



Kriss Worthington

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CONSENT CALENDAR
7/25/2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kriss Worthington and Kate Harrison

Subject: Referral Direct and refer Refer Police Accountability reforms to the City
Manager, City Attorney, and Police Review Commission for
Police Accountability reform

RECOMMENDATION:

- 1) Refer Direct and refer to Refer to the City Manager and City Attorney to review the report from CPE and recommendations from the Berkeley Police Review Commission's suggestions for short-term reforms and detail the steps that may be taken. Direct that the City Manager and City Attorney report by October 1, 2017 on the steps to be taken and progress to date.
- 2) Refer to the Police Review Commission to review the Oakland Ballot Measure LL and develop a similar full-fledged ballot measure to reform police accountability.

BACKGROUND:

In 2016, Oakland voters created a Police Review Commission that has the power to implement real change. San Francisco has also passed similar reforms. Berkeley now trails behind both cities in police accountability standards.

Berkeley's Police Review Commission was established in 1973. Since the Commission's creation, the relationship between the community and police organizations has changed. After the Berkeley Police Department's response to the Black Lives Matter protests, many cities and communities realized a more pressing need to address police misconduct.

This Council item will directs the refer to the City Manager and City Attorney to take a number of short-term actions and to further differentiate:

- 1) Which suggestions for police accountability reform can be accomplished by the City Council as a policy vote.
- 2) Which suggestions require a meet and confer process with the Berkeley Police Department Association.
- 3) Which reforms can only be passed through a ballot measure, if the city decides to do so. This information will help the City reform the Police Review Commission as soon as possible. By referring to the Police Review

Commission, the process of writing a ballot measure for the November 2018 election will begin. We request the Commission have a draft ballot measure within 6 months of the referral.

SHORT-TERM REFORMS

The City Manager and City Attorney will report back to the City Council by October 1, 2017 progress on the following items:

1. Change the use of force data capture protocol to register every use of force by BPD officers, regardless of whether weapons were used, or an injury resulted or complaint was received.
2. Track yield rates (i.e., the percentage of citations or arrests per traffic or pedestrian stop and the ratio of contraband found by search conducted) by individual officer, by patrol and by the department as a whole disaggregated by the race of the individual(s) stopped. This data will focus BPD examination of the reasons for disparate racial treatment and to identify outliers. For the first year, BPD will report its findings quarterly to the Council, using anonymized data.
3. Develop training programs to address the organizational causes of disparate treatment uncovered in #2 above and through examination of footage on police body cameras (e.g., more scenario-based training on procedural justice and the roots of disparate treatment, expanded de-escalation training).
4. Consult and cooperate with the broader Berkeley community, especially those communities most affected by observed racial disparities, to develop and implement policy and practice reforms that reflect these shared values.
5. Subject to applicable law, provide the PRC with the same access to all Department files and records, in addition to all files and records of other City departments and agencies, as the Department's Internal Affairs Division (IAD). The Department and other City departments and agencies shall make every reasonable effort to respond to the PRC's requests for files and records within ten (10) days.
6. Use the "preponderance of the evidence" as the standard of proof for Board of Inquiry decisions of the PRC.
7. Extend the current 120-day limit on the imposition of discipline to one year, consistent with existing California law.

FINANCIAL IMPLICATIONS: Staff time.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

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Attachment:

1. Police Review Commission ~~short-term reforms~~Suggestions
2. Oakland Ballot Measure LL
3. Ten Reasons Why reform is needed

