



ACTION CALENDAR

May 5, 2022

To: Honorable Members of the City Council

From: Councilmembers Lori Droste, Rashi Kesarwani, Terry Taplin, and Susan Wengraf

Subject: Supplemental Item 1a: Fulfilling the Promise of Berkeley's Reimagining Public Safety Initiative: Recommendations for a Comprehensive, Phased Approach

This supplemental item seeks to amend Item 1a in an effort to blend the various public safety approaches and new initiatives characterized in: Item 1a, Councilmember Taplin's supplemental item, and the options outlined in the City Manager's report, as well as in previous City Council discussions. In recognition of the work done by Mayor Arreguín, Vice Mayor Harrison, Councilmembers Bartlett and Hahn, this supplemental begins with the language from their item, and includes a number of revisions and additions, indicated in underline and strikethrough below:

RECOMMENDATION

To continue the study and implementation of a comprehensive, new approach to public safety and policing in Berkeley, responsive to the City Council's unanimous July 14, 2020 direction for **a transformative approach to community-centered safety with equitable investment in the essential conditions of a safe and healthy community:**

1. Refer ~~up to \$5.3 Million~~ to the FY 2023-2024 Budget Process the restoration of \$6,699,464 for Public Safety and Reimagining initiatives as follows:

a. Unfreeze 10 sworn officer positions for hiring, utilize salary savings from 8 of the unfrozen positions (\$2,346,672) and hold 5 sworn positions vacant (\$1,466,670), pending the beat and staffing analysis to fund Reimagining Process.

b. Unfreeze 7 non-sworn positions critical for Reimagining Public Safety efforts.

c. Use additional salary savings to reduce unanticipated police overtime expenses related to staffing shortages.

2. Refer the following Reimagining Public Safety efforts in order of descending priority, for budget consideration using salary savings and vacant positions to:

1. Hire Assistant to the City Manager to oversee and assist in implementing/coordinating Reimagining Public Safety proposals (\$314,465)
2. Conduct a BPD staffing analysis (\$70,000)
3. Hire 4 dispatch positions and 1 supervisor to provide enhanced dispatch systems/training (\$926,710)
4. Hire 5 non-sworn community service officers and supervisor to absorb lower-level workload from sworn officers and collect data to inform future police and civilian deployment (\$926,226)
5. Hire consultant for prioritized dispatch (\$200,000)
6. Continue to lift up Specialized Care Unit and analyze call and response data (*already funded \$5.7 million*)
7. **Fully** staff Office of Race, Equity, and Diversity (\$479,540)
8. Allocate funding for Fair and Impartial Policing training and implementation (\$100,000)
9. Hire Vision Zero staffer to conduct collision analysis and study: the feasibility and scope of a potential civilian enforcement pilot; implementation of Vision Zero and Berkeley Department of Transportation and Infrastructure department structuring models to advance engineering-first solutions to traffic safety with a racial justice and social equity lens (\$175,000)

Refer remaining allocations for staff and/or consulting services and community investments to complete the **Priority Reimagining Public Safety Initiatives** listed in Attachment 1, Section A to policy committees (FITES, Public Safety, Health, Life Enrichment, Equity, and Community, Budget and Finance) for further consideration and in-depth analysis.

2.3. Direct the City Manager to prioritize over the next two years the programmatic recommendations for Phase 1 of Reimagining Implementation listed in Attachment 1, Section B, with the exception of “Develop an implementation plan to expand alternative response from civilian responders beyond the proposed pilot for SCU for other low-level calls that includes but is not limited to: Community Service Officers for only those calls that necessitate police, code enforcement, environmental health, fire inspectors or city hired community mediators,” which will be deferred until funding availability and SCU performance can be evaluated.

~~3. Direct the City Manager to initiate a design process for an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration, as outlined in Attachment 1, Section C to the report, and return with recommendations to the City Council by May 2024 to align with the FY 25-26 Biennial Budget process.~~

4. Except where resources may allow for expedited implementation, refer additional reforms to the FY 2025-2026 Biennial Budget as outlined in Attachment 1, Section D to the report, including the creation of a Department of Community Safety and developing a plan to further expand alternative responses from civilian responders.

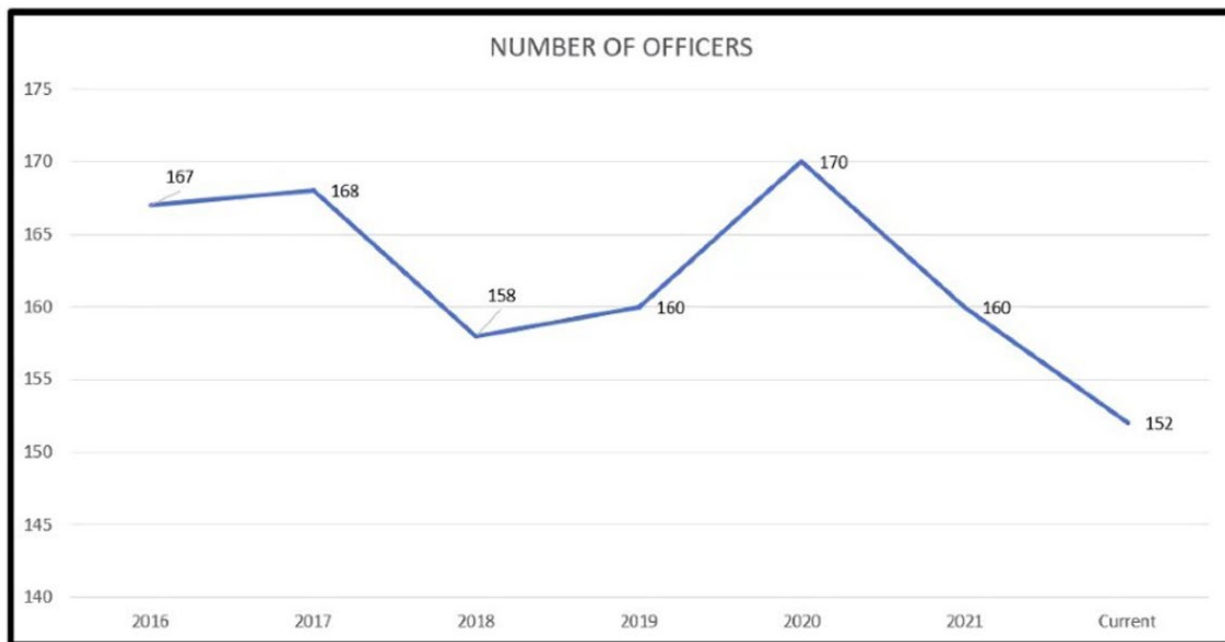
RATIONALE FOR REVISED RECOMMENDATIONS

We strongly recommend including unfreezing BPD positions and adding dispatch positions in order to comprehensively address public safety. We also believe that the many proposals listed are important but it is unlikely that we will have enough funding to support those programs appropriately so we have prioritized preferred initiatives, including the *full* funding of the Office of Race and Equity. Additionally, we believe that many of the concepts are worthy of further exploration even if they may not be funded in the next budget cycle. We recommend sending any unfunded policy initiatives to policy committees. Finally, we recommend that the creation of a whole new department and expansion of and implementation of an untested civilian response model should be deferred until we analyze the success of the Specialized Care Unit.

Unfreezing of BPD Positions

Low BPD staffing leads to long hours, enormous overtime costs, and poorer performance and morale. Right now, officers are exhausted because they are working long hours with limited breaks to cover shifts; this is not beneficial to officers' health or the community they serve. Unfreezing some police officer positions and all unsworn staffing positions will help address historically low BPD staffing levels, which may soon worsen due to impending retirements.

Department Personnel Staffing



In order to recruit a diverse and thoughtful police force, the City has to not only maintain a force that meets minimum patrol requirements, but also allow our officers to receive training and serve on special assignments. That can't happen if we force BPD to operate with bare minimum

staffing levels that force officers to be on patrol 100 percent of the time and prevent them from being able to take time for de-escalation training and engaging with the community.

Not only does filling vacancies improve working conditions and service, but the overtime savings can be redirected into fair and equitable policing initiatives. BPD spending has **increased** in part because the department is short staffed relative to calls for service, as our City Auditor wrote about in her [recent BPD overtime report](#). Berkeley sets a very high training standard for its police officers, and it often takes 1-2 years to onboard officers. Filling these positions will take significant time, which is why we need to start unfreezing these positions now.

Even as we unfreeze BPD positions, we need to better understand our true policing needs as a community. Currently, there are not enough officers to address calls for service, even as Berkeley has seen a marked increase in [vehicle-related thefts](#), [hate crimes](#), and [gunfire](#). However, we have heard from some in the community that we need fewer police officers. Consistent with the suggestions of the City Auditor and City Manager, Berkeley should conduct a staffing and beat analysis to see how many officers and other staff we need to appropriately respond to calls for service and undertake new public safety initiatives. Although Berkeley certainly needs to increase BPD staffing from the historically low current levels, this analysis could help us direct resources more efficiently and equitably in the future.

Hire dispatch positions and provide enhanced dispatch systems/training & hire consultant for prioritized dispatch

Dispatch is one of the most important aspects of our public safety system because it is nearly always the first point of contact for people seeking assistance; dispatch can be a bottleneck in the system; and it's where decisions are made about what resources to deploy for a particular call for service. By hiring new dispatch positions, we can directly address the alarming challenges in emergency dispatch which was documented in the [City Auditor's report](#).

The success of new initiatives, such as the Specialized Care Unit, also hinges on well-trained and a fully-staffed dispatch center. In order to have mental health practitioners and/or other civilian public safety personnel respond to nonviolent/non-emergency calls, we need more sophisticated intake procedures and additional staff to interpret and manage the more complex and potential time-intensive workflow demands that are required.

Deferral of “Develop an implementation plan to expand alternative response from civilian responders beyond the proposed pilot for SCU for other low-level calls” recommendation

Developing an implementation plan to further expand use of civilian responders prior to gathering data, feedback, or performance metrics from planned civilian response (such as the SCU) is premature. We recommend that this be deferred to the Fiscal Year 2025–2026 budget process. The City Council has already set aside \$5.7M for a Specialized Care Unit and we are recommending staffing important dispatch positions to oversee and measure its success.

Deferral of “Direct the City Manager to initiate a design process for an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration” to 2025–2026 budget cycle

The wholesale creation of a Department of Community Safety on an abbreviated timeline (two years or less) was not fully contemplated or analyzed by the Reimagining Public Safety Task Force, the National Institute for Criminal Justice Reform, or the City Manager’s report. Although this approach is something future Councils could consider, attempting such a comprehensive overhaul of the City’s administrative structure would have the potential to undermine implementation of other initiatives by overextending the City’s fiscal abilities and exceeding the bandwidth of available staff.

Additionally, the mixed track record of such public safety departments across the US warrants Berkeley taking a cautious approach that focuses on the programs and policies studied throughout the Reimagining process. For example, Minneapolis, which was one of the epicenters of recent Black Lives Matter actions, voted against such a restructuring, with communities of color [tending to vote strongly against](#). Meanwhile, Albuquerque, which was cited in background documents for this item, is reeling from a [dramatic increase](#) in its homicide rate. Although neither of these examples should in and of themselves deter Berkeley from potentially considering even more transformative approaches in the future, they are still evidence that a measured approach, with more opportunities for course corrections, would be optimal.

Instead, incremental approaches which focus on the highest priority policies and programs (such as the SCU, improved dispatch, onboarding of a Reimagining Public Safety Coordinator, and study and potential restructuring of policing needs and beat structures) have a higher likelihood of being practicable and successful within existing resources.

ADDITIONAL BACKGROUND

Limited Funding

Council will still have to budget for these recommendations and the City faces budgetary structural challenges, including a preliminary projected shortfall of \$14 million in Fiscal Year 2023 (offset by some unanticipated windfall revenues), in addition to the \$1.1 billion in [unfunded infrastructure needs](#) and pension obligations (\$657.9 million in FY21) we face over the coming years. City Council will have to identify sources of new funding for many of these proposals and/or to make some tradeoffs to fund these various reimagining proposals and other budgetary requests.

PRELIMINARY GENERAL FUND FIVE-YEAR REVENUE AND EXPENDITURE FORECAST

General Fund	Fiscal Year				
	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Beginning Fund Balance	36,838,797	38,150,513	23,800,863	16,127,157	16,414,380
Total Revenues	236,066,207	232,802,561	242,467,333	252,603,388	263,234,553
Total Personnel Costs	148,035,070	164,082,130	167,265,959	169,441,084	172,165,847
Total Non-Personnel Costs	86,719,421	83,070,081	82,875,081	82,875,081	82,875,081
Total Expenditures	234,754,491	247,152,211	250,141,039	252,316,165	255,040,928
Annual Surplus/(Shortfall)	1,311,716	-14,349,650	-7,673,706	287,223	8,193,625
Projected Ending Balance	38,150,513	23,800,863	16,127,157	16,414,380	24,608,005

Council Approved Policies and Referrals

Council has already passed the following policies and referrals, which the City is in the process of implementing (not a complete list):

Reimagine

- Crisis Stabilization Center needs analyses
- Specialized Care Unit for unarmed responses to non-violent calls

Improve

- Expanded Use of Force reporting and analysis
- Directed staff to implement the City Auditor’s recommendations on police overtime, including transparency and management
- Evidence-Based Traffic Enforcement Models
- Strengthened Early Intervention System (EIS) to identify and assist officers experiencing difficulties while serving
- Written consent of vehicle and residence searches
- Profiling by proxy policy and training
- Regularly updated Open Data portal to promote transparency of BPD stops
- Police Equipment Ordinance and Community Safety Ordinance
- Annual Surveillance Technology Use Reports
- Launch data dashboards to ensure transparency

Reinvest (partial list)

- Funding allocated for Ceasefire program for violence prevention
- \$14 million in community based organization funding

While some of these policies have been completed, others are still in process. We are an ambitious city with a commitment towards progressive policing and Council’s actions reflect that.

The City Manager's Reimagining Policing Implementation Report

The [City Manager's report](#) explained how Council could operationalize Reimagining Public Safety recommendations from the National Institute of Criminal Justice Reform and Reimagining Public Safety Task Force (see below). The City Manager's presentation is [here](#). According to the City Manager, the proposed cost of implementing the Reimagining Public Safety omnibus package recommendations from the task force and consultant would be \$12.4 million.

In the end, here is what the [City Manager recommended were the initial first steps \(p.53&58\)](#):

1. Unfreeze most police positions to strengthen investigations and address violent crimes and defer (not fill) 5 officer positions to help fund the Reimagining Public Safety process.
2. Conduct a staffing and workforce data analysis, which includes a beat study
3. Lift up the already-funded Specialized Care Unit to respond to nonviolent or mental health non-emergency calls and analyze call and response data to explore effectiveness.
4. Allocate training funding to implement Fair and Impartial Policing policies
5. Analyze our dispatch system to make changes that will support a system with greater triage capabilities
6. Establish an Office of Race, Equity, and Diversity

Subsequent to these recommendations, specific city departments requested budget allocations to support Reimagining Public Safety work. The budget requests are as follows:

City Manager's Department request

- Establishing an Office of Racial Equity
- An Assistant to the City Manager to oversee the Reimagining Public Safety work

Police Department's request

- Conduct data analysis and training to ensure alignment with fair and impartial policing concepts
- Hire additional dispatchers
- Improve BPD and community engagement by hiring additional *non-sworn* community service positions and a supervisor to establish and nurture community relationships and respond to nonviolent calls.
- Hiring additional *non-sworn* traffic and parking officers and a supervisor to reflect the goals of BerkDOT (non-enforcement related policing approaches)
- Wellness funding for peer support and emerging officer wellness needs

Public Works budget requests

- BerkDOT (civilian traffic enforcement) development
- A new Vision Zero staff member to assess traffic collision data

After the murder of George Floyd, the City Council passed a series of measures. (I wrote about it [here](#)). The City held over 100 meetings about public safety and a community safety survey was also distributed to residents of Berkeley and the results are [here](#).

The City of Berkeley also hired the National Institute for Criminal Justice Reform (NICJR) to perform an analysis of public safety and policing in Berkeley and produce a [report](#). Meanwhile, the Reimagining Public Safety Task Force (RPSTF) met for over a year—and I want to personally thank my appointee Pamela Hyde for her dedicated service on this commission. The Reimagining Public Safety Task Force received and discussed a great deal of information about public safety in Berkeley, reviewed NICJR's report, and developed and published their own [report](#) and recommendations that respond to both NICJR's report and the Task Force's own view of Berkeley's public safety needs. The Mayor's office put together [a very handy spreadsheet](#) comparing the recommendations of NICJR and the Task Force.

To simplify, there were six areas of agreement between the NICJR and RPSTF:

- BerkDOT and civilian traffic enforcement (The task force emphasized this needs much more analysis, including state law pre-emption)
- BPD should produce semi-annual reports and provide data dashboards (in process)
- Increase diversity of BPD
- Launch a guaranteed basic income pilot program (1.8m)
- Launch a community beautification program (1.25m)
- Increase funding for community based organizations (+25.6m)

CONCLUSION

It is not only possible but critical that we reimagine public safety while also continuing to address crime in our city. Not having enough resources to prevent and solve crimes is neither a desirable nor a just outcome.

Councilmembers and community members have spoken forcefully about how West Berkeley communities are bearing the brunt of crime and shootings. But other neighborhoods are not immune. And Council has heard from many residents about their overarching concerns about public safety and specific instances in which they felt unsafe or were affected by crime.

Getting to a place where Berkeley eliminates the disparities and injustices that have plagued policing and public safety will not happen overnight. But with thoughtful, deliberate steps in the right direction, our City can embark on a truly transformative and just approach to public safety.

Council has already passed many beneficial, progressive policing reforms. Continuing with this thoughtful, stepwise approach is the most judicious and effective way to ensure that every neighborhood and member of our community enjoys the safety, service, protection, and respect they deserve.

FINANCIAL IMPLICATIONS

\$6,699,464

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