

Mayor Jesse Arreguín
Councilmember Sophie Hahn

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: October 31, 2017

Item Number: 28

Item Description: Analysis of Disparate Outcomes in Police Stop Data

Submitted by: Mayor Jesse Arreguín & Councilmember Sophie Hahn

Alternative recommendation submitted in response to **Item 28: Refer to the Berkeley Police Department to Address Disparate Racial Treatment and Implement Policy and Practice Reforms**

ITEM 28

Supplemental 2

ACTION CALENDAR

October 31, 2017

To: Members of the City Council
From: Mayor Jesse Arreguin and Councilmember Sophie Hahn
Subject: Analysis of Disparate Outcomes in Police Stop Data

RECOMMENDATION:

Refer to the City Manager and Police Review Commission the following proposals, and any other actions necessary, to analyze disparate outcomes observed in existing and potentially observed in future police data, and improvements to Department practices:

1. Track yield rates by patrol, department and officer, disaggregated by the race of the individual(s) stopped, and track and analyze whether law enforcement actions are officer-initiated, or respond to calls for service.

BPD should also consider and track any other criteria which would contribute to a better understanding of which categories of individuals are stopped, searched and/or cited or arrested, and against whom force is used, and the reasons for such actions.

This data analysis will allow BPD to better understand the reasons for any disparate outcomes and make improvements to policing practices. For the first year, BPD should report its findings biannually to the Council, and should report yearly, thereafter, using anonymized data.

2. Once released, BPD should analyze the final Center for Policing Equity report and propose improvements in BPD policies and practices, as called for.
3. Determine whether current implicit bias training is sufficient to address any unaccounted-for disparate outcomes, or whether new or enhanced training is needed. (e.g., more scenario-based training on procedural justice, expanded de-escalation training, etc.).
4. Consult and cooperate with the broader Berkeley community, especially those communities most affected by any observed racial disparities, as well as the Berkeley Police Association, to develop and implement appropriate policy and practice reforms that reflect our community's shared values.

FINANCIAL IMPLICATIONS:

Staff time to analyze police stop data and develop recommendations, and costs associated with new or enhanced training programs.

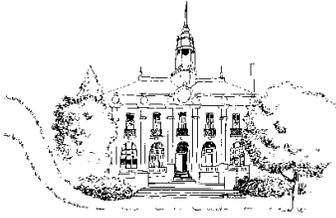
ENVIRONMENTAL SUSTAINABILITY:

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

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ACTION CALENDAR

November 14, 2017

(Continued from October 31, 2017)

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kriss Worthington, Ben Bartlett, and Kate Harrison
Subject: Refer to the Berkeley Police Department to Address Disparate Racial Treatment and Implement Policy and Practice Reforms

RECOMMENDATION:

Refer to the Berkeley Police Department to track yield rates, develop training programs to address disparities found through the yield rates, and implement policy and practice reforms that reflect cooperation between the Berkeley Police Department and broader Berkeley community.

BACKGROUND:

The short-term reforms listed in this referral address the issue of racial disparity of police policies and practices in Berkeley.

The Council directs the Berkeley Police Department to take the actions listed below:

1. 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.
2. Develop training programs to address the organizational causes of disparate treatment uncovered in #1 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).
3. 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.
4. 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 will make every reasonable effort to respond to the PRC's requests for files and records within (10) days.

5. Use the “Preponderance of the Evidence” as the standard of proof for Board of Inquiry Decisions of the PRC.
6. 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.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170

