

Office of the City Manager

March 1, 2021

To: Honorable Mayor and Members of the City Council

From: *Dee* Dee Williams-Ridley, City Manager

Re: Update on Re-Imagining Public Safety

On July 14, 2020, City Council adopted an omnibus package to re-imagine public safety and policing in the City of Berkeley. The omnibus package consisted of numerous elements including, but not limited to the following:

- Having the City Auditor perform an analysis of City's emergency 9-1-1 calls-for-service and responses, as well as analysis of the Berkeley Police Department's (BPD) budget.
- Analyzing and developing a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit.
- Creating plans and protocols for calls for service to be routed and assigned to alternative preferred responding entities and consider placing dispatch in the Fire Department or elsewhere outside the Police Department.
- Analyzing litigation outcomes and exposure for city departments in order to guide the creation of City policy to reduce the impact of settlements on the General Fund.
- Engaging a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.
- Pursuing the creation of a Berkeley Department of Transportation ("BerkDoT") to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs and infrastructure, and identify and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations

Subsequent to the adoption of the omnibus package, the City established a multi-department working group to oversee and implement various components of the package. The working group consists of the following:

- City Manager;
- Deputy City Managers;
- City Attorney;
- Fire Chief;

- Health, Housing and Community Services (HHCS) Director;
- Human Resources Director;
- Police Chief; and
- Public Works Director.

We have established weekly meetings and have developed an organizational structure that will enable us to advance the various referrals in the omnibus package at the same time.

Our work to advance the omnibus package has been organized in the following manner:

- HHCS Director, Lisa Warhuus, is leading the work to develop a Specialized Care Unit pilot program.
- Fire Chief, David Brannigan, is leading the work to develop a plan for priority dispatching.
- City Attorney, Farimah Brown, is managing the analysis of litigation claims and settlements.
- The Public Safety / Police Re-Imagining and community engagement process will be led by Deputy City Manager David White. Deputy City Manager White will also be supporting the City Manager by providing overall project management support to the team.
- BerkDoT will be led by our Public Works Director, Liam Garland.

Current Updates (for the February 23, 2021 City Council Meeting)

The following provides a brief overview of what has been accomplished since the last update to City Council on February 9, 2021.

- City Auditor calls-for-service and budget analysis
 - City staff continue to meet with the City Auditor to coordinate and respond to any questions or needs that arise.
- Priority Dispatching
 - No new updates at this time. For the latest update, please see the [February 10, 2021 Reimagining Public Safety Update](#)¹.

¹ https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Reimagining%20Public%20Safety%20Update%20021021.pdf.

- Specialized Care Unit (SCU)
 - No new updates at this time. For the latest update, please see the [February 10, 2021 Reimagining Public Safety Update](#)².
- Analysis of Claims and Settlements
 - No updates to report.
- Public Safety and Police Re-imagining Community Engagement
 - On December 15, 2020, the City Council authorized the City Manager to enter into a contract with the [National Institute of Criminal Justice Reform](#) (NICJR) to conduct research, analysis, and use its expertise to develop reports and recommendations for community safety and police reform as well as plan, develop, and lead an inclusive and transparent community engagement process to help the City achieve a new and transformative model of positive, equitable and community-centered safety for Berkeley.
 - City staff from the City Manager's Office are meeting regularly with NICJR to coordinate project implementation.
 - NICJR has been meeting with the City Auditor to collaborate and coordinate on the calls-for-service analysis, is in the process of developing a project website and is developing the initial report on new and emerging models of community safety and policing. In addition to that, at the next Task Force meeting, NICJR will provide an overview of its contract and discuss its approach to community engagement.
 - [Reimagining Public Safety Task Force \(Task Force\)](#)³
 - (Enabling legislation for background only) On January 19, 2021, the City Council adopted [revisions to the enabling legislation for the Reimagining Public Safety Task Force](#)⁴.
 - The first meeting of the Task Force occurred on February 18, 2021. All fourteen (14) members of the Task Force were present. There were two action items on the agenda:
 - ◆ Selection of temporary chair. The Task Force selected Nathan Mizell to serve as Temporary Chair.

² https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Reimagining%20Public%20Safety%20Update%20021021.pdf.

³ <https://www.cityofberkeley.info/RIPST.aspx>.

⁴ https://www.cityofberkeley.info/Clerk/City_Council/2021/01_Jan/Documents/2021-01-19_Item_18_Revisions_to_Enabling_Legislation_for_Reimagining.aspx

- ♦ Appointment of “At-Large” members to the Task Force. The Task Force selecting three individuals to serve as “At-Large” Task Force members:
 - Alex Diaz
 - Frances Ho
 - Liza Lutzker

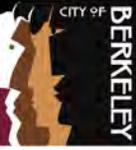
Pursuant to the enabling legislation, these appointments are subject to City Council confirmation and will be presented to the City Council at the March 9, 2021 City Council meeting.

- The Task Force will next convene in March 2021 and a date is being finalized.
- BerkDoT
 - Staff presented to, and received input from, the Transportation Commission on BerkDoT. The staff report is listed as item B-1 on the [Transportation Commission Agenda](#)⁵ from February 18, 2021, and the presentation is attached.
 - At the Transportation Commission, staff discussed three possible approaches to City Council’s request to pursue a BerkDoT, shared analysis and information on the shifting of nearly 100 positions and up to \$50M in budget to a new BerkDoT under any of the three approaches, proposed two approaches to building a racial justice lens into the organization, and identified various short- and long-term actions. Staff is incorporating input from the Transportation Commission before returning to the Public Works Commission for input on March 4, 2021.
 - Staff continues to meet in an interdepartmental team every two weeks, consult with stakeholders regularly, and utilize consultants to help learn and apply lessons from other contexts.

Attachment: BerkDoT Transportation Commission presentation dated February 18, 2021.

cc: Paul Buddenhagen, Deputy City Manager
David White, Deputy City Manager
Jenny Wong, City Auditor
Farimah Brown, City Attorney
Mark Numainville, City Clerk
David Brannigan, Fire Chief
Lisa Warhuus, Director of Health, Housing & Community Services
LaTanya Bellow, Director of Human Resources
Andrew Greenwood, Chief of Police
Liam Garland, Public Works Director
Matthai Chakko, Assistant to the City Manager

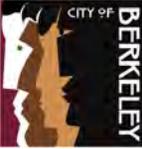
⁵ [https://www.cityofberkeley.info/uploadedFiles/Public_Works/Commissions/Commission_for_Transportation/2021-02-18%20Agenda%20Packet\(2\).pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Commissions/Commission_for_Transportation/2021-02-18%20Agenda%20Packet(2).pdf).



Public Safety Reimagining: BerkDOT

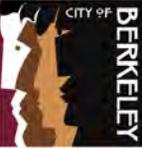
Agenda

1. Timeline
2. Three Organizational Approaches
3. Assessing Functions
4. Getting Input

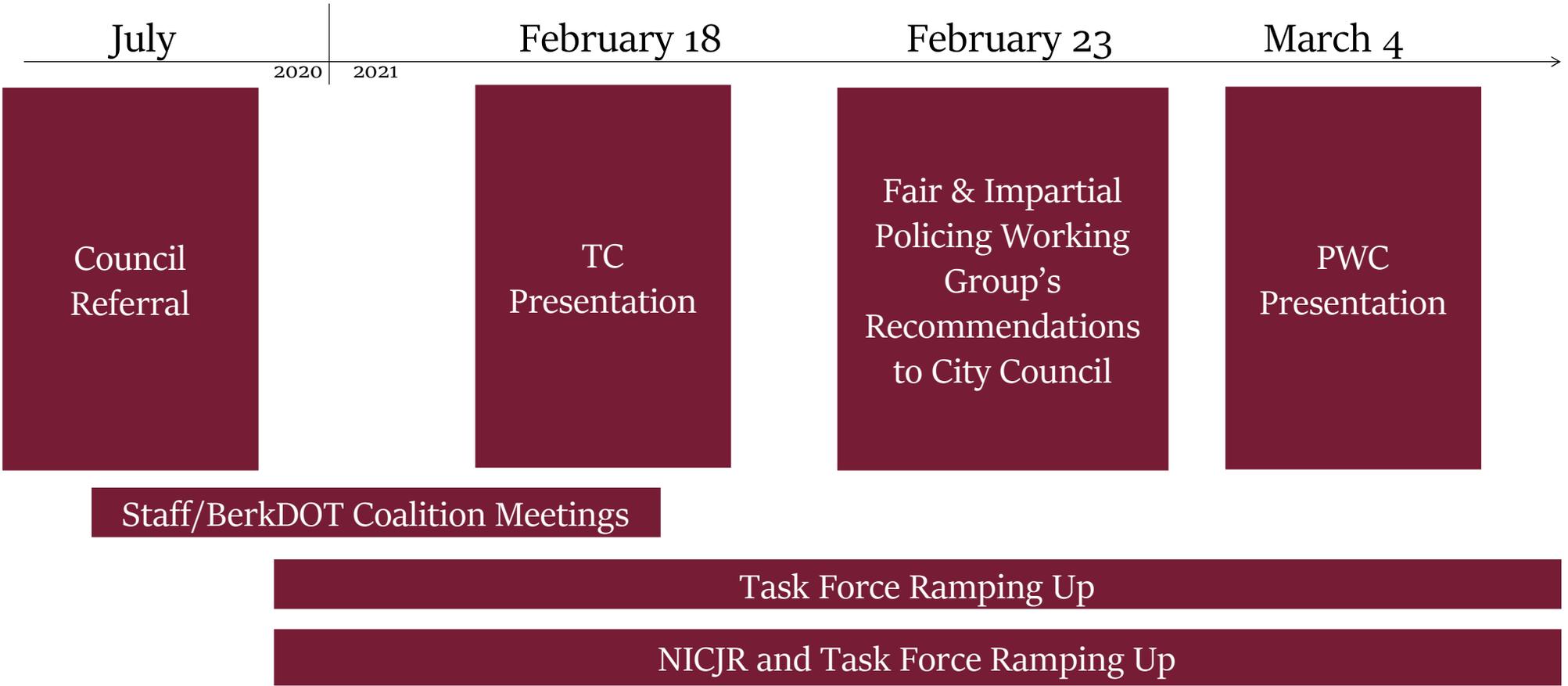


Public Safety Reimagining: BerkDOT

1. Which of the three organizational approaches to a BerkDOT align best with the City Council's referral and the City's adopted strategic and other plans?
2. What near term actions should be prioritized?
3. What areas of future research and/or due diligence should staff focus on?
4. What is missing from the analysis and possible actions to date?

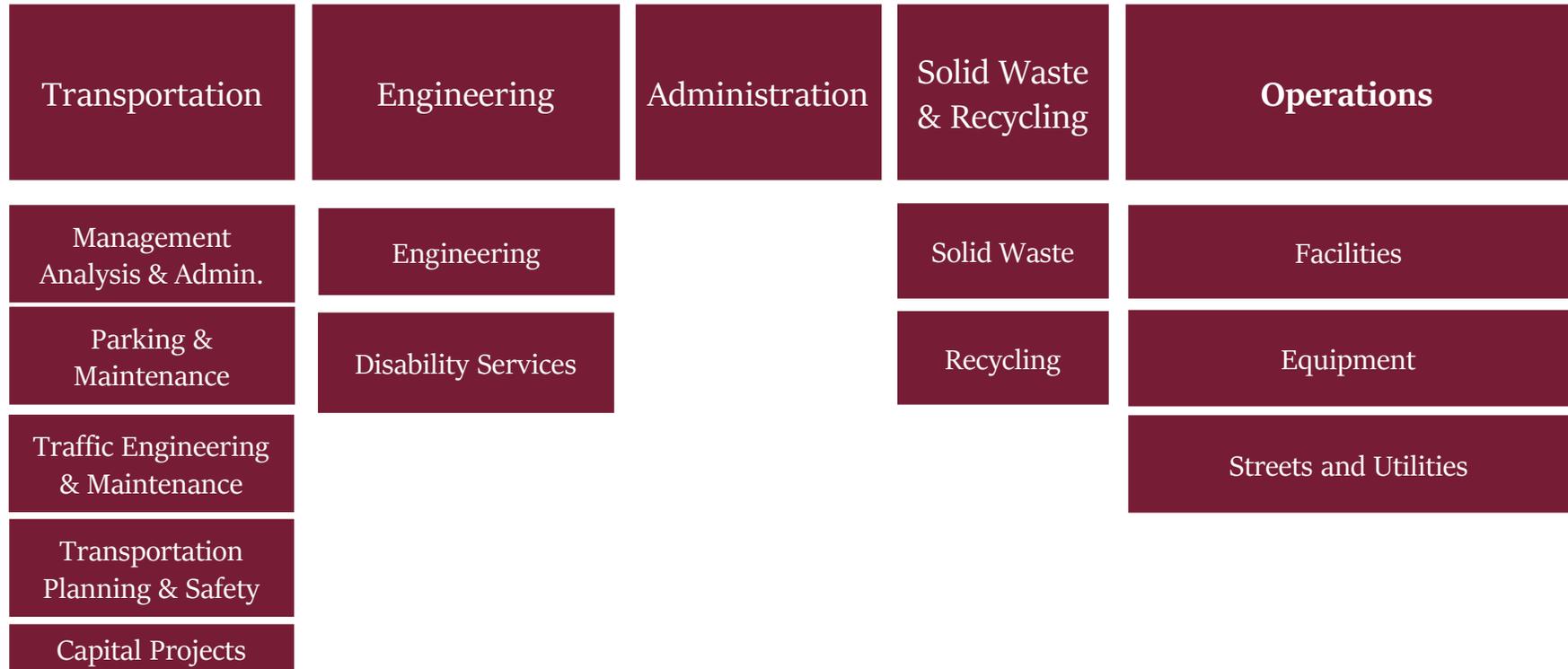


Timeline

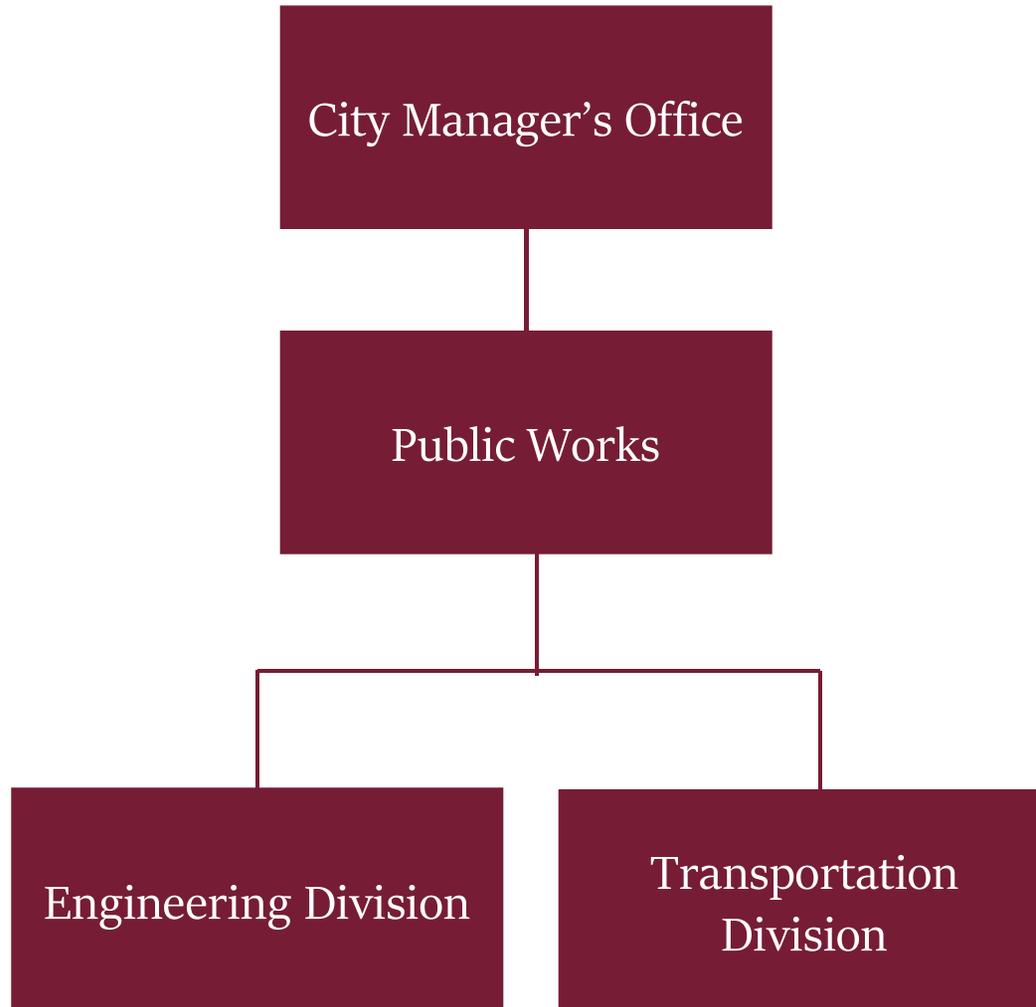




Current Public Works Department Structure



Current Public Works Structure



Three Organizational Approaches to BerkDOT

Infrastructure

A BerkDOT Division in Public Works

B BerkDOTI Department

C BerkDOT Department

City Manager

City Manager

City Manager

Public Works

BerkDOTI

Public Works

BerkDOT

Engineering Division

BerkDOT

Engineering Division

Transportation Division

Departments

Divisions

Evaluating the Approaches

Racial Justice: Do any of these approaches uniquely advance our transportation policy, programs, and infrastructure to advance racial justice and equity?

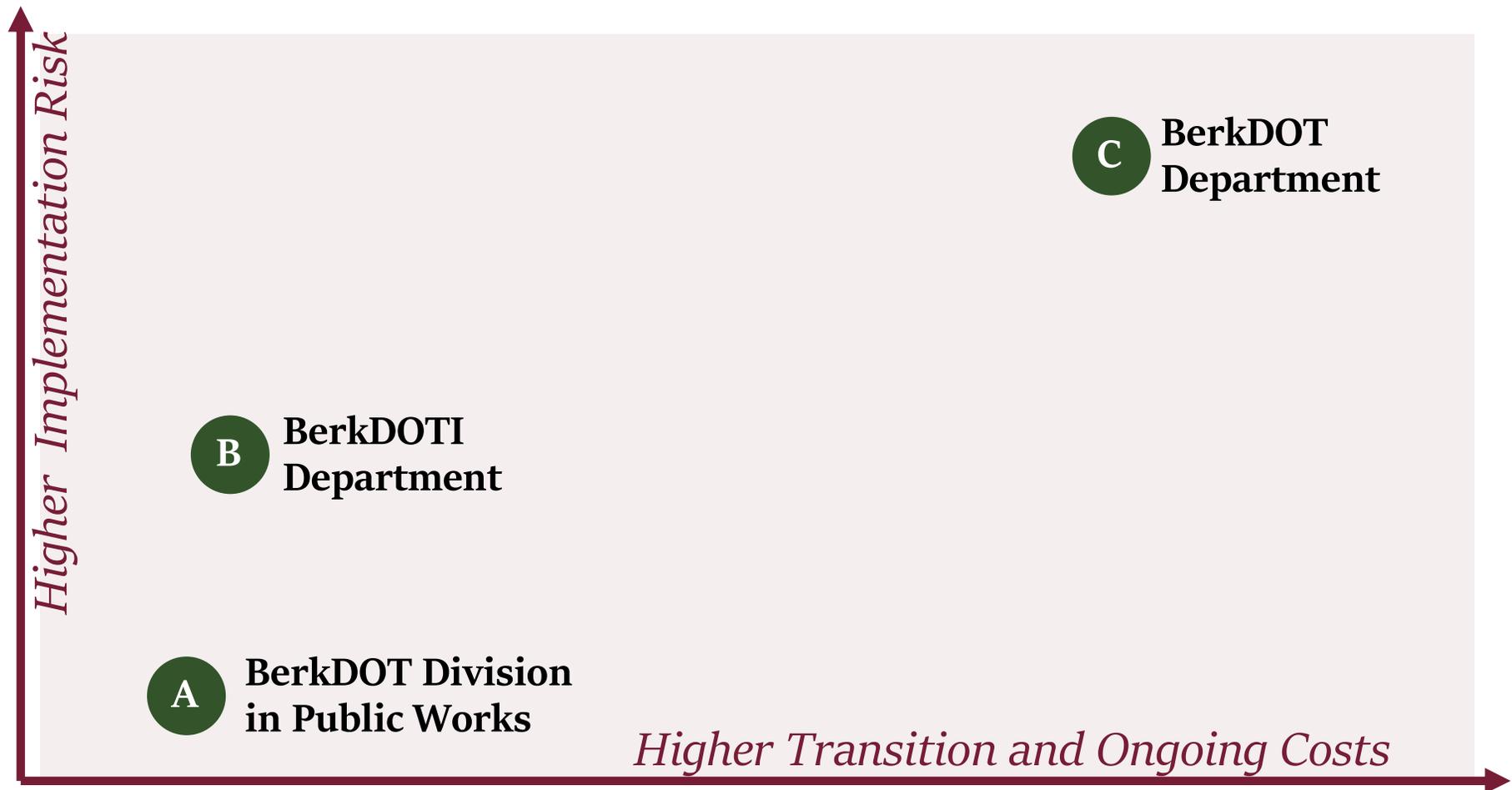
Mission/Vision: Do any of the options present an opportunity clarify departmental mission or advance strategic priorities?

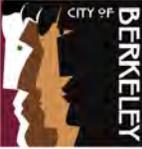
Prioritization/Coordination: Which approach balances these two important principles?

Shifting Functions: Do any of these approaches facilitate function shifting well?

Costs and Implementation Risk...

Evaluating the Approaches: Implementation Risk & Transition Costs





Functional Considerations & Opportunities

Current Police Function

New Unarmed
Traffic Unit

Crossing Guards

Parking Enforcement

Paving

Collision Investigation

Traffic Control

Considerations & Opportunities

Subject to state law and City Council's addressing Fair & Impartial Policing Working Group's recommendations

3.7 FTEs = 15 part timers, possible FY 21/22

24 FTEs, possible FY 22/23

2.5 FTEs....could be other PW functions, possible FY 22/23

Need an additional FTE for Vision Zero work

Parking enforcement officers, sworn officers, PW staff

Functional Considerations & Opportunities

~100 positions,
\$50M

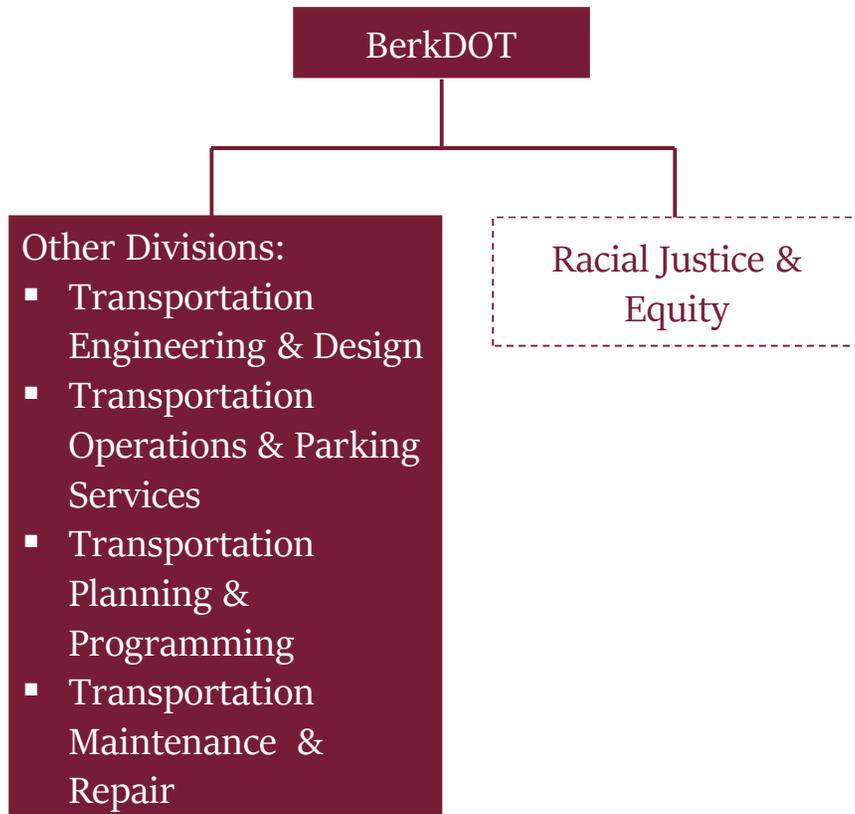
Racial Justice Lens

Working Definition

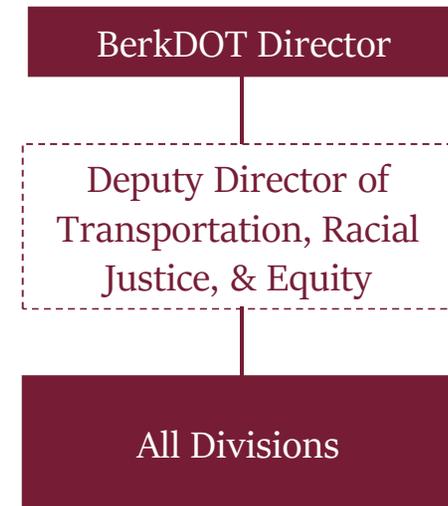
Ensuring a racial justice lens in transportation policy, programs, and infrastructure would mean that all decisions, procedures, and guidelines that govern transportation in this City would affirmatively work to reduce the burdens of racial inequities and mitigate structural harm put on people of color, and create streets where people are safe, experience belonging, and can thrive.

Racial Justice Lens in the Organizational Structure

A Racial Justice & Equity Division within BerkDOT



B Deputy Director of Transportation, Racial Justice, & Equity



Near-Term and Long-Term Actions

Near-Term

1. Determine the appropriate BerkDOT structure from the three organizational approaches above.
2. Determine what, if any, additional functions should be moved to whichever BerkDOT approach is determined. These functions could include:
 - A. Moving crossing guards to BerkDOT to focus on safe routes to school and Vision Zero,
 - B. Moving the Parking Enforcement function and staff into BerkDOT,
 - C. Shifting paving functions from the Engineering Division to BerkDOT, and
 - D. Adding staff to BerkDOT to improve collision investigation and Vision Zero efforts.
3. Clarify the preference for where the Racial Justice and Equity functions sit:
 - A. Within BerkDOT as a division,
 - B. Within BerkDOT assigned to a deputy director position with possible support from a specialist.

Near-Term and Long-Term Actions

Long-Term

1. Continue to support, advocate, and plan for state law changes that permit flexibility in local traffic enforcement.
2. Continue to research and develop recommendations on traffic enforcement, focus stops on traffic safety (not minor violations), and distinguish between major and minor traffic violations.
3. Continue to support and advocate for state changes to allow automated enforcement, reform speed limit setting, etc.
4. Continue to explore fines, fees, and towing policies that promote racial justice and equity.



Questions for Commission Input

1. Which of the three organizational approaches to a BerkDOT align best with the City Council's referral and the City's adopted strategic and other plans?
2. What near term actions should be prioritized?
3. What areas of future research and/or due diligence should staff focus on?
4. What is missing from the analysis and possible actions to date?