

**BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE
REGULAR MEETING MINUTES**

**Monday, November 2, 2020
10:30 AM**

Committee Members:

Councilmembers Rashi Kesarwani, Rigel Robinson, and Susan Wengraf
Alternate: Councilmember Lori Droste

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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council Public Safety Policy Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://us02web.zoom.us/j/84532435256>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **845 3243 5256**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Public Safety Policy Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

MINUTES

Roll Call: 10:35 am. All present.

Public Comment on Non-Agenda Matters: 1 Speaker

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - October 5, 2020

Action: M/S/C (Robinson/Kesarwani) to approve the 10/5/20 minutes as presented.

Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. **Adopt an Ordinance Adding Chapter 2.64.170 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment** *(Supplemental Material Received)*

From: Councilmember Harrison (Author) and Councilmember Bartlett (Co-Sponsor)

Referred: July 13, 2020

Due: February 13, 2021

Recommendation: 1. Refer draft Ordinance to the Police Review Commission for further consideration and policy development and submit recommendations to the Public Safety Committee and author within 60 days; and

2. Adopt an Ordinance Adding Chapter 2.64.170 to the Berkeley Municipal Code to Regulate Police Acquisition and Use of Controlled Equipment.

Financial Implications: Staff time

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: 12 speakers. Discussion held. Supplemental material was received from the Author and the Police Review Commission. The item was continued to the next meeting to allow for City Attorney review.

Committee Action Items

- 3. Introduce an Ordinance permanently banning the use of less lethal weaponry, chemical irritants, smoke projectiles, acoustic weapons, directed energy weapons, water cannons, disorientation devices and ultrasonic cannons used by the police on civilians**
From: Councilmember Davila (Author)
Referred: September 30, 2020
Due: January 27, 2021
Recommendation: Direct the City Manager and City Attorney to prepare the attached ordinance: "Prohibition On The Use Of Certain Munitions Ordinance" for first reading for the October 27, 2020 Regular City Council Meeting.
Financial Implications: See report
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
Action: The item was continued to the next meeting.

- 4. Safety for All: The George Floyd Community Safety Act - Development of a Progressive Police Academy**
From: Councilmember Bartlett
Referred: June 16, 2020
Due: January 17, 2021
Recommendation: That the City Council refers to the Public Safety Committee to develop a progressive police academy and curriculum. That this progressive academy is hosted by the City of Berkeley and offered for use by the regional. The City should hire consultants and convene stakeholders including the Police Review Commission, a community task-force, and the Berkeley Police Department to create the academy's programmatic design. Once established, Berkeley Police Department recruits will attend this academy for basic training. The training program is intended to become revenue neutral. The program will be offered on a paid subscription basis to interested jurisdictions. Berkeley's progressive police academy envisions a curriculum that teaches recruits de-escalation, empathy, and the Critical Decision-Making Model (CDM). CDM encourages officers to challenge their biases, refrain from using force when possible, and build police-community trust. By reshaping police ideology through education, the City of Berkeley can tackle police brutality and police misconduct at their roots.
Financial Implications: This recommendation would reallocate some funding from the department's Training and Standards division to the development of a new regional police academy. Once established, Berkeley's police academy would serve as a training institution for recruits from other progressive minded jurisdictions throughout the region. Attracting recruits from other cities and counties would potentially make this a revenue generating measure.
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: The item was continued to the next meeting.

Committee Action Items

5. Improving Hate Crimes Reporting and Response

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

Referred: July 13, 2020

February 13, 2021

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

Financial Implications: See report

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

Action: 5 speakers. Discussion held. M/S/C (Wengraf/Kesarwani) to send the item with a positive recommendation to the City Council, as submitted in the revised material received on 11/2/20 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.

Vote: All Ayes.

6. Providing our Unhoused Community with Fire Extinguishers

From: Councilmember Davila (Author)

Referred: October 13, 2020

Due: February 10, 2021

Recommendation: Direct the City Manager to use existing homeless services funding to develop a program to provide fire extinguishers, fire prevention tools and deploy them through the community based home-less services providers to distribute to our unhoused community.

Financial Implications: See report

Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120

Action: The item was continued to the next meeting.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- **None**

Items for Future Agendas

- **None**

Adjournment: 12:51 pm.

Action: M/S/C (Robinson/Kesarwani) to adjourn the meeting.

Vote: All Ayes.

I hereby certify that this is a true and correct record of Public Safety Policy Committee meeting held on November 2, 2020.

Michael MacDonald, Assistant City Clerk