



Office of the City Manager

WORKSESSION

October 19, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jennifer Louis, Interim Chief of Police

Subject: **BPD Annual Update:** 2020/First Half of 2021 Crime Report; Council Referrals/Reporting: Use of Force, Stop Data (RIPA report), Hate Crime Response and Reporting; Departmental Personnel Report: Hiring, Recruitment and Staffing and Fair and Impartial Policing recommendations implementation

INTRODUCTION

At the request of City Council, the City Manager provides regular reports on crime in Berkeley. This report includes 2020, and the first six months of 2021 Part One crime information. This work session will also provide updates on several Council referral items.

CURRENT SITUATION AND ITS EFFECTS

CRIME REPORT

In 2020, total Part One crime in Berkeley decreased by 11% overall. Part One Violent Crime decreased by 13% (81 crimes) and Part One Property Crimes decreased by 11% (738 crimes). In the first six months of 2021, total Part One crime in Berkeley decreased by 12% overall compared to the same timeframe in the prior year. Part One Violent Crime decreased by 10% (29 crimes) and Part One Property Crimes decreased by 12% (362 crimes).

Increases in Part One Crimes were seen in Aggravated Assault, Burglary, Auto Theft and Arson. Decreases were seen in Robbery, Sexual Assault and Larceny (Grand Theft, Petty Theft and Auto Burglary).

Homicides

Homicides increased from zero in 2019, to five murders in 2020. There were no homicides in the first six months of 2021.

Robberies

Robberies decreased by 26% with 274 incidents as compared to 369 in 2019. 2020 numbers reflect a decrease of 46% in pedestrian robberies and an increase of 23% in commercial robberies. There were 8 home invasion robberies which is twice as many as 2019. There were 5 bank robberies compared to 2 in 2019. There were 13 car jackings in 2020 which is one less than in 2019.

In the first half of 2021, Robberies decreased by 1% with 148 incidents as compared to 150 in the same timeframe in 2020. There was one bank robbery, five home invasions and nine car jackings in this time period.

Aggravated Assaults

Aggravated Assaults increased 20% in 2020, with 210 reports, compared to 175 in 2019.

Aggravated Assaults decreased 13% in 2021, with 96 reports, compared to 111 in the same timeframe in 2020.

Shootings

There were 40 confirmed shooting incidents in 2020 versus 28 in 2019. Confirmed shooting incidents include loud report calls where shell casings or other evidence of gunfire is found. Arrests were made in at least a third of these incidents.

There were 38 confirmed shooting incidents in the first nine months of 2021 versus 26 incidents in the same timeframe in 2020.

Rape

Reported rapes decreased 36% in 2020, with 47 reports as compared to 74 in 2019. Six of these cases were classified as stranger attacks. Reported rapes decreased 40% in 2021, with 25 reports as compared to 35 during the same timeframe in 2020.

Burglary, Larceny and Auto Theft

Burglaries increased by 3% in 2020, with 797 reports as compared to 771 reports in 2019. Residential burglaries increased by 8% while commercial burglaries decreased by 7%. Larcenies decreased by 21% to 3933 cases as compared to 4993 in 2019. The larceny figures which include Auto Burglaries, decreased 58% from 2473 cases in 2019 to 1042 cases in 2020. Auto Thefts increased 64% from 492 cases in 2019 to 805 in 2020.

Burglaries decreased by 15% in 2021, with 356 reports as compared to 419 reports during the same timeframe in 2020. Larcenies decreased by 22% to 1789 cases as compared to 2282 in 2020. Auto Thefts increased 52% from 339 cases in 2020 to 514 during the same timeframe in 2021.

Hate Crimes

In 2020 there were 12 incidents of hate crimes, up from 8 in 2019. In 2021, through September there were 28 reported incidents. Hate Crime numbers have increased in comparison to last year, and most of the reports continue to be categorized as crimes of intimidation (either by using slurs or by leaving graffiti) rather than crimes of violence.

Arson

Reported arsons increased from 17 reported incidents in 2019 to 52 reported incidents in 2020, an increase of 35. Reported arsons increased from 23 reported incidents in 2020 to 42 reported incidents in 2021, an increase of 19 incidents.

ADDITIONAL CRIME DATA

Data on serious crime is collected annually by the Federal Bureau of Investigation (FBI) from over 17,000 law enforcement agencies representing over 90% of the U. S. population. The FBI's primary objective in the Uniform Crime Report (UCR) is to generate a reliable set of crime statistics for use in law enforcement administration, operation, and management in the United States. The UCR tracks the following crimes:

Violent Crimes

Murder
Rape
Robbery
Aggravated Assault

Property Crimes

Burglary
Larceny (petty and grand theft, auto burglary)
Auto Theft
Arson*

**Arson is a UCR crime tracked separately from violent and property crime. It is included in the accompanying graphs.*

The UCR data provides the Berkeley Police Department the ability to analyze national and local crime trends, determine the effectiveness of response to crime, and conduct future planning and potential resource allocation. The FBI UCR handbook discourages using UCR statistics to compare crime rates of one jurisdiction to another because of the complex variables affecting crime and crime reporting practices.

Attached as appendixes to this report are the annual totals of UCR data for Part One Violent and Property Crimes for 2020 in Berkeley, as well as ten-year trends in Part One Violent Crimes and Part One Property Crimes. Density Maps for Total Violent Crime, Total Property Crime, Robberies, Burglaries and Auto Burglaries are also attached.

COLLISION DATA

There were 589 traffic collisions in Berkeley in 2020, 316 injury collisions, 2 fatal collisions and 46 DUI collisions. Ashby Ave. and San Pablo Ave. had the largest number of collisions of any other intersection in the City. The most common cause of collisions has been unsafe speed followed by unsafe lane change, and right of way violations relating to failure to yield.

Traffic Collisions*

	2020	2021
Total Collisions	589	550
Injury Collisions	316	205
Fatal Collisions	2	5
DUI Collisions	46	38

Top Intersections

2020		2021	
Ashby Ave / San Pablo Ave	9	Ashby Ave / San Pablo Ave	9
MLK Jr Way / Ashby Ave	6	MLK Jr Way / Ashby Ave	6
Scaramento St / Ashby Ave	6	Ashby Ave / Shattuck Ave	5
7th St / Ashby Ave	5	Eastshore Hwy / Gilman St	5
Ashby Ave / Shattuck Ave	5	Sacramento St / Cedar St	5

Primary Causal Factors

2020		2021	
22350 VC (Speeding)	133	22350 VC (Speeding)	94
22107 VC (Unsafe lane change)	104	22107 VC (Unsafe lane change)	88
21800-21804 VC (Failure to yield)	82	21800-21804 VC (Failure to yield)	52
22106 VC (Unsafe starting or backing)	46	23152 VC (DUI)	38
21950(a) VC (Failure to yield to ped)	45	21950 (a) VC (Failure to yield to ped)	16

Bike Collisions

2020	2021
Bike Collisions	69

Pedestrian Collisions

2020	2021
Pedestrian Collisions	31

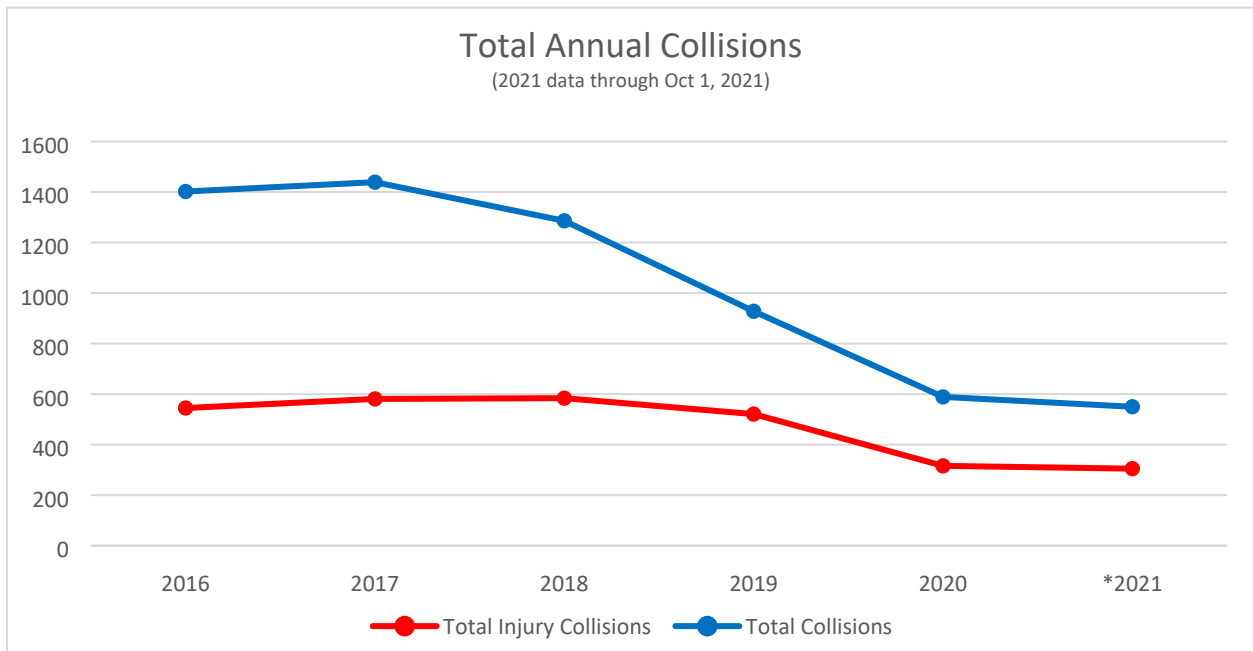
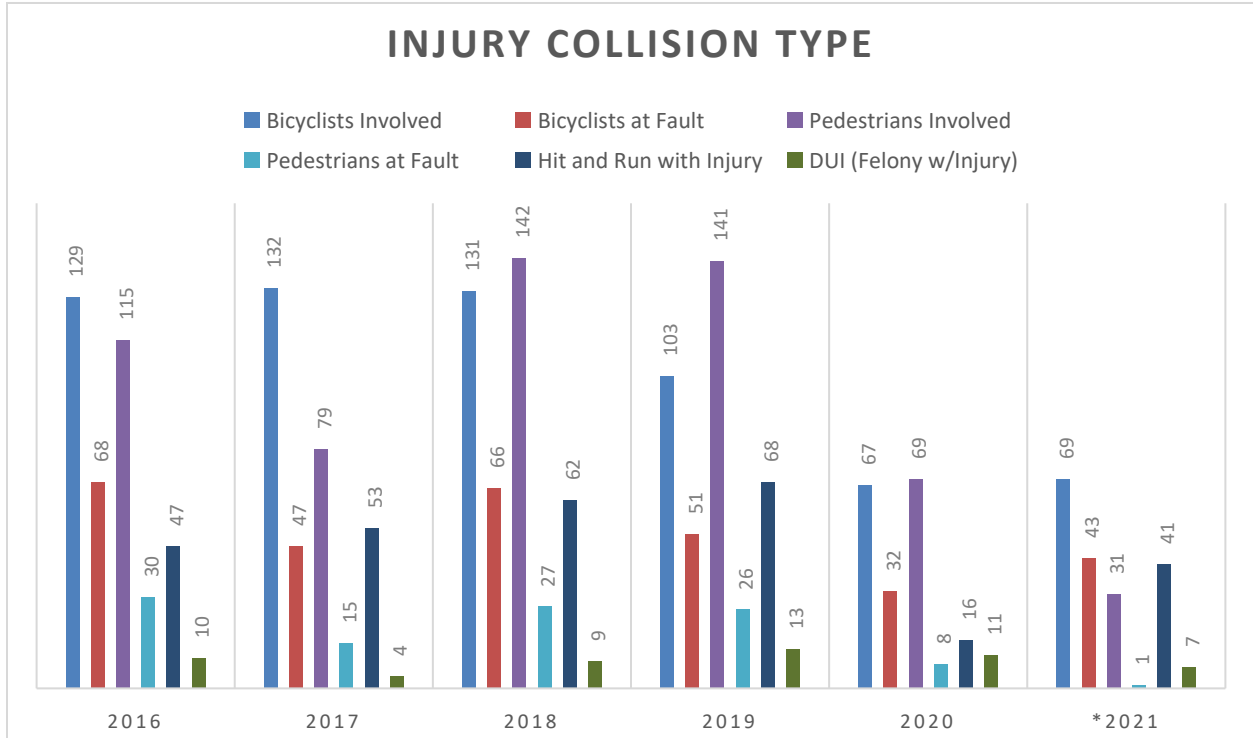
2020		2021	
22350 VC (Speeding)	14	22350 VC (Speeding)	19
21800-21804 VC (Failure to yield)	12	22450 VC (Stop at limit line)	8
22107 VC (Unsafe lane change)	8	21800-21804 VC (Failure to yield)	8

2020		2021	
21950 (a) VC (Failure to yield to ped)	45	21950(a) VC (Failure to yield to ped)	16
21950 (b), 21954 VC (Pedestrian safety)	6	23152 VC (DUI)	3
22107 VC (Unsafe lane change)	2	22107 VC (Unsafe lane change)	2

*2021 Data = January – October 1st

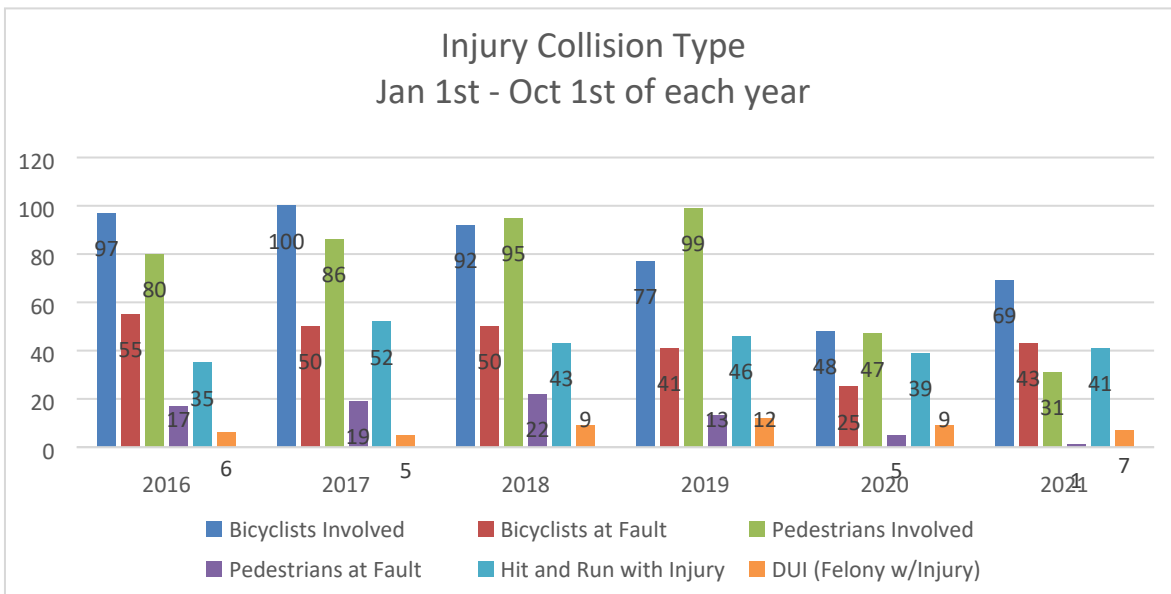
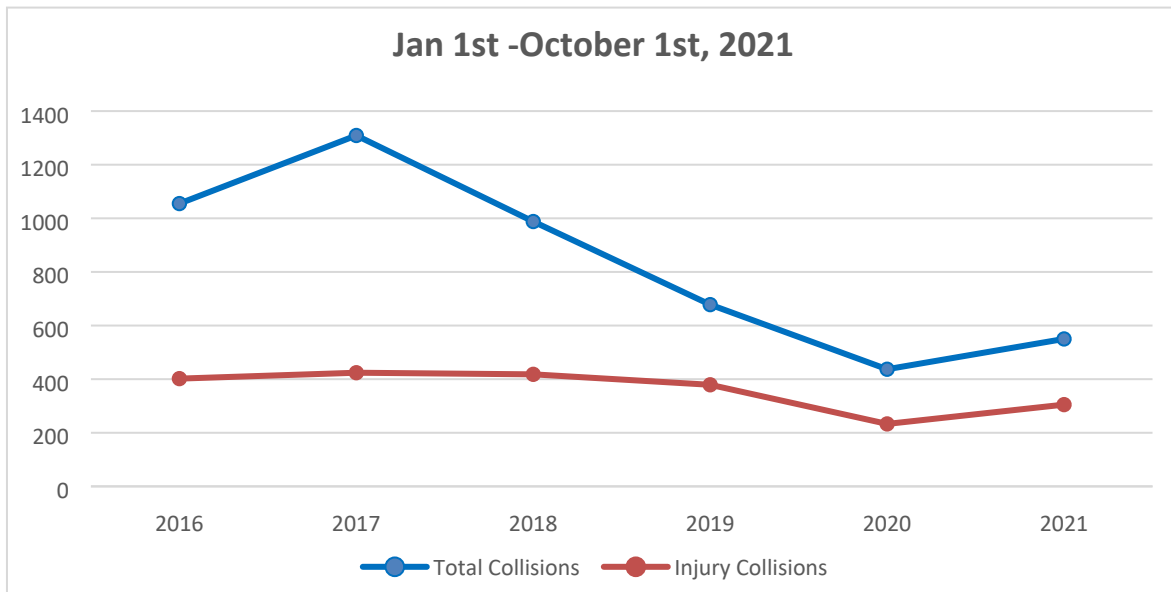


Bicycles were involved in 67 of the injury collisions and pedestrians were involved in 69. Right of way violations affected pedestrians in 51 of those collisions. The primary collision factor was found to be the bicyclist in 32 collisions, the pedestrian in 8 collisions and DUI in 46 collisions.



From January 2021 to October 1, 2021 there have been 550 traffic collisions, 305 injury collisions, 5 fatal collisions and 38 DUI collisions. Bicycles have been involved in 69 of the injury collisions and pedestrians have been involved in 31. Ashby Ave. and San Pablo Ave. has remained the intersection with the highest number of injury collisions in the City, and Ashby Ave. has been the location of 20 injury collisions this year. The top three primary collision factors remained unchanged from last year. The primary collision factor was found to be the fault of the bicyclist 43 times, where a pedestrian has been at fault one time. There have been 19 right of way violations that have caused injury to a pedestrian this year.

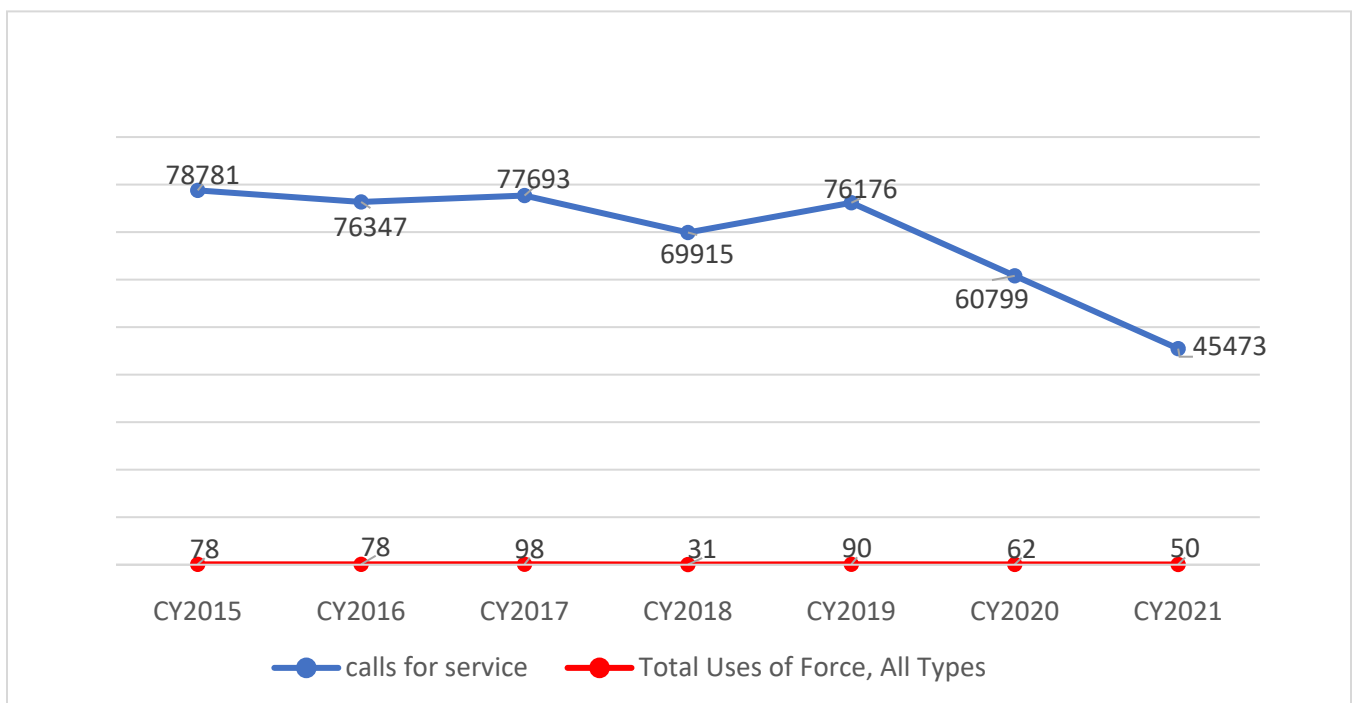
Berkeley is seeing an increase of pedestrian right of way and fatal collisions.



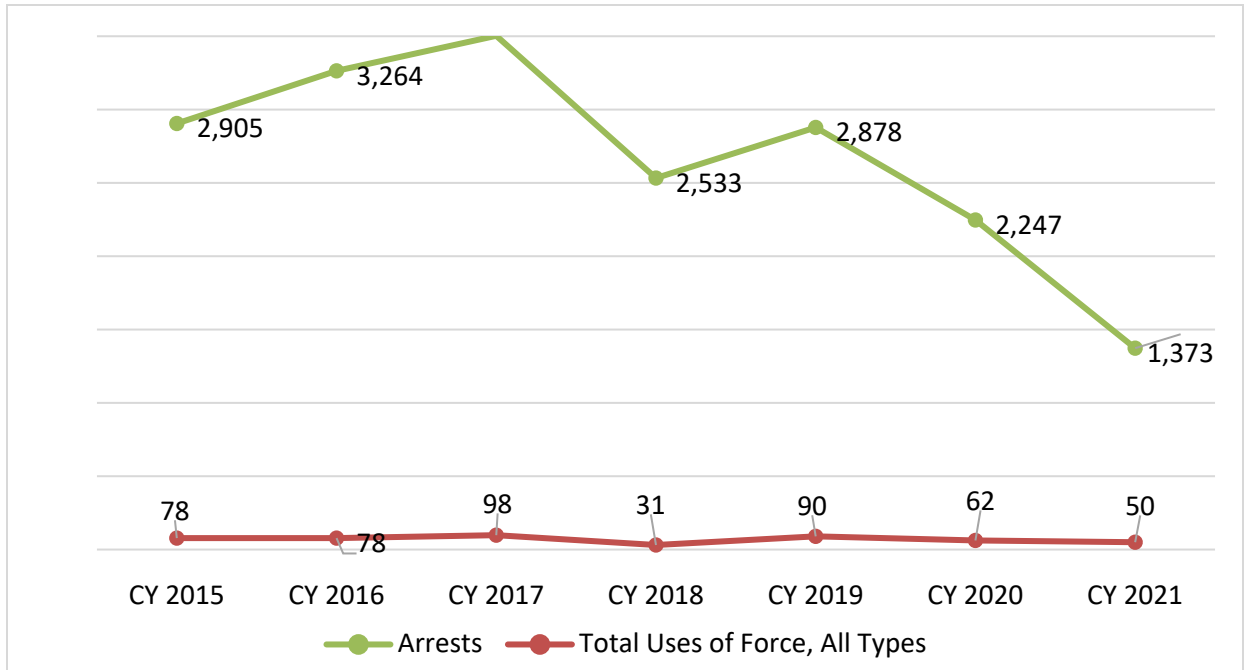
USE OF FORCE REPORT

Berkeley Police Department takes pride in our ability to accomplish our work with minimal reliance on force through approaches that include de-escalation techniques, as well as an awareness of mental health crisis issues and appropriate responses. The department reinforces these skills and strategies through regular training.

A review of the Berkeley Police Department's use of force statistics reflects a minimal reliance on force. Data covering January 2017 through September 2021 shows the department responded to an average of 72,738 calls for service per year and averaged 2,804 arrests. Under the department's prior reporting standards, there was an average of 75 uses of force per year.



*CY2021 covers Feb-Sep, 2021



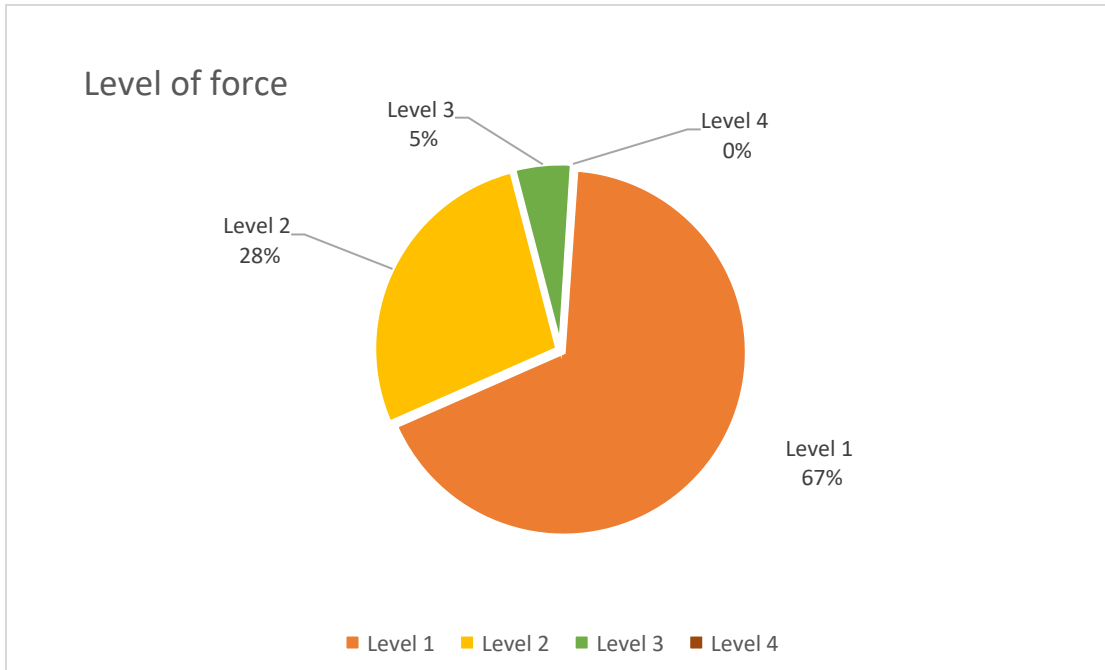
*CY2021 covers Feb-Sep, 2021

In February 2021, BPD transitioned to a new Use of Force Policy that had several substantial changes, that included a de-escalation requirement and an expanded use of force reporting standard. Under this policy, reportable force is delineated into the following four categories:

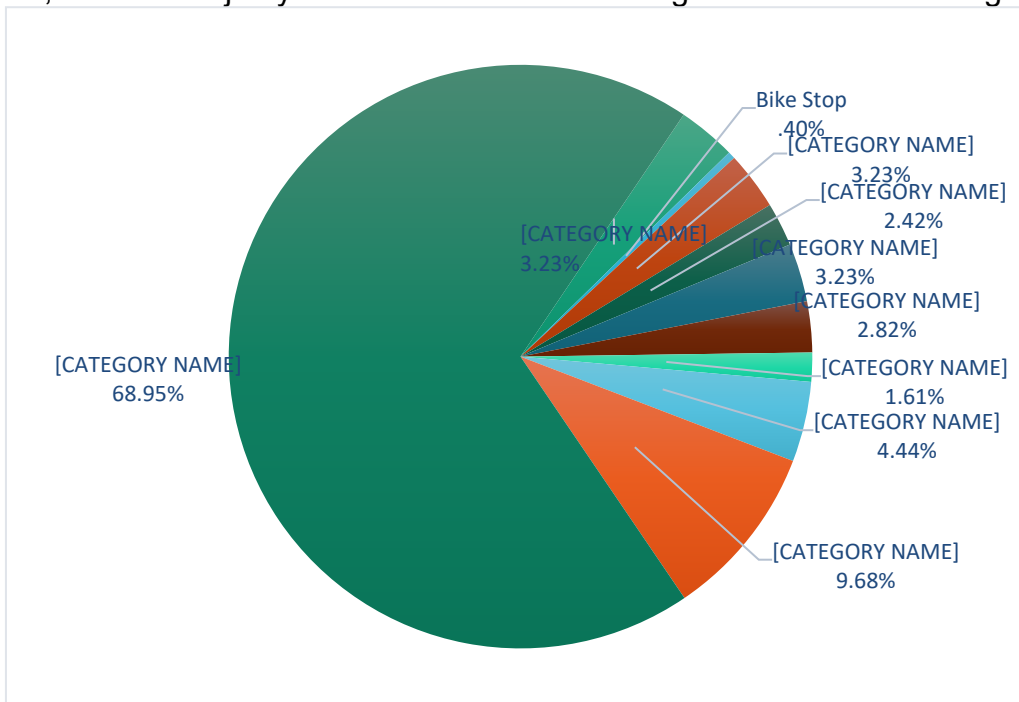
- Category 1 – Involves grabs, control holds, the use of leverage, or body weight with no injury or complaint of pain.
- Category 2 – Applies when an officer points or deploys a firearm while interacting with someone. It also applies to a Level 1 force that involves more than momentary discomfort but does not have an injury or complaint of pain.
- Category 3 – Parallels our old Use of Force reporting standard and involves the use of a weapon, subject injury, or complaint of pain. This category also applies to specific circumstances when an officer does not activate their body-worn camera.
- Category 4 – Applies when an officer uses a firearm or when there is an in-custody death.

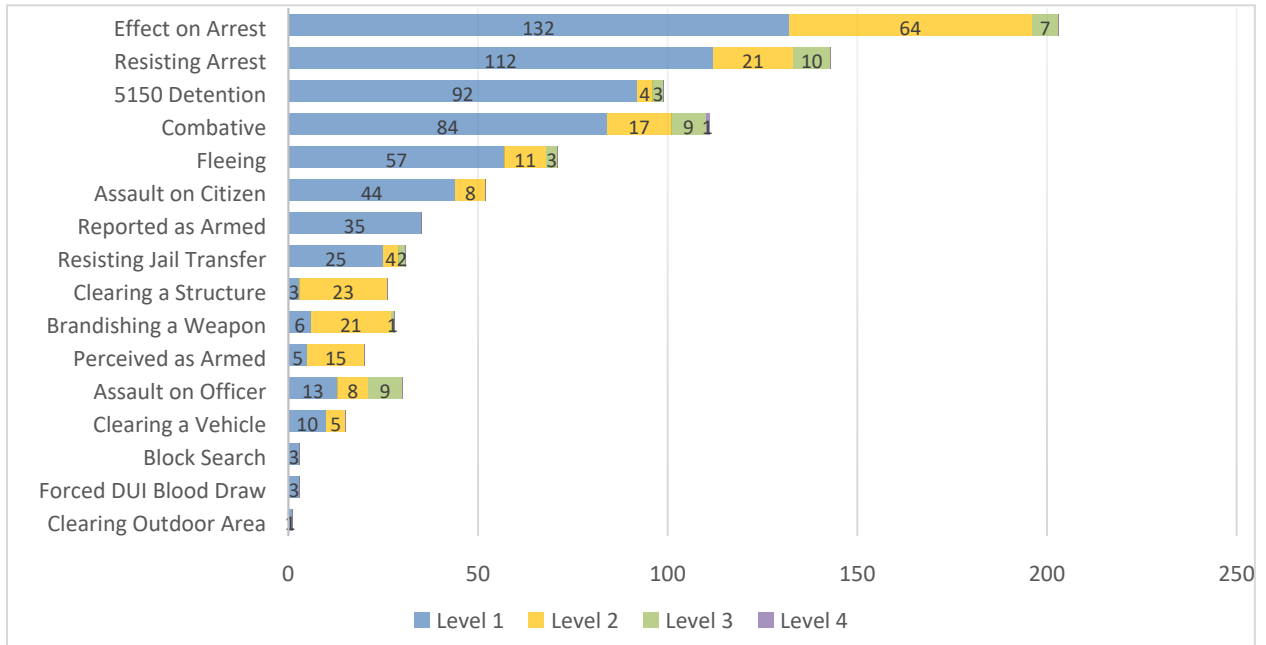
The department use of force policy requires officers to report uses of force to their sergeant, who documents these incidents in a formal report. In a given incident, more than one technique or type of force may be used to bring a resistant or combative individual into custody, and more than one officer may use force during the incident.

Under the new reporting standard, there were 248 incidents that involved 854 uses of force from February to October 2021. Of those, 67% were Level 1 uses of force, and 28% were level two. These two categories accounted for 95% of uses of force, demonstrating BPD officer's commitment to using minimal force when it is required.

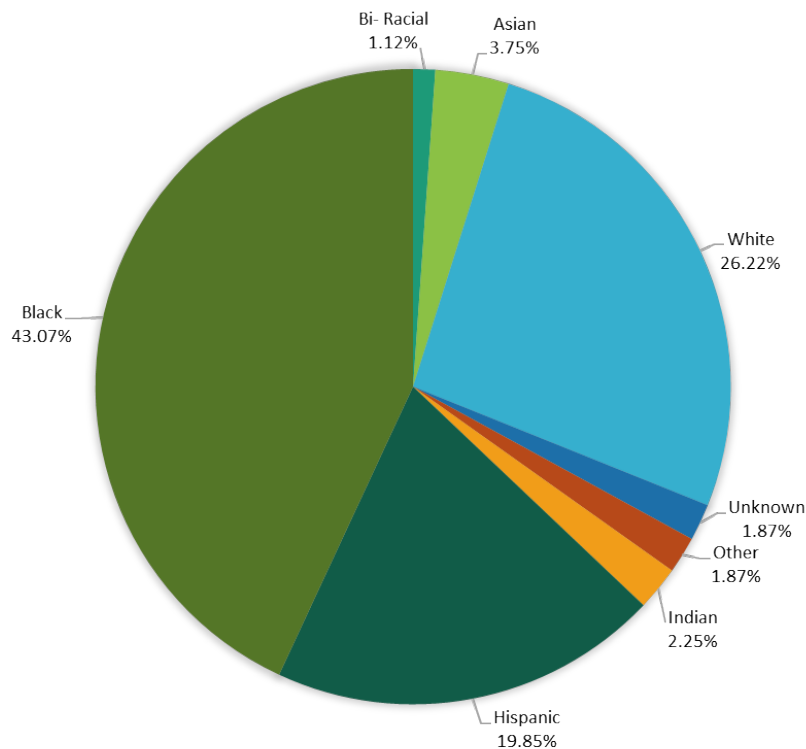


Another key takeaway relates to the fact that the majority of our uses of force occurred when officers responded to calls. The most significant categories involved arrests and detentions, with the majority of the force incidents falling into the Level 1 category.





Demographic breakdown of use of force:



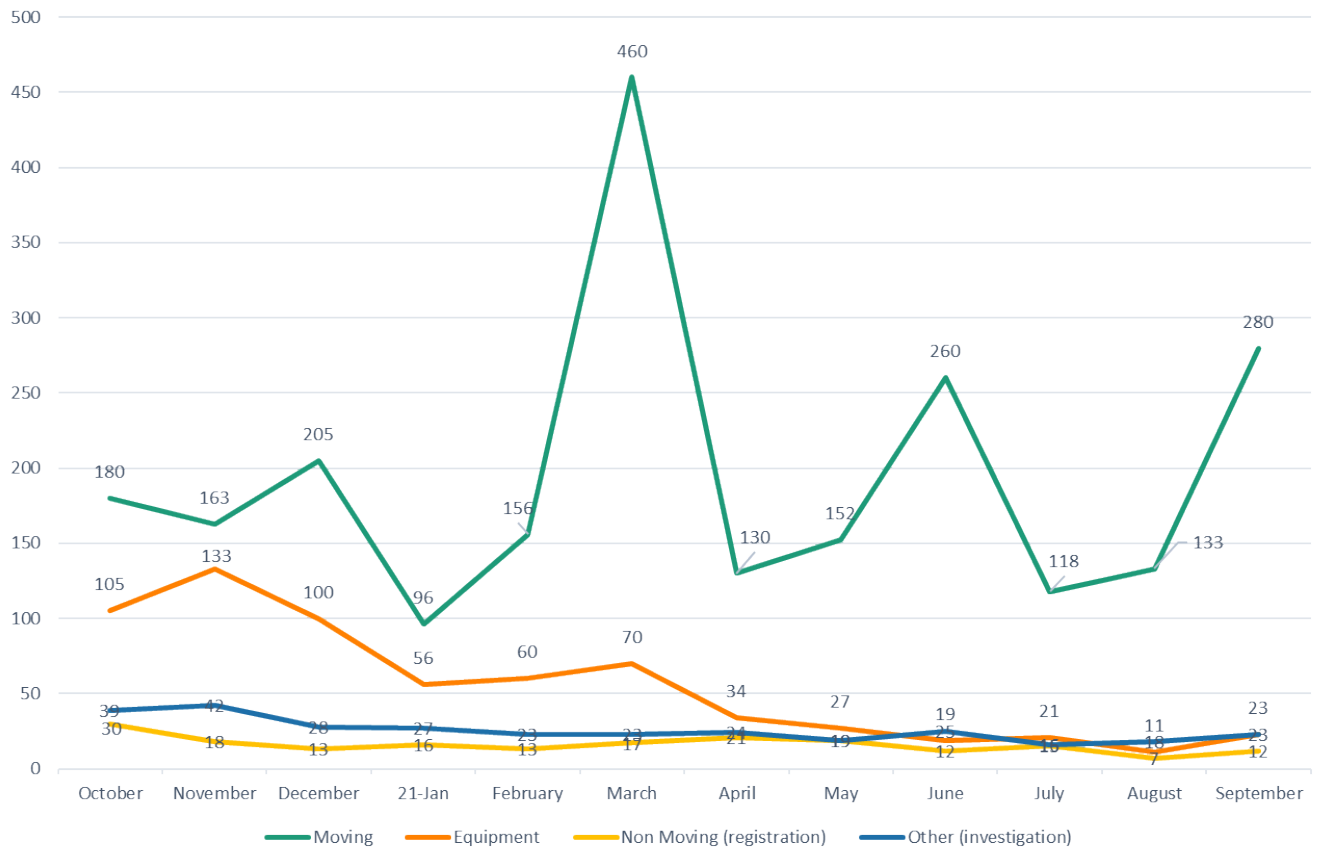
The new use of force policy provides a much more detailed picture of Berkeley Police Department's use of force. Trends indicate that BPD officers minimally use force, and

apply the lowest levels of force when circumstances require it. As we continue to collect and review data under our new use of force policy, the Department will have the ability to better understand the manner and circumstances where force is applied and identify areas where additional training could positively affect outcomes.

STOP DATA REPORT

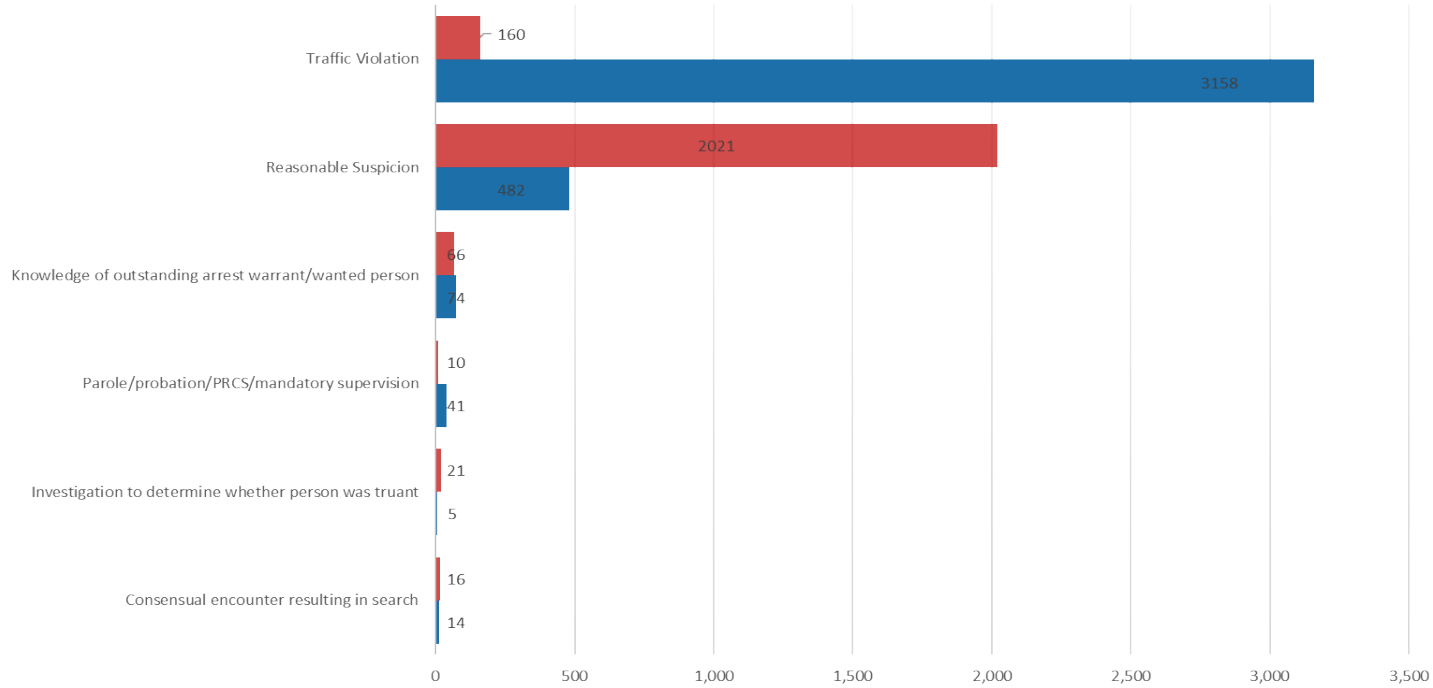
In October 2020, the Berkeley Police Department began tracking and ultimately supplying the State of California with our stop data pursuant to the Racial Identity Profiling Act (RIPA). BPD began this data collection a full two and a half years before agencies our size were required to comply with RIPA. Berkeley began this process early as part of the department’s efforts to better capture, understand and share the data associated with our stops.

During the one-year period beginning in October 2020, BPD averaged 291 car stops, 205 pedestrian stops, and ten bike stops per month. Of those, the majority of vehicle stops were self-initiated and related to moving violations. In contrast, the majority of stops related to reasonable suspicion occurred when an officer was responding to a call for service.

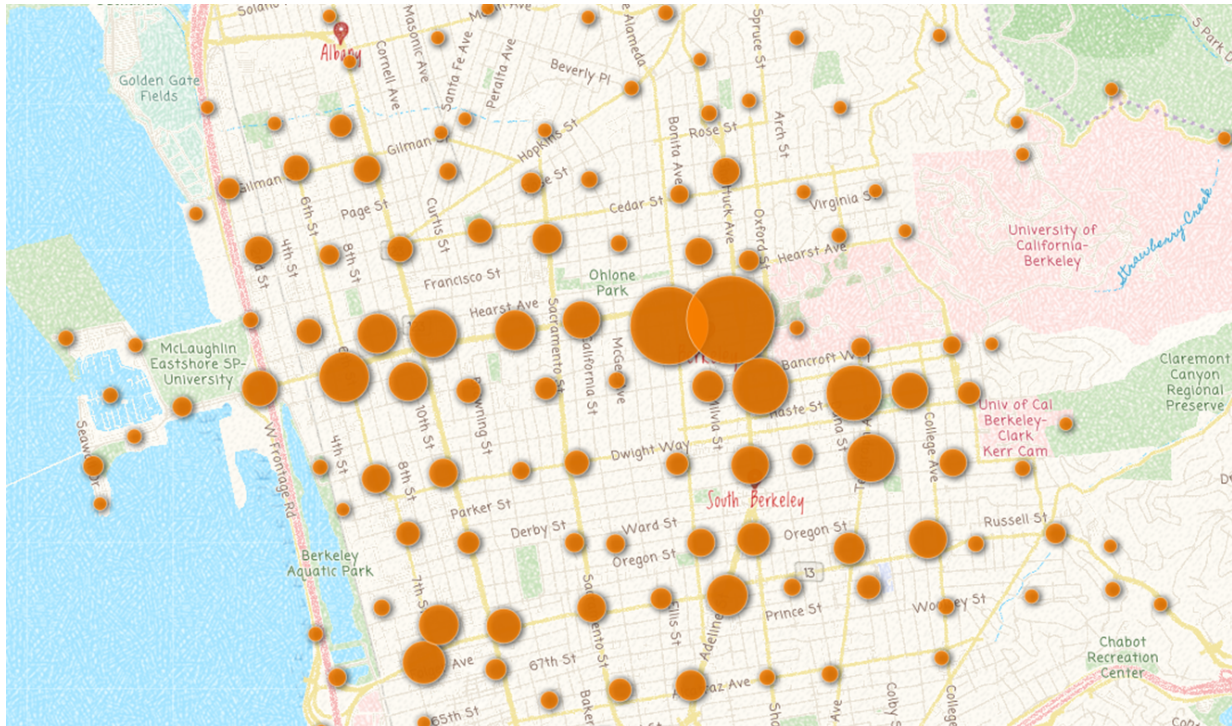


*The spike in moving violations in March was tied to OTS Grant-related enforcement impacted by COVID.

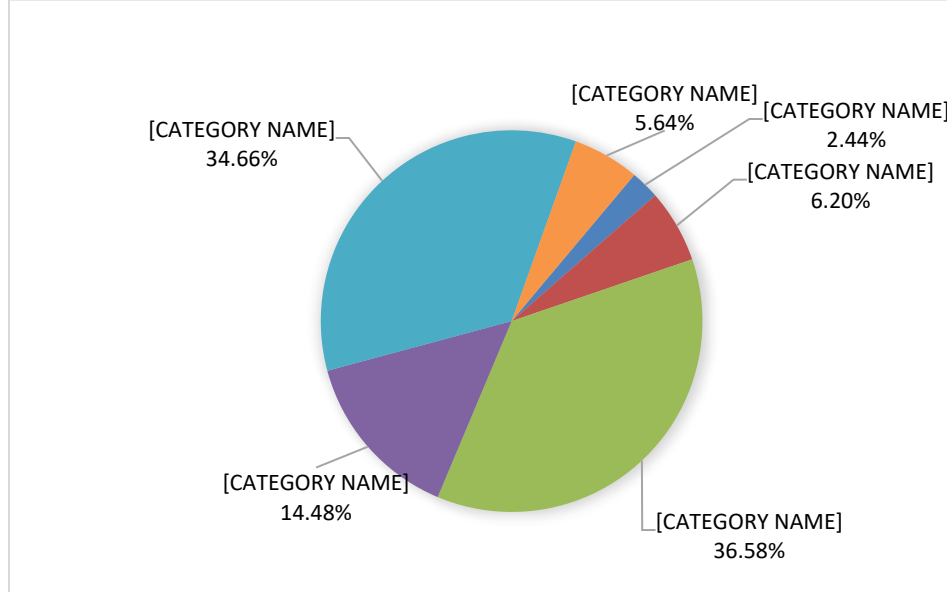
The following graph outlines the reasons for the stop with blue bars representing self-initiated activity and red bars indicating a response to a call for service. Overall 62.24% of all stops were self-initiated with the majority of them focused on traffic violations. The remaining 37.76% of our stops were in response to a call for a service.



Data also captured where stops occur, with the majority of these taking place in areas associated with high call volume or significant traffic-related issues. For example, in 2020 and 2021, intersections along Ashby and San Pablo Avenues, as well as Martin Luther King Jr Way and University Avenue were among the top intersections where collisions occurred.



A review of the stop demographics over the last year showed Black individuals made up 36.58% of stops, White individuals 34.66%, and Latinx 14.48%. Further, 33% of those stopped were not Berkeley residents, and the proportion of violation types (moving, non-moving, equipment, and other) remained consistent across the demographic groups.



Finally, RIPA data entry also allowed us to capture information about search rates. Over the last year BPD's search rate for all stops was 19.16% and had an overall yield rate of 44.23%. Those searches resulted in the seizure of 135 weapons, including 31 firearms.

Breaking down the demographic and yield rate by race reveals the following:

- Black 24.04% search rate 45.88% yield rate
- White 17.46% search rate 40.87% yield rate
- Latinx 17.31% search rate 45.39% yield rate

The department is in the process of hiring two crime analysts who will identify ways to evaluate this data to better inform and direct enforcement efforts.

DEPARTMENT PERSONNEL

The Berkeley Police Department prides itself on rigorous evaluation of police officer applicants, as well as hiring and training the some of the profession's best officers who exemplify the Department's overall mission as well as the value of our diverse and vibrant City. Beyond the expectations to successfully complete training and education requirements, the Department demands that officers hold themselves to a departmental culture of integrity, respect and professionalism.

We are currently maintaining staffing levels that fluctuate to at or just below our current authorized staffing level of 157 sworn personnel. Seven positions are held by officers who are currently in academy training and will not reach solo officer status until mid to late 2022. As of October 2021, there are 15 current sworn employees eligible to retire, and another 7 who will reach eligibility age in the next six months. Several of these employees have stated an intent to retire over the course of 2022. Low staffing numbers challenges the department's ability to proactively address and solve problems in the community. It also negatively impacts morale and the overall wellness of the Department.

Berkeley Police Department currently is authorized 28 dispatch positions, and is currently staffed with 20 dispatchers, 4 dispatch supervisors, and 2 dispatchers in training. There are currently 5 dispatchers and 1 supervisor that are eligible to retire. The Communications Center is supported by several per diem and other dispatch qualified employees, and who alleviate some of the strain of understaffing. The Department continues to actively recruit and open hiring processes to reach full staffing in the Communications Center, and has faced challenges with new hires failing out of the training program for failure to perform to minimum standards. According to the City of Berkeley Dispatch Audit from April on 2019, the Communications Center is not able to follow the National Emergency Number Association (NENA) guidelines for answering 911 calls, with current budgeted staffing levels.

DEPARTMENT INITIATIVES

The Berkeley Police Department mission is to safeguard our diverse community through proactive law enforcement and problem solving, treating all people with dignity and respect. The Department Initiatives underway support and guide this mission. Some of these are listed below:

Recovery Officer:

In response to multiple high-profile in custody deaths, Berkeley Police Department officers have been developing new ideas to improve their response to these challenging events. Central to these recommendations is a plan to reinforce the sanctity of life. BPD has identified an additional and new role of Recovery Officer during certain in progress incidents. This role has three basic objectives: improve scene management on incidents where an involved party has undergone extreme exertion, evaluate medical needs sooner and decrease BFD response time so any necessary treatment can occur more rapidly. De-escalation wherever possible remains the department's goal. However, in those instances where de-escalation efforts fail, there will be a proactive plan to get the subject evaluation and care as soon as practical.

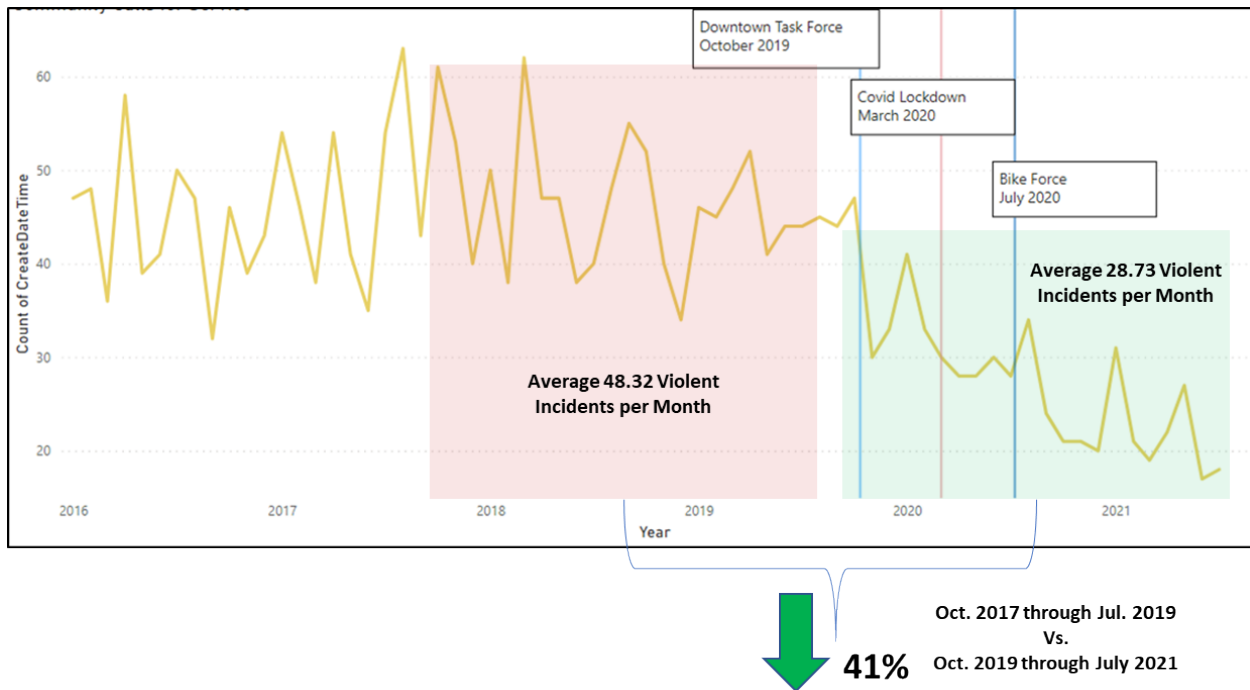
This concept was generated from a memo by a field supervisor and outlined several changes to current practice. The Department recently launched a pilot program along with Berkeley Fire Department to test and develop the concepts through use.

Improving Hate Crimes Reporting and Response:

Council unanimously approved and referred an item to the City Manager to improve hate crime reporting and response. The Department is leading a coordinated multi city department and committee response to accomplish the goals of this referral. Work is in progress on several items including: public facing mapping tool for hate crimes, public outreach video, and updated online reporting webpage providing hate crime information.

Bike Force:

The Department is continuing to see successful outcomes with the Bike Force, evidenced through an analysis of violent incidents in the Downtown area over the last five years (see chart below). The Bike Force is a multi-vehicle unit that uses a variety of proactive techniques to engage with the community and maintain a sense of safety in the Shattuck and Telegraph areas. This work is achieved through collaboration, proactive police work and problem solving. As we move towards evidence and information-based problem-solving approaches, we are looking to our call data, proactivity levels and learning the ways we can be most successful in ensuring public safety. As staffing levels allow, we this proactive, problem solving approach will also be available to focus on identified issues elsewhere in the City.



Data Analyst Team and Problem-Solving Approaches:

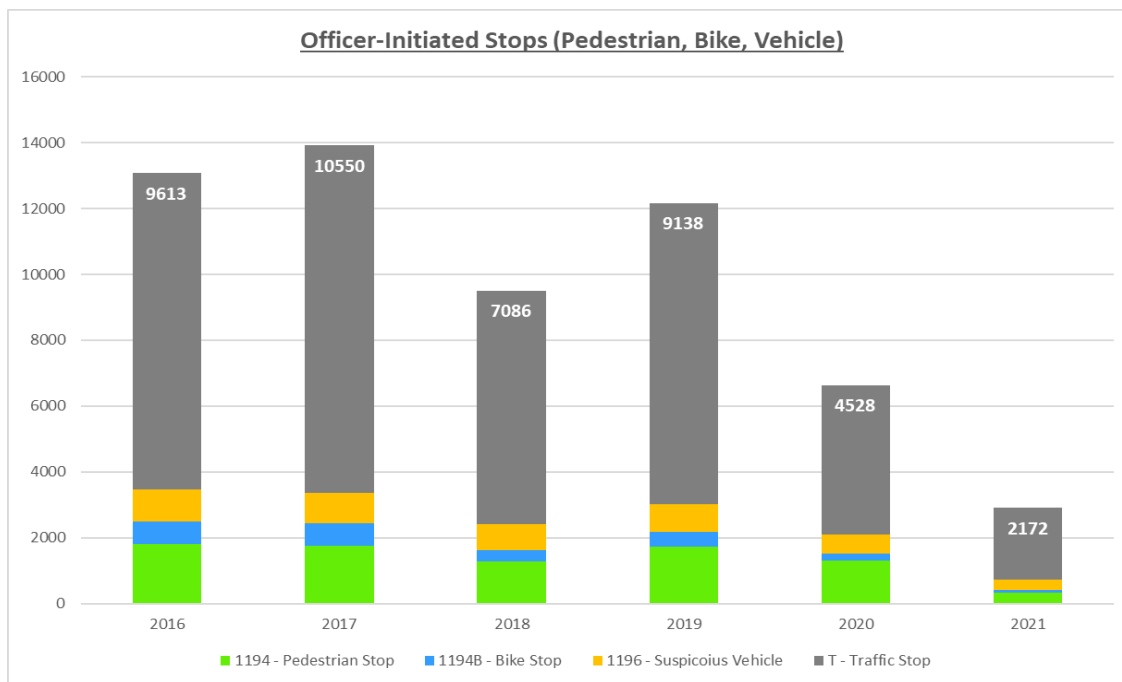
BPD is close to hiring two analysts to further the goal of establishing a unit that focuses primarily on crime prevention, supporting investigative strategies and strengthening problem solving approaches.

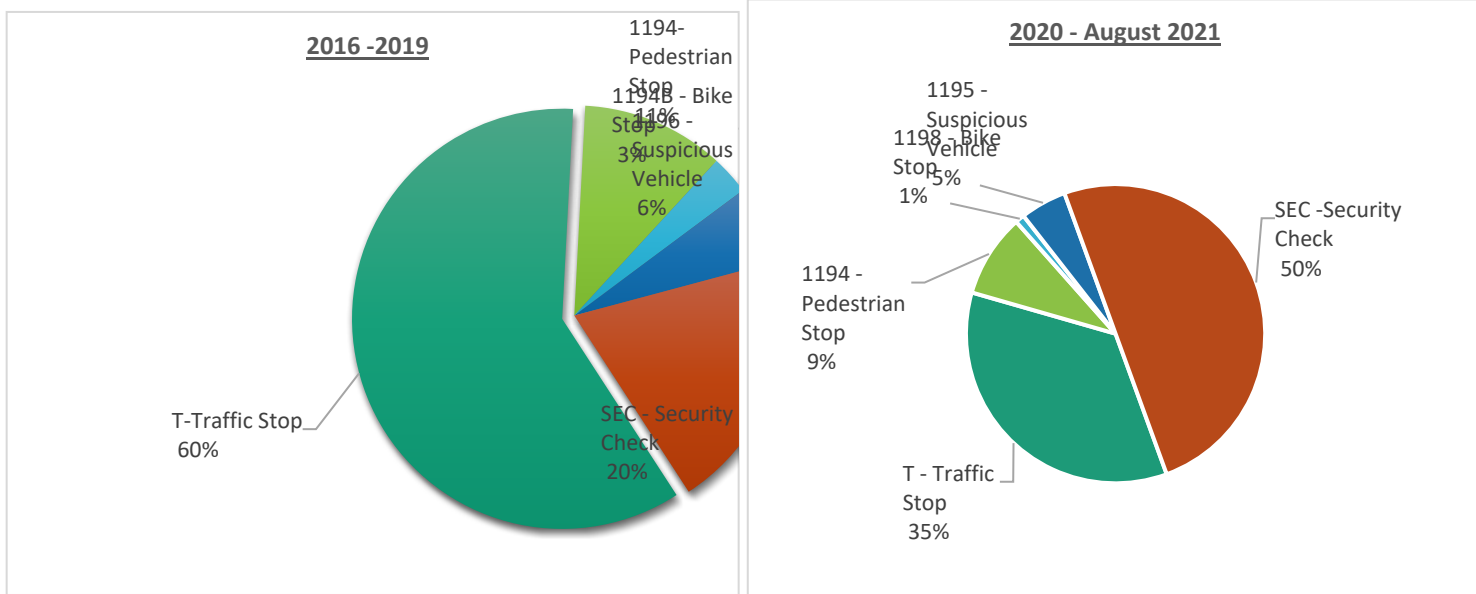
One analyst will have a macro-level focus; examining data from calls and community concerns and collaborating with other city departments to analyze city wide trends and problems. The Department must address problem areas in our city, but that does not mean “Hot Spot Policing”. The convergence of problematic people, locations, and behavior often generates an issue that both negatively impact public safety as well as the community’s sense of safety. BPD focus will be to carefully analyze contributing factors within an area to coordinate the proper response (which may or may not include law enforcement involvement or lead). Where enforcement responses do not appear to generate the appropriate, optimal, or equitable outcome, BPD will seek community collaborative interventions through its Community Services Bureau. There will also be an analyst with a micro focus on investigative efforts allowing a shift in department focus from street level visible enforcement to bolstering investigative functions.

Much of the analyst’s role will also focus on transparency and accountability. The Department will be working on public facing platforms to share data and the initiatives put forth by the department. Data analysis will also be used to the Department is accountable, equitable and effective in actions and our strategies.

Departmental focus has shifted to emphasize enforcement of violations that are most often connected to severe and fatal collisions (based on regular review of collision data). As a department we are looking to employing problem solving approaches over traditional enforcement driven strategies. BPD is repurposing officer’s proactive time to do fewer stops, but more security checks. A security check can be a multitude of police activity to include – walking or biking a beat, community engagement, engaging with shops and businesses, visible presence, follow-up investigation, support and collaboration with community-based organizations or City departments. These are opportunities to proactively engage with the public and community to build a focus on trust and a more positive “footprint”. As officers increase their work in these other areas we expect there to be increases in yield rates in the stop data, but an overall reduction in the total number of stops. Continual and ongoing analysis of the effectiveness and impact of these efforts will be important.

The below three charts provide data on officer initiated, proactive efforts.





FAIR AND IMPARTIAL POLICING UPDATE

This report provides the second quarterly update on the implementation of the Fair and Impartial Policing (FIP) Task Force recommendations from the February 23rd, 2021 City Council Special meeting. BPD provided a first update on June 16, 2021 and during this last several months, BPD staff, members of the FIP Task Force and Council representatives have participated in several collaborative discussions regarding the focus and progress towards the implementation of specific key recommendations. Implementation of the FIP Task Force recommendations is a priority of the Berkeley Police Department and we are actively undertaking this work. The BPD Professional Standards Bureau continues to oversee the implementation and the following outlines the recommendations where work is still actively in progress or was accomplished during this update period:

Recommendations related to: Implement a New Evidence-Base Traffic Enforcement Model

Council directed BPD to focus the basis for traffic stops on safety and not just low-level offenses and minimize or de-emphasize as a lowest priority, stops for low-level offenses. Departmental direction for officers currently focuses traffic enforcement on deterring these dangerous driving behaviors most commonly connected to severe and fatal collisions in our City. Officers have been directed to focus less attention to observations of equipment violations where no strong causal connection to collisions exists. In addition to focusing on enforcement of hazardous moving violations, sworn personnel are also expected to make investigative stops related to criminal intelligence and information brought forth by the community or our investigations. BPD’s working group, along with City of Berkeley Transportation Division Manager, have been working

to identify what traffic offenses most impact public safety, and are therefore violations officers should focus their attention to.

Regarding the recommendation of reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects. the Police Department continues to develop and deploy data-driven tools to enhance a precision-based policing model and approach to enforcement stops. We are in the process of interviewing for the two data analyst positions and are continuing to build our data dashboard and explore the ways that intelligence that is developed can be shared collaboratively with City partners and the community. Ensuring that we implement approaches that identify and work to reduce racial disparities will be a cornerstone to our evidence-based approaches. Berkeley Police Department will continue to only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.

Recommendations related to: Implement Procedural Justice Reforms

BPD is currently working on amendments to our existing policy for personnel on Early Warning System to include data around traffic, bike and pedestrian stops as a category that supervisors should consider for early intervention if merited. BPD's policy is near completion to require written consent for all vehicle and residence searches using an updated consent search form to align with best practice and community feedback. These new policies are being reviewed by the police union to determine if there are any meet and confer related issues.

BPD met with members of the FIP task force to discuss the recommendation directing the department to fire racist police officers identified through social media and other media screens. Current policy very clearly identifies racism as a violation of policy, requires anyone observing the violation to report it, and requires prompt investigation which can lead to discipline and termination. Currently social media and other screens are accomplished during the extensive background process. The FIP task force identified additional methods for discovering issues and will BPD will work with the task force to determine the effectiveness, legality, and usefulness of these tools.

Council directed the department to provide regular analysis of BPD stop, search, and use of force data. Our current Open Data Portal (ODP) is a public facing website that gives the public access to police data and is accessible through the City's website. This allows for open and independent analysis and review to foster police accountability and transparency. The Police Department is in the process of expanding the call for service dataset to include all types of calls and eliminate the 180-day time range that currently exist to allow for searches several years into the past. BPD will also be able to use data collected through RIPA to provide more information to the community. Anticipated completion date is dependent on the technological needs and contract process as this dataset is updated. Since the last update the Berkeley Police Department has started working with a vendor to update the public facing open data.

ENVIRONMENTAL SUSTAINABILITY

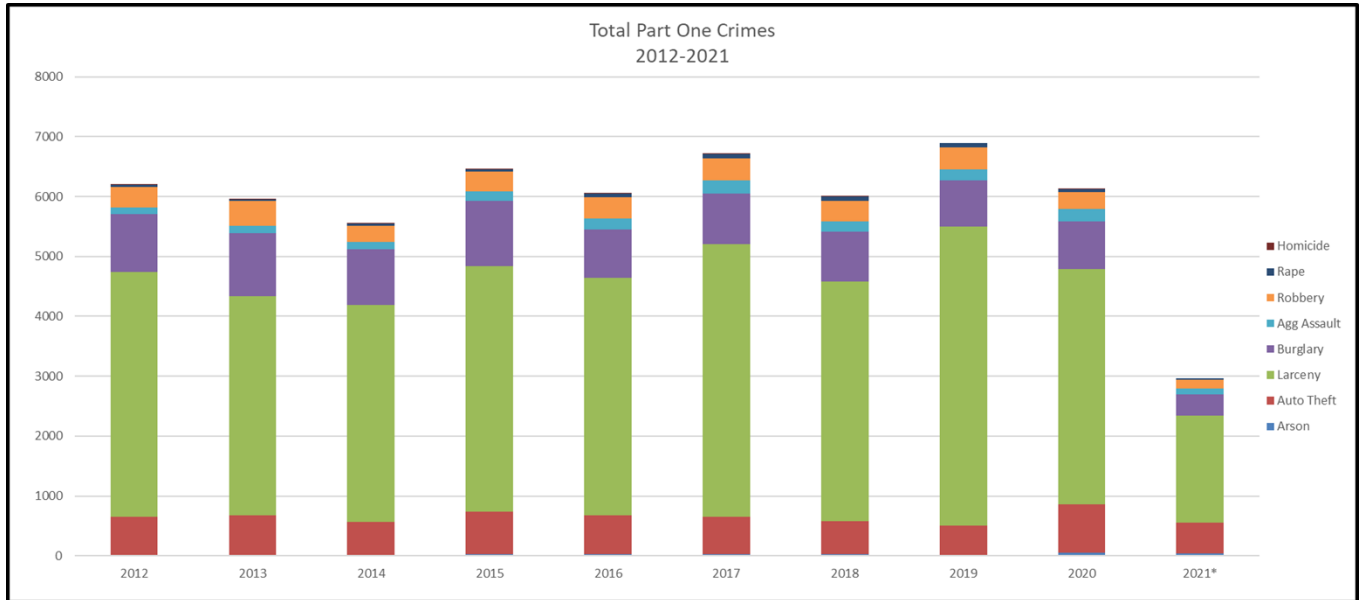
There are no identifiable environmental opportunities or impacts associated with the subject of this report.

cc: Jen Louis, Interim Chief of Police

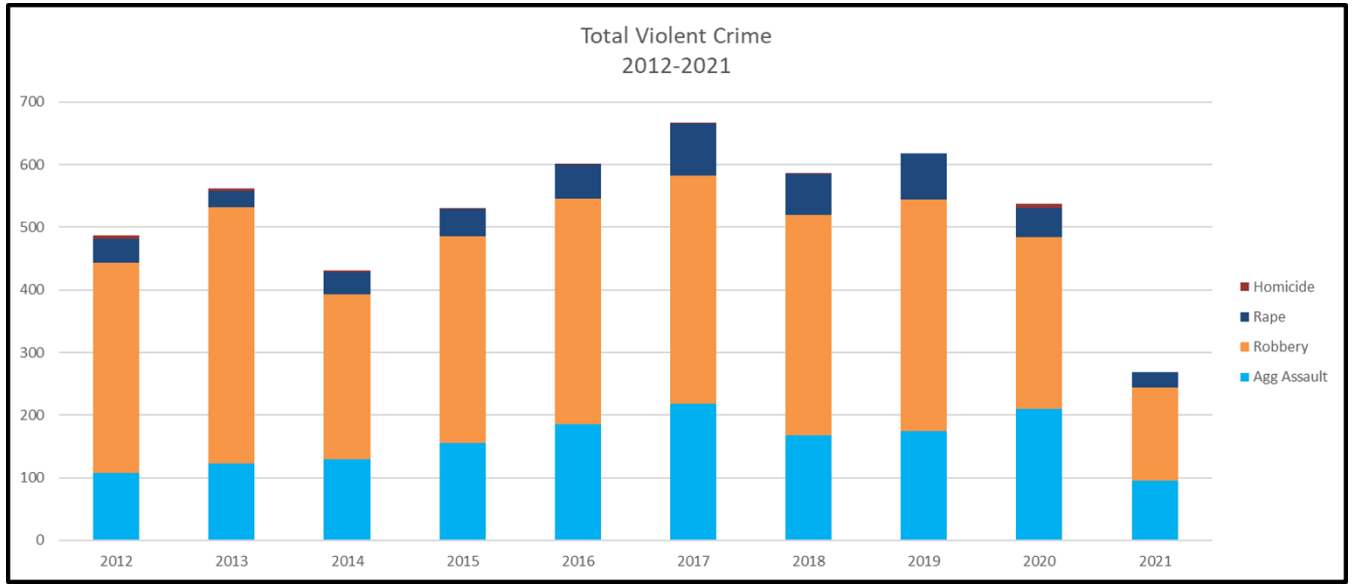
APPENDIX I

Graphs below include:

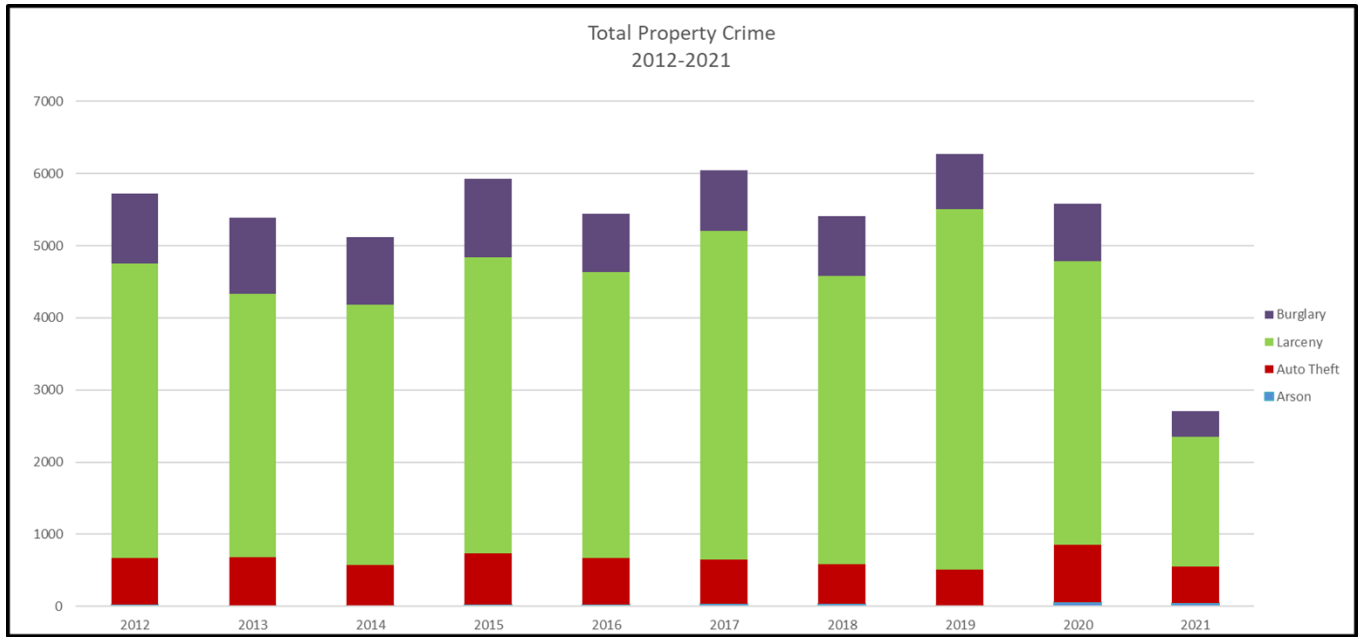
- UCR Part One Total Crime, ten-year trend
- UCR Part One Violent Crime, ten-year trend
- UCR Part One Property Crime, ten-year trend



	Homicide	Rape	Robbery	Agg Assault	Burglary	Larceny	Auto Theft	Arson
2012	5	39	335	108	971	4084	641	15
2013	4	26	410	122	1055	3658	664	16
2014	3	35	263	130	932	3615	555	15
2015	1	44	330	155	1090	4099	717	22
2016	2	54	361	185	805	3965	650	24
2017	1	83	364	218	843	4556	621	30
2018	1	65	353	167	829	4004	548	31
2019	0	74	369	175	771	4993	492	17
2020	6	47	274	210	797	3933	805	52
2021*	0	25	148	96	356	1789	514	42



	Homicide	Rape	Robbery	Agg Assault
2012	5	39	335	108
2013	4	26	410	122
2014	3	35	263	130
2015	1	44	330	155
2016	2	54	361	185
2017	1	83	364	218
2018	1	65	353	167
2019	0	74	369	175
2020	6	47	274	210
2021	0	25	148	96



	Burglary	Larceny	Auto Theft	Arson
2012	971	4084	641	25
2013	1055	3658	664	16
2014	932	3615	555	15
2015	1090	4099	717	22
2016	805	3965	650	24
2017	843	4556	621	30
2018	829	4004	548	31
2019	771	4993	492	17
2020	797	3933	805	52
2021	356	1789	514	42

APPENDIX II

Density Maps below include:

- All Violent Crimes 2020
- All Property Crimes 2020
- Robbery 2020
- Burglary 2020
- Auto Burglary 2020

