating these procedures regularly and in coordination with providers, will ensure that policies reflect current laws and address community-based concerns.

4. **Implement Regular Domestic Violence and Trauma-Informed Training for Officers, Dispatch, and Responders to 911 or Non-Emergency Calls**

These trainings should be designed in partnership with community-based providers so that the information is tailored to local needs and issues. This training would be in addition to statewide training requirements through POST (Peace Officer Standards Training).

Providers report that victims and survivors seeking help from police often feel unheard and further traumatized by the experience with police. Examples include allowing other family members to speak or translate for the victim when family members may be related to the abuser. This recommendation is consistent with NICJR's recommendation that the department increase its use of local community members to provide training.

5. **Publish Victim Resources in Plain Language and Multiple Languages**

Victim resources must reach the widest possible array of people, in easy-to-understand language for those with limited language proficiency or low literacy. Languages should include but not be limited to, Spanish, Chinese (simplified), Tagalog, Vietnamese and Korean.[5] Other languages that are spoken in Berkeley should also be included.

6. **Screen for Domestic Violence in All 911 and Non-Emergency Calls**

To reach individuals experiencing domestic violence who are unwilling or unable to come forward, domestic violence should be screened for in all 911 and non-emergency line calls and by the responding officer, including community-based officers (e.g. CERN). This would include collecting information regarding the alleged victim and alleged suspect's relationship to one another.

This would lead to better data on the number of domestic violence cases the police and others respond to in the city. Noting the penal code or city ordinance section alone would not capture all domestic violence cases.

"Providers report that advocates sometimes must act as a safe middle person between the victim and police."

7. **Assign a Female Officer to Interview, Examine, or Take Pictures of Alleged Victims at Victim's Request**

This policy would acknowledge that some victims and survivors will feel uncomfortable with having a male officer examine or question them. This could result in the victim giving an incomplete statement (e.g., not disclosing sexual abuse or showing an injury) and further traumatize the victim.

8. **Police Response to DV Calls Should Be Accompanied by or Coordinated with DV Advocate**

This could involve a victim advocate being present at the scene or a warm handoff to a victim advocate over the phone or immediately following a police response. This practice is especially important in cases where there is a high risk of lethality, language or cultural barriers that could lead to miscommunication or further traumatization, and high needs cases where victim or family members require a number of services to achieve stability. Having a victim advocate present will help ensure that victims are heard and not further traumatized.

Providers report that advocates sometimes must act as a safe middle person between the victim and police, to ensure that the victim is not mistreated or further traumatized by the interaction with police. This feedback is consistent with information gathered from the community engagement process where black residents spoke of the need for a safety ambassador to act as a bridge between the community and police (see page 40 of Summary of Findings report from Brightstar Research).

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[1] The Family Violence Council is led by the Superior Court of Alameda County, for stakeholders to improve coordination and cooperation between the court and public and private agencies. This body meets at least four times a year. For more information: http://www.alameda.courts.ca.gov/Resources/Documents/2020-04%20Family%20Violence%20Council(1).pdf
[2] https://www.cdc.gov/violenceprevention/intimatepartnerviolence/riskprotectivefactors.html
[3] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB320
[4] "Domestic Violence, Firearms, and Mass Shootings," http://jaapl.org/content/early/2020/02/05/JAAPL.003929-20
[5] These languages represent the top five languages spoken in the Bay Area and California. At a minimum, victim resources should be translated into these languages

Task Force Recommendations on Disability from People with Behavioral Health Challenges (PEERS) Listening Session

1. Include PEERS in Developing Behavioral Health Responses

PEERS indicated that the first and most important recommendation is outreach and inclusion of PEERS who have worked on behavioral health reforms since the 1990s, when this movement began. There are trained Peers who are invaluable to developing responses to behavioral health crises and supporting the transition to new systems of safety in Berkeley.

PEERS are crucial for unpacking the scope and nature of behavioral health crises to provide a nuanced understanding, approach, and framework for responding with appropriate levels of care to people with behavioral health challenges in the community--particularly for a non-police crisis response like a Specialized Care Unit (SCU).

2. Sufficiently Fund & Support Behavioral Health Respite Centers

Drop-in and wellness centers for people living with behavioral health challenges need sufficient funding and staff with full-time Peer Support Specialists where individuals experiencing non-threatening altered states and/or behavioral health crises can move through their crisis is a safe and supported state.

It is further essential to have availability 24/7 and on holidays, and to involve PEERS in the transit from the behavioral health crisis to the Peer staffed drop-in/wellness center. Peer Navigators are also key to assisting people in navigating complex systems, including how to get appropriate services in the City of Berkeley and Alameda County.

3. Have a Reconciliation Process with People Living with Behavioral Health Challenges and Police

There is a need for a reconciliation process with police, particularly as a response to traumatic experiences with police. A reconciliation process, as well as a restorative justice process, with people living with behavioral health challenges may help build trust and rapport with police officers in the future.

4. **Clarify the Risk Assessment by Call Takers, Dispatchers, and Police for Behavioral Health**

There is a need for clarification about how Public Dispatch Operators and the police use their discretion to make decisions about "public safety threats." It is not clear if the current protocol is designed to not only determine if someone is a "danger to themselves or others," or "gravely disabled" to meet the standard for a 5150 involuntary hold, and/or if the assessment offers a more nuanced evaluation for persons who do not meet this standard, particularly to assist with next steps in care if needed.

5. **Improve De-Escalation Training for Police & Offer Public Education on Behavioral Health**

There is a need for additional de-escalation training for law enforcement and public education about connecting with community members who interact with the world differently than they do—including using peers as part of training.

6. **Account for Overlapping Systems of Care for People Living with Behavioral Health Challenges**

There is a need to account for overlapping systems of care, including medical, behavioral health (mental health, substance use), social services, and other systems. Participants in the Peers Listening Session, who identify with homelessness, discussed how current systems are not set up in a way that enables long-term sustainable wellness of the behavioral health community.

Task Force Recommendations from LGBTQIA+ and Queer/Trans Listening Session with Pacific Center for Human Growth Staff

1. **Develop Collaboration between LGBTQ+ Liaison for Berkeley Police Department and Pacific Center for Human Growth**

   Currently, the LGBTQ+ liaison for the Berkeley Police Department has reviewed the LGBTQIA+ Listening Session Report and is working on a collaboration with the staff for the Pacific Center for Human Growth in order to address challenges in the community.

2. **Establish Partnership between Division of Mental Health and Pacific Center for Human Growth**

   There is a need for an established partnership between the Division of Mental Health for the City of Berkeley and the Pacific Center for Human Growth in order to ensure training and service delivery to LGBTQIA+ clients that are culturally safe and responsive. There is a need for collaboration among service providers to become more well-integrated with coordinated services tailored to meet client needs, including ones that are culturally safe and responsive.

3. **Increase Capacity for Behavioral Health Workers to Serve LGBTQIA+ Clients**

There is a considerable need for behavioral health workers, such as clinicians, case managers, peer specialists, and peer navigators, who can directly guide LGBTQIA+ clients in navigating multiple systems—particularly given the shortage of case management services available from community-based organizations in Berkeley.

Task Force Recommendations on Addressing Underlying Causes of Inequity, Violence and Crime

Along with addressing police, communications, and city response systems and practices, the Task Force firmly believes that the goal of reimagining public safety would be incomplete and ineffective if the City does not address the root causes of inequity, violence, and crime. Following are specific recommendations to address those root cause issues.

1. Public Safety and Community Solutions

This proposal from the RPSTF intends to build on the SCU/MACRO training foundations (once finalized – currently under development) and offer training appropriate for members of the general public, law enforcement, BerkDOT personnel, peers, students and those who need or want to respond constructively based on best practices. This proposal is suggested in place of the Progressive Police Academy in the NICJR final report.

First responders have specific training by profession, but there is a wide variety of procedures among EMS, BPD, Street Ambassadors, Social Workers, CBOS and Berkeley's Mental Health professionals. The Public Safety & Community Solutions Institute can offer a streamlined curriculum that is based on Berkeley's SCU training and broadens its utility throughout our City.

A crucial element of this training will be to provide responders with tools and practices to support their own mental health and tend to vicarious trauma that occurs inevitably and regularly on the job. Many MACRO (Mobile Assistance Community Responders of Oakland) training topics are incorporated into these recommendations. The structure and content of public safety training is currently being developed by experts for Berkeley's SCU. Training topics and modules are subsequent to what will be codified by SCU. A list of training topics and other resources is available in the Appendices.

"For too long, the response to incidents of community violence
have fallen on the hands of trusted community members."

2. Community Violence Prevention Programs

The Task Force urges Berkeley City Council to research and robustly invest into programs that curb community violence through prevention, education, mentorship, trauma stewardship, and economic opportunity. Community violence is a symptom of historically resource deprived communities, intergenerational trauma, over-policing, lack of opportunity and many other factors that impact Black, Indigenous, and other communities of color, especially those that are proximally or currency experiencing poverty.

Should the City of Berkeley decide to adopt or pilot a new Community Violence Prevention Program, we recommend it take the following steps to ensure its success:

Center the families, youth, and individuals the most impacted by community violence. It is crucial to the response to any incident of community violence that there are trauma-informed resources and counseling available to support victims and their community. In what can be the most difficult moment in their lives, our City should have the tools necessary to respond and support them in their time of need.

Create opportunities for community members, leaders, youth and organizations to tap into this work with equitable compensation. For too long, the response to incidents of community violence have fallen on the hands of trusted community members and leaders who leverage their love and compassion to de-escalate further instances and begin the process of healing. Communities have been left to fend for themselves and "new models or approaches" are met with skepticism.

Hiring of Credible & Trusted Responders: Programs must hire workers who share the same background and come from the same community as those who they intend to serve. Trust from the community is critical to the success of these programs.

Transparency and Accountability: In order to build and maintain trust with communities, it is critical that its work remains visible to the community it serves. The program should interface regularly with the community through education, listening sessions, and other means of intentionally engaging Berkeley residents.

Allow Pilot Violence Prevention Programs to Grow. New programs or approaches to community violence must be allowed a runway to adapt, evaluate, and assess their

impact when launched and funding for them should not be tied to arbitrary metrics. The success of these programs comes from a long-term vision of investment, experimentation, and trust in our communities to thrive.

3. Support City Efforts to Establish Office of Equity and Diversity

Racial equity is a set of social justice practices, rooted in a solid understanding and analysis of historical and present-day oppression, aiming towards a goal of fairness for all. As an outcome, achieving racial equity would mean living in a world where race is no longer a factor in the distribution of opportunity. As a process, we apply racial equity when those most impacted by the structural racial inequities are meaningfully involved in the creation and implementation of the institutional policies and practices that impact their lives. - adapted from Anti-Oppression Resource and Training Alliance (AORTA)

The Re-Imagining Public Safety Task Force supports the City of Berkeley's efforts to establish an Office of Equity & Diversity. For too long, City Departments have had to independently monitor impact, disparities, and ongoing relationships with the community that have produced varying results. These inconsistencies can lead to severe impacts in services rendered, supports given to, and needs met of communities of color and additional diversity and marginalized groups.

An adverse effect, especially in regard to language access, is that many Black, Immigrant, Latinx, and other voices of color will not view City Departments as a venue

to air their concerns, lift up their needs, and much worse, as the valuable resource it aspires to be. This adverse impact is also true for additional diverse and vulnerable groups, including based on gender identity and expression, sexual orientation, physical and behavioral disabilities, and other diverse and marginalized groups.

This proposed Office provides an opportunity to help centralize and embed equity and justice practices and frameworks into our City's infrastructure. The impacts of which would far extend beyond addressing disparities, forming partnerships with community organizations and leaders, among others. But perhaps the biggest impact will be seen as communities begin to trust and see City Departments as a resource for them – a Department that is accountable to them.

For the formation of this Office of Equity & Diversity, the Task Force advises that the City take the following steps to ensure it is done with integrity and the community's input.

Partner with trusted Community Organizations and Leaders to lead listening sessions across all of Berkeley's Districts that inform folks of the desire to establish such an Office and solicit feedback and direction on what this Office should prioritize in its work Listening sessions should be made available in languages other than English and at times that work for a wide variety of schedules. All printed material should also be made available in other languages as well.

Integrate a community oversight and support body that works closely with Office of Equity & Diversity staff in making connections to community members and issues, evaluating approach, and ensuring ongoing success of Office's work.

We look forward to seeing the continued development of this Office of Equity & Diversity and strongly endorse that its process is transparent, community-centered, and a vital part of the foundation of Berkeley's racial equity and social justice work.

4. Implement Pilot Guaranteed Income Project

At least 20 guaranteed income pilots (often referred to as Universal Basic Income/UBI programs) have launched in cities and counties across the U.S. since 2018, and more than 5,400 families and individuals have started receiving between $300 and $1,000 a month, according to a Bloomberg CityLab analysis. These cities include Stockton, Compton, Los Angeles, Marin and Santa Clara Counties, and Oakland in California; Denver, CO; Gainesville, FL; Atlanta, GA; Chicago, IL; Gary, IN; Chelsea, Lynn, and

Cambridge in MA; St. Paul, MN; Jackson, MI; Newark and Paterson, NJ; Hudson, NY; Pittsburgh, PA; Columbia, SC; Richmond, VA; and Tacoma, WA.

Cities and counties have designed their programs based on similar metrics – local/regional costs of living, and income/need-based eligibility. Specific eligibility parameters were developed by each city based on locally identified priorities; factors weighed include income as a percentage of median area income, family size, legal/immigration status, former incarceration, irregular/informal employment, poverty rates in resident neighborhoods, and foster youth status. Programs durations vary between 1-3 years.

One of the few cities that has completed its pilot is Stockton (Stockton Economic Empowerment Demonstration, or SEED). The results were released in March. "According to SEED, the guaranteed income resulted in higher rates of full-time employment. It also positively impacted the mental health of recipients. Participants reported being less anxious and depressed and "saw improvements in emotional health, fatigue levels, and overall well-being." The report notes that "SEED took a series of steps, based on conversations with legal counsel, social service administrators, institutional review boards, and other cash transfer pilots, to protect against potential benefit losses." The goal was to augment benefits, not replace them.

Ultimately, UBIs are not one-size-fits all. The City should review data available from similar programs in order to determine the size and scope of its program, e.g., target recipients, selection criteria and process, appropriate cash transfer size, project duration, and data tracking/ evaluation protocols.

["Every U.S. City Testing Free Money Programs", Mashable.com
https://mashable.com/article/cities-with-universal-basic-income-guaranteed-income-programs
"Basic Income In Cities: A Guide to City Experiments and Pilot Projects", National League of Cities (NLC) and Stanford Basic Income Lab (BIL)
https://www.nlc.org/resource/universal-basic-income-whos-piloting-it/
"Exploring Universal Basic Income: A Guide to Navigating Concepts, Evidence, and Practices", The World Bank
Exploring Universal Basic Income: A Guide to Navigating Concepts, Evidence, and Practices.

5. Support Police Accountability Board and Fair & Impartial Policing

The Police Accountability Board and Fair and Impartial Policing, crucial initiatives to improve the existing Berkeley police force are already underway, and the Task Force calls for them to be strongly supported and enhanced.

As the Task Force is a temporary commission, the Police Accountability Board (PAB) must assume the continuing oversight responsibility over both policing and the implementation of re-envisioned public safety. City Council, city management, City Attorney, and the police department need to honor the community-based oversight structure by including the PAB and its Director fully in the development of public safety policy. Instead, the Council and staff have moved backward, providing the most minimal level of consultation at the latest possible stage. This trend is exemplified by the surveillance technology and Early Intervention System (anti-racial profiling) policy processes, with concern about the development of internal PAB complaint hearing regulations as well.

We recommend that Council request PAB advice before making a policy decision to proceed toward surveillance technology acquisitions; mandate the BPD to collaborate with PAB on development of all significant General Orders or other policies; and support moves by the PAB to make it easier for people from historically marginalized communities to raise and pursue officer misconduct complaints.

The Council passed a strong anti-bias program, Fair and Impartial Policing, in February 2021; but very little of the program has been implemented. A transparent plan must be published, and a speedy implementation timeline agreed to. We recommend that, as discussed above, the PAB be brought into rather than excluded from the policy development process; the Early Intervention System be clearly defined as an investigative tool to assess and address the racial disparities that plague the BPD; and that implementation, findings and outcomes be regularly reported to the PAB and Council in the spirit of full transparency.

We finally recommend that Council resist the national trend to roll back the lessons of the Black Lives Matter movement and the heightened consciousness of racial injustice in the wake of the murder of George Floyd, in whose honor the Reimagining process was birthed. We must not return to the era of unconstitutional policing marked by the drug war, saturation/aggressive policing, stop-and-frisk, and the racial profiling that attends these processes. If the proposed Crime Suppression Unit, which openly hearkens back to programs of yesteryear, is tainted with practices that lead inevitably to mass incarceration in communities of color, we recommend it be rejected.

Much of the work recommended in this report, including the development of behavioral health and gender-based service responses and addressing the root causes of inequity, can only be done in partnership with or led by community-based organizations (CBOS), who carry much of our communities' expertise and experience in these areas. The Task Force therefore recommends greater investment in building the service and infrastructure capacities of local relevant CBOS, so they can be effective partners in this work.

Task Force Recommendations on Sustaining Community Based Organizations

A. Why Does Berkeley Need So Many CBOS?

CBOS mean each organization is providing more individualized attention to the issue than would be the case if there were fewer, larger entities with larger caseloads, longer wait times, and fewer locations. Larger CBOS can in time as they continue to grow become more and more bureaucratic.

More specialized smaller CBOS means they can be spread out across all neighborhoods, and are responsive to the people, institutions, needs, and cultural differences of each one. It means they can offer more specialization and responsiveness by need, methodology, and target populations.
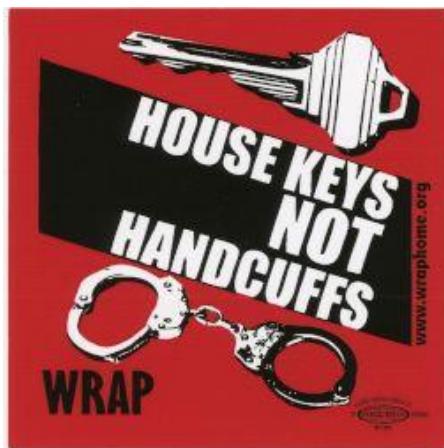
B. Community Based Organizations' Overview including Funding Summary of City of Berkeley Budget and Recommendations

The City of Berkeley prides itself in its support of community-based organizations and the incredible extension of critical services these agencies provide Berkeley residents. On the following page is a summary of City allocations to local CBOS.

FY 2022 COMMUNITY AGENCY ALLOCATIONS BY SERVICE TYPE

	General Funds	Federal Funds	Other Funds	All Sources
Arts	$586,652	$0	$0	$586,652
Childcare	$586,819	$ -	$13,275	$600,094
Community Facilities Improvements	$24,575	$1,113,570	$ -	$1,138,145
Community Media	$230,710	$ -	$ -	$230,710
Disability Programs	$86,122	$159,660	$1,432,011	$1,677,793
Economic Development	$422,500	$ -	$ -	$422,500
Employment Training	$295,165	$ -	$ -	$295,165
Health	$2,060,256	$160,000	$ -	$2,220,256
Homeless	$8,661,884	$634,930	$1,405,950	$10,702,764
Housing Dev & Rehab	$203,475	$250,000	$ -	$453,475
Legal/ Advocacy	$895,486	$35,000	$ -	$930,486
Other	$168,104	$ -	$ -	$168,104
Recreation	$18,573	$ -	$ -	$18,573
Seniors	$9,110	$ -	$ -	$9,110
Youth	$1,040,567	$ -	$ -	$1,040,567
TOTAL	**$15,289,998**	**$2,353,160**	**$2,851,236**	**$20,494,394**

	FY 2021 All Sources	FY 2022 All Sources	Percent Change
Arts	$573,654	$586,652	2%
Childcare	$643,902	$600,094	-7%
Community Facilities Improvements	$24,575	$1,138,145	4531%
Community Media	$230,710	$230,710	0%
Disability Programs	$1,604,926	$1,677,793	5%
Economic Development	$422,500	$422,500	0%
Employment Training	$295,165	$295,165	0%
Health	$2,220,256	$2,220,256	0%
Homeless	$13,823,569	$10,702,764	-23%
Housing Dev & Rehab	$453,475	$453,475	0%
Legal/ Advocacy	$4,757,027	$930,486	-80%
Other	$168,104	$168,104	0%
Recreation	$18,573	$18,573	0%
Seniors	$9,110	$9,110	0%
Youth	$1,065,567	$1,040,567	-2%
TOTAL	**$26,311,113**	**$20,494,394**	**-22%**

A deficit of 22% is shown above. Funding sources will have to be identified to fill this deficit and fund the recommendations in this report.

"Funding cycles are grueling and time intensive: the process lasts many months and rarely results in any change to the funding levels."

C. TASK FORCE RECOMMENDATIONS for CBOS

1. Conduct Assessment on CBOS' Capacity vs the Needs of the Community.

CBOS in Berkeley have many decades of experience in the areas of work identified in this report; behavioral health-based and gender-based service responses, violence prevention, and addressing the root causes of the multi-dimensional inequity that causes violence and crime, from income and housing insecurity. Increase safety to family stability and increase the capacity of CBOS to be more responsive, efficient, accountable and be better partners with consumers, other CBOS including equity in training and salaries.

Recommendations

1. Services delivery evaluation by consumers, staff and other CBOS
2. Reduce duplication
3. Assess capacity vs need
4. Create efficiencies by sharing financial and contract management services
5. Design well thought out strategies for coordination across systems
6. Facility repair for safety and accessibility
7. Train staff
8. Service audit
9. Financial audit

The City of Berkeley has developed a comprehensive community-based landscape with over 100 contracts for services ranging from childcare to senior care. CBOS do their work in a service environment that has very limited access to housing, employment, and treatment: they have developed innovative and effective strategies for supporting personal, family and community transformation despite these gaps. Coordinated services need to incorporate and enhance the expertise they have gained over the years.

In Berkeley, there are youth, LGBTQ, seniors, disabled, and other people ready and wanting to work and engage in recovery from drugs and alcohol or mental illness – there are families, survivors of domestic violence, people experiencing undiagnosed mental illness or serious health problems, veterans, and people who are economically poor. In all of these situations, there is trauma.

Before new initiatives are introduced into CBOS, current capacity needs to be assessed and programs evaluated. Too often emergency or stop-gap responses are implemented before conducting detailed assessment and evaluation.

Data needed:

    a. Ongoing feedback from the communities being served
    b. Ensure that staff has assisted the consumer correctly and fully completing paperwork and applications
    c. Map all services provided by CBOS, develop a map of where they are located and make every effort to spread them around town
    d. Understanding the challenges CBOS are facing
    e. Evaluation of the efficacy of our CBOS and the potential for capacity building, coordination, and networking using each other's best practices

2. Create Coordination and Communication Opportunities for CBO staff

Specifically, provide opportunities and forums for CBO executive level staff to work more closely with each other. Coordination and common purpose help increase better use of resources. This will create opportunities to align outreach criteria, coordinate efforts, and centralize information obtained from the field.

3. Improve Referral Systems

The City and CBOS' should improve the system of referrals after intake and assessment with the intent to shepherd a consumer through the system and proactively assist in gathering all required documentation. This would lessen the load placed on the person seeking services and person of navigating through a complex and documentation-driven system while trying to survive one day at a time.

4. Remove City Funding System Inefficiencies and Duplication

Funding cycles are grueling and time intensive: the process lasts many months and rarely results in any change to the funding levels. Cost of living increases are rare, and the work of the providers keeps growing. Funding decisions often require that they end up "robbing Peter to pay Paul" to balance the budgets. The City of Berkeley process takes 5 months which includes the Homeless Commission, Staff and City Manager recommendations and then Council approval. At each level the CBOS and their consumers and board members hours in lobbying, presentations, and public hearings.

Specific actions the City can take to decrease bureaucracy and increase efficiency include:

a. More flexibility with funding contracts (e.g., higher threshold for requiring a contract amendment, providing administrative overhead that meets actual costs).
b. Quarterly instead of monthly reporting.
c. Increase baseline CBO salaries to improve their recruitment and retention.

5. Develop Additional Success Metrics for CBOS

The measure of success cannot be based just on the attainment of housing or jobs – multiple factors contribute to community stability and public safety, including social relationships, connection to resources, service participation/engagement, health/behavioral, health status, mindset, behaviors, and more. Additional metrics need to be developed that better evaluate the wellbeing of individuals, families, neighborhoods, and communities.

6. **Help CBOS Enhance Their Funding**

All CBOS have multiple funding sources from diverse funders, but many funds are restricted to a specific segment of our populations. There are great funding gaps that exist in providing services – especially for a person not designated as "chronically homeless" This results in those consumers getting minimal, if any, help.
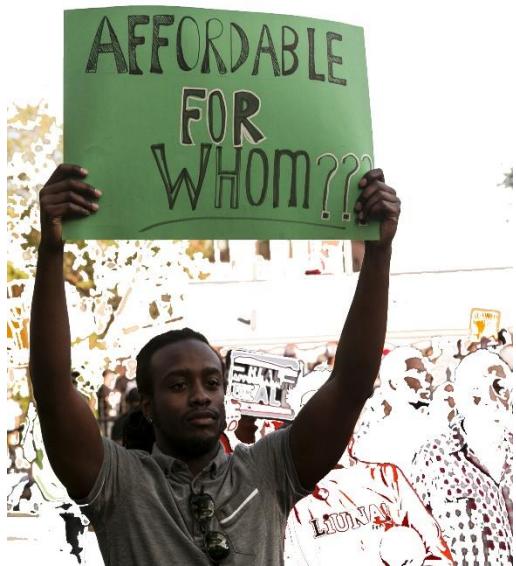
The funding sources beyond the City of Berkeley include foundations, corporations, faith-based institutions, Alameda County Behavioral Health Care Services, Alameda County Social Services Agency, State of California, HUD, Veterans Affairs, private donors, billing and other fees, events and sale of products produced by clients. Larger CBOS have development directors who are extremely sophisticated in applying to every RFP for which they qualify, producing highly competitive proposals at all levels. With the smaller CBOS this effort falls on the Executive Director. The biggest challenge for CBOS is raising funds from foundations and corporations.

D. Strategies to Help CBOS Leverage Additional Funds Include:

1. Establish a small team led by the mayor, a council member, City Manager, service provider, homeless consumer, commission member, major donor, and community member to meet with all major foundations, corporations and other entities with significant resources. Such a meeting would "sell" the coordinated entry model and would demonstrate the large spectrum of options. that inhibit CBOS ability to leverage funds.

2. Create an annual citywide fundraising campaign that would benefit all CBOS. In partnership with consumers. CBOS, including donors, faith-based organizations and using interns from UCB, a public education campaign can present a powerful and accurate narrative about how CBOS approach problems through a participant or need-centered lens: What unmet need is this individual/family/ neighborhood/community experiencing, and what is the solution?

This is different than the way public entities and public systems approach problems, which is to look at issues with a trifocal lens: need, budget, and political ramifications or public reaction. CBOS, being privately operated and mission-driven, are freer to pursue innovation and creative solutions. They are able to pivot with new strategies more quickly than public systems (a speedboat or a sailboat versus an ocean liner). They are freer to engage individuals with lived experience and non-traditional resumes (and cultivate greater trust from those they serve as a result). They are geographically decentralized, with deeper connections to the neighborhoods they both operate and provide services in.

3.   Train staff. The need for training is a high priority among our CBOS especially in organizations that hire people with lived experience of poverty, violence, homelessness, and other personal trauma. Areas identified by the CBOS include trauma informed care, motivational interviewing, cultural competence, and developing tools and skills so that our population is served with respect and staff have extensive knowledge about the availability of existing appropriate resources. Funding should be dedicated for training and require specific coursework around the aforementioned areas identified.

4.   Gather feedback from consumers. While there is intention in all CBOS to gather feedback from those who use services, there is no consistent effort made to do so. It is critical in any system of care to create a feedback loop from consumers through resolution and integrate that feedback into improved service delivery. A few CBOS excel at this effort and their and Mayor's staff, existing feedback models can be reviewed, and feedback tools recommended for implementation.

"Darkness cannot drive out darkness, only light can do that, Hate cannot drive out hate, only love can do that"

Martin Luther King, Jr.

Appendices

Appendix 1. Glossary of Acronyms

AAPI	Asian American and Pacific Islander
ABLE	Active Bystandership for Law Enforcement
AMI	Area Median Income
BAPPA	Bay Area Progressive Policing Academy
BCSC	Berkeley Community Safety Coalition
BerkDOT	Berkeley Department of Transportation
BFD	Berkeley Fire Department
BIPOC	Black, Indigenous and People of Color
BMC	Berkeley Municipal Code
BPD	Berkeley Police Department
BRG	Bright Research Group
BWC	Body Worn Camera
CAD	Computer Aided Dispatch
CAHOOTS	Crisis Assistance Helping Out on the Streets
CBO	Community Based Organization
CERN	Community Emergency Response Network
CFS	Calls for Service
CIT	Crisis Intervention Training
CPE	Center for Policing Equity
CVC	California Vehicle Code
DV	Domestic Violence
EIS	Early Intervention System
EMS	Emergency Medical Services
EMT	Emergency Medical Technician
EPIC	Ethical Policing is Courageous
HALO	Highly Accountable Learning Organization
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Asexual plus
MACRO	Mobile Assistance Community Responders of Oakland
MCT	Mobile Crisis Team

NICJR	National Institute of Criminal Justice Reform
PAB	Police Accountability Board
PEERS	People with Behavioral Health Challenges
PEO	Parking Enforcement Officer
POST	Peace Officer Standards Training
QA	Quality Assurance
QAT	Quality Assurance and Training
QTBIPOC	Queer and Trans Black, Indigenous and People of Color
RDA	Research Development Associates
RFP	Request for Proposals
RIPA	Racial and Identity Profiling Act
RPS	Reimagining Public Safety
RPSTF	Reimagining Public Safety Task Force
RTEBN	Rebuilding Together East Bay-North
SAMHSA	Substance Abuse and Mental Health Services Administration
SCU	Specialized Care Unit
SEED	Stockton Economic Empowerment Demonstration
SOS Program	Safe Organized Spaces Program
TCS	Training and Community Solutions
SUD	Substance Use Disorder
UBI	Universal Basic Income

Appendix 2: Inequities, Social Determinants of Health, and Well-Being as they related to Transportation in Berkeley and Community Engagement Summary on BerkDOT

The transportation system in Berkeley and beyond imposes significant and unequal burdens across members the population, with the negative externalities of transportation system differing most significantly by income/wealth, race/ethnicity, ability, age, gender, sexual orientation, mode of transportation, housing status, and immigration status. Not only do these negative externalities manifest as limits on people's mobility, but also limit people's access to opportunities, including employment, education, health care, recreation and goods and services.

Inequities in Access to and Affordability of Transportation

People spend an enormous amount of their income on transportation costs - in the US, transportation is generally the 2nd largest expenditure for households after housing, accounting for about 13% of expenditures each year. However, the proportion of income dedicated to transportation costs is not even across income groups - in 2016, the lowest earning 20% of households spent 29% of their household income on transportation compared to the highest earning 20% who spent only 9% of their income on transportation.[48] This inequity has been exacerbated by the COVID pandemic, where higher income workers have often had the luxury of working from home (and avoiding commute costs) while lower income "essential" workers have had to continue their daily commutes.

There are multiple reasons that lower income households are burdened with such high transportation costs. One is that, for the most part, the cost of car ownership holds mostly constant across income levels. AAA estimates that the average annual cost of new vehicle ownership is $9,666, or $805.50 per month.[49] For those with older cars, costs may still be nearly as high due to poorer fuel efficiency and more frequent need for high-cost repairs. Another reason for the high burden of transportation costs on lower income households relates to the high cost and low availability of housing in job centers. Many people traveling to Berkeley for work cannot afford to live here, but instead are pushed into outlying areas with more abundant, cheaper housing but poor access to public transportation. These workers coming into Berkeley are spending huge portions of their income on fuel and repairs related to their super-commutes. Even lower

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[48] Institute for Transportation & Development Policy. "The High Cost of Transportation in the United States." Transport Matters. May 23, 2019. https://www.itdp.org/2019/05/23/high-cost-transportation-united-states/
[49] Ellen Edmonds. "Sticker Shock: Owning a New Vehicle Costs Nearly $10,000 Annually." AAA. August 19, 2021. https://newsroom.aaa.com/2021/08/sticker-shock-owning-a-new-vehicle-costs-nearly-10000-annually/

income households who might not be dealing with long commutes may be forced into the expensive cycle of car ownership and its associated costs when public transit options feel neither convenient nor safe enough, or when travel by bicycle is not possible because of a lack of safe routes or when residents lack adequate safe and secure bicycle storage options, especially those living in apartment buildings.

It is also critical to examine disparities in who does and does not drive a car. In particular, the youngest and oldest segments of our population don't drive, many people with disabilities cannot drive, and car ownership is prohibitively expensive for many with low incomes. In total, 40% of the US population cannot drive.[50] No one under the age of 16 in California can drive. Across the US, one in five people over age 65 don't drive and by age 80, 65% are no longer driving, while only 40% have difficulty walking.[51] In the Berkeley/Albany Public Use Microdata Area, 25% of households with no car are occupied by someone with a disability, compared to 14% of car-free households where no one has a disability, and 24% of households with no car are occupied by Black residents compared to 14% of car-free households with non-Black residents.[52]

Several cities have worked to develop policies and programs to try to address some of the inequities in access to and affordability of transportation. In November 2021, Oakland launched a Universal Basic Mobility Pilot[53] to give 500 East Oaklanders up to $300 for transit and shared mobility on a prepaid debit card. These funds can be used to pay for transportation services such as AC Transit buses, BART trains, WETA ferries, BayWheels bike share, and electric scooter share. The goals of this program are both to boost equity and reduce dependence on cars. In July 2021, Pittsburgh, PA launched a similar program and will be providing up to 100 low-income residents with monthly transit subscriptions and shared mobility services for six months.[54] In Albuquerque, a 1-year pilot has been launched to make transit completely free to all residents.[55] And in January 2022, Boston launched a 2-year pilot program to make transit free on 3 MBTA bus lines that service low-income communities of color.[56]

Unequal Investments in Transportation Infrastructure Led to Inequities in Adverse Outcomes

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[50] Kit Krankel McCullough. "Aging population needs walkable, bikeable cities." Public Square: A CNU Journal. March 5, 2020.
[51] Kit Krankel McCullough. "Aging population needs walkable, bikeable cities." Public Square: A CNU Journal. March 5, 2020. https://www.cnu.org/publicsquare/2020/03/05/aging-population-needs-walkable-bikeable-cities
[52] 2018 American Community Survey PUMS data: https://www.census.gov/programs-surveys/acs/microdata.html
[53] City of Oakland. Universal Basic Mobility Pilot. https://www.oaklandca.gov/topics/universal-basic-mobility
[54] City of Pittsburgh. Press release: Pittsburgh Launches Innovative Mobility and Equity Initiatives Move PGH and Universal Basic Mobility. July 9, 2021. https://pittsburghpa.gov/press-releases/press-releases/5084
[55] City of Albuquerque. Zero Fares Pilot Program. https://www.cabq.gov/transit/tickets-passes
[56] City of Boston. Mayor Wu Takes Steps To Expand Fare-Free Bus Service. January 19, 2022. https://www.boston.gov/news/mayor-wu-takes-steps-expand-fare-free-bus-service

While some inequities in transportation outcomes relate to individual characteristics (e.g., race, ability, income, etc), others stem from historical and ongoing disinvestment in low-income communities of color. The racial and economic "redlining" of certain communities in south and west Berkeley resulted in highly segregated neighborhoods that, over time, received very different levels of infrastructure investment in items such as tree canopy, traffic calming, sidewalk and roadway maintenance, and stormwater management. This disinvestment, once a deliberate policy decision, has been perpetuated even in recent years by advocacy from well-organized, wealthy residents with political savvy and time to spare who advocate for further neighborhood improvements, while Berkeley's lowest income residents are less able to advocate for investment in their neighborhoods given their more limited time, possible language barriers, and other barriers that often preclude full involvement in planning process.

These historic disinvestments have created a transportation system in Berkeley that is, by design, unequal in terms of safety. On top of BPDs over policing of low-income communities of color, the infrastructural elements of many of south and west Berkeley's roads are built with high operating speeds, which is speed at which most drivers feel comfortable driving on a given roadway. For example, while 9th Street between Dwight and Bancroft is a 2-lane street that is bicycle boulevard and designated as a local street that should "discourage vehicular speeds above 15 or 20 miles per hour,"[57] it is actually a quarter mile long, 48-feet wide roadway with only one stop sign, virtually no roadway markings, and street trees only between Dwight and Channing. Contrast this with Ashby Avenue between Claremont Crescent and Ashby Place, also a 2-lane, quarter-mile long stretch, but one that, while designated as an "major street" designed to "discourage speeds above 25 miles an hour" is only 32-feet wide, exhibits numerous street markings, and has ample, mature street trees. While drivers routinely exhibit vehicle speeds well over 35 MPH on 9th Street, most traffic on Ashby hovers around 25 MPH. This shows that infrastructural elements can influence operating speed much more than simple "speed limits."

These sorts of infrastructural inequities actually translate into further inequities in traffic stops, even when officer racial bias is removed. In Chicago, a recent study found that, despite being evenly spread across the city's neighborhoods, automated speed and red-light enforcement cameras still issued a disproportionate share of tickets to individuals in majority-Black zip codes (the ticketing rate for Black neighborhoods was three times higher than for majority white neighborhoods).[58] Underlying these disparities was road design: all of the ten speed cameras that issued the most speeding tickets (for

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[57] City of Berkeley. Transportation Element. https://www.cityofberkeley.info/Planning_and_Development/Home/General_Plan_-_Transportation_Element.aspx

[58] Emily Hopkins and Meilssa Sanchez. "Chicago's "Race-Neutral" Traffic Cameras Ticket Black and Latino Drivers the Most." ProPublica. January 11, 2022. https://www.propublica.org/article/chicagos-race-neutral-traffic-cameras-ticket-black-and-latino-drivers-the-most

going >10 MPH over the posted limit) were on 4-lane roads, and 6 of these were in majority Black census tracts. At the same time, 8 of the 10 cameras that issued the least tickets were on 2-lane streets, but just 2 of these were in majority Black census tracts. Similar findings also came out of an analysis in Washington DC, where automated traffic enforcement resulted in "drivers in black-segregated neighborhoods receiving] double the average number of moving violations per capita, while drivers within white-segregated areas receive[d] just one eighth the average."[59]

Systematic disinvestment in infrastructure also plays a role in who suffers most from the severe and fatal collisions that we continue to see on our streets. There is an epidemic of traffic violence on US streets - in 2020, an estimated 38,680 people were killed in traffic collisions in the US, with a fatality rate higher than has been seen since 2007[60]. This is similar to the number of deaths in the US annually from gun violence[61]. Motor vehicle crashes are the number one killer of children and teenagers in the US, representing 20% of all death of children ages 1-19[62]. In Berkeley, between 2010 and 2019 an average of three people died and at least 32 people were severely injured due to traffic violence every year[63]. These numbers have increased in recent years - in 2019, 6 people were killed and 69 were severely injured in traffic collisions in Berkeley[64], and while 2021 data have not yet been analyzed for Berkeley, we do know that at least 7 traffic fatalities occurred[65].

The burden of this traffic violence does not fall equally across all groups. Historic disinvestment of infrastructure in low-income communities of color means that traffic fatalities are overwhelmingly suffered by Black and Brown people - Black and American Indian/Alaska Native people suffered the highest rates of traffic deaths in the US between 2015 and 2019[66]. And in 2020, while there was a 7% increase overall in traffic deaths in the US compared to 2019, the increase was 23% for Black people and 11%

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[59] William Farrell. "Predominantly black neighborhoods in D.C. bear the brunt of automated traffic enforcement." DC Policy Center. June 28, 2018. https://www.dcpolicycenter.org/publications/predominately-black-neighborhoods-in-d-c-bear-the-brunt-of-automated-traffic-enforcement/

[60] National Highway Traffic Safety Administration. "Early Estimate of Motor Vehicle Traffic Fatalities in 2020." Publication DOT HS 813 (2021): 115. .https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813115

[61] Centers for Disease Control and Prevention. "All Injuries." Accessed January 13, 2022. https://www.cdc.gov/nchs/fastats/injury.htm

[62] Cunningham RM, Walton MA. Carter PM. "The major causes of death in children and adolescents in the United States." New England Journal of Medicine 379, no. 25 (2018): 2468-2475. https://www.nejm.org/doi/full/10.1056/nejmsr1804754

[63] City Of Berkeley, Vision Zero Annual Report 2020-2021. March 2021. https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Vision_Zero_Annual_Report_April_2021%20-%20REVISED.pdf

[64] City Of Berkeley, Vision Zero Annual Report 2020-2021. March 2021. https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Vision_Zero_Annual_Report_April_2021%20-%20REVISED.pdf

[65] Emile Raguso. "Update: Man who died in marina crash ID'd as James Israel of San Anselmo." Berkeleyside. November 3, 2021. https://www.berkeleyside.org/2021/11/03/fatal-crash-berkeley-marina-at-least-1-person-dead

[66] R. Retting, M. Richardson, H. Smith, S. Turner, An Analysis of Traffic Fatalities by Race and Ethnicity | GHSA, Governors Highway Safety Association, (2021). https://www.ghsa.org/resources/Analysis-of-Traffic-Fatalities-by-Race-and-Ethnicity21

for American Indian/Alaska Native people[67]. In Berkeley, we see similar disparties, and the collision injury rate is highest for Black people - 2.6 times higher than for white people across all injury collisions and 1.7 times higher for severe and fatal collisions. For severe and fatal injuries of pedestrians in Berkeley, the rate is over twice as high for Black pedestrians compared to white pedestrians (2.2 times higher).[68]

The City's Vision Zero Annual Report 2020-2021 acknowledges that "[w]e know that people of color, people with no or low income, people with no or limited English proficiency, people experiencing homelessness, youth, seniors, and people with disabilities are over-represented in fatal and severe injury collisions."[69] The City has also designated much of south and west Berkeley an Equity Priority Area for prioritizing infrastructure improvements to remedy systemic and inequitable underinvestment (the Equity Priority Area considers historic Home Owners' Loan Corporation (HOLC) "redlining," racial/ethnic composition, property value, and cultural centers)[70]. While 37% of Berkeley's streets (by mile) can be found in the Equity Priority Area, almost half (42%) of Berkeley's severe and fatal collisions occur on streets in the Equity Priority Area.

The Overarching Impacts of Transportation on Well-Being

As discussed, how we plan, build, and enforce our transportation system has a profound effect on the well-being of Berkeley's residents. Berkeley has historically leaned heavily on police enforcement purportedly to achieve transportation and public safety goals. This ongoing reliance on enforcement has dubious efficacy yet profound negative effects on the well-being of many Berkeleyans. The humiliation, stress, trauma and fear of violence that many in our community experience during traffic stops is harmful and these negative experiences are overwhelming burdened by those in our community who are already the most vulnerable by virtue of their race/ethnicity, income, gender, sexual orientation, housing status, or immigration status. Accompanying this are the negative impacts of fines and fees associated with traffic stops and parking enforcement - once again, these are most detrimental to those in our community who are already the most vulnerable, and for whom a costly ticket could mean an inability to pay for life-saving prescription medications, bus fare to get to work, heating, or rent. Our most vulnerable communities, who live in fear of police surveillance on our streets and

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[67] National Highway Traffic Safety Administration. "Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2020." Publication DOT HS 813 (2021): 118. https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813118
[68] From a forthcoming analysis from Walk Bike Berkeley using 2006-2020 collision data from SWITRS (https://iswitrs.chp.ca.gov/Reports/jsp/RawData.jsp). Analyses exclude collisions with parked cars or other objects and also exclude collisions on interstates (but include state highways like Ashby and San Pablo).
[69] City Of Berkeley, Vision Zero Annual Report 2020-2021. March 2021. https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Vision_Zero_Annual_Report_April_2021%20-%20REVISED.pdf
[70] City of Berkley. 2020 Pedestrian Plan. January 2021. https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/2020%20Pedestrian%20Plan%20FULL%20adopted.pdf

spiraling fines and fees, become limited in their freedom of mobility, thus reducing their access to jobs, school, health care, recreation, and goods and services, and other essential opportunities. These same communities also live under the constant threat of traffic violence on streets that are designed for high speeds following years of structural disinvestment. Taken together, Berkeley's transportation system is failing many of its residents, sacrificing the comfort and convenience of some at the expense of the well-being of others. There are steps Berkeley can and should take to improve our transportation system, but we must do so in a thoughtful, equitable way that achieves safety and mobility justice for all.

Community Engagement Findings relating to BPD Vehicle, Bicycle, and Pedestrian Law Enforcement

Philando Castile, Sandra Bland, Walter Scott, Duante Wright, Sam DuBose. As we tragically have seen across the country, traffic stops present a significant threat to Black and other people of color, with about a quarter of US police shootings beginning with a traffic stop.[71] Thankfully, in Berkeley, there have not yet been any instances of police shootings stemming from traffic stops (likely because of the size of the city, not because of any specific BPD practices), but fatal encounters are not the only outcome of concern with racially-biased police stops. Constant over-surveillance and the underlying threat of police violence while driving, walking or biking is stressful, humiliating, and often traumatic. If stopped, analysis from the US Department of Justice shows that Black and Hispanic people are more than twice as likely to experience threats or use of force during police stops with the police[72], and reviews of body camera footage have shown that police officers speak significantly less respectfully to Black people than white people during traffic stops, even after controlling for a wide variety of factors.[73] It is therefore critical that we listen closely to the voices of Berkeley's most affected residents to better understand their lived experiences being in public spaces and in the presence of BPD.

As part of a separate, but parallel, process to create a Berkeley Department of Transportation (BerkDOT), the City commissioned a citywide, representative survey[74] to better understand the transportation needs of Berkeley residents and their perceptions

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[71] Cheryl W. Thompson. "Fatal Police Shootings Of Unarmed Black People Reveal Troubling Patterns." January 25, 2021. NPR. https://www.npr.org/2021/01/25/956177021/fatal-police-shootings-of-unarmed-black-people-reveal-troubling-patterns

[72] Davis E, Whyde A, Langton L. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. "Contacts Between Police and the Public, 2015." https://bjs.ojp.gov/content/pub/pdf/cpp15.pdf

[73] Voigt R, Camp NP, Prabhakaran V, Hamilton WL, Hetey RC, Griffiths CM, Jurgens D, Jurafsky D, Eberhardt JL. "Language from police body camera footage shows racial disparities in officer respect." Proceedings of the National Academy of Sciences 114, no. 25 (2017): 6521-6526. https://www.pnas.org/content/114/25/6521

[74] The survey was a hybrid email-to-web/live telephone survey of 630 adult City of Berkeley residents in September 2021, sampled to be representative of Berkeley's population. Black and Latinx residents were oversampled to reach 100 respondents so that robust inference could be made for these groups. Interviews were conducted in English and Spanish by trained, professional interviewers, and both landlines and mobile phones included.

of policing as it relates to transportation. The survey found that only 39% of people in Berkeley actually feel that police enforcement of traffic laws makes them feel safer as they get around Berkeley, and a full 69% feel that having "police officers making traffic stops can lead to unsafe or violent encounters for people of color, particularly Black people."[75] Adding to this, while only 20% indicated fear of being treated unfairly based on their race if stopped by a police officer in Berkeley, this number skyrocketed to 54% among Black respondents. Also, while an overall small percentage of Berkeleyans (14%) expressed that a fear of being stopped by the police impacts how they get around Berkeley, 30% of Black respondents described having their mobility limited for this reason. This phenomenon, dubbed "Arrested Mobility" by mobility justice scholar Charles T. Brown,[76] is "the assertion that Black people and other minorities have been historically and presently denied by legal and illegal authority, the inalienable right to move, to be moved, to simply exist in public space. Unfortunately, this has resulted — and continues to result — in adverse social, political, economic, environmental and health effects that are widespread and intergenerational."

While no questions on the overall Reimagining Public Safety Survey specifically addressed community perceptions of vehicle, bicycle, and pedestrian law enforcement, qualitative findings gleaned from the numerous Listening Sessions with impacted residents (conducted by NICJR and Task Force members) provide some insight into how community members feel about BPD's role in this arena. Sessions in which these topics were discussed included those with Black residents, housing/food-insecure residents, Black and Latin youth, justice-system-impacted students, and LGBTQIA+ service providers.

Across focus groups, there was agreement that BPD dedicates an outsized amount of time to vehicle stops, and that these stops are performed in a manner that disproportionately impacts Black residents. Comments were also made about a rippling harmful effect of police presence, including traffic stops, on people within neighborhoods, even when these people are themselves not the subject of a stop - the presence of police cars, flashing lights, and multiple armed officers in one's community can trigger trauma for those simply observing traffic stops.

Another common theme expressed by impacted residents during these sessions is that of feeling surveilled, hyper-visible, and viewed with suspicion when in public space. This includes experiences shared by Black and Latin residents of feeling like outsiders in their own city and Latin UC students being racially profiled by both BPD and UCPD

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[75] City of Berkeley. Initial Review of Results: Survey of City of Berkeley Residents, Reimagining Policing Project. October 15, 2021. https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/21-8226%20Report%20of%20Preliminary%20Findings%20-%20Draft.pdf

[76] Brown, CT. "Arrested Mobility: Exploring the Adverse Social, Political, Economic & Health Outcomes of Over-Policing Black Mobility in the U.S." National Association of Chronic Disease Directors. Sep 18, 2020. https://vimeo.com/460197268

when on campus. These experiences were described as being both stressful and hurtful. Listening group participants described how these encounters can also effectively limit their mobility and ability to access work, school, essential places and recreation. We heard one example of this from former Task Force Commissioner Diaz, describing that he couldn't even get to high school without being surveilled and harassed by BPD for as he traveled to Berkeley High, having to go well out of his way to navigate around neighborhoods that he was told were off-limits under the terms of his probation.[77]

Community Engagement Findings regarding the Creation of BerkDOT

To date, there have been several opportunities for community members to weigh in on the creation of BerkDOT and the transfer of traffic enforcement duties to unarmed civilians. Overall, the community is supportive of this approach, but feedback indicates that Berkeley must be thoughtful in its approach as it moves forward with this new initiative.

During the listening sessions with Black residents, housing/food-insecure residents, Black and Latin youth, justice-system-impacted students, there was a general openness to the idea of unarmed civilians taking over traffic enforcement, but there were concerns voiced about the safety of the civilian responders, as well as skepticism expressed by Black residents that a switch to civilian responders would reduce the racism and disparities currently associated with traffic stops. And during a listening session that included Parking Enforcement Officers (PEOs), unsworn staff who currently sit under BPD, there was concern expressed that being moved out of BPD would be problematic. Specifically, the PEOs indicated that sitting organizationally within BPD "produces a more professional and respected workforce."

While central to the re-imagining process, the development of BerkDOT is primarily being handled in a separate, parallel process with Public Works staff taking the lead. This has included community engagement through the representative survey the City commissioned to better understand the transportation needs of Berkeley residents and to gauge their support for the transfer of traffic enforcement and other transportation-related duties out of the BPD. Respondents of this survey overwhelmingly supported moving at least some transportation duties out of BPD (76% supported this idea), and 75% specifically supported the idea of moving traffic enforcement out of BPD.[78] These findings held across a wide range of demographic groups (including gender, race/ethnicity, and identification as LGBTQ). Also of note, only 36% felt it was important

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[77] Reimagining Public Safety Task Force Meeting, July 8, 2022. https://www.youtube.com/watch?v=mHj8FPDp_BE Minute mark 1:58
[78] City of Berkeley. Initial Review of Results: Survey of City of Berkeley Residents, Reimagining Policing Project. October 15, 2021. https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/21-8226%20Report%20of%20Preliminary%20Findings%20-%20Draft.pdf

to have police enforcing routine moving vehicle violations and issuing traffic tickets, only 21% felt it was important for police to be tasked with enforcing bicycle and pedestrian regulations and issuing tickets, and only 14% felt it was important for police to oversee the enforcement of parking regulations and issuing of parking tickets.

In addition to the citywide, representative survey, Public Works also worked with consultants at Equitable Cities and Fehr & Peers to conduct three separate listening sessions with high school students of color, college and university students of color, and religious minority groups of color in the City of Berkeley during the months of October and November 2021 (n=20 total participants). Every participant in all three of these listening sessions felt it was a good idea to remove traffic enforcement from the police and transfer it over to unarmed civilians.[79] Participants in the college student listening session expressed a belief that this move will "make marginalized communities feel safer overall," and that if this civilian workforce could be well-trained in anti-racism, it would "really ease some of the disproportionate burdens that may be placed on low-income folks or people of color."

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[79] Citation forthcoming when BerkDOT listening session data are posted publicly.

Appendix 3: LGBTQIA+ and Queer/Trans Listening Session

**The Pacific Center for Human Growth,
a LGBTQIA+ and Queer/Trans Behavioral Health Provider located in Berkeley[80]**

The Pacific Center for Human Growth, or namely the Pacific Center, is the largest regional LGBTQIA+ behavioral health provider serving LGBTQIA+ people, Queer and Trans people including QTBIPOC, with individual, peer support, and community behavioral health programs and services. Located in Berkeley, the Center is designed to serve LGBTQIA+ people with mild to moderate behavioral health needs from Berkeley and other cities in Alameda County. Currently, the Pacific Center operates remotely due to COVID.

The findings below reflect conversations with five Berkeley behavioral health provider staff, all of whom work with the LGBTQIA+ and Queer/Trans community. Of the five providers, two identify as genderqueer, and two identify as BIPOC. Two of the individuals expressed that as QTBIPOC folx, they have more lived experience with police interactions as individuals than as clinicians but did their best to only speak of experiences encountered as service providers.

Listening Session Findings

- LGBTQIA+ members define and explore their lived experiences in terms of race, ethnicity, gender identity and expression, sexual orientation, disability, age, and other identity markers to convey understanding about the impacts of policing on their public safety—which is different from solely racial, ethnic, and heterosexual norms.

- On the topic of intersectionality, one staff member explained the importance of factoring in additional identity markers by saying "if you do not have lived experience, it is hard to conceptualize how positionality—how you present to the world— changes everything."

- The types of violence happening for LGBTQIA+ people are defined by one provider in terms of hot and cold violence, and it is noted that they commented Trans Femme Black and Brown people as most susceptible.

  - Hot violence is "immediate, active, perceptible violence that touches you. It can be physical or verbal, very loud, aggressive, and immediately unsafe. Hot violence can change the dynamic in the situation instantly."

  - "Cold violence is a more underlying source of violence than hot violence, and is more than a microaggression, like an intentional microaggression. An example is a Queer Trans BIPOC looking for an appropriate bathroom

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[80] By Margaret Fine and Janavi Dhyani. Margaret is the Chair of the Mental Health Commission for the City of Berkeley. Janavi is the Director of Operations for the Alameda County Network of Mental Health Clients

and being surveilled by police. Cold violence reflects the way in which systems are set up by police to surveil and monitor human behavior where it does not feel safe to move around fear freely."

- This LGBTQIA+ provider further highlighted the critical need to have a nuanced understanding of how Queer and Trans people, particularly QTBIPOC people, describe their lived experiences with policing and crisis response. There is a need to understand their levels of distress and how crisis first responders met their needs for "safety" or do not meet them.

    o This provider discussed the role of police and how there may be psychological impacts as a result of the mere presence of police, and/or further escalation of a crisis due to the presence or role of the police. She discussed the trauma as: "I think of families, [a police presence is] traumatic for everyone, police show up, it makes a huge scene for the neighborhood, flashing lights, and then having to unpack it with families, clients…."

    o One provider, who was very explicit about their feelings about the police, said: "I stay away from the Berkeley Police Department and advise young people to do the same. The Berkeley Police Department are not my friends, they are not people who I trust as an entity, and not people I say should be called for help.

    There are difficult situations in which there is a Queer Black Femme Cis Woman and warm violence, but the person does not want to call the police. Every single interaction will not lead to hot violence, but we know statistically that Queer Trans BIPOC people with mental health issues, who are disabled or developmentally challenged, are far more likely to experience violence, be harmed, and be killed."

- The Pacific Center, as an LGBTQIA+ space, can challenge notions of "safe" space for Queer and Trans people who are seeking a sense of belonging because of violence to the physical building and to people at the Pacific Center.

- More than one provider talked about the lack of Queer and Trans "safe" spaces in the community-at-large, especially for transgender women of color, unhoused, youth, and BIPOC.

- The LGBTQIA+ provider also discussed the conceptualization of "public safety" or "community safety" as not related to the police but rather to people having sufficient resources and support in order to have their basic human needs met and stable life existence.

Discussion

This LGBTQIA+ provider brought up the importance of intersectionality when talking about the police response, and additional identity markers that statistically place QTBIPOC people at risk—which is different from factors based solely on race and ethnicity and reflects non-binary gender identity and expression and non-heterosexual orientation. This provider indicated that the role of police would be that they support services to the community, especially LGBTQIA+ police officers supporting LGBTQIA+ community members. There have been hate crimes by people outside of the community that can be perceived as violently challenging the legitimacy of LGBTQIA+ people, as well as a negative incident from a person within the community who did not feel as though they were served.

Recommendations

- Currently, the LGBTQ+ liaison for the Berkeley Police Department has reviewed the LGBTQIA+ Listening Session Report and is working on a collaboration with the staff for the Pacific Center for Human Growth in order to address challenges in the community.

- There is a need for an established partnership between the Division of Mental Health for the City of Berkeley and the Pacific Center for Human Growth in order to ensure training and service delivery to LGBTQIA+ clients that are culturally safe and responsive. There is also a need for collaboration among service providers to become more well-integrated with coordinated services tailored to meet client needs, including ones that are culturally safe and responsive.

- There is a considerable need for behavioral health workers, such as clinicians, case managers, peer specialists, and peer navigators, who can directly guide LGBTQIA+ clients in navigating multiple systems—particularly given the shortage of case management services available from community-based organizations in Berkeley.

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Appendix 4: PEERS Listening Session for People Living with Behavioral Health Challenges[81]

The PEERS listening session included 12 participants who shared their lived experiences with behavioral health challenges and policing in Berkeley. Before this listening session, there was extensive outreach by the Associate Director for the Alameda County Network of Mental Health Clients [describe methodology].

- Generally, the participants spoke about their interactions and perceptions of Berkeley police, and how that impacts their feelings of "safety" in their community as Peers. Primarily they expressed their fears, based on lived experiences, interacting with police during a mental health crisis in the community, and how a policing response generally had a negative impact on their ability to feel "safe" in Berkeley.

- Peers offered several recommendations about how they would like to experience "safety" including increasing their involvement as responders to mental health crises. It is noteworthy that additional research with peers would be highly useful to account for the role of race, ethnicity, gender identity and expression, sexual orientation, disability, age, class, and other factors, and their impact on a policing response to a mental health crisis.

<u>Findings:</u>

- Individuals stated they did not desire to call 911 emergency services for fear of police response to a person experiencing a mental health crisis in the community. One person did not feel proud of their decision to call 911, knowing that police would arrive but did so because they did not feel like they had alternative options to provide that person with appropriate support. She stated: "I've had to call the police on people with mental health issues and it broke my heart and that is something I would not like to do."

- The main emerging themes from the PEERS Listening Session focused on their perceptions and experiences about 1) feeling stigmatized as "public safety threats" and regarded so by officers; 2) officers unease connecting with people experiencing a mental health crisis; 3) the role of de-escalation if any; and 4) feeling traumatized or re-traumatized by police during mental health crises.

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[81] By Janavi Dhyani and Margaret Fine. Janavi is the Director of Operations for the Alameda County Network of Mental Health Clients. Margaret is the Chair of the Mental Health Commission for the City of Berkeley.

- **<u>PEERS felt perceived as "public safety threats" by police.</u>**

  - PEERS discussed their perceptions and feelings about being seen as "public safety threats;" and generally as something to be controlled rather than human beings who need emotional "safety" to resolve their crisis. In particular, the participants expressed their fears of being met with police violence instead of with compassion and empathy for their plights.

  - The notion of "safety" ranged from people feeling exceedingly vulnerable and "unsafe" while experiencing a mental health crisis in the community to a wide variety of crisis responses (based on actions, words, physical harm, and/or lack of response/over response) by police to them. Overall participants mentioned that most people experiencing a mental health crisis are not violent.

- **<u>PEERS perceived officers as uneasy about connecting with people experiencing a mental health crisis and potentially escalating a crisis</u>**

  - Participants discussed their experiences interacting with officers. One participant commented that Berkeley police are "not ready to deal with people who are upset with emotional disturbances," and that people in crisis "don't need violence when people are angry" to resolve their crisis. Another participant felt the police "get scared of mental health" and said they "need to not be afraid of people, people who are eccentric."

  - In addition, another participant expressed concern that "some cops [do] not feel safe…don't speak a whole lot." She commented about feeling "really uneasy" when you need "someone to talk more, like hostage negotiator, convey sort of friendship and comradery." She discussed seeing someone "high energy, manic, talking real fast, as an opportunity for a person in the crisis to grow rather than shut down with drugs, incarceration, hospitalization," and stated, "we need to learn, develop a field of knowledge of people in altered states."

  - This participant further underscored that police officer "use major tool like [a] gun and bullets; something startles them, go for the gun." The point was further underscored by another participant, who stated based on their experience with police, "that it is always with guns; it's a threat, always a threat of violence out there, the police come with their guns," and that we are "much better served with people not heavily armed, I don't know how I think the conversation and non-violent tactics."

- **PEERS feeling traumatized or re-traumatized by police during mental health crises**

    o   One participant stated that "many people have negative feelings on police" and when they see police "it can be triggering, it can be negative, not friendly, open." Another participant "witnessed police in action in Berkeley," and said they did not want police on mental health calls, as they were traumatized to the point of seeing police in a "whole different light." Yet another participant stated, "So many of us have been harmed when we are treated when we are in crisis."

    o   Participants further talked about how the presence of police could exacerbate the intensity of personal distress and create feelings of extreme terror and instant fear of extinction, as opposed to creating ones of emotional "safety." While the participant did not describe the basis for officers' arriving at the scene, he described his feelings about a police response by stating "it is multiple police cruisers, you feel like the world out to get you and annihilate you, officers are intimidating, 3-4 cruisers with multiple cops, very, very troubling and high-risk situation." This feeling of being responded to, instead of being met with, is a sentiment 61 Appendix J people shared.

Behavioral Health Recommendations:

- **Include PEERS in Developing Behavioral Health Responses**

    PEERS indicated that the first and most important recommendation is outreach and inclusion of PEERS who have worked on behavioral health reforms since the 1990s, when this movement began. There are trained Peers who are invaluable to developing responses to behavioral health crises and supporting the transition to new systems of safety in Berkeley.

    PEERS are crucial for unpacking the scope and nature of mental health crises to provide a nuanced understanding, approach, and framework for responding with appropriate levels of care to people with behavioral health challenges in the community--particularly for a non-police crisis response such as a Specialized Care Unit (SCU).

- **Sufficiently Fund & Support Behavioral Health Respite Centers**

    Drop-in and wellness centers for people living with behavioral health challenges need sufficient funding and staff with full-time Peer Support Specialists where individuals experiencing non-threatening altered states and/or behavioral health crises can move through their crisis is a safe and supported state.
    It is further essential to have availability 24/7 and on holidays, and to involve PEERS in the transit from the behavioral health crisis to the Peer staffed drop-

in/wellness center. Peer Navigators are also key to assisting people in navigating complex systems, including how to get appropriate services in the City of Berkeley and Alameda County.

- **Have a Reconciliation Process with People Living with Behavioral Health Challenges and Police**

  There is a need for a reconciliation process with police, particularly as a response to traumatic experiences with police. A reconciliation process, as well as a restorative justice process, with people living with behavioral health challenges may help build trust and rapport with police officers in the future.

- **Clarify the Risk Assessment by Call Takers, Dispatchers, and Police for Behavioral Health**

  There is a need for clarification about how Public Dispatch Operators and the police use their discretion to make decisions about "public safety threats." It is not clear if the current protocol is designed to not only determine if someone is a "danger to themselves or others," or "gravely disabled" to meet the standard for a 5150 involuntary hold, and/or if the assessment offers a more nuanced evaluation for persons who do not meet this standard, particularly to assist with next steps in care if needed.

- **Improve De-Escalation Training for Police & Offer Public Education on Behavioral Health**

  There is a need for additional de-escalation training for law enforcement and public education about connecting with community members who interact with the world differently than they do—including using peers as part of training.

- **Account for Overlapping Systems of Care for People Living with Mental Health Challenges**

  There is a need to account for overlapping systems of care, including medical, behavioral health (mental health, substance use), social services, and other systems. Participants in the Peers Listening Session, who identify with homelessness, discussed how current systems are not set up in a way that enables long-term sustainable wellness of the behavioral health community.

- **Further Research Recommendations**

  - Peers indicated the need to explore the types of human behaviors that meet the 5150 standards and/or constitute criminal behavior, as opposed to other behaviors that may not fall within social norms but do not pose a threat to the public to inform mental health crisis response.

  - There is a specific critical need to explore the degree to which police approach a distressed person and defuse the situation versus using coercion, particularly during 5150 assessments—both alone and co-responding with the mobile crisis unit.

  - It is further important to clarify the levels and types of personal distress, and how they impact functioning according to Peers who are living with behavioral health challenges, and the types of crisis response that work for them in the community.

  - There is an essential need to explore how a Peer can feel "safe" transitioning from experiencing a crisis in the community to a respite space with the support of a Peer specialist and/or other responders, as opposed to feeling treated as dangerous and in need of social control and being subdued.

  - There is a need to explore perceptions and experiences of people living with behavioral health challenges to better understand the nature of stigmatization, and how it impacts a policing and mobile crisis response, especially when addressing intersecting identities of Peers based on race, ethnicity, gender identity, and expression, sexual orientation, disability, age, class, and other factors.

  - **Homelessness:** Research with people living with behavioral health and housing challenges could further inform how homelessness impacts the nature of people's mental health challenges, and the type of services needed. Participants generally described the grinding efforts needed to survive, including constantly dealing with lack of necessities and fear of having their household belongings abruptly discarded and the accumulation of additional impacts on their mental health.

  - **Homelessness:** It is important to indicate that further research is needed with the unhoused population to understand the intersecting nature of mental health and substance use challenges and homelessness, particularly to explore the nature of policing and crisis response and whether the systemic responses are service-oriented and/or designed to stigmatize and criminal human behavior or both.

o **Substance Use:** There is a further need to conduct research with people who use alcohol and drugs and have lived experiences with policing and mobile crisis response, as this qualitative research focused almost solely on people living with behavioral health challenges.

It is crucial to consider the nature of trauma-informed, de-escalation, and harm reduction approaches for people who use alcohol and drugs during crisis response in order to discern how service-oriented practices may reduce harms from alcohol and drug use and avoid punitive measures resulting from criminal legal, and incarcerations involvement due to alcohol and drug use.

Specifically, there is a need to assess how systemic responses to people who use alcohol and drugs may result in fluctuating among multiple systems without well-integrated coordination of care.

o **Overall** crisis response to people experiencing behavioral health challenges in the community requires a commitment to conducting empirical research that is nuanced so we understand the complexities required to properly serve and protect individuals. The role of police during a mental health crisis is a turning point for people with behavioral health challenges in the community and there is a need to thoroughly understand police behavior.

For more information regarding the effectiveness of Peer Support work in behavioral health care services, the following literature review has been provided:

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Appendix 5: Training and Community Solutions (TCS) Institute Training Topics

- Mental Health First Aid
- Principles of trauma-informed care, response, and practices
- Supporting residents experiencing symptoms.
- Considerations and tools when supporting youth and elders.
- Safety planning and advanced directives for mental health episodes
- Suicide identification, risk screening, and intervention skills
- Potential Providers: Cypress Resiliency Project, Alameda County Community Mental Health Trainings
- Responding to Substance Use Crises
- Principles of harm reduction
- Managing possible overdose situations
- Harm reduction resources
- Substance abuse & misuse: symptoms, understanding pharmacology and negative interactions
- Symptoms and types of mental illness, brain injury, or dementia
- Potential Provider: Substance Abuse Mental Health Services Administration

- Conflict Resolution, Mediation, Communication & De-escalation Training
- Peer support - principles of practice and effectiveness
- De-escalation, disengagement, and conflict mediation
- Communication principles and methods
- Implicit Bias - recognizing, overcoming
- Identifying behavior impacted by trauma and support mechanisms
- Identifying and overcoming communication barriers
- Potential Provider: CIT Trainings with NAMI

- Basic Training
- CPR
- Stop the Bleed
- First Aid
- Blood-borne Pathogens Training

- Team Safety and Logistics
- Planning and Positioning for Safety
- Scene Assessment and Situational Awareness
- Interacting with BPD, BFD & EMS and understanding protocols of each
- Transport of Service Recipients

- Documentation and Reporting
- Privacy, Confidentiality, HIPAA Compliance

Self-Awareness
ACES (Adverse Childhood Experiences) training (Potential Provider: ACEs Aware)
Mindfulness based Resilience Training & Meditation
Know Your Conflict Style ~ Thomas Kilmann Conflict Mode Instrument
Community-specific Competency – cultural humility in serving: LGBTQIA+, BIPOC, immigrants, veterans, formerly incarcerated, unhoused, youth, elders

Kingian Nonviolence Training
A philosophy and methodology that provides the knowledge, skills, and motivation necessary for people to pursue peaceful strategies for solving personal and community problems. Nonviolence is a systematic framework of both conceptual principles and pragmatic strategies to reduce violence and promote positive peace.
Potential Provider: East Point Peace Academy

Community Health Worker/Peer Counseling Skills
What services exist, what they do, who is eligible, and how they are accessed

Referral process
- City and county emergency response programs
- City and county resources
- Community-based and mutual aid services
- Motivational Interviewing

Trauma Training
- Navigating mental health crisis, substance crisis, DV crisis,
- Human Trafficking, Victims of Sexual Assault Awareness
- Historical and Intergenerational Trauma - A Public Health Crisis (90 minutes offered by Cypress Resiliency Project)
- Vicarious Trauma, Toxic Stress and Burn-out (90 minutes offered by Cypress Resiliency Project)

- Case Scenario & Role Play Work
- Recreate Mental Health Crises to test trainees in real time
- Simulations/manufactured spaces to test readiness and appropriate disposition of trainees

- Ride Alongs

- BPD
- BFD Paramedics
- City of Berkeley Dispatch
- Paul Kealoha Blake of Consider the Homeless

- Self-Care Plan Established
- Each first responder has a mentor/preceptor for X period of time for support
- Identify tangible practices first responder will employ to maintain their ongoing mental & emotional well being
- Create an actual plan

What metrics determine a successful completion of the training?
1. Successfully complete all modules with certificate
2. Successfully engage in simulations by responding appropriately in simulated crisis scenarios
3. Determine a way to gauge service recipients' experience, modify training to improve overall service delivery

For police officers:
1. EPIC (Ethical Policing is Courageous)

Resources:
Peace Education by Ian Harris of University of Wisconsin
Alameda County Citizen Programs & Crime Prevention
CA Peace Officer Standards & Training Basic Courses

Appendix 6: Community Violence & Prevention Programs

1. San Francisco Violence Prevention Services:
   https://violenceprevention.sfgov.org/
2. Street Violence Intervention Team: Annual Report 2018
3. Street Violence Response Team:
   https://violenceprevention.sfgov.org/coordination.html
4. Youth Employment/Growth Opportunities:
   https://violenceprevention.sfgov.org/employment.html
5. Roadmap to Peace Initiative - SF
6. PDF Pamphlet:
   https://sfgov.org/juvprobation/sites/default/files/Roadmap%20To%20Peace%20Initiative.pdf
7. Website: https://www.ifrsf.org/rtp?locale=en
8. United Playaz - SF
9. Program Lists: https://unitedplayaz.org/our-work/
10. Notably, leads SF's Gun Buyback program
11. Annual event
12. Employs formerly incarcerated individuals and community members
13. Anywhere between 200-300 weapons taken off the streets per event
14. Cash paid for pistols and long-firearms
15. No questions asked of participants dropping off firearms
16. Weapons are taken in for inspection and destroyed shortly after unless reported stolen or used in a crime and kept as evidence
17. Deep partnership with community organizations and San Francisco City Departments to ensure success
18. Oakland Violence Prevention Coalition (VPC), Oakland
19. https://www.oaklandvpc.org/
20. Multiple community-based initiatives working collaboratively including street/neighborhood outreach, violence prevention/mediation and post-shooting response, community healing/restorative justice, Neighborhood Impact Hubs, health services, shelter/housing responses
21. Cure Violence - New York, Baltimore, Chicago, Philadelphia
22. Report: https://cvg.org/wp-content/uploads/2021/09/Cure-Violence-Evidence-Summary.pdf
23. Reductions of
24. 45% violent crime (Trinidad)
25. 63% shootings (New York City)
26. 30% shootings (Philadelphia)
27. 45% shooting in first week of program (Chicago)

28. Advance Peace - Sacramento
29. Report: https://www.advancepeace.org/wp-content/uploads/2020/04/Corburn-and-F-Lopez-Advance-Peace-Sacramento-2-Year-Evaluation-03-2020.pdf
30. Data:
31. Reduced homicide and nonfatal injury shootings by 20% from January 2018 and 2019
32. Every $1 spent saved between $18 and $41 dollars in emergency response, health care, and law enforcement - saving the city money!
33. Group Violence Intervention Strategies - Boston, Chicago, Indianapolis, New Orleans, Oakland, Stockton
34. Reduced shootings that result in injustice by 30%
35. Report: https://nnscommunities.org/impact/impact/

Appendix 7: Strategy for Employment Programs

Employment Programs that Work for High Barrier Job Seekers including Those At Risk of Justice System Involvement or Homelessness

A Transitional Jobs strategy lowers barriers to unemployment for persons with complex challenges including homelessness. Offering whole person case management services with solid referrals into safety net services increases the chance of success. It is also important that participating in the program leads to permanent employment opportunities with livable wages and benefits.

- Examples of Transitional Job Training Careers
- Culinary and Food Preparation
- CNA – Certified Nursing Assistant
- Home Care Aide
- Administrative
- Customer Service
- Solar Installation
- Auto Mechanic
- Gardening and Landscaping
- Maintenance and Janitorial
- Construction
- Violence Prevention / Peer to Peer Role Models
- Clean City Programs / Street Ambassadors
- Youth mentor
- Security Guard
- Shelter Assistant

Example of Local Employment and Training Programs
- Rising Sun Center for Opportunity (risingsunopp.org)
- Kitchen on Fire
- The Bread Project
- Sprouts Cooking Club | Cooking Classes | Chef-In-Training Program (sproutscheftraining.org)
- Home | West Oakland Job Resource Center (wojrc.org)
- https://www.oaklandca.gov/services/assets (employment for seniors)
- Building Opportunities for Self-Sufficiency (BOSS) Career Training and Employment Center for justice involved individuals

- City of Berkeley Adult School CTE Program Pathways - Google Docs
- Employment Programs – Goodwill Industries of the Greater East Bay (eastbaygoodwill.org)
- Environmental Training Center | Berkeley Youth Alternatives (byaonline.org) Environmental Training Center for ages 16-24
- Inter-City Services Home (icsworks.com)
- Multicultural Institute Multicultural Institute (mionline.org) support day laborers find economic security and housing

North Cities One Stop Career Center – inside of Berkeley Adult School

Complementary Educational Classes
- English As a Second Language
- English and Math Literacy
- Adult Basic Education and GED classes
- Computer Technologies Program - Berkeley, CA (ctpberk.org)
- DigitalLearn Digital Learning – basic computer skills to navigate word processing programs, the Internet for job search and resume creation

Appendix 8: SOS Program (Richmond Model)

SOS Richmond and Rebuilding Together: A Model STREETS TEAM for homeless encampment engagement

 Safe Organized Spaces Richmond (SOS), a program of Rebuilding Together East Bay-North (RTEBN), will collaborate with project partners/subcontractors, the City of Richmond departments, other public agencies, and private entities to provide outreach and support unsheltered people who reside in homeless encampments across the City of Richmond.

RTEBN is a local 501c3 nonprofit that has been serving the community since 1992 with a focus on community revitalization. RTEBN will host this effort by providing its management and administrative services and will charge a 10% administration fee as well as provide the services of its Executive Director to oversee all administrative aspects of the SOS programs. RTEBN will provide the organizational infrastructure and capacity needed to ensure the smooth and efficient functioning of the programs. It will also provide leadership for fund and programs development and facilitate SOS Richmond's growth to become a fully functioning stand-alone organization.

SOS Richmond has been operational since 2019 and uniquely focuses its mission on improving safety and providing essential care for homeless encampment dwellers in informal structures and unhoused vehicle-dwelling households on city streets and other unsupported locations. The Area Director will direct the development and operation of the Streets Team for daytime encampment and neighborhood engagement and provision of basic amenities, and for nighttime neighborhood responses related to public safety and quality of life issues. He will also coordinate activities to support forthcoming interim sheltering programs.

Program partners are other Richmond organizations that will be subcontracted to provide services such as: staff training for workforce readiness, professional skills, and personal development; food and water distribution; community and leadership development; toilets, hand washing stations, and other amenities and infrastructure; and other essential encampment-based and interim sheltering supports.

SOS Richmond's programs address situations in which homeless people are living in conditions that are unacceptable for all concerned by providing resources to address immediate situations, and providing the support needed for people to take responsibility for their surroundings and ultimately obtain safe transitional shelter and a pathway to permanent housing.

The Streets Team is a workforce development program that employs homeless individuals to fill a critical gap for improvement of unsafe conditions for the health and security of unhoused populations and neighbors impacted by homelessness. Employees participate in life skills and employment-related sessions to promote mainstream behaviors for the purpose of enabling them to build on skills and develop a work history for eventual employment elsewhere.

The Streets Team responds to homelessness at parks, freeways, train tracks, creeks and on neighborhood streets at key locations throughout Richmond.

Fifteen paid unhoused individuals currently serve as neighborhood stewards and role models who lead essential safety and health efforts in encampments. They are afforded access to more hours, responsibilities, and opportunities for advancement. The additional resources afforded by this contract will enable SOS! Richmond to scale up to as many as 60 paid employees and interns.

The Streets Team will provide outreach through the provision of trash cleanup, sanitation and hygiene interventions, empowerment processes, and community liaison services that lead to improved encampment and neighborhood conditions. Community-integrated efforts will engage public, nonprofit, community-based and business sectors to leverage basic amenities for encampment residents, address individual and community needs at encampments, and improve relationships between encampment communities and the neighborhoods where encampments are located.

The Streets Team will be supervised by two Field Supervisors. The daytime Field Supervisor will lead, model, oversee, and hold personal and team accountability with supervision of the Streets Team's staff and intern "Safety Guardians" to conduct mobile and localized encampment and neighborhood engagement services, with a focus on delivery of basic amenities according to a predictable daytime schedule.

The Field Supervisor will oversee the Streets Team's second shift as an assertive community liaison for improving neighborhood quality of life. The mobile team will support and lead a homeless engagement team of local safety guardians who respond to neighborhood complaints and steward street and encampment hotspots.

The program will utilize equipment, supplies and materials such as sanitation, hygiene and water supplies, trash bags, gloves, masks, vests, materials to maintain vehicles and equipment, safety PPE, fuel, food/beverages, office materials, printing, trash disposal trailer, etc. It will accommodate debris disposal costs for Republic Services tipping fees.

The organizations will work at a Central Richmond office space and meeting space, and costs may also include storage of supplies and donated materials, and storage of heavy equipment and vehicles.

Streets Team service activities will include:

Cleanup of trash and dumping. SOS will expand and deepen its debris removal to locations throughout Richmond, including existing and abandoned encampments, public spaces such as parks, creeks, streets, and anywhere that trash accumulates. Since receiving its first city grant in 2019, SOS! Richmond has had a significant positive impact on encampments and their surrounding neighborhoods. The Streets Team currently removes five tons per week from dumped locations. It is anticipated that the team will remove and dispose of 8-10 tons of trash per week.

Encampment residents are encouraged and motivated to steward their surroundings and keep them clean and safe. SOS! Richmond's approach is to recruit and train encampment residents to self-manage their spaces and prepare trash for removal and disposal by the Streets Team's mobile engagement team. Encampment dwellers will benefit from improved living conditions, a healthier environment, and safer and more organized camp communities. This is made possible by cultivating trusting relationships, and Streets Team members use their unique knowledge of localized cultures, dynamics, and nuanced encampment experiences to gain trust and model leadership. Team members can relate to their unsheltered peers on a level that is not possible with institutional service providers, enabling them to foster empowerment and positive behavior.

Improvements in collaboration and shared protocols among these unhoused leaders, and public agencies and neighborhood groups, will provide their eyes on the ground for the Streets Team to be responsive to new needs each day, thus benefitting the City and relieving the overwhelming problem of illegal dumping. Through this process, stakeholders improve the perception of public parks, streets, and other prominent places as safe spaces, inform perceptions about homelessness, and increase cross-sector cooperation.

The Streets Team models this cleanup activity for local encampment residents and neighbors alike and raises public awareness about neighborhood safety. As the Streets Team conducts its sanitation and outreach efforts, SOS! Richmond communicates with neighborhood partners and community leaders, public agency representatives, attends neighborhood council and civic group meetings, and shows up on neighborhood streets ready to engage in conversations with housed and unhoused neighbors and respond to

their concerns and needs. It organizes for greater levels of communication and cooperation about the problems of homelessness. Such public awareness efforts will ultimately result in the introduction of interim sheltering, and eventually permanent housing, solutions in Richmond neighborhoods.

Deliver mobile showers to locations near unhoused neighbors. The Streets Team will operate the Shower Power program, a collaborative, coordinated effort that includes a mobile shower trailer that travels to homeless encampments and locations where clusters of people reside in vehicles. SOS Richmond partners with other community organizations to deliver a constellation of essential services for unsheltered residents of Richmond with the Shower Power program as its cornerstone. Services include hot showers, delivery of food, water and supplies, and other services as described below.

The mobile shower will visit at least five locations per week for 3-4 hours per day, serving 100 or more homeless people each week. Masking, social distancing and sanitation protocols are strictly enforced by trained workers. The team will continue to secure public and private hosts to provide water, electricity, and greywater effluent drainage at locations near encampments. In addition to a hot shower, the unhoused individuals receive food and drinking water; new socks and underwear, and access to clean clothing; personal protective equipment such as face masks, gloves, and sanitizer; hygiene supplies, sanitation supplies and trash bags; tents, tarps, sleeping bags and blankets for those without them; assistance navigating the Coordinated Entry System of homeless services, including health care and information about housing.

Shower Power serves as a draw to engage people with additional services, bringing in people who might not otherwise seek the help they need. The showers are a point of convergence of people and resources in partnership with community-based, nonprofit, and public agency partners, including active relationships with the County's CORE mobile homeless outreach, Health Care for the Homeless, Free Meals on Wheels, and other collaborative partners. Brothers of International Faith will host food distribution alongside Shower Power at shower service locations.

A driver and at least two staff members are required to deliver and set up the mobile shower unit, welcome and survey shower program participants, distribute supplies, engage with participants to discuss their needs, and clean and disinfect the units after each use. The budget presented in this contract assumes an aligned delivery of Streets Team sanitation and Shower Power hygiene services.

Deploy additional amenities that provide for trash storage, portable toilets, drinking water, wastewater disposal, and power at encampment and street locations, scattered

sites for off-street parking, and future transitional villages. Currently unsupported encampments will be gradually supported with the introduction of amenities. Managed encampments will be maintained with more robust service and leadership-building, and interim sheltering locations will be similarly supported with these basic amenities. Many of these resources will be provided by community-based efforts of in-kind supporters – people who live in Richmond and want to see the problems of homelessness addressed for an improved civil society with safety net supports.

The infrastructural improvements will be delivered and managed by the Streets Team in collaboration with public/private partners who invest in the safety of encampment residents and their impacted neighborhoods. These actions demonstrate to encampment residents that they have a responsibility to utilize and secure the infrastructure and steward their surroundings, in addition to addressing their most dire and basic needs. Program partners will work with SOS/RTEBN to lease, site, secure, manage and service any debris, toilet, water, and wastewater systems that are contracted for interim use to improve public health.

Leader-building and workforce development activities so that unhoused residents are more responsive to their peers' and neighborhood's needs. The Streets Team identifies, recruits and trains unhoused residents who demonstrate competencies, enthusiasm, and reliability to provide outreach and basic amenities to encampments, engage in trash removal, and support peers and adjacent housed neighbors. Outreach efforts identify volunteers who demonstrate their leadership and motivation to make changes in encampment and neighborhood quality of life. Interns receive a modest stipend while they train for potential employment. Employees receive a decent wage and the support needed to sustain their jobs and become productive members of society. Workforce training by program partners will support the efficacious employment of unhoused individuals so that they provide their services to Richmond's neighborhoods in response to public health and safety concerns and needs.

Each day in the field, unhoused individuals are encouraged to demonstrate their personal initiative and leadership qualities as volunteers and are invited to join the Streets Team in its fulfillment of a predictable schedule of field activities. The volunteer is encouraged to regularly communicate with the Field Supervisor to begin and sustain the volunteer status.

Volunteers join staff to participate in staff meetings to brainstorm about problems and receive group in-field training to learn basic tasks and responsibilities. Program partners will be sub-contracted to increase the training that employees receive, who will paid to attend in-class training sessions to learn basic soft skills, handling hazardous materials,

conflict de-escalation and motivational interviewing, problem-solving skills and education about trauma-informed care, and peer engagement, leadership, and empowerment.

Each employee applicant is required to complete volunteer and employment paperwork, obtain a CA ID, Social Security card, phone, and bank account for direct deposit, and demonstrate eligibility to work. They are assisted in this process by the Director, Field Supervisor, and SOS volunteers. Interns and employees are supported to secure transportation and conduct legal vehicle registration and operation. Each applicant will be assisted with developing a professional resume.

Streets Team members are expected to be the models for others, not only in their work performance but also in their personal living arrangements and relationships. Interns and employees are continually encouraged and supported to make personal improvements in their lives to obtain more stable dwellings and living conditions, and improve their personal health, emotional stability, and overall satisfaction and wellbeing. Employees are prioritized to participate in the interim sheltering opportunities as they are developed by SOS! Richmond and the City. Each employee is expected to benefit from obtaining permanent housing and the means to sustain it with employment and an active "personal program" that keeps people working on their personal health.

Workforce development focuses on practicing teamwork according to a daily communication system and clear performance standards that are modeled by the Field Supervisor. Employees demonstrate their accessibility and dependability. They learn to model a positive outlook and the motivation for improving neighborhood quality-of-life and encampment living conditions. They are supportive of their peers to help them be healthy and engaged in Safety Guardian activities. Each Streets Team member recommends new volunteers to become Streets Team members. As an employee begins to excel in job performance, the hours increase and become more regular, responsibilities are nuanced and shaped to that individual's aptitudes and strengths, and the employee advances in hourly and then salaried pay rates.

Local engagement focuses on safety, problem-solving and personal welfare to improve public safety. One of the most pressing issues at unsupported and managed encampments is the need for improved security to support public safety. It has thus far been difficult to implement successful security measures, even at managed encampments. The Streets Team will engage local stewards to work during late afternoons and evening hours to target three activities: trash collection, problem-solving, and advocating for people's welfare. These activities together will bring more attention

and care to situations that otherwise might result in problems with safety. Such activities may increase self-management practices among encampment dwellers.

The Streets Team is composed of local stewards and a mobile team. A local steward will be present at larger encampment locations to provide for "traditional" Streets Team activities such as trash cleanup. An additional task for select employees will involve talking with individuals to focus on welfare checks. By casually offering to support people's needs, staff will seek to address what is not working and problem-solve in the moment or at the earliest next opportunity. With clipboard in-hand and by asking one or two simple questions, the Streets Team can respond to people's expressed needs. In response, the Streets Team's mobile team, Area Director, SOS volunteers, and program partners, including Housing Consortium of the Easy Bay (HCEB), will be responsive to these needs. The local steward will also lead in the empowerment of unsheltered residents to steward their locations to improve personal and public health, safety, and neighborhood order. Improving safety and security will thus involve proactive steps that can be taken by working with the residents who are receptive to support and are willing to participate.

Individually focused engagement will lead to community development at locations where people lack access to caring, trusted, and sustained relationships. The activity of securing and managing shared public spaces will lead to safer, more organized environments which will improve conditions and relationships in neighborhoods impacted by homelessness. The health and safety-focused engagement and empowerment activities will help to provide stewardship that supports the security of public spaces.

Mobile team to act as assertive community liaisons and problem solvers at problematic neighborhood locations. The mobile team will operate two shifts during the day and into the night to provide responses to neighborhood complaints or concerns related to homelessness and address these in a sustained and proactive manner. The team's expansion of its capacity as assertive community liaison will improve neighborhood quality of life with its presence at problematic encampment and curbside locations and increase civility at public spaces. The mobile team will function as field supervision for the local stewards and Streets Team members as they work in the field. They will also provide observation and responses for the Secure Scattered Sites to ensure that host properties and the households residing on-site are safe and acting in accordance with contractual agreements.

The mobile team fulfills a basic function of picking up trash bags and debris that is dumped at specified locations. As the mobile team travels across Richmond and fulfills

the Streets Team's work at specific locations according to a predictable schedule, the team will also be responsive to requests for support from local guardians, concerned neighbors, public agencies, including CORE's mobile outreach (CORE ceases its work at 4PM), and other public and private groups and institutions that express their neighborhood's needs.

The team will answer these basic needs at encampments, streets, and other locations where unhoused individuals otherwise lack support, especially in the evenings when problems most often arise. It will regularly check in on individuals, especially vulnerable ones, and will keep track of where they are, how their needs are being met, and assist them in obtaining support and access to services in collaboration with program partners and mainstream providers. The mobile team will pass out bags, collect filled bags, and use their clipboards to keep track of promises for support.

The mobile team will provide a presence to deter illegal dumping and provide prompt responses when these calls are dispatched. It will also practice a light touch to address those concerns of quality-of-life and civility that can be safety responded to and which may mitigate public agency responses.

When practicable and safe, the mobile team can respond to concerns related to homelessness during evenings and nights until 3AM. It is during these late hours when a presence might make the difference in preventing crime and disorderly behaviors, especially at locations where local stewards request support and supervision by the mobile team for problem-solving.

The mobile homeless engagement team will address neighborhood complaints. Collaboration with city and county agencies will expand for assertive public safety responses, improve communication lines with neighborhood housed residents, leaders, and groups, and potentially integrate with real-time dispatch call systems.

Manage and support Safe Parking Host program locations for vehicle dwellers. Interim sheltering solutions will offer safety, stability, and a cleaner, healthier environment, as well as a pathway to permanent housing. As tent and vehicle-dwelling households are disbursed from encampment locations, SOS Richmond will recruit the support of public and private property owners (churches, nonprofits and eventually businesses) to temporarily utilize vacant lots and parking lots to provide stable and secure transitions for select households. Secure sites are contracted for one to four households with private hosts. In its role as liaison and resource provider, SOS Richmond facilitates a successful relationship between household, host and immediate neighbors. The Streets Team will support the host and the households residing at each scattered site, manage

the provision of on-site amenities, and provide centralized services that bring households to convergent resources. The mobile team will support the security of these sites in the evenings and ensure that households adhere to contractual agreements.

The Safe Parking Host program will support the provision of basic needs such as safe and stable shelter, food, water, and hygiene, as well as a sense of community, purpose, dignity, and hope. For each resident, a personalized service plan will be developed based on individual need, and focused on procurement of housing, may include medical and dental care, housing assistance, help applying for benefits and health insurance, employment counseling, job training or job placement, financial literacy counseling. The scattered site program will be for those who are not in need of mental health and substance abuse services.

Hosts will be interviewed by the SOS Director to establish what amenities are already present on the site and what types of situations they can accommodate (such as disability, children, etc.), and to gather information that will assist in selecting one or more households that are likely to be compatible with the host and the immediate surroundings. Interested vehicle dwellers will be interviewed by the SOS Field Supervisor and the Case Manager to determine their needs in terms of resources, supportive services, and the functionality of their vehicles.

Once the host's permit is approved, contractual agreements will outline the responsibilities of Host, SOS, and Guest. The Streets Team will assist the hosts with preparing their sites for the arrival of the guests. Depending on the site, this may include arranging for installation of a portable toilet and handwashing station, procurement of a drinking water storage tank, and any other assistance deemed necessary by the host. They will assist the guests with meeting any compliance requirements related to the vehicle. The Field Supervisor will provide coaching for each household to prepare them for the responsibility and to promote accountability in their role as steward of the host's property. Once the guests have been settled at the site, a Streets Team member will visit on a regular basis to assist with any needs the guests may have, and to ensure that the arrangement is working out for both parties.

Appendix 9. Police Accountability and Civilian Oversight

The scope of this appendix focuses on three subject areas:

1. Fair and Impartial Policing
2. Strengthening the Police Accountability Board
3. Saturation policing versus evidence-based constitutional policing

NICJR makes a brief mention of the PAB. Neither discuss policing strategies especially the Crime Suppression Unit, other than to affirm the move of low-risk and non-criminal matters away from the BPD sphere.

1. **<u>Fair and Impartial Policing:</u>** In February 2021, the City Council adopted the Fair and Impartial Policing platform recommended by the mayor's working group, and referred it to the City Manager for implementation, with a consultative/oversight role given to the PAB, which came into existence on July 1, 2021.

   The platform had significant overlap with the Reimagining initiative in areas such as reducing the police footprint, BerkDOT, and de-emphasizing stops for low-level, non-criminal, and especially non-safety related vehicle infractions.

   Racial disparities in police stops, searches, outcomes (enforcement yield) and use of force were the impetus for the formation of the working group in 2018-2019. This is also the area where the F&I platform made its distinctive contribution.

   The core element of the platform addressing discriminatory stops is the Early Intervention System (EIS), which has been shown in neighboring cities to reduce racial disparities in police encounters.

   While the BPD has a provision for an Early Warning System (EWS), the EIS will be an important departure in two ways. Firstly, it may be triggered by a statistical indication of racially disparate policing. Secondly, the goal is not only to locate, assist, and correct individual outlier officers, but to investigate, understand and address patterns and departmental problems giving rise to systemic disparities.

   The program was mandated almost a year ago, and the elements of the EIS were elaborated over three years ago, in late 2017, by the Police Review Commission. The BPD has drafted an amended EWS/EIS policy but has not shared it with the PAB oversight body, the F&I working group, or members of the

City Council, though it has shared it with the police association, which represents the officers conducting the disparate stops.

Important elements of the EIS program passed by Council include, among others:

> b. Analyze data to determine whether racial disparities are generalized across the force or are concentrated in a smaller subset of outlier officers or squads/groups of officers.
>
> c. Where disparities are concentrated in an individual or a group of officers, with no race-neutral legitimate evidence for this behavior in specific cases, initiate an investigation to determine the cause for the disparity.
>
> c. The goal of this process is to achieve trust and better community relations between the department as a whole and all the people in Berkeley. Formal discipline is a last resort unless there are violations of Department General Orders, in which case this becomes an IAB matter.
>
> f. An outside observer from the PAB shall sit in on the risk management and/or EIS program.

The Task Force strongly recommends that the *city administration take stronger steps to ensure the rapid implementation of the Council's F&I platform.* Notwithstanding the explanations by the authorities for their delay, including the pandemic, staff vacancies, and a rise in some categories of crime, in the six plus years since BPD's racial disparities came to light the disparities in stops remain as high as ever.

The raw numbers of Black and white civilians stopped by police are roughly equivalent and given the wide demographic disparity between the two groups, there is over a six to one disparity in a Black person's odds of being stopped by Berkeley police compared to a white person's, with the attendant legal, physical, psychological, and financial costs that entails. And the chances of a Black civilian who is stopped receiving no enforcement is about 25% higher than for a white civilian, indicating that many more Black people are stopped for no legitimate reason. [82]

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[82] See charts in Fair and Impartial Working Group presentation to RIPSTF, May 19, 2021, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/Fair%20and%20Impartial%20WG%20-%20Task%20Force.pptx-1.pdf

Fairness and impartiality are not simply an option for the police, one among many priorities, or something they can do when they get around to it. The issue of racial disparities is clearly documented and demand immediate change. The methods to address it have been laid out. The government has mandated implementation. After years of delay, the legitimacy of the public safety system is being undermined at a cost to the whole city.

Specific recommendations:
- Bring PAB representation into the EIS planning sessions.
- Clarify the plan for establishing and operating the EIS, including its use as a tool to investigate the reasons for the stubborn, systemic persistence of racial disparities in Berkeley policing.
- Set a near-term timeline for implementation.
- Report on implementation, findings, and outcomes to the PAB and the Council.

2. **Police Accountability Board and Director:**

The passage of Measure ii a year ago was a big step forward for police accountability. But the PAB can only succeed if it has maximum support from both city administration and City Council. <u>The Task Force strongly recommends</u> the following steps as examples of support for the PAB:

- The Surveillance Ordinance imposes specific responsibilities on the City Manager when acquiring new surveillance technologies, including presenting a Surveillance Use Policy for PAB review before the Council may vote to acquire, use, or pay for such technologies.[83] A similar process is required by the Police Equipment and Community Safety Ordinance with regard to each Controlled Equipment Impact Report and Use Policy.[84] *Council should go beyond these minimum requirements to request PAB advice prior to making even a policy decision to proceed toward such acquisitions.*
- Council placed a provision in Measure ii stating that BPD must share General Orders with the PAB within 30 days of implementation. This was a step back from the past practice of the BPD and PRC working together to develop such policies. Yet this charter provision represents only a minimal requirement. *Council and city management should establish a higher standard of practice that emulates the past practice with the PRC.*

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[83] Specific triggers requiring presentation of the Use Policy to the PRC, now the PAB, include seeking, soliciting, or accepting grant funds for, acquiring, using, or entering into an agreement to share or use another party's surveillance technology. "ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY," https://berkeley.municipal.codes/BMC/2.99.030
[84] https://berkeley.municipal.codes/BMC/2.100

The BPD and city management need to see the PAB as a partner in making policing policy. It should never be the case that the BPD says they cannot share a proposed policy with PAB because they are sharing it first with the police association.

- Measure ii gives the City Council the power to review and override the PAB regulations governing the civilian complaint review process. *When PAB proposes a provision that will make it easier for people from historically marginalized communities to raise and pursue complaints of police misconduct, such a provision should carry a strong presumption of support from the Council.*

3. **Saturation Policing versus Constitutional or Evidence-Based Policing:** Key to the proposals from the Fair and Impartial Working Group, later approved by the City Council, was this understanding of evidence-based policing:

   Dr. Frank Baumgartner's analysis reveals that "investigatory stops" (stops that use a minor infraction as a pretext for investigating rather than to prevent or reduce dangerous behavior) allow for the most officer discretion and open the possibility of implicit bias.[85]
   Based on analyses of more than 9 million stops, Baumgartner's team found that 47% were investigatory and that they added substantially to the racial disparity statistics. Thus, investigatory stops and stops of criminal suspects shall be restricted to those made because the person and/or vehicle fits a description in relation to a specific crime.[86]

Such investigatory or pretextual stops were demonstrated in the extreme by the New York PD's massive stop-and-frisk practice that was ended by federal court order in 2013. Judge Shira Sheindlin ruled that the tactic violated the U.S. Constitution's Fourth Amendment's prohibition of unreasonable searches and seizures.[87]

A related concern is the strategy of zero tolerance and aggressive policing, which "has been found to produce statistically insignificant changes in crime, on average. It also runs the risk of damaging police-community relations, both locally and even at the national level."[88]

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[85] *Suspect Citizens,* Dr. Frank Baumgartner, 53-55 and 190-192
[86] Eberhardt, J. L. (2016). *Strategies for change: Research initiatives and recommendations to improve police-community relations in Oakland, Calif.* Stanford University
[87] https://civilrights.org/edfund/resource/nypds-infamous-stop-and-frisk-policy-found-unconstitutional/
[88] https://www.rand.org/pubs/tools/TL261/better-policing-toolkit/all-strategies/zero-tolerance.html

Also related is the practice of "saturation policing." A 2017 Georgetown study shows:

> The saturation of certain neighborhoods suggested extremely tight surveillance and disruption of everyday movements primarily of young Black males. In the *Floyd v. City of New York* trial on constitutional violations in the conduct of stop and frisk activity, one of the litigated facts was that police stops were concentrated in neighborhoods with high percentages of Black and Latino residents, net of the influence of local crime rates.[89]

Saturating communities of color with police is counter-productive in two ways. It is a very inefficient way to locate and apprehend violent actors, as police attention is spread throughout an entire community rather than focused on the small number of perpetrators. It also leads inexorably to racial profiling, excessive force, and mass incarceration.

A proposal has been introduced for the Berkeley City Council to create a Crime Suppression Unit within the police department. Little information on this Unit has been released, but sponsors refer to the Drug Task Force that operated in the historically African American district of South Berkeley for many years. The DTF incorporated many of the worst elements of saturation policing, aggressive policing, stop-and-frisk, and the national "drug war." It had a reputation in the Black community for abusive tactics, racial profiling, and the targeting of an entire population regardless of any evidence of criminal conduct.

No policing unit be developed that uses these discredited policing tactics. They are unfair and damaging to Black and Brown communities, reinvigorating the regime of mass incarceration, called "the New Jim Crow," that has not yet been dismantled.[90] And they do not work, because they waste police resources that should be used to solve violent crime by instead focusing on low-level offenders or simply on community members who may fit a racial profile. Instead, Berkeley must put our moral, organizational, and financial resources behind a new vision of "holistic, equitable and community-centered safety" as discussed elsewhere in this report.

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[89] https://www.law.georgetown.edu/georgetown-law-journal/wp-content/uploads/sites/26/2019/10/fagan-new-policing-new-segregation_ACCESSIBLE.pdf

[90] https://newjimcrow.com/