

Berkeley, California
October 9, 2020

To: Mayor Jesse Arreguín and City Councilmembers
Rashi Kesarwani Cheryl Davila Ben Bartlett Kate Harrison
Sophie Hahn Susan Wengraf Rigel Robinson Lori Droste
Cc: City Manager Dee Williams-Ridley Police Chief Andrew Greenwood

Subject: October 13, 2020, Action Calendar Item 19, 2019 Crime Report and Five Year Use of Force Report, including Supp 1 (Hahn)

Dear Mayor Arreguín and City Councilmembers,

I write with information bearing on certain recommendations in Supplemental 1 from Vice Mayor Hahn.¹ This information, drawn from open sources, mainly illustrates major crime trends in Berkeley from 1985 to 2020.

Major Crimes. The Federal Bureau of Investigation (FBI) publishes Uniform Crime Reporting (UCR) statistics for eight major (“Part I”) offenses:

- Homicide (murder and non-negligent manslaughter),
- Rape (for which the definition was revised starting 2013, more below),
- Aggravated assault,
- Robbery,
- Arson,
- Burglary,
- Larceny (theft), and
- Motor vehicle theft.

The first four are collectively known as Violent Crime; the latter four, Property Crime. These statistics are generally available at <https://www.ucrdatatool.gov>.

Starting with 2013, the definition of *rape* was expanded from its “legacy” meaning of “forcible” carnal knowledge to the current “revised” meaning of “penetration, no matter how slight...without consent.” See UCR Offense Definitions, <https://www.ucrdatatool.gov/offenses.cfm>

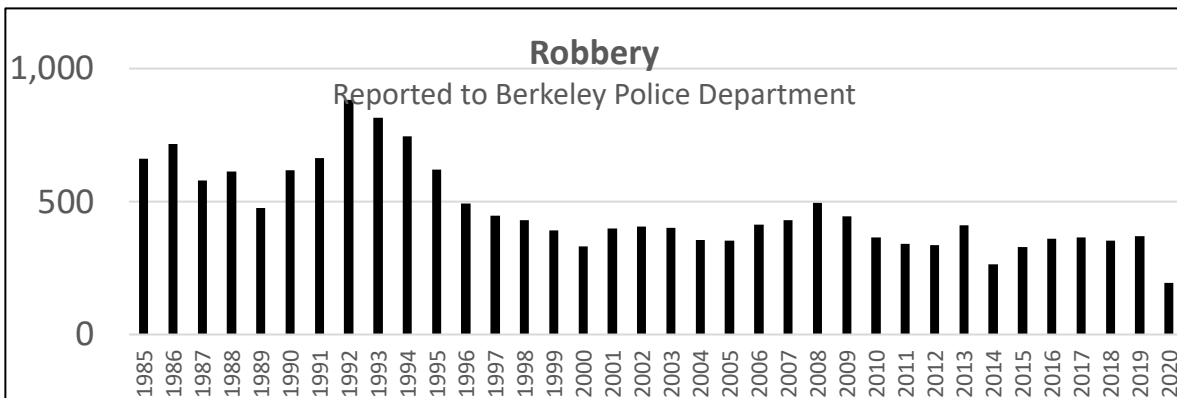
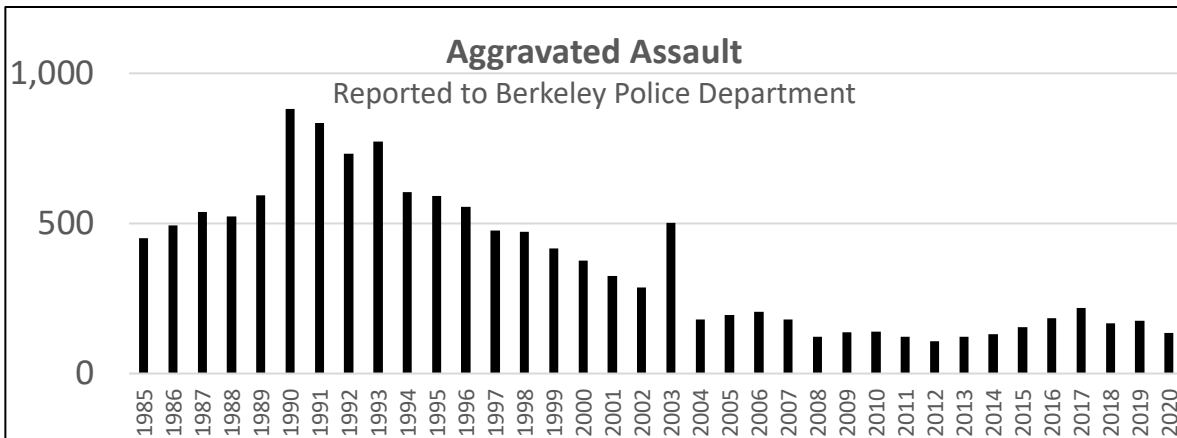
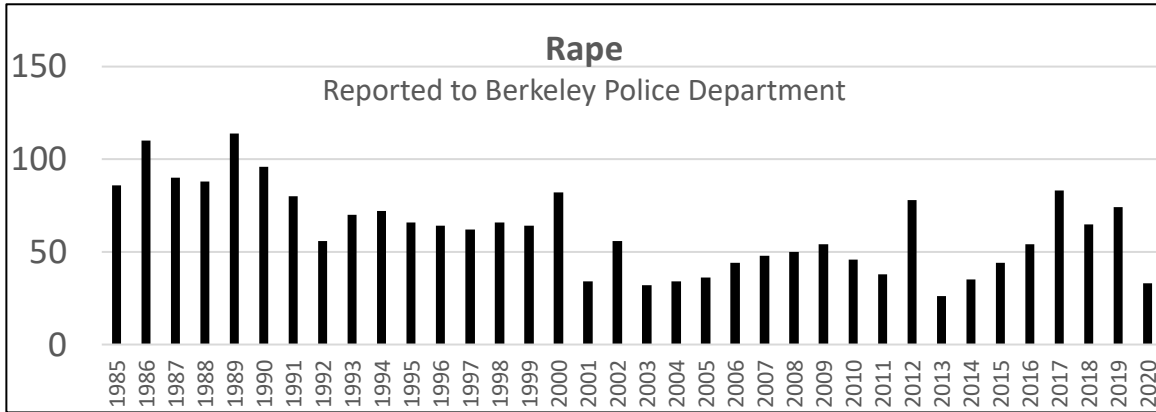
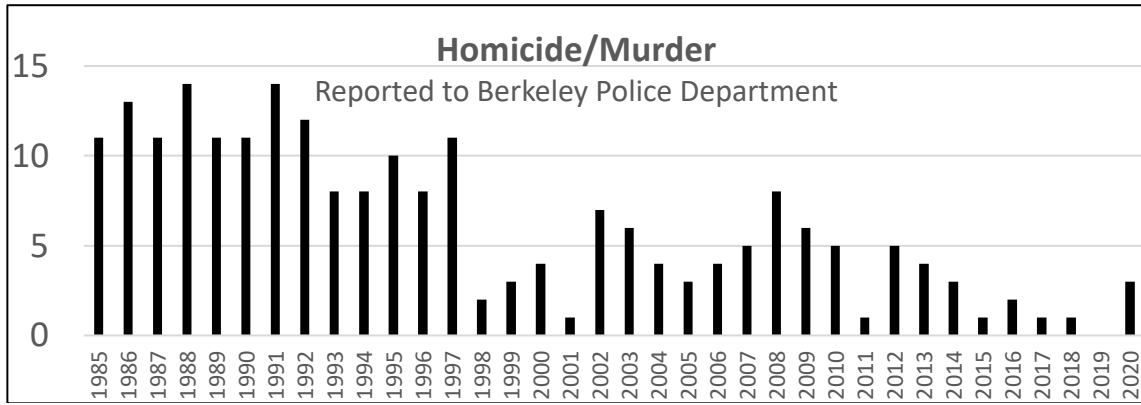
Major Crime Data. Trends specific to the Berkeley Police Department can be discerned with data beginning 1985, available at the FBI UCR Crime Data Explorer (CDE) at:

<https://crime-data-explorer.fr.cloud.gov/explorer/agency/CA0010300/crime>
On September 28, 2020, these data were updated to include 2019. In what follows 2020 is represented by the first 8 months as reported by BPD in the Item 19 report.

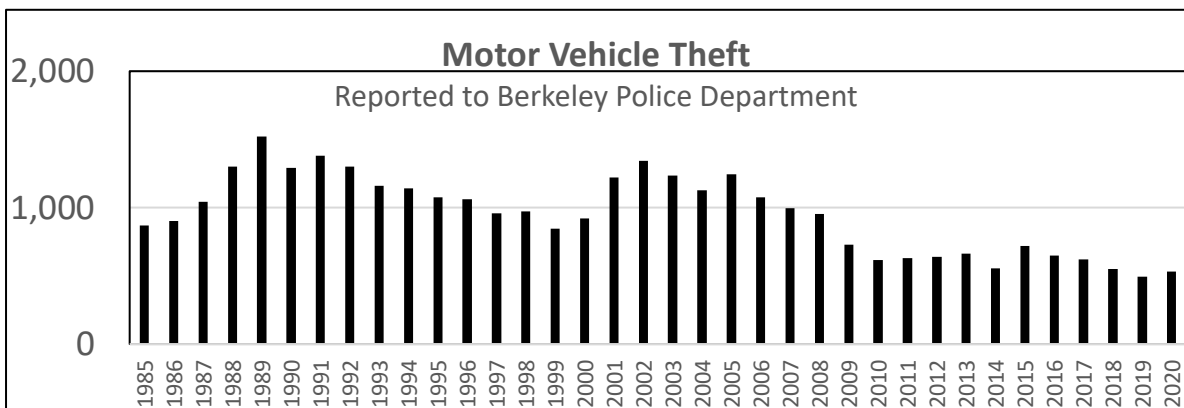
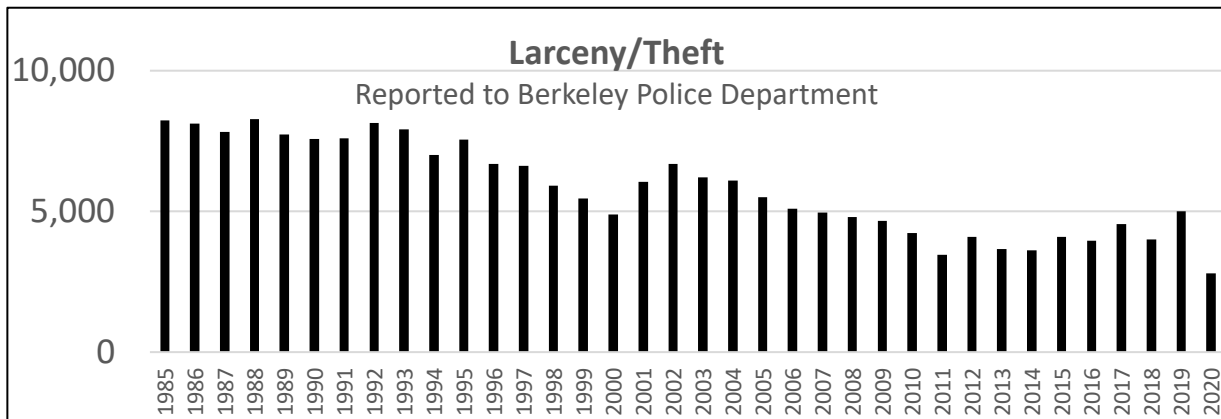
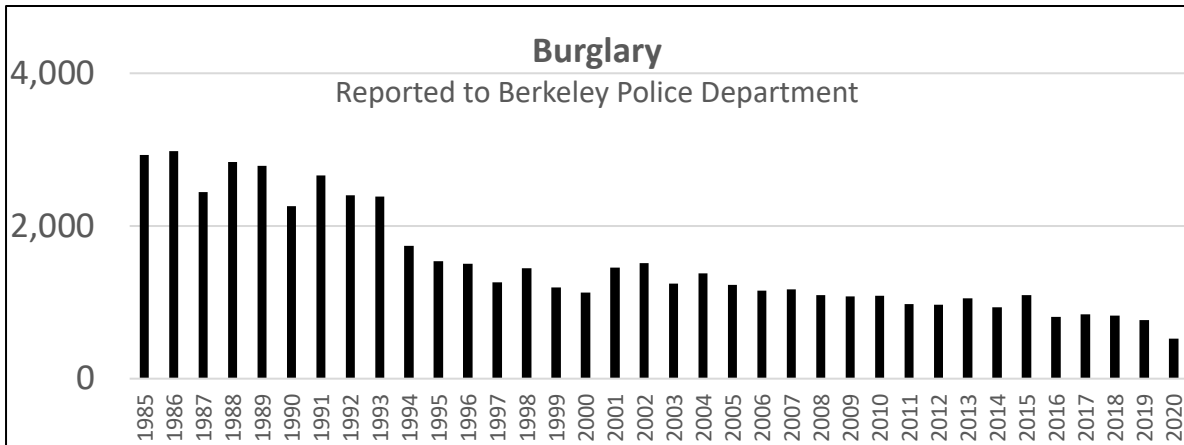
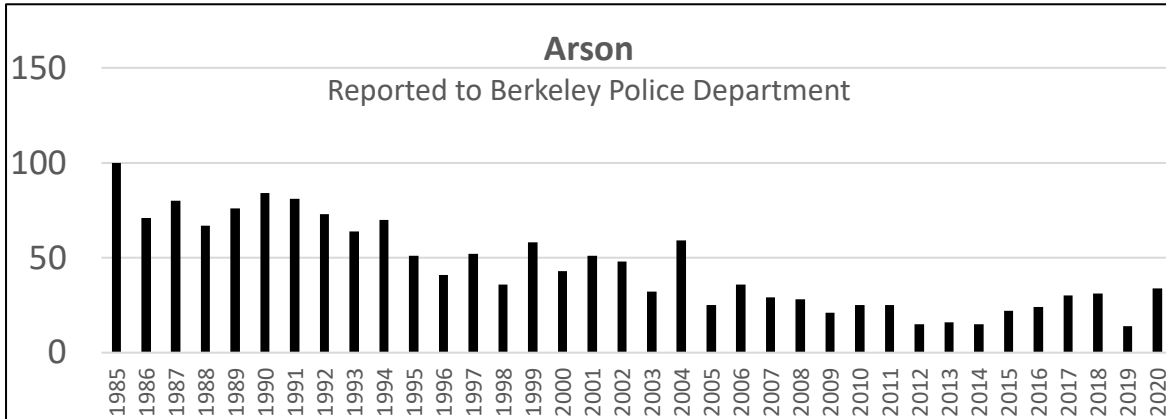
Major Crime Trends. The most noticeable difference is the elevated level of reported crime, of all categories, in the 1985-2000 period, relative to the 2010-2020 period. Recent increases in certain crime categories should be assessed with the relatively lower levels of the recent past in mind.

¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Item_19_2019_Crime_Report_and_Five_Year.aspx
https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Supp_1_Reports_Item_19_Supp_Hahn_pdf.aspx

Violent Crimes



Property Crimes



Caution Against Comparing Jurisdictions. In partial response to one of the Supp 1 recommendations, “the FBI cautions and, in fact, strongly discourages data users against using rankings to evaluate locales or the effectiveness of their law enforcement agencies.” See “Uniform Crime Reporting Statistics: Their Proper Use,” <https://ucr.fbi.gov/ucr-statistics-their-proper-use>

The FBI issues this caution due to crime’s being “a sociological phenomenon influenced by a variety of factors.” See “Avoid rankings and comparisons,” <https://crime-data-explorer.fr.cloud.gov/explorer/agency/CA0010300/crime>

Reported Crime. In partial response to one of the Supp 1 recommendations, the FBI notes: “The data found on the Crime Data Explorer represents reported crime, and is not an exhaustive report of all crime that occurs.” See “Data considerations,” <https://crime-data-explorer.fr.cloud.gov/explorer/agency/CA0010300/crime>

Clearance Rates. The CDE data also present the count of cases *cleared* (solved) of each crime category. Since a crime’s clearance may not occur in the same year it was reported, to compute a year-by-year clearance rate would impart unnecessary volatility, hence inaccuracy, to interpretation. However, over a 35-year period (1985-2019), a measure of the central tendency of the *long-run clearance rate* can be gained by dividing the sum of cleared cases by the sum of reported cases.

Note that interpreting this “long-run clearance rate” depends critically on the clearances’ being reported faithfully over time. This fidelity is not known, so the following rates are shown only to suggest the relative success of clearing various crime categories. The Department may possess more updated, faithful, information than the CDE source provides.

Crime Category	Long-run Clearance Rate
Homicide	53%
Rape	25%
Aggravated Assault	61%
Robbery	25%
Arson	17%
Burglary	10%
Larceny (theft)	9%
Motor Vehicle Theft	10%

Source: Crimes Reported To/By Berkeley Police Department 1985-2020, below

Recommendation: Preserve BPD Investigative Capability. In the ongoing effort to reimagine policing in Berkeley, I recommend that BPD's resources to *investigate* crime be preserved by this Council. The discussion to date seems to have focused exclusively on the patrol function of the Department, with no attention to its investigative capacity. The dishearteningly low clearance rates in the table above, especially for rape, suggest continued, even increased, resources to solve crimes. Please do not lose sight of the mission-critical capability of crime investigation.

Sincerely,



Charles Clarke
Resident, District 6

- Summary table, Crimes Reported To/By Berkeley Police Department 1985-2020
- Summary charts, Crimes Reported To Berkeley Police Department, 1985-2020
 - Homicide/Murder
 - Rape
 - Aggravated Assault
 - Robbery
 - Arson
 - Burglary
 - Larceny/Theft
 - Motor Vehicle Theft

**FBI Uniform Crime Reporting Crime Data Explorer
Reported to/by Berkeley Police Department 1985-2020**

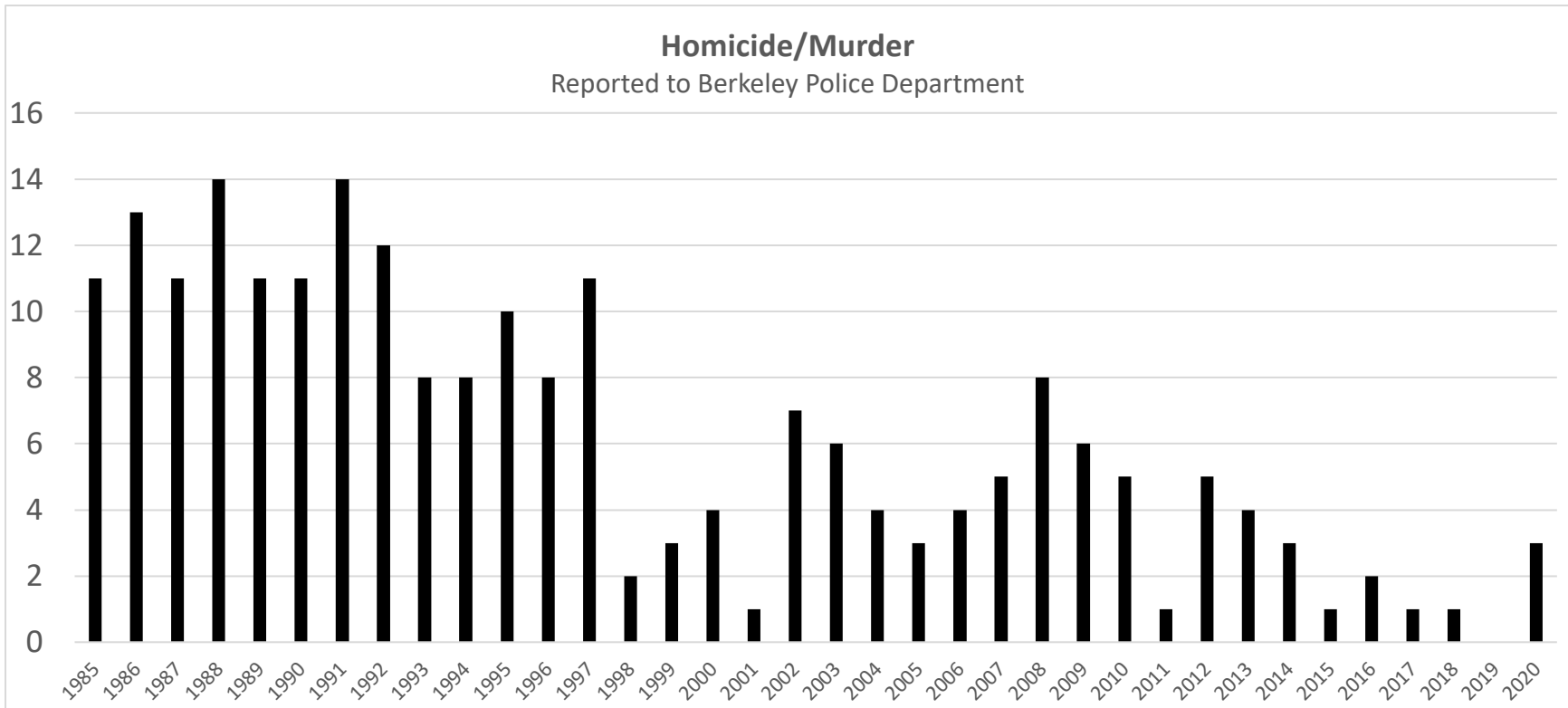
Crime: Year	Murder		Rape		Aggravated Assault		Robbery		Arson		Burglary		Larceny		Motor Vehicle Theft	
	Reported	Cleared	Reported	Cleared	Reported	Cleared	Reported	Cleared	Reported	Cleared	Reported	Cleared	Reported	Cleared	Reported	Cleared
1985	11	4	86	32	450	325	660	198	100	20	2,930	397	8,236	1,380	869	177
1986	13	10	110	37	494	334	717	171	71	20	2,977	411	8,111	1,167	900	175
1987	11	8	90	32	538	402	580	168	80	32	2,442	357	7,823	1,033	1,045	276
1988	14	8	88	37	524	366	613	180	67	20	2,840	471	8,280	1,164	1,302	329
1989	11	7	114	46	593	340	476	170	76	15	2,788	261	7,739	1,009	1,523	314
1990	11	5	96	39	881	636	618	177	84	12	2,262	223	7,564	1,008	1,289	328
1991	14	11	80	28	834	578	663	186	81	8	2,663	237	7,594	1,002	1,379	267
1992	12	4	56	15	733	504	882	182	73	4	2,406	194	8,142	899	1,303	235
1993	8	4	70	22	773	498	815	278	64	6	2,383	257	7,915	979	1,161	217
1994	8	8	72	27	605	390	745	258	70	7	1,740	155	6,998	851	1,140	174
1995	10	5	66	21	591	430	619	169	51	3	1,538	177	7,541	809	1,075	159
1996	8	4	64	21	555	399	492	177	41	6	1,502	99	6,683	736	1,061	138
1997	11	6	62	23	476	337	447	168	52	5	1,260	225	6,612	845	959	103
1998	2	1	66	15	472	326	431	128	36	0	1,443	179	5,922	749	971	68
1999	3	2	64	18	416	268	391	129	58	0	1,197	271	5,459	604	845	67
2000	4	2	82	17	377	241	332	91	43	2	1,124	186	4,889	578	921	79
2001	1	0	34	0	326	0	398	0	51	8	1,453	0	6,054	0	1,221	0
2002	7	2	56	17	287	171	407	80	48	4	1,514	98	6,687	329	1,341	35
2003	6	1	32	7	502	292	402	84	32	1	1,245	114	6,217	406	1,233	27
2004	4	1	34	6	181	90	355	72	59	15	1,382	58	6,101	399	1,128	27
2005	3	3	36	2	195	72	354	51	25	1	1,229	60	5,503	279	1,244	22
2006	4	1	44	4	206	71	414	68	36	4	1,152	57	5,096	275	1,075	28
2007	5	1	48	12	179	78	431	94	29	6	1,172	56	4,949	288	995	21
2008	8	2	50	2	123	50	496	94	28	11	1,095	70	4,790	225	952	10
2009	6	3	54	7	138	61	444	85	21	3	1,079	65	4,661	221	727	4
2010	5	2	46	11	140	70	365	95	25	8	1,088	77	4,240	176	615	17
2011	1	0	38	7	122	62	340	68	25	5	976	54	3,460	126	628	8
2012	5	2	78	3	108	51	335	68	15	3	971	59	4,084	153	641	7
2013	4	3	26	0	122	54	410	97	16	5	1,055	87	3,658	173	664	14
2014	3	3	35	8	130	59	263	72	15	2	932	74	3,615	160	555	8
2015	1	1	44	7	155	66	330	86	22	5	1,090	66	4,099	166	717	11
2016	2	0	54	5	185	67	361	61	24	5	805	64	3,965	184	650	12
2017	1	1	83	14	218	86	364	85	30	5	843	80	4,556	200	621	23
2018	1	0	65	9	167	69	353	84	31	12	829	87	4,004	232	548	26
2019	0	0	74	4	175	68	369	74	14	4	771	119	4,993	266	492	23
2020	3		33		135		195		34		528		2,793		533	
Long-run Clearance Rate	53%		25%		61%		25%		17%		10%		9%		10%	

Sources: FBI Crime Data Explorer, Berkeley Police Department, 1985-2019

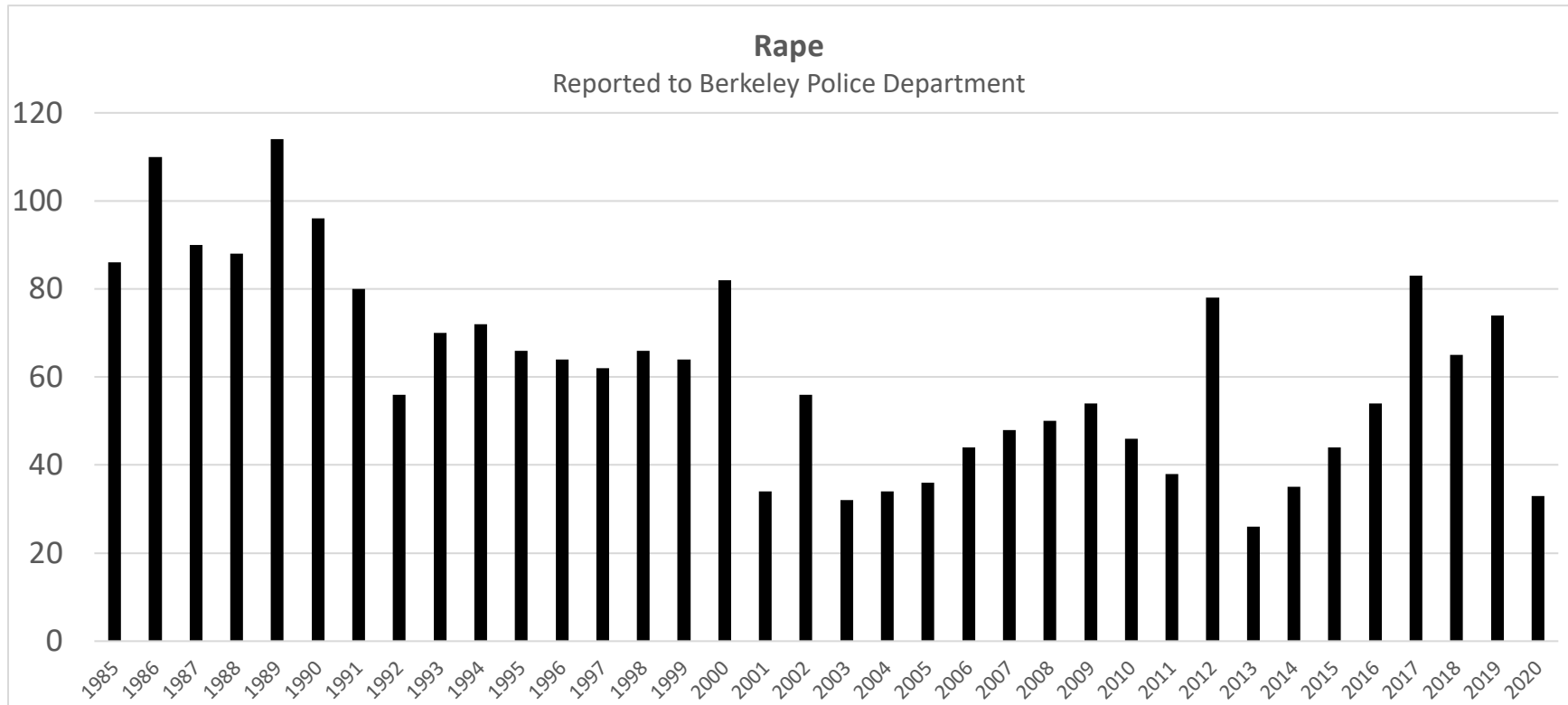
<https://crime-data-explorer.fr.cloud.gov/explorer/agency/CA0010300/crime>

Berkeley Police Department, Crime Report, Oct. 13, 2020 (reported crimes only)

https://www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Item_19_2019_Crime_Report_and_Five_Year.aspx



1985-2019: FBI Uniform Crime Reports, Crime Data Explorer, crime-data-explorer.fr.cloud.gov/explorer/agency/CA0010300/crime
 2020: BPD, Oct. 13, 2020 report, p. 9, www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Item_19_2019_Crime_Report_and_Five_Year.aspx



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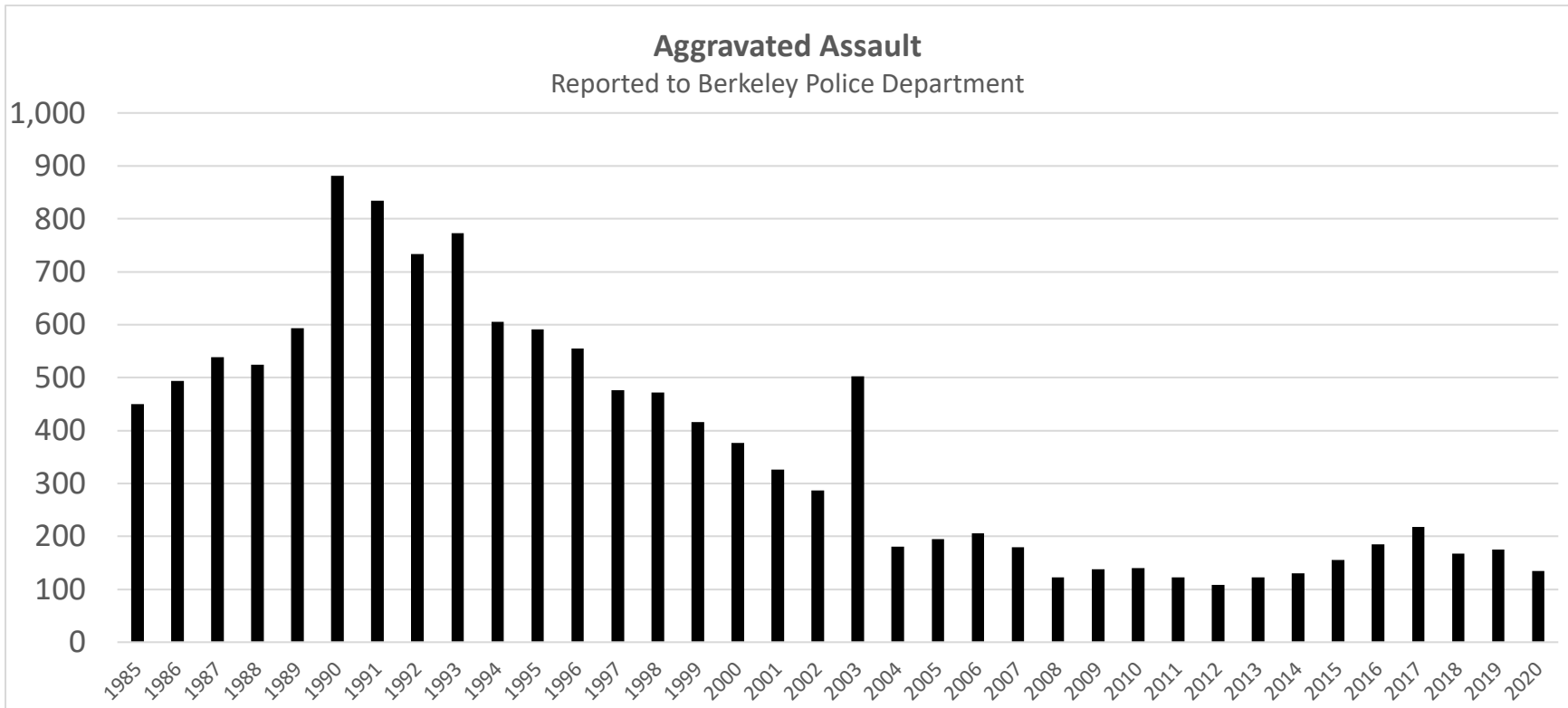
2020: BPD, Oct. 13, 2020 report, p. 9, www.cityofberkeley.info/Clerk/City_Council/2020/10_Oct/Documents/2020-10-13_Item_19_2019_Crime_Report_and_Five_Year.aspx

Definitions of rape

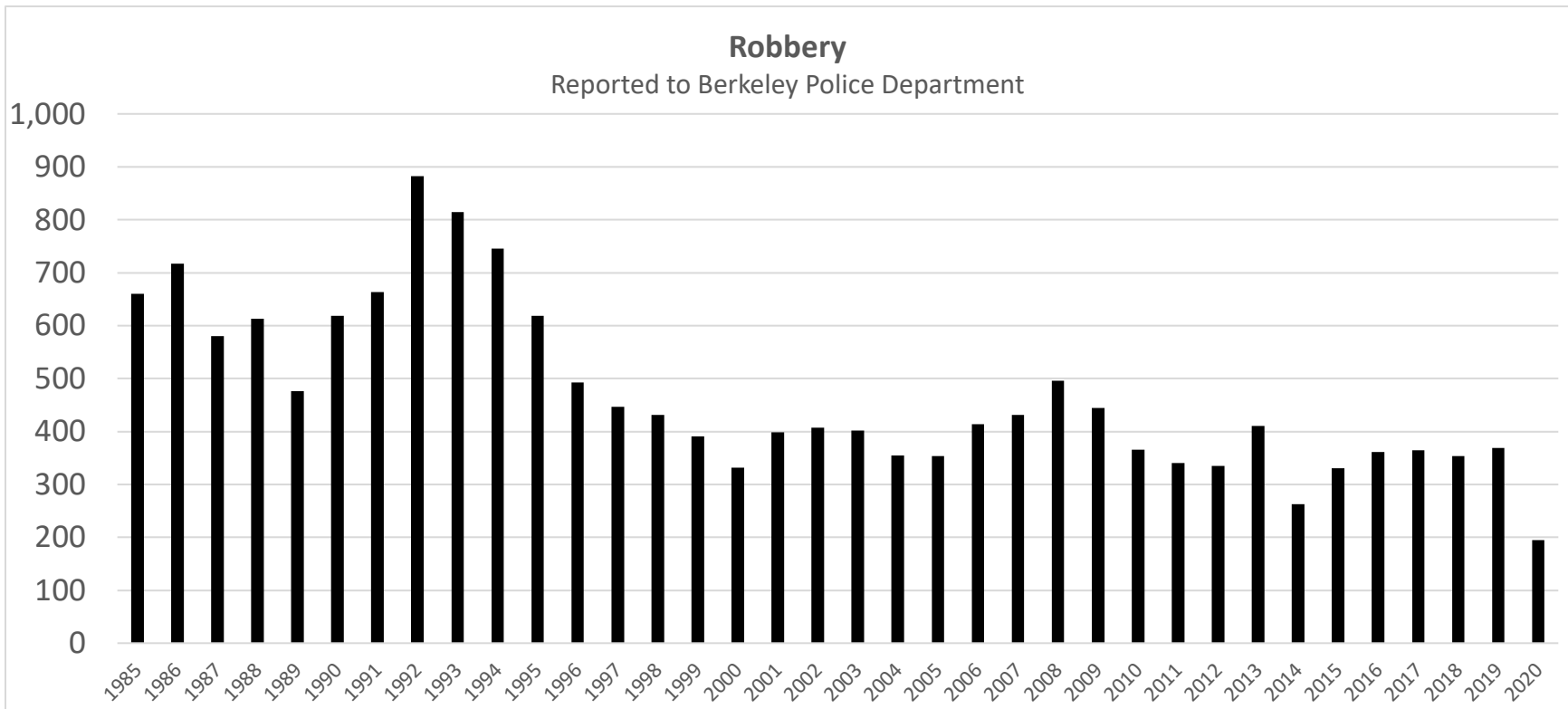
1985-2013 – “Legacy” definition, “carnal knowledge...forcibly and against her will.”

2014-present – “Revised” definition, “penetration, no matter how slight...without consent.”

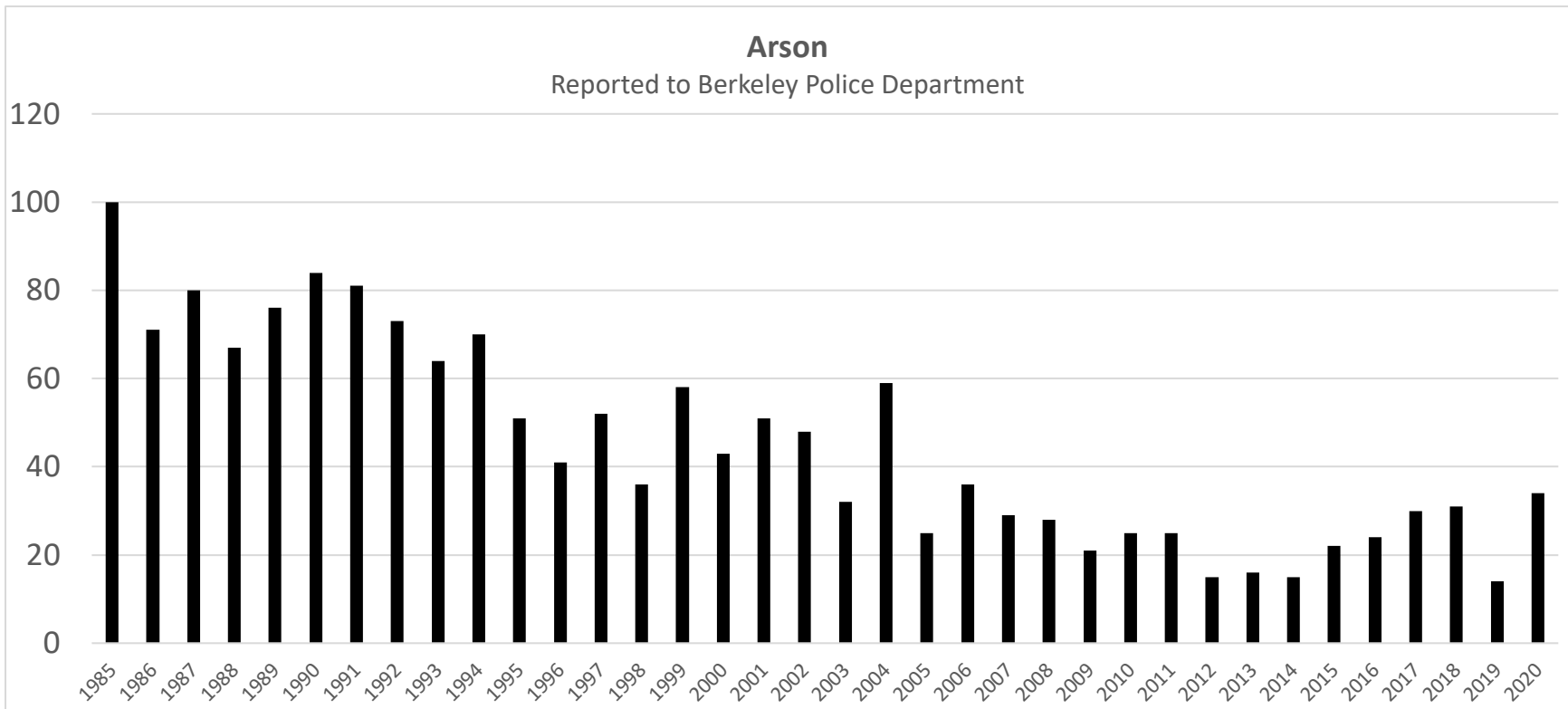
FBI: UCR, “Crime in the United States 2013 – Uniform Crime Reporting Program Changes Definition of Rape,” ucr.fbi.gov/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/rape-addendum/rape_addendum_final



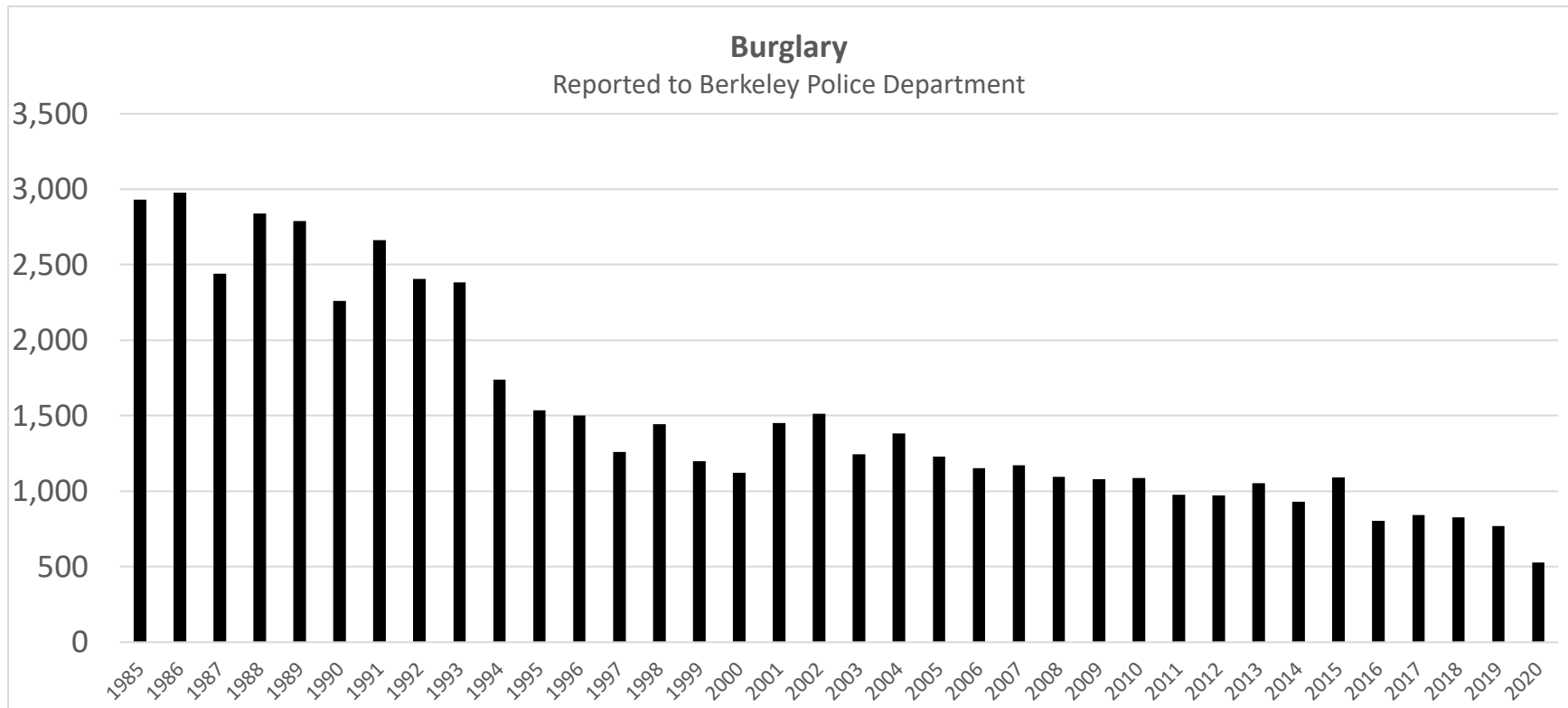
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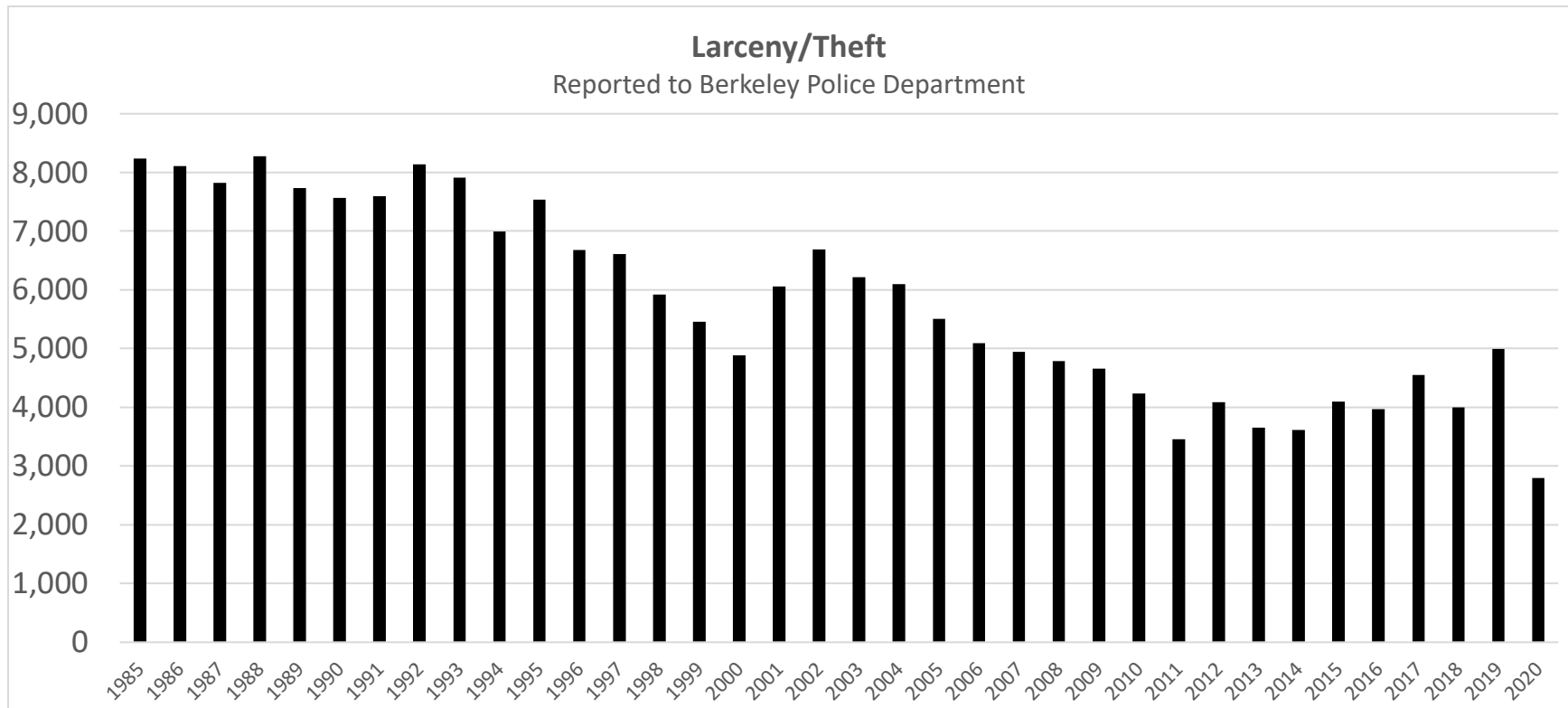
1985-2019: FBI Uniform Crime Reports, Crime Data Explorer, crime-data-explorer.fr.cloud.gov/explorer/agency/CA0010300/crime
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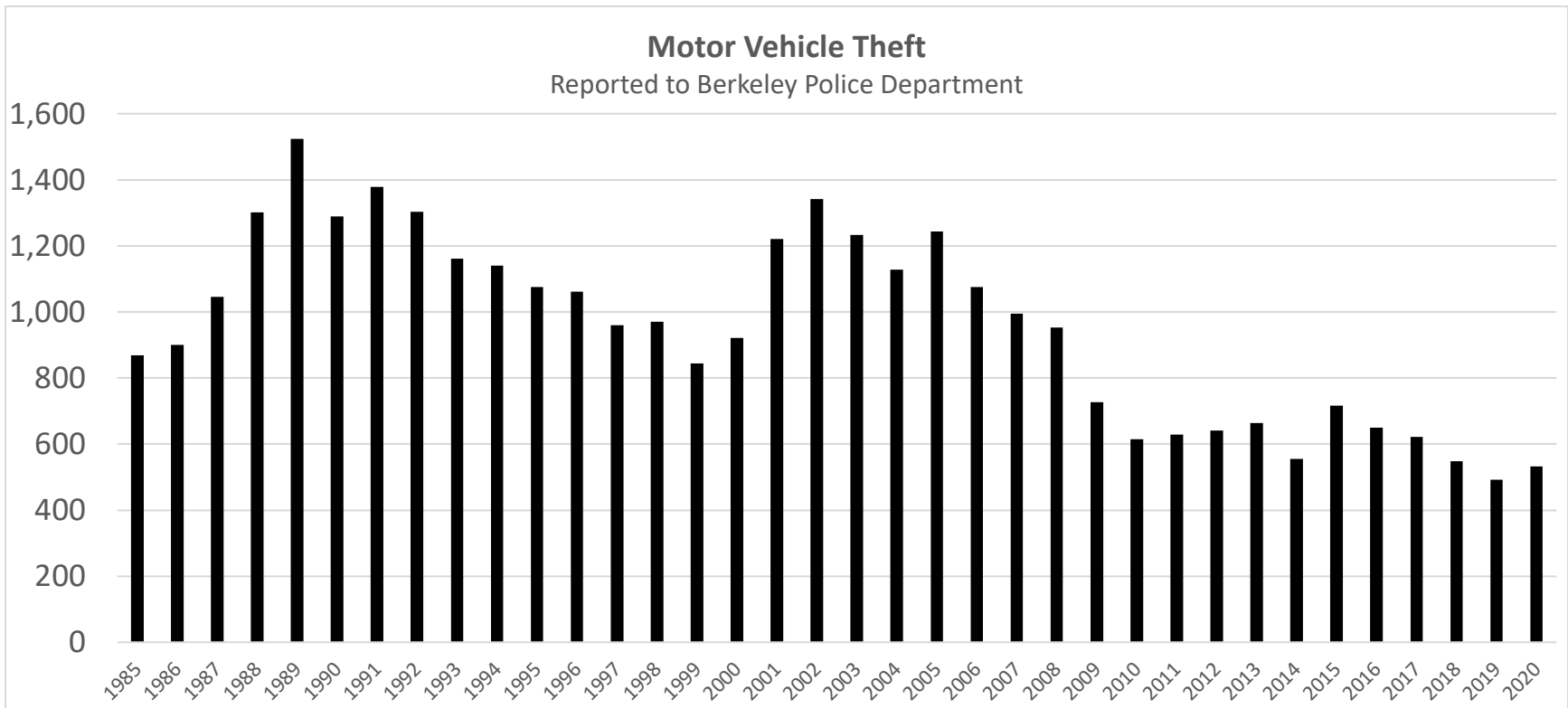
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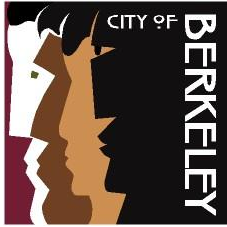
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Office of the City Manager

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1

Meeting Date: October 13, 2020

Item Number: 19

Item Description: 2019 Crime Report and Five Year Use of Force Report

The attached supplemental material from Councilmember Hahn was originally published in the Supplemental Communications Packet 2 for the September 22, 2020 regular City Council meeting. This material was unintentionally omitted from the October 13, 2020 agenda packet, and is being re-printed for Council's consideration and inclusion in the record.



SOPHIE HAHN

Berkeley City Council, District 5
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
(510) 981-7150
shahn@cityofberkeley.info

ACTION CALENDAR
September 22, 2020

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: September 22, 2020
Item Number: 15
Item Description: 2019 Crime Report and Five Year Use of Force Report
Submitted by: Vice Mayor Sophie Hahn

Requests additional data and analysis to be added to future reports.



SOPHIE HAHN

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2180 Milvia Street, 5th Floor
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ACTION CALENDAR
September 22, 2020

To: Honorable Members of the City Council
From: Vice Mayor Sophie Hahn (Author)
Subject: 2019 Crime Report and Five Year Use of Force Report

RECOMMENDATION

Accept the 2019 Crime Report and Five Year Use of Force Report and request that future iterations include the following:

- Provide peak and other historical crime rate data so that the most recent data is contextualized more broadly
- Provide a reference point of other jurisdictions that are similar (e.g., Oakland, San Francisco, San Leandro), for comparison
- Refer to data as “reported crimes” and not “crimes” since they can be strongly influenced by changes in reporting and recording practices
- Include basic information about the approximately 30 incidents per year where force is used, including the type of incident and level of force, and the race, gender, and age of the person against whom force was used.

BACKGROUND

Violent and property crime rates have fluctuated in recent years, but they remain low by historical measures. Nationally, violent crime has fallen sharply since the 1970s, and property crime has declined significantly over the long term.¹ In California, both violent and property crime rates remain historically low.² The 2019 Crime Report helpfully provides five-year trends for violent and property crimes in Berkeley. However, the picture is not complete without additional context. For future reports, the City Manager is requested to provide peak and other historical crime rate and trend data so that the most recent data is contextualized more broadly. At a minimum, a chart with 30 year crime rate trends should be included, in addition to information about peak and trough years if they fall beyond the 30 year window.

In addition, geographic context is required to help us understand crime in Berkeley compared to similarly situated jurisdictions. Crime rates can vary dramatically by region and by category.³ Without information on crime in neighboring jurisdictions and comparable cities in California, It’s difficult to interpret local crime rates and to formulate effective solutions. For future reports, the City Manager is requested to provide a reference point of a few other jurisdictions that are simi-

¹ <https://www.pewresearch.org/fact-tank/2019/10/17/facts-about-crime-in-the-u-s/>

² <https://www.ppic.org/publication/crime-trends-in-california/>

³ <https://www.ppic.org/publication/crime-trends-in-california/>

lar, for comparison. Those jurisdictions should be urban and diverse both economically and racially to provide the best context; Oakland, San Leandro, Hayward, Richmond, and San Francisco are possible comparables.

Changes in reporting of crimes occur if people in the community under-report to the police - and some crime statistics can go up when the culture changes about reporting. For example, women (and other victims) for a long time did not report domestic violence because they were poorly received by the police. When police changed their practices for handling domestic violence cases, reports increased. Of course, the incidence likely didn't change - rising statistics more likely represented a rise in reporting of these crimes. The City's reports and data presented should be referred to as "reported crimes" and not "crimes" since the numbers can be strongly influenced by changes in reporting and recording practices.

According to the Report, Berkeley Police officers responded to an average of 76,896 calls for service per year over the five year period of 2015-2019. During the same period, officers made an average of 3,017 arrests per year, and issued thousands of citations. Thankfully, officers were able to accomplish their work without the use of force in more than 99% of all incidents. To better understand the relatively few incidents that required the use of force, the City Manager is requested to include in these reports basic information regarding the incidents that involved use of force (approximately 30 per year) and the breakdown by a variety of categories, including the type of incident and level of force, and the race, gender, and age of the person against whom force was used.

FINANCIAL IMPLICATIONS

Staff time.

CONTACT INFORMATION

Vice Mayor Sophie Hahn, Council District 5, 510-682-5905 (Cell)