

Re: March 9, 2022 Agenda Item 10B – Require substantial strengthening of Impact Statements and Ordinance to Comply with AB 481 – Adopt recommendations of AFSC Report at pp. 136 (see 135-139 PAB Packet #2)

Chair Michael Chang and Honorable Members, Police Accountability Board  
City of Berkeley

Berkeley Society of Friends, through its Social & Environmental Action Committee, Racial Justice Action Team (RJAT), urges the Police Accountability Board (PAB) to carefully consider and adopt the recommendations of the American Friends Service Committee (AFSC) on page 136 of the PAB Report (pp. 135-139 of PAB Packet #2, March 9 meeting).

We request that the PAB direct the Berkeley Police Department (BPD) to return to the PAB with policy proposals which exceed the requirements of AB 481. The current proposals are inadequate. Berkeley should not only meet the minimum requirements AB 481, but exceed them. A final policy should more appropriately be named "Protecting Community Safety from Unlawful Acquisition and Uses of Military Equipment with Transparency and Accountability" and if the existing ordinance is amended, it should be renamed accordingly.

The required policy must focus on the prohibitions and restrictions against the use of lethal and/or less-than-lethal force on persons in Berkeley, including mutual aid uses of controlled equipment that come from, or are used by, an outside agency within Berkeley City limits.

We make no comment on whether the Use Policies and Impact Statements from the BPD in Agenda Item 10 meet the 2021 ordinance's compliance requirements. The current proposal does not meet the new requirements of AB 481.

The PAB should direct the BPD to return to the PAB with proposed policies governing acquisition, use, accountability and transparency of controlled military equipment, including but not limited to FlashBangs, Grenade Launchers, and Patrol Rifles. Berkeley does not need to equip Berkeley law enforcement with these or other types of military equipment, nor permit BAP to make war on people in Berkeley; that is the opposite of community safety.

Please prohibit lethal and non-lethal uses of militarized equipment without specific, very narrowly defined authorization, or prohibit its use entirely.

Berkeley Society of Friends,  
Social & Environmental Action Committee,  
Racial Justice Action Team

Barb Atwell & Wendy Alfsen, Co-Clerks

# Berkeley Police Department

2100 Martin Luther King Jr. Way  
Berkeley, CA 94704  
(510) 981-5900

*From F&IP subcomm.  
draft in progress -  
for information only*

## Consent to Search Form

**Person to be Searched** - Only check if you consent to a search of your person. IR#:

Person

By signing below, I, \_\_\_\_\_, agree to allow law enforcement to perform a complete search of my person, including all property on my person.

**Property to be Searched** - Check only the property, if any, you consent to have searched.

Vehicle Plate: \_\_\_\_\_ VIN: \_\_\_\_\_  
Make: \_\_\_\_\_ Model: \_\_\_\_\_

Premises Address: \_\_\_\_\_  
Description: \_\_\_\_\_

Electronic Device Type of Device: \_\_\_\_\_  
Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Serial Number: \_\_\_\_\_

Passwords/log-ins/specific directions for entry: \_\_\_\_\_

Other (Describe property): \_\_\_\_\_

By signing below, I, \_\_\_\_\_, state that I own, possess, or have authority over the property described above and do hereby agree to allow law enforcement to perform a complete search of the property checked listed above.

**Place your initials on the line that applies to you:**

\_\_\_ I do not consent to a search.

\_\_\_ I have been advised of my right to refuse to consent to this search. I give this consent voluntarily, without any promises made to me, or threats of any kind made against me. I understand any evidence of a crime may be seized as a result of this search.

Signature: \_\_\_\_\_ Date/Time: \_\_\_\_\_

**Person Authorizing:**

Name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Address: \_\_\_\_\_

Officer Name: \_\_\_\_\_ Employee ID#: \_\_\_\_\_

Division/District/Unit: \_\_\_\_\_ Contact #: \_\_\_\_\_

Officer Signature: \_\_\_\_\_ Date/Time: \_\_\_\_\_

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Berkeley, CA 94704

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## Formulario De Consentimiento Para Effectuar Un Registro

IR#:

### Persona Que Va Ser Sometido A Un Registro Marque unicamente si accede a un registro de su persona

Persona

Yo, \_\_\_\_\_, accedo a un registro completa de mi persona, incluyendo toda la propiedad que llevo en mi persona a los Oficiales de Policia.

### Propiedad Que Va Ser Registrada Marque unicamente el tipo de propiedad para la cual ud. accede un registro

Vehículo: Placa : \_\_\_\_\_

Marca : \_\_\_\_\_ Modelo: \_\_\_\_\_

Local Dirección : \_\_\_\_\_

Descripción : \_\_\_\_\_

Aparato Electrónico Tipo de Aparato: \_\_\_\_\_

Marca : \_\_\_\_\_ Modelo : \_\_\_\_\_

Número de Serie : \_\_\_\_\_

Clave/iniciar sesión/instrucciones específicas para entrar: \_\_\_\_\_

Otra (Describe propiedad): \_\_\_\_\_

Al firmar abajo, yo, \_\_\_\_\_, declaro que dueño, poseo, o tengo autoridad sobre la propiedad marcada arriba y accedo a un registro completa de la propiedad marcado arriba.

### Coloque sus iniciales en la linea que corresponda a usted:

\_\_\_ No doy mi consentimiento para un registro.

\_\_\_ He sido informado de mi derecho a negar a dar mi consentimiento. Yo doy este consentimiento voluntariamente, sin promesas dirigidas hacia mí, o amenazas de cualquier tipo hechas en contra de mí. Yo entiendo que cualquier evidencia de un crimen puede ser confiscado como el resultado de este registro.

Firma: \_\_\_\_\_ Fecha/Hora: \_\_\_\_\_

### Persona Que Autoriza

Nombre : \_\_\_\_\_

Fecha de nacimiento: \_\_\_\_\_ Edad: \_\_\_\_\_ Número de teléfono: \_\_\_\_\_

Dirección: \_\_\_\_\_

Officer Name: \_\_\_\_\_ Employee ID#: \_\_\_\_\_

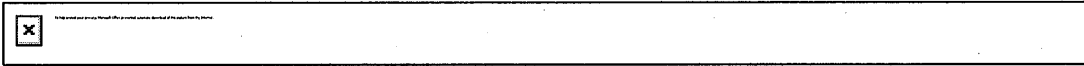
Division/District/Unit: \_\_\_\_\_ Contact #: \_\_\_\_\_

Officer Signature: \_\_\_\_\_ Date/Time: \_\_\_\_\_

**Lee, Katherine**

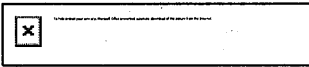
**From:** Berkeley City Auditor <auditor@cityofberkeley.info>  
**Sent:** Thursday, March 3, 2022 9:15 AM  
**To:** Lee, Katherine  
**Subject:** Update From the City Auditor

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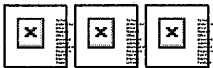


**Jenny Wong, City Auditor**  
Promoting transparency and accountability in Berkeley government.

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March 2022



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## Police Overtime and Security Work Audit Release

### Improvements Needed to Manage Overtime and Security Work for Outside Entities

Today, we released a new audit titled Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities. Overtime is the biggest reason why the Berkeley Police Department (BPD) spent more general funds than budgeted four out of the past five years. In Fiscal Year (FY) 2020, BPD surpassed their overtime budget by \$5.25 million. Our audit explored this increase in overtime and the various reasons for overtime, including overtime security work for outside entities.

We found that BPD relies on overtime to achieve their minimum staffing levels, and the department does not adhere to overtime limits. Our audit did not determine what minimum staffing levels are appropriate, but we did recommend a regular assessment of minimum staffing and transparency around the process. Other efforts including the Reimagining Public Safety Taskforce are looking at this issue.

In FY 2020, nearly a quarter or \$1.3 million of BPD's overtime costs went toward backfilling officer vacancies and absences. That same year, 21 percent of sworn

officers exceeded BPD's overtime limit at least once. Excessive overtime can lead to burnout and impact performance.

We also found that BPD's overtime work for outside entities more than tripled in FY 2020, and 53 percent of these hours were for the Apple store. There are no procedures or contracts for this work, in which officers provide security for outside entities while representing BPD and the City. It is not possible to know if BPD charges outside entities appropriately for their services under BPD's current billing structure, though we did find that the department does not charge for administrative costs associated with this program. Without policies and documentation, BPD cannot ensure transparent and equitable services. A lack of written agreements and contracts for work with outside entities also introduces unnecessary risks and liabilities. It also creates ambiguity as to the responsibility of an officer working on behalf of an outside entity.

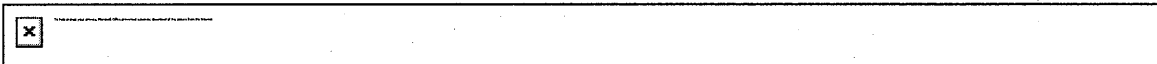
Our audit recommends that BPD evaluate and update overtime policies, and monitor overtime and compensatory time using newly-purchased staffing software. We also recommend that BPD publicly document minimum staffing levels and establish procedures to regularly assess their efficacy.

Regarding work for outside entities, we recommend that BPD create policies and procedures around this practice, and consult with the City Attorney to create contracts with outside entities in compliance with City policies and applicable laws. Lastly, we recommend that BPD regularly evaluate their billing to outside parties and explore ways to track revenues and expenses to ensure the City is compensated for the full cost of the program.

BPD has agreed to our recommendations in the report.

Our report will be presented to the Budget and Finance Committee on March 10 and to City Council on March 22.

To read the full report and the department's response, please visit:  
[<https://bit.ly/BPD-OT>]



## **Resources For COVID-19 Information and Updates**

[City of Berkeley COVID-19 Coronavirus](#)

[Berkeleyside Coronavirus](#)

[California Coronavirus \(COVID-19\) Response](#)

[Centers for Disease Control and Prevention Coronavirus \(COVID-19\)](#)