



[First Last name]
Councilmember District [District No.]

REVISED AGENDA MATERIAL

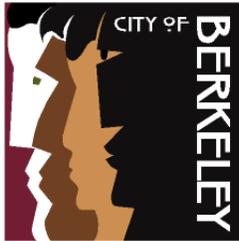
Meeting Date: June 27, 2017

Item Number: 52

Item Description: Release Center for Police Equity report on Fair and Impartial Policing in Berkeley

Submitted by: Councilmember Davila

We are adding two revisions to the content – item A and F – and Mayor Jesse Arreguin as a co-sponsor.



Councilmember Cheryl Davila
District 2

ACTION CALENDAR
June 27, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmember Davila, Councilmember Harrison and Mayor Arreguin
Subject: Release Center for Police Equity report on Fair and Impartial Policing in Berkeley

RECOMMENDATION

Direct the City Manager to instruct the Chief of Police to release the first annual report on Fair and Impartial Policing in Berkeley by transmitting it to the Police Review Commission. The CPE report was authored by the Center for Policing Equity [UCLA] at the request of the BPD, under the terms of the 9-30-2015 Research Agreement. Staff to take the following actions to execute the earliest possible release of the report.

- A. Within one week of the passage of this item, the Police Chief shall submit his questions and concerns about the 2015 Stop data in writing to the PRC and the City Council.
- B. Immediately request in writing of the CPE to waive the provision in section 8.3 of the Agreement, "The City's Right to Advance Notice of Research Findings," which states "This written report will not be released by the City to the press and the public within this 45-day review period [after notice of proposed publication by CPE] without prior authorization from UCLA."
- C. In any event, the City hereby gives notice that it intends to release the report in 45 days. This will ensure that the report is released in a maximum of 45 days.
- D. Upon approval from CPE, or after the lapse of 45 days, whichever comes first, Council directs the City Manager and all relevant city employees to make the report public immediately.
- E. Make the report available immediately to the Police Review Commission confidentially without delay, under standard protocols for the sharing of confidential data with the commission. The council's direction is that the confidential transmission be executed within three days of this council action.

- F. Request that PRC and BPD make recommendations in response to CPE report data within six months of release.

In addition, direct the Chief to respond in writing and report to the council within two months on his plans for addressing racial disparities in stops, searches, and yield rate as revealed in BPD statistics.

FISCAL IMPACTS OF RECOMMENDATION

None.

ENVIRONMENTAL SUSTAINABILITY

No ecological impact.

BACKGROUND

The Center for Policing Equity (CPE) has undertaken an analysis of pedestrian and vehicle stop data collected by the Berkeley Police Department (BPD) and to provide recommendations, under a Research Agreement that was effective September 30, 2015. This Agreement was undertaken after BPD released data collected under General Order B-4, Fair and Impartial Policing, which caused community concerns about racial disparity in stops, searches, and yield rates.

Police Chief Greenwood had committed to presenting a draft report to the Police Review Commission on its May 24, 2017 meeting. Shortly before that meeting, however, Chief Greenwood informed the PRC of a significant delay, citing concerns about how the CPE had broken down the data, and the department's desire that the report cover additional time periods (2016) and subjects (climate survey and use-of-force analysis) beyond those specified in the 2015 Research Agreement.

The PRC's May 25, 2017 letter to Council asks for the report as written to be released, addressing 2015 data as it relates to stops. "While the Commission recognizes that such a report will not include a climate survey or the use-of-force analysis, it realizes that it is important to the community to have some portion of the data and the recommendations released. The Commission wishes to impress on you the urgency of releasing this information as expeditiously as possible." The PRC letter was approved unanimously.

CONTACT PERSON

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ATTACHMENTS/RESOURCES:

1. COB-BPD / Regents-UCLA-CPE 9-30-15 "Research Agreement"
2. 5-25-17 PRC letter to City Council