

**BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE  
SPECIAL MEETING**

**Monday, September 21, 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/81289549081>. 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** and Enter Meeting ID: **812 8954 9081**. 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:** 10:33 am. All present.

**Public Comment on Non-Agenda Matters:** 5 speakers.

## Minutes for Approval

*Draft minutes for the Committee's consideration and approval.*

### 1. Minutes - July 20, 2020

**Action:** M/S/C (Robinson/Kesarwani): to approve the 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. Providing an Allowance for the Special Response Team to use Tear Gas in Certain Circumstances *(Supplemental Material Received)*

**Referred:** July 23, 2020

**Due:** February 7, 2021

**Recommendation:** On July 23, 2020, the City Council referred the following language to the Police Review Commission and the Public Safety Policy Committee: Refer to the Police Review Commission and the Public Safety Policy Committee the issue of providing an allowance for the Special Response Team to use tear gas in certain circumstances.

**Action:** 11 speakers. Discussion held. M/S/C (Robinson/Kesarwani) to send the item, as presented, to Council with a positive recommendation.

**Vote:** All Ayes

## Committee Action Items

### 3. 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**

**Due: 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:** 2 speakers. Discussion held. The item was continued to the next meeting.

### 4. Adopt an Ordinance Adding Chapter 2.64.170 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment (*Revised 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:** 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.*

5. **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.

**Action:** The item was continued to the next meeting under Unscheduled Items.

## Unscheduled Items

6. **Ordinance: Public Right to Identify Officers**  
**From: Councilmember Robinson (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Davila (Co-Sponsor)**  
**Referred: June 15, 2020**  
**Due: January 16, 2021**  
**Recommendation:** Adopt an ordinance prohibiting law enforcement from obscuring or failing to wear their identification, such as name and badge number, when it is required to be displayed, with additional penalties when done during the commission of a crime or violation of City or Department regulation or procedure, and refer to the City Manager to update City policy regarding undercover and plainclothes officers in crowd control situations to comply with the ordinance.  
**Financial Implications:** Negligible  
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- Action:** The item was withdrawn by the author, Councilmember Robinson.

## Items for Future Agendas

- None

**Adjournment:** 12:26 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 September 21, 2020.

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Michael MacDonald, Assistant City Clerk