REVISED AGENDA
(REVISED TO ADD TELECONFERENCE LOCATION)

BERKELEY CITY COUNCIL MEETING

Tuesday, July 22, 2025
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 5617 NW JETTY AVE, LINCOLN CITY, OR 97367
TELECONFERENCE LOCATION - MARINA DEL SOL C-202, IXTAPA, ZIHUATANEJO DE AZUETA, 40884, GUERRERO, MÉXICO
TELECONFERENCE LOCATION - TÜRKMEN MAH. ÜNLÜ SOK. NO. 6 KUŞADASI, AYDIN, TÜRKIYE

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1602078591. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 207 8591**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjourn in memory of Marie Gunter, Sustainability Advocate
2. Adjourn in memory of George Leitmann, UC Berkeley Professor
3. Adjourn in memory of Rita Maran, former Peace & Justice Commissioner

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. At-Will Designation: Assistant City Attorney
From: City Attorney
Recommendation: Adopt second reading of Ordinance No. 7,979–N.S amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classification of Assistant City Attorney as at-will.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950

Consent Calendar

2. Lease Amendment with Yoonaco, Inc. (Hana Japan) at 235 University Avenue
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,980–N.S. amending the City's improved property lease with Yoonaco, Inc. (Hana Japan) for property at 235 University Ave to extend the initial lease term through June 30, 2026, replace the five-year extension option with a one-year extension option, maintain the rent at the current rate of $7,868 per month for the lease term, and remove the daily operating requirement for the first floor of the property.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

3. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law and Technical Edits (SLTE 2025)
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,981–N.S. amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:
3.24.110 Landmarks, historic districts and structures of merit- Designation – Criteria for consideration
23.106.030 Floor Area, Gross
23.202.030 Additional Permit Requirements (Residential)
23.204.030 Additional Permit Requirements (Commercial Districts)
23.206.030 Additional Permit Requirements (Manufacturing Districts)
23.302.020 General Use Regulations
23.304.070 Unenclosed Accessory Structures in Residential Districts
23.326.030 Demolition of Residential Units
23.326.050 Demolition of Accessory Buildings
23.326.070 Demolition of Non-Residential Buildings
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

4. Appointment of Emergency Standby Officers
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of newly nominated standby officers for the Mayor and City Council to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,833-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 22, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids that will be or planned to be issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

6. Reallocation of FY 2025 Youth Resiliency Funding
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to reallocate Youth Equity Partnership (YEP) funds awarded through the FY 2025 - 2028 community agency contracting process to the Berkeley Public Schools Fund, Contract No. 32500058, and amend the Schools Fund's existing contract as follows: 1. Remove the Black Girls United (BGU) program from the contract (at the contractor's request). 2. Reallocate $20,000 of the BGU funding to the Longfellow Identity Affirming Programs (LIAP) for FY 2026 through FY 2028, increasing their total annual allocation from $25,300 to $45,300. 3. Return the remaining $27,817 initially awarded to BGU, annually, to the General Fund for FY 2026 - 2028.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

7. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:
1. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of $187,926 for Fiscal Year 2026.
2. School Linked Health Services Program (Measure A Funding) in the projected amount of $200,011 for Fiscal Year 2026.
3. Tobacco Prevention Program in the projected amount of $82,600 for Fiscal Year 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

8. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:
1. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of $377,000 for Fiscal Year 2026. See match information in Fiscal Impacts section below.
2. Tobacco Trust Fund: There is no match required, and this contract is expected to be for $600,000 for Fiscal Year 2026 through Fiscal Year 2027.
3. Women, Infant, Children Program There is no match required, and this contract is expected to be for $2,557,619 for Federal Fiscal Year 2026 through Federal Fiscal Year 2028.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

9. Supplemental Military Leave Compensation Policy
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 63,646–N.S. to the City's Supplemental Military Leave Compensation Policy to be retroactively effective from July 1, 2025, going forward in order to provide supplemental wages for employees called to involuntary active military service.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

10. 2024 Annual Military Equipment Report (Assembly Bill 481)
From: City Manager
Recommendation: Adopt a Resolution approving the 2024 Annual Military Equipment Report.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

11. Surveillance Technology Ordinance Submission for Berkeley City Jail Surveillance System
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the attached Surveillance Acquisition Report for the Berkeley City Jail Surveillance System, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99. 2. Accepting the attached Surveillance Use Policy: Use of Internal Video Surveillance System (BPD Policy 1306).
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

12. Appointment of Ian Hunt to the Mental Health Commission
From: Mental Health Commission
Recommendation: Adopt a Resolution approving the recommendation for appointment of Ian Hunt to the Mental Health Commission. Mr. Hunt will represent the Special Interest Category (consumer), beginning his 3-year term on July 23, 2025, ending on July 22, 2028.
Financial Implications: See report
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

13. Police Accountability Board Report: Fair and Impartial Policing Implementation
(Reviewed by the Public Safety Committee) (Item contains supplemental material)
From: Police Accountability Board
Recommendation: Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:
Recommendations to the Berkeley Police Department: 1. Three-prong approach. a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted. b. Primary Collision Factors: This prong should specify the mode of the party at fault. c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report. d. Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated. e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach's impact on reducing racial disparities in traffic stops. 2. Evidence-based definition for stops of criminal suspects: a. Establish an evidence-based definition for stops of criminal suspects. b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects. 3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias. 4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to.

Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality. 5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation. 6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them. 7. Profiling by proxy: Future BPD updates should specify what instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service. 8. Business cards: Ensure that business cards are distributed as mandated by the Council directive. 9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.
Recommendations to the Police Accountability Board:
1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training. 2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.
Recommendations to the Berkeley City Council:
1. Establish metrics to assess the success of implementing FIP directives. Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives. 2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented. 3. Require BPD to report biannually on: a. Traffic stops by each prong of their 3-prong framework and by race within each prong. b. Stop, search, and arrest data by probation/parole status and race. c. Calls for service by the race of the reporter and reportee.
Policy Committee Recommendation: To send item to City Council with a qualified positive recommendation highlighting the refined actions agreed upon by PAB and BPD as captured in their joint letter, and to close the Fair and Impartial Policing (FIP) Task Force referral from the February 23, 2021 City Council meeting, with the understanding that the specific recommendations in that referral have been completed, although work on fair and impartial policing will continue.
Financial Implications: See report
Contact: Hansel Aguilar, Commission Secretary, (510) 981-4950

Council Consent Items

14. Resolution in Support of California Senate Bill 81 (Arreguín) Health and Care Facilities: Information Sharing to Amend Sections 56.05 and 56.10 of the Civil Code, and to Add Chapter 1.5 to Division 2 of the Health and Safety Code, Relating to Health and Care Facilities
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution in support of California State Senate (SB) Bill 81 (Arreguín), Healthcare Provider Entities: Information Sharing amend Sections 56.05 and 56.10 of the Civil Code, and to add Chapter 1.5 (commencing with Section 1249) to Division 2 of the Health and Safety Code, relating to health and care facilities, and declaring the urgency thereof, to take effect immediately; and distribute copies to the California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to advocate for its passage. SB 81 would mandate healthcare facilities to develop protocols for monitoring and receiving visitors, as well as designating certain areas as nonpublic in order to maintain a secure environment aligned with the facility's mission and commitment to patient care. Additionally, the bill would prohibit immigration enforcement agents from entering nonpublic areas of a facility without a valid judicial warrant or court order. It would also protect patient information by barring the disclosure of a person's current or past immigration status or place of birth for purposes related to immigration enforcement.
Financial Implications: Staff time.
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking during a public hearing, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

15. Ordinance Vacating a Portion of Carleton Street from Westerly Terminus Extending 381.23 Feet Easterly
From: City Manager
Recommendation:
1. Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance vacating a 381.23-linear-foot (27,449 square foot) portion of the public right-of-way on Carleton Street, located at the westerly terminus of Carleton Street.
2. Schedule a public hearing and second reading of the Ordinance for the July 29, 2025, Council meeting.
3. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute a deed quit claiming that portion of the right-of-way of Carleton Street and conveying to the adjacent property owner, Bayer Healthcare LLC ("Bayer").
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

16. Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations
From: City Manager
Recommendation:
Conduct a public hearing, and upon conclusion, adopt a Resolution:
1. Approving the attached Compendium reflecting the current operational agreements between the Berkeley Police Department and other law enforcement agencies and private organizations.
2. Accepting the attached Suspicious Activity Report (SAR).
3. Accepting the attached Mutual Aid requests and responses report as submitted in accordance with existing City Council directives.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Action Calendar – New Business

17. Surveillance Technology Ordinance Submission for External Fixed Surveillance Cameras (Flock Safety Condor Video Cameras)
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the attached Surveillance Acquisition Report for the Flock Safety Condor video cameras, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99.
2. Re-affirming the associated Berkeley Police Department (BPD) Use Policies (BPD Policy 351: External Fixed Video Surveillance Cameras and BPD Policy 1304: Surveillance Use Policy—External Fixed Video Surveillance Cameras), which were previously approved by Council on June 13, 2023.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Information Reports

18. Reimagining Public Safety Status Report
From: City Manager
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

19. Restaurant Inspection Audit Status Report
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

20. Landmark Preservation Ordinance Notice of Decision: 2009 Tenth Street/#LMSAP2025-0003
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

21. Landmark Preservation Ordinance Notice of Decision: 2035 Francisco Street/#LMIN2024-0003
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

22. City Auditor Fiscal Year 2026 Audit Plan
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of*

Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Archived indexed video streams are available at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: https://records.cityofberkeley.info/.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas
and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 17, 2025.



Mark Numainville, City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Harrassment Concern

1. Cielo Sambas (2)

Brown Act

2. Inger Acking
3. David Meyer
4. Mary Anne Morgan
5. Jackie Schmidt-Posner
6. Barbara Anscher

Geneva's Path

7. Deb Spaulding Graham
8. Andrew Graham

Dogs at Caesar Chavez Park

9. Maureen Daggett

Ohlone Concerns and Encampments

10. Yasemin Sussman
11. Tom Attar (2)
12. Nicholas Alexander (3)
13. Xavier Linn
14. Roger Hallsten
15. Rochelle T.
16. Jessica Fain
17. Daniel Jurnove
18. Kathy Dittmer
19. Karl Torke
20. David Mateer
21. Martin Seldin
22. Lj Cranmer
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23. Dan Cutter (2)
24. Yael Galinson
25. Jia Liang
26. David Tepper

Berkeley Waterfront and Park Fees
27. Margie Winter (2)
28. Elisha Greenwell
29. Iliana Montauk (2)
30. Rachel Bradley
31. Juliane Kowski
32. Robert Crosman
33. Deborah Green

Takara Sake Plant
34. Cecelia Mautner

Road Damage
35. Jia Liang

Homelessness Concerns
36. Andrea Ricci
37. Maris Arnold
38. Kathleen Krier

Half Price Books
39. Simi Dhillon

Sidewalk Repair
40. Todd Andrew

City Services Concerns
41. Rebecca Young

Berkeley's City Budget
42. David Lerman

Granicus Concern
43. Alex Taylor

Filming Concern
44. Liying Tao

EMBER
45. Mary-Louise Hansen
46. Geoff Lomax

Blight in Berkeley
47. Cecelia Mautner

8th and Harrison
48. Elana Auerbach

Home Security Concern
49. Seth Crabtree

The Bay Baby Book Project Donation
50. Seena Hawley

Parking Concerns and Pedestrian Safety
51. Shirley Kirsten (3)
52. Parking & Transportation
53. Bill Pottinger

Online Bill Payments
54. Jeffrey Frey

E-Scooters
55. Robert Borghese (6)
56. Robert Byler (3)
57. John Roveron Ravano

ODPA Statement
58. Office of the Director of Police Accountability

Middle East Conflict
59. Mohammed Hassan

Forwards
60. Elana Auerbach (2)

URL's
61. Inetjalopy
62. Russbumper
63. Jai

Supplemental Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- **Supplemental Communications and Reports 1**
  Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**
  Available by 5:00 p.m. the day before the meeting.

- **Supplemental Communications and Reports 3**
  Available by 5:00 p.m. two days following the meeting.

AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, July 22, 2025
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
TELECONFERENCE LOCATION - 5617 NW JETTY AVE, LINCOLN CITY, OR 97367
TELECONFERENCE LOCATION - MARINA DEL SOL C-202, IXTAPA, ZIHUATANEJO DE AZUETA, 40884, GUERRERO, MÉXICO

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1602078591. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 207 8591**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjourn in memory of Marie Gunter, Sustainability Advocate
2. Adjourn in memory of George Leitmann, UC Berkeley Professor
3. Adjourn in memory of Rita Maran, former Peace & Justice Commissioner

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. At-Will Designation: Assistant City Attorney
From: City Attorney
Recommendation: Adopt second reading of Ordinance No. 7,979–N.S amending Berkeley Municipal Code Section 4.04.120(A) to designate the unrepresented classification of Assistant City Attorney as at-will.
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Farimah Brown, City Attorney, (510) 981-6950

Consent Calendar

2. Lease Amendment with Yoonaco, Inc. (Hana Japan) at 235 University Avenue
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,980–N.S. amending the City's improved property lease with Yoonaco, Inc. (Hana Japan) for property at 235 University Ave to extend the initial lease term through June 30, 2026, replace the five-year extension option with a one-year extension option, maintain the rent at the current rate of $7,868 per month for the lease term, and remove the daily operating requirement for the first floor of the property.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

3. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law and Technical Edits (SLTE 2025)
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,981–N.S. amending the following sections of the Berkeley Municipal Code (BMC) to maintain consistency and accuracy:
3.24.110 Landmarks, historic districts and structures of merit- Designation – Criteria for consideration
23.106.030 Floor Area, Gross
23.202.030 Additional Permit Requirements (Residential)
23.204.030 Additional Permit Requirements (Commercial Districts)
23.206.030 Additional Permit Requirements (Manufacturing Districts)
23.302.020 General Use Regulations
23.304.070 Unenclosed Accessory Structures in Residential Districts
23.326.030 Demolition of Residential Units
23.326.050 Demolition of Accessory Buildings
23.326.070 Demolition of Non-Residential Buildings
First Reading Vote: All Ayes.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

4. Appointment of Emergency Standby Officers
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of newly nominated standby officers for the Mayor and City Council to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,833-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 22, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids that will be or planned to be issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

6. Reallocation of FY 2025 Youth Resiliency Funding
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to reallocate Youth Equity Partnership (YEP) funds awarded through the FY 2025 - 2028 community agency contracting process to the Berkeley Public Schools Fund, Contract No. 32500058, and amend the Schools Fund's existing contract as follows: 1. Remove the Black Girls United (BGU) program from the contract (at the contractor's request). 2. Reallocate $20,000 of the BGU funding to the Longfellow Identity Affirming Programs (LIAP) for FY 2026 through FY 2028, increasing their total annual allocation from $25,300 to $45,300. 3. Return the remaining $27,817 initially awarded to BGU, annually, to the General Fund for FY 2026 - 2028.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

7. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:
1. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of $187,926 for Fiscal Year 2026.
2. School Linked Health Services Program (Measure A Funding) in the projected amount of $200,011 for Fiscal Year 2026.
3. Tobacco Prevention Program in the projected amount of $82,600 for Fiscal Year 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

8. Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services
From: City Manager
Recommendation: Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:
1. Maternal, Child and Adolescent Health (MCAH) Program, in the projected amount of $377,000 for Fiscal Year 2026. See match information in Fiscal Impacts section below.
2. Tobacco Trust Fund: There is no match required, and this contract is expected to be for $600,000 for Fiscal Year 2026 through Fiscal Year 2027.
3. Women, Infant, Children Program There is no match required, and this contract is expected to be for $2,557,619 for Federal Fiscal Year 2026 through Federal Fiscal Year 2028.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

9. Supplemental Military Leave Compensation Policy
From: City Manager
Recommendation: Adopt a Resolution amending Resolution No. 63,646–N.S. to the City's Supplemental Military Leave Compensation Policy to be retroactively effective from July 1, 2025, going forward in order to provide supplemental wages for employees called to involuntary active military service.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

10. 2024 Annual Military Equipment Report (Assembly Bill 481)
From: City Manager
Recommendation: Adopt a Resolution approving the 2024 Annual Military Equipment Report.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

11. Surveillance Technology Ordinance Submission for Berkeley City Jail Surveillance System
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the attached Surveillance Acquisition Report for the Berkeley City Jail Surveillance System, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99. 2. Accepting the attached Surveillance Use Policy: Use of Internal Video Surveillance System (BPD Policy 1306).
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

12. Appointment of Ian Hunt to the Mental Health Commission
From: Mental Health Commission
Recommendation: Adopt a Resolution approving the recommendation for appointment of Ian Hunt to the Mental Health Commission. Mr. Hunt will represent the Special Interest Category (consumer), beginning his 3-year term on July 23, 2025, ending on July 22, 2028.
Financial Implications: See report
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

13. Police Accountability Board Report: Fair and Impartial Policing Implementation
(Reviewed by the Public Safety Committee) (Item contains supplemental material)
From: Police Accountability Board
Recommendation: Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:
Recommendations to the Berkeley Police Department: 1. Three-prong approach. a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted. b. Primary Collision Factors: This prong should specify the mode of the party at fault. c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report. d. Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated. e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach's impact on reducing racial disparities in traffic stops. 2. Evidence-based definition for stops of criminal suspects: a. Establish an evidence-based definition for stops of criminal suspects. b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects. 3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias. 4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to.

Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality. 5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation. 6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them. 7. Profiling by proxy: Future BPD updates should specify what instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service. 8. Business cards: Ensure that business cards are distributed as mandated by the Council directive. 9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.
Recommendations to the Police Accountability Board:
1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training. 2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.
Recommendations to the Berkeley City Council:
1. Establish metrics to assess the success of implementing FIP directives. Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives. 2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented. 3. Require BPD to report biannually on: a. Traffic stops by each prong of their 3-prong framework and by race within each prong. b. Stop, search, and arrest data by probation/parole status and race. c. Calls for service by the race of the reporter and reportee.
Policy Committee Recommendation: To send item to City Council with a qualified positive recommendation highlighting the refined actions agreed upon by PAB and BPD as captured in their joint letter, and to close the Fair and Impartial Policing (FIP) Task Force referral from the February 23, 2021 City Council meeting, with the understanding that the specific recommendations in that referral have been completed, although work on fair and impartial policing will continue.
Financial Implications: See report
Contact: Hansel Aguilar, Commission Secretary, (510) 981-4950

Council Consent Items

14. Resolution in Support of California Senate Bill 81 (Arreguín) Health and Care Facilities: Information Sharing to Amend Sections 56.05 and 56.10 of the Civil Code, and to Add Chapter 1.5 to Division 2 of the Health and Safety Code, Relating to Health and Care Facilities
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution in support of California State Senate (SB) Bill 81 (Arreguín), Healthcare Provider Entities: Information Sharing amend Sections 56.05 and 56.10 of the Civil Code, and to add Chapter 1.5 (commencing with Section 1249) to Division 2 of the Health and Safety Code, relating to health and care facilities, and declaring the urgency thereof, to take effect immediately; and distribute copies to the California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to advocate for its passage. SB 81 would mandate healthcare facilities to develop protocols for monitoring and receiving visitors, as well as designating certain areas as nonpublic in order to maintain a secure environment aligned with the facility's mission and commitment to patient care. Additionally, the bill would prohibit immigration enforcement agents from entering nonpublic areas of a facility without a valid judicial warrant or court order. It would also protect patient information by barring the disclosure of a person's current or past immigration status or place of birth for purposes related to immigration enforcement.
Financial Implications: Staff time.
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking during a public hearing, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

15. Ordinance Vacating a Portion of Carleton Street from Westerly Terminus Extending 381.23 Feet Easterly
From: City Manager
Recommendation:
1. Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance vacating a 381.23-linear-foot (27,449 square foot) portion of the public right-of-way on Carleton Street, located at the westerly terminus of Carleton Street.
2. Schedule a public hearing and second reading of the Ordinance for the July 29, 2025, Council meeting.
3. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute a deed quit claiming that portion of the right-of-way of Carleton Street and conveying to the adjacent property owner, Bayer Healthcare LLC ("Bayer").
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

16. Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations
From: City Manager
Recommendation:
Conduct a public hearing, and upon conclusion, adopt a Resolution:
1. Approving the attached Compendium reflecting the current operational agreements between the Berkeley Police Department and other law enforcement agencies and private organizations.
2. Accepting the attached Suspicious Activity Report (SAR).
3. Accepting the attached Mutual Aid requests and responses report as submitted in accordance with existing City Council directives.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Action Calendar – New Business

17. Surveillance Technology Ordinance Submission for External Fixed Surveillance Cameras (Flock Safety Condor Video Cameras)
From: City Manager
Recommendation: Adopt a Resolution: 1. Accepting the attached Surveillance Acquisition Report for the Flock Safety Condor video cameras, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99.
2. Re-affirming the associated Berkeley Police Department (BPD) Use Policies (BPD Policy 351: External Fixed Video Surveillance Cameras and BPD Policy 1304: Surveillance Use Policy—External Fixed Video Surveillance Cameras), which were previously approved by Council on June 13, 2023.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Information Reports

18. Reimagining Public Safety Status Report
From: City Manager
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

19. Restaurant Inspection Audit Status Report
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

20. Landmark Preservation Ordinance Notice of Decision: 2009 Tenth Street/#LMSAP2025-0003
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

21. Landmark Preservation Ordinance Notice of Decision: 2035 Francisco Street/#LMIN2024-0003
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

22. City Auditor Fiscal Year 2026 Audit Plan
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of*

Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Archived indexed video streams are available at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: https://records.cityofberkeley.info/.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas
and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 10, 2025.



Mark Numainville, City Clerk

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Harrassment Concern

1. Cielo Sambas (2)

Brown Act

2. Inger Acking
3. David Meyer
4. Mary Anne Morgan
5. Jackie Schmidt-Posner
6. Barbara Anscher

Geneva's Path

7. Deb Spaulding Graham
8. Andrew Graham

Dogs at Caesar Chavez Park

9. Maureen Daggett

Ohlone Concerns and Encampments

10. Yasemin Sussman
11. Tom Attar (2)
12. Nicholas Alexander (3)
13. Xavier Linn
14. Roger Hallsten
15. Rochelle T.
16. Jessica Fain
17. Daniel Jurnove
18. Kathy Dittmer
19. Karl Torke
20. David Mateer
21. Martin Seldin
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22. Lj Cranmer
23. Dan Cutter (2)
24. Yael Galinson
25. Jia Liang
26. David Tepper

Berkeley Waterfront and Park Fees
27. Margie Winter (2)
28. Elisha Greenwell
29. Iliana Montauk (2)
30. Rachel Bradley
31. Juliane Kowski
32. Robert Crosman
33. Deborah Green

Takara Sake Plant
34. Cecelia Mautner

Road Damage
35. Jia Liang

Homelessness Concerns
36. Andrea Ricci
37. Maris Arnold
38. Kathleen Krier

Half Price Books
39. Simi Dhillon

Sidewalk Repair
40. Todd Andrew

City Services Concerns
41. Rebecca Young

Berkeley's City Budget
42. David Lerman

Granicus Concern
43. Alex Taylor

Filming Concern
44. Liying Tao

EMBER
45. Mary-Louise Hansen
46. Geoff Lomax

Blight in Berkeley
47. Cecelia Mautner

8th and Harrison
48. Elana Auerbach

Home Security Concern
49. Seth Crabtree

The Bay Baby Book Project Donation
50. Seena Hawley

Parking Concerns and Pedestrian Safety
51. Shirley Kirsten (3)
52. Parking & Transportation
53. Bill Pottinger

Online Bill Payments
54. Jeffrey Frey

E-Scooters
55. Robert Borghese (6)
56. Robert Byler (3)
57. John Roveron Ravano

ODPA Statement
58. Office of the Director of Police Accountability

Middle East Conflict
59. Mohammed Hassan

Forwards
60. Elana Auerbach (2)

URL's
61. Inetjalopy
62. Russbumper
63. Jai

Supplemental Communications and Reports

Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- **Supplemental Communications and Reports 1**
  Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**
  Available by 5:00 p.m. the day before the meeting.

- **Supplemental Communications and Reports 3**
  Available by 5:00 p.m. two days following the meeting.

01

ORDINANCE NO. 7,979-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.04.120 TO UPDATE SECTION 4.04.120 EXEMPTIONS FROM CAREER SERVICE (AT-WILL EMPLOYEES)

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Section 4.04.120(A) of the Berkeley Municipal Code is amended to read as follows:

4.04.120 Exemption from career service (At-will employees).

The provisions of this chapter shall apply to all positions in the service of the City except:

A. The City Manager, Assistant City Manager, Deputy City Manager, Assistant City Attorney, Assistant to the City Manager, Assistant to the City Attorney, Police Review Commission Officer, Police Review Commission Investigator, Budget Manager, Assistant to the Mayor, Capital Improvement Programs Manager, Economic Development Manager, and Legislative Aide, and Employee Relations Manager;

B. Assistant, Associate and Senior Management Analyst when appointed to the City Manager's Department or to the budget unit of the Management and Administrative Services Agency; and Secretary to the Mayor, Administrative Secretary and Secretary when appointed to the Mayor's office;

C. All department heads, health officer, and supervising psychiatrist;

D. Persons employed seasonally in the summer camps;

E. Persons employed as reserve or emergency employees during the period of national emergency as provided in the ordinance creating such employment;

F. All persons who are paid at an hourly rate with the exception of library aides. Persons appointed as hourly library aides shall be part of the career service with the exception of those hired to fill temporary positions of six months or less. Persons appointed to these positions which are exempt from the career service shall serve at the pleasure of the appointing authority and may be demoted, suspended, or otherwise rejected at any time without cause and without right of appeal or hearing in any manner. Except that, any employee in the career service promoted or transferred to a position not included in the career service and made exempt from the career service shall be reinstated to their career appointment from which they were promoted or transferred if within six months of appointment to a position not included in the career service, action is taken to dismiss them, unless charges are filed and the employee is discharged in accordance with this chapter and the rules established hereunder for positions in the career service. All

employments designated in this section shall be entitled to only those benefits provided for at-will employees in the personnel rules and regulations or in applicable memoranda agreements.

At a regular meeting of the Council of the City of Berkeley held on July 8, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

02

ORDINANCE NO. 7,980-N.S.

LEASE AMENDMENT FOR YOONACO, INC. DBA HANA JAPAN AT 235 UNIVERSITY AVENUE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1.
The City Manager is hereby authorized to enter into an Amendment to the Lease Agreement with Yoonaco, Inc. dba Hana Japan, for the property at 235 University Avenue. The terms of the amendment shall be on substantially the terms set forth in Exhibit A.

Section 2.
The initial term for the lease will be extended by one year, to expire on June 30, 2026. The five-year extension option will be replaced with a one-year extension. The rent will remain at $7,868 per month for the initial term of the lease and through the one-year option period. The daily operating requirement for the first floor will be removed.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on July 8, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

Exhibit A:
AMENDMENT TO LEASE AGREEMENT

This Lease amendment ("Amendment") is made on and entered into as of July 1, 2025, between the CITY OF BERKELEY ("Landlord"), a Charter City organized and existing under the laws of the State of California, and YOONACO, INC. DBA HANA JAPAN, a California Corporation ("Tenant"), who agree as follows:

This lease amendment is made with reference to the following facts and objectives:

A. Per City Ordinance No. 7,703-N.S. approved on June 26, 2020, Landlord and Tenant entered into an Improved Property Lease which was effective on July 1, 2020 ("the Lease Agreement").

B. In the Lease Agreement, the Landlord and Tenant agreed to an Initial Term of five (5) years with a five (5)-year Option Period.

C. Tenant requested one (1) additional year of tenancy with an option to extend the Lease Agreement for one (1) year, and to remove the existing five (5)-year option period.

D. Tenant requested to maintain the current monthly rent payment of Seven Thousand Eight Hundred and Sixty-Eight DOLLARS ($7,868) per month for the remainder of the Initial Term and for the Option Period of the Lease Agreement.

E. Tenant requested to remove the daily operating requirement for the first floor of the Property.

F. Per Ordinance No. 7,703-N.S., the City Manager is authorized to execute amendments to the lease.

Therefore, the Landlord and Tenant agree to amend the Lease Agreement as follows:

1. Basic Lease Information is amended with the following language:
   7. Initial Term: Six (6) Year(s), commencing as of July 1, 2020 ("Commencement Date").

8. Rent:

Lease Period Beginning:	Monthly Rent Due	Yearly Rent Due
July 1, 2020 (2 months)	$2,832.50	$57,415
September 1, 2020 (10 months)	$5,175	
July 1, 2021	$5,330	$63,963
July 1, 2022	$7,416	$88,992
July 1, 2023	$7,638	$91,662
July 1, 2024	$7,868	$94,412
July 1, 2025	$7,868	$94,412
Option Year Beginning:	Monthly Rent Due	Yearly Rent Due
July 1, 2026	$7,868	$94,412

2. Section 2. TERM is amended with the following language:

   A. The Initial Term shall commence on the July 1, 2020 ("Lease Commencement Date") and expire on June 30, 2026 ("Lease Expiration Date").
   B. Tenant is granted the option ("Extension Option") to extend the initial term of this lease for an additional term of one (1) year ("Option Period") provided all of the Extension Conditions are met.

3. Section 3. RENT: The schedule of monthly rent payment is amended to reflect changes in Basic Lease Information: 8. Rent, referenced above.

4. Section 5.F. USE OF PROPERTY is deleted and replaced with the following language:
   F. The first floor commercial space may be subleased to a separate entity pursuant to Section 15.

5. In all other respects, the Lease Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, City and Tenant have executed this Amendment as of the date written on the first paragraph above.

CITY OF BERKELEY

BY:

_____
City Manager
Dated: _____

APPROVED AS TO FORM:

_____
City Attorney

REGISTERED BY:

_____
City Auditor

ATTEST:

_____
Deputy City Clerk

TENANT

_____
By:
Title:

_____
City of Berkeley Business License No.

03

ORDINANCE NO. 7,981-N.S.

AMENDMENTS TO LANDMARKS PRESERVATION COMMISSION CHAPTER (BMC 3.24), THE RULES OF MEASUREMENT CHAPTER (BMC 23.106), RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), COMMERCIAL DISTRICT CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), USE-SPECIFIC REGULATIONS CHAPTER (BMC 23.302), GENERAL DEVELOPMENT STANDARDS CHAPTER (BMC 23.304), AND DEMOLITION AND DWELLING UNIT CONTROL CHAPTER (BMC 23.326), TO CORRECT ERRORS, CLARIFY LANGUAGE, AND CODIFY EXISTING PRACTICE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That BMC Section 3.24.110(A)(1) is amended to read as follows:

1. Architectural merit:
    a. Property that is first, last, only, or most significant architectural property of its type in Berkeley or within a neighborhood or area of the city ,
    b. Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work of an architect, designer or master builder in Berkeley or within their neighborhood or area of the city; or
    c. Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.

Section 2. That BMC Section 23.106.030 is amended to read as follows:

A. **Gross Floor Area Defined.** Gross floor area means the total gross horizontal areas of all floors of a building or enclosed structure, below the roof and within the outer surface of the main walls of a main or accessory building (or the centerlines of party walls separating such buildings or portions of buildings); or areas within lines drawn parallel to and 2 feet within the roof line of any building or portion of a building; including:

1. Usable basements and cellars
2. Access features in multi-story buildings**.** For a multi-story building with a covered or enclosed stairways, stairwells, or elevator shaft, the horizontal area of these features is counted only once at the floor level of their greatest area of horizontal extent
3. Covered pedestrian access features for non-residential uses. For non-residential uses, gross floor area includes pedestrian access interior walkways

or corridors, or interior courtyards, walkways, paseos or corridors covered by a roof or skylight

4. Mezzanines

B. **Excluded Areas.** The following areas are excluded from gross floor area calculation:

1. Covered or uncovered areas used for off-street parking or loading spaces.
2. Driveways ramps between floors and maneuvering aisles of a multi-level parking garage.
3. Mechanical, electrical, and telephone equipment rooms below finished grade.
4. Areas which qualify as usable open space.
5. Arcades, porticoes, and similar open areas for non-residential uses which are:

(a) Located at or near street level;

(b) Accessible to the general public; and

(c) Are not designed or used as sales, display, storage, service, or production areas.

6. The floor area associated with any existing or proposed accessory dwelling unit or junior accessory dwelling unit, up to 800 square feet per lot. See 23.306 Accessory Dwelling Units.

Section 3. That BMC Section 23.202.030(D) is amended to read as follows:

D. **Accessory Structures.** For accessory structure permit requirements, see the following:

1. Section 23.304.060– Accessory Buildings and Enclosed Accessory Structures.
2. Section 23.304.070– Unenclosed Accessory Structures in All Districts
3. Section 23.304.080– Fences

Section 4. That BMC Section 23.204.030(E) is amended to read as follows:

E. **Accessory Structures.** For accessory structure permit requirements, see the following:

1. Section 23.304.060– Accessory Buildings and Enclosed Accessory Structures.
2. Section 23.304.070– Unenclosed Accessory Structures in All Districts.

3. Section 23.304.080– Fences.

Section 5. That BMC Section 23.206.030(F) is amended to read as follows:

F. **Accessory Structures.** For accessory structure permit requirements, see the following:

1. Section 23.304.060– Accessory Buildings and Enclosed Accessory Structures.
2. Section 23.304.070– Unenclosed Accessory Structures in All Districts.
3. Section 23.304.080– Fences.

Section 6. That Table 23.032-1, Allowed Hours of Operation, within BMC Chapter 23.302.020(B)(3), Exceptions, is amended to read as follows:

Table 23.302-1: Allowed Hours of Operation

DISTRICT	ALLOWED HOURS OF OPERATION	PERMIT REQUIRED TO EXTEND HOURS
C-C, C-U, C-NS, C-AC, C-W nodes	6:00 a.m. – 12:00 midnight	AUP
C-N, C-E, C-SO, C-SA, C-W outside nodes, MU-R	6:00 a.m. – 12:00 midnight	AUP
C-T, C-DMU	24 hours per day 7 days a week	N/A

Section 7. That BMC Section 23.304.070 is amended to read as follows:

23.304.070 – Unenclosed Accessory Structures in All Districts

A. *Applicability.* This section applies to unenclosed accessory structures as defined in 23.502--Glossary, excluding fences which are addressed in 23.304.080--Fences.

B. *Placement on Lot.* Unenclosed accessory structures require an AUP if placed on the ground within a required setback.

C. *Height.*

1. For unenclosed accessory structure within a required setback, allowed height shall be specified in the AUP.

2. No height limitations apply to unenclosed accessory structures outside of required setbacks.

3. The height of an unenclosed accessory structure is measured as the vertical distance from the lowest existing grade point within a 3-foot radius of any point of the structure to the highest point of the structure.

D. *Hot Tubs, Jacuzzis, and Spas.*

1. An unenclosed outdoor hot tub, jacuzzi, or spa located anywhere on a lot requires:

(a) An AUP in all Districts except for the ES-R district; and

(b) A Use Permit in the ES-R district.

2. Any pump associated with an unenclosed outdoor hot tub, jacuzzi, or spa shall be mounted and enclosed so that its sound is not audible on an adjacent lot.

Section 8. That BMC Section 23.326.050 is amended to read as follows:

23.326.050 – Demolition of Accessory Structures or Buildings

A. Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), accessory structures or accessory buildings of any size that are accessory to a residential use, including, but not limited to, garages, carports, and sheds may be demolished by right except where the accessory structure or building is occupied by a residential tenant (regardless of whether it is lawfully permitted) or otherwise contains a lawfully established residential unit, which serves and is located on the same lot as a lawful residential use. Such accessory structures or accessory buildings are considered residential units for the purposes of this Chapter. (Ord. 7924-NS § 1, 2024)

Section 9. That BMC Section 23.326.070(B) is amended to read as follows:

B. *Accessory Structures or Buildings.* For any lot located in a non-residential zoning district, accessory structures or buildings may be demolished as follows:

1. Demolishing an accessory structure or building with less than 300 square feet of floor area is permitted as of right.
2. An accessory structure or building with 300 square feet or more of floor area may be demolished with an AUP. Ground Floor Uses.

Section 10. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on July 8, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

04

Office of the City Manager

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Appointment of Emergency Standby Officers

RECOMMENDATION
Adopt a Resolution confirming the appointment of newly nominated standby officers for the Mayor and City Council to serve in the event the elected official is unavailable during an emergency, and rescinding Resolution No. 70,833-N.S.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
With the election of Mayor Ishii and Councilmembers Lunaparra, Tregub, O'Keefe, and Blackaby in 2024, there is a need to nominate and approve standby officers for the new elected officials. The City Clerk has determined that the nominees meet the requirements and may be approved by the City Council. Nominees noted as pending are still in the verification and review process.

BACKGROUND
On March 14, 1995, the Council adopted Resolution No. 57,906-N.S., designating a procedure for the selection of Standby Officers for City Councilmembers in the event of an emergency. The original resolution was updated on April 23, 2019 by Resolution No. 68,830-N.S. which amended the qualifications required for standby officers. This procedure is part of the City's emergency preparedness planning and ensures that in the case of a disaster or other catastrophic emergency causing the unavailability of members of the Council, government can continue to function. Under state law, a Councilmember or Standby Officer is "unavailable" when he or she is "either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his [or her] duties." (Govt Code § 8636.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

With the election of a new Mayor and Councilmembers in 2024, it is necessary to update the resolution to include the newly nominated standby officers.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:
1: Resolution

Attachment 1

RESOLUTION NO. ##,###-N.S.

CONFIRMING THE APPOINTMENT OF STANDBY OFFICERS AND RESCINDING RESOLUTION NO. 70,833-N.S.

WHEREAS, by Resolution No. 57,906-N.S. adopted March 14, 1995, the Council enacted a policy for the appointment of Standby Officers to serve in each Councilmember's place in the event the Councilmember is unavailable during a disaster; and

WHEREAS, each Councilmember has nominated Standby Officers and the City Manager has found all the nominees to be qualified in accordance with the standards set forth in Resolution No. 68,830-N.S.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following persons are hereby confirmed as Standby Officers to serve in place of a Councilmember in case the Councilmember is unavailable during a catastrophic emergency, and that they shall serve in the order listed, successive Standby Officers serving only if the preceding officer or officers are unavailable. The definition of "unavailable" shall be as set forth in Government Code Section 8636: an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his or her duties; or as that Section may be hereafter amended.

For Mayor Adena Ishii
1. *Pending*
2. None Designated
3. None Designated

For Councilmember Rashi Kesarwani
1. *Pending*
2. Beth Gerstein
3. Teresa Clarke

For Councilmember Terry Taplin
1. Jennifer Shanoski
2. Weldon Bradstreet
3. None Designated

For Councilmember Ben Bartlett
1. *Pending*
2. Kathleen Crandall
3. James Chang

For Councilmember Igor Tregub
1. Linda Maio
2. Holly Scheider
3. *Pending*

For Councilmember Shoshana O'Keefe
1. None Designated
2. None Designated
3. None Designated

For Councilmember Brent Blackaby
1. *Pending*
2. Dyana Delfin Polk
3. None Designated

For Councilmember Cecilia Lunaparra
1. *Pending*
2. Avery Arbaugh
3. None Designated

For Councilmember Mark Humbert
1. Gordon Wozniak
2. *Pending*
3. None Designated

BE IT FURTHER RESOLVED, that Resolution No. 70,833-N.S. is hereby rescinded.

Office of the City Manager

05

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 22, 2025

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be or planned to be issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report Is **$6,810,000.**

PROJECT	Fund	Source	Amount
Desk Audits, Classification & Compensation Studies, Investigations and Skelly Meetings	011	General Fund	$250,000
Fire Department Administrative Surge Staffing	164	Measure FF – Public Safety	$960,000 (over four FYs)
K-Dock Restroom Renovation Project	511 608	Measure T1 Marina Operations/Maint.	$350,000 $50,000
Berkeley Marina F & G Dock Deck Replacement	011	General Fund	$250,000
On-Call Industrial Hygiene for City Facilities and Landfill Regulatory Compliance Services	501	Capital Improvements	$4,300,000
Fleet Telematics System-Hardware, Software and Services	672	Equipment Maintenance	$450,000
Public Works Safety Training Services	601 611 616 672 673	Zero Waste Sanitary Sewer Operations Clean Storm Water Equipment Maintenance Building Maintenance	$200,000

Total:			**$6,810,000**

CURRENT SITUATION AND ITS EFFECTS
On May 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to $50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of $100,000 for goods; and $200,000 for playgrounds and construction; and $50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and
upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND
On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION
Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Roopreet Walia-Soorma, Senior Buyer, Finance, 510-981-7311

Attachments:
1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on July 22, 2025

a. Desk Audits, Classification & Compensation Studies, Investigations and Skelly Meetings
b. Fire Department Administrative Surge Staffing
c. K-Dock Restroom Renovation Project
d. On-Call Industrial Hygiene for City Facilities and Landfill Regulatory Compliance Services

e. Berkeley Marina F & G Dock Deck Replacement
f. Fleet Telematics System-Hardware, Software and Services
g. Public Works Safety Training Services

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
25-11743-C	K-Dock Restroom Renovation Project	7/23/25	8/21/2025	Renovation for existing K-Dock Restroom to meet ADA accessibility requirements. The K-Dock Renovation project will create a dedicated public restroom and a separate slip-holder restroom with a new single-user ADA accessible shower room	Measure T Phase 2 $350,000 Marina Fund $50,000 Total : $400,000	Measure T1 511-52-545-000-0000-000-461-662110 PWWT1122014 Marina Fund 608-52-545-000-0000-000-473-662110 PRWT122014	PRW	Robert Chan 510-981-6392
25-11745-C	Berkeley Marina F & G Dock Deck Replacement	7/23/25	8/21/2025	Re-deck the F & G Dock at the Berkeley Marina	$250,000	General Fund $250,000 011-52-545-000-0000-000-461-663110-PRWWF26002	PRW/Waterfront	Sean Crothers 510-981-6744
Dept Total					**$650,000**			
25-11744-C	On-call Industrial Hygiene for City Facilities and Landfill Regulatory Compliance Services	7/23/25	8/21/2025	Industrial Hygiene Engineering services and Landfill Compliance Services for upcoming and ongoing City projects.	$300,000 for industrial hygiene $4,000,000 for landfill compliance service 3-Year duration	PW 501-54-623-677-0000-000-444-612310- TBD (on-call contract) funds are built into projects	PW/Eng	Priya Chopra 510-292-0064
25-11746-C	Fleet Telematics System-Hardware, Software and Services	7/23/25	8/21/2025	GPS, Devices, Monitoring Platform for Fleet Management of Vehicles and other designated assets.	$150,000 annually Three year contract $450,000	672-54-626-722-0000-000-472-612990- Professional Svcs - Miscellaneous	Public Works Equipment Maintenance Division	Sara Rubio 510-981-5372
25-11747-C	Public Works Safety Training Services	7/23/25	8/21/2025	Provide on-site safety training topics for all PW Divisions, such as First Aid.CPR, Bloodborne Pathogens, PPE, Confined Spaces, Driver's Safety and other issues as needed.	$200,000 over three years with two 1-year optional extensions for two vendors	601-54-627-734-3023-000-472-612990- 611-54-624-712-0000-000-472-612990- 616-54-623-675-0000-000-472-612990- 672-54-	Public Works Facilities Streets & Utilities Equipment Maintenance Zero Waste Engineering	Tucker Broffit 510-981-5375 Erika Barros 510-981-6462
Dept Total					**$4,950,000**			
25-11741-C	Desk Audits, Classification & Compensation Studies, Investigations and Skelly Meetings	7/23/25	8/21/2025	The City is looking for a vendor that will assist the Human Resources department with Desk Audits, Classifications and Compensation Studies, Investigations and Skelly Meetings	$250,000.00 for a 5 year contract	011-34-341-000-0000-000-412-612990	Human Resources	Benita Torres 510-981-6809
Dept Total					**$250,000**			

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
25-11742-C	Fire Department Administrative Surge Staffing	7/23/25	8/21/2025	1. Fill intrerim vacancies in established classifications. 2. Provide subject matter experts for specialized initiatives. 3. Support divisions during peak workload periods. 4. Facilitate knowledge transfer in technical areas	$960,000 (over four FYs)	164-72-742-834-0000-000-422-612990	Fire/Suppression	David Sprauge 510-981-3473
Dept Total					**$960,000**			
TOTAL					**$6,810,000**			

06

Office of the City Manager

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Reallocation of FY 2025 Youth Resiliency Funding

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to reallocate Youth Equity Partnership (YEP) funds awarded through the FY 2025 - 2028 community agency contracting process to the Berkeley Public Schools Fund, Contract No. 32500058, and amend the Schools Fund's existing contract as follows:

- Remove the Black Girls United (BGU) program from the contract (at the contractor's request).
- Reallocate $20,000 of the BGU funding to the Longfellow Identity Affirming Programs (LIAP) for FY 2026 through FY 2028, increasing their total annual allocation from $25,300 to $45,300.
- Return the remaining $27,817 initially awarded to BGU, annually, to the General Fund for FY 2026 - 2028.

FISCAL IMPACTS OF RECOMMENDATION

Contract #32500058 for the Berkeley Public Schools Fund is part of the Berkeley Youth Equity Partnership's (YEP) Healthy, Connected, and Resilient portfolio. The Schools Fund acts as a fiscal intermediary for these youth programs. The funds are designated to promote the mental health, well-being, and sense of belonging of African American/Black and Latinx young people in Berkeley.

BGU's Manager advised the City that the program is changing strategies, making it no longer eligible for fiscal sponsorship from the Schools Fund or for funding from YEP. This recommendation would shift $20,000 per year in funding from FY 2026 through FY 2028 within the City's existing contract with the Schools Fund, moving funds from BGU to LIAP. Staff determined that this reallocation is consistent with the terms of the FY 2025 RFP, because this shift would occur within an existing contract (with the Schools Fund) and would remain under the same YEP priority (Healthy, Connected, and Resilient) as originally awarded by Council.

If approved, the total not-to-exceed amount of the Schools Fund contract would decrease by $83,451 (from $292,468 to $209,017). This $83,451 represents the total funds removed from the Black Girls United program's allocation for FY 2026 through FY 2028 that will be returned to the General Fund.

CURRENT SITUATION AND ITS EFFECTS

On June 25, 2024, the Berkeley City Council adopted the FY 2025 budget, which included authorizing the City Manager or designee to execute a contract with the Berkeley Public Schools Fund for a total not-to-exceed amount of $292,468 ($73,117 per year for FY 2025 through FY 2028) to fund two new programs: BGU and LIAP.

In its first year with YEP funding, BGU struggled to build its administrative capacity, maintain staffing, and meet enrollment/participation goals. In May 2025, YEP received notification from the BGU Manager that its leadership decided to shift its programmatic focus away from in-school programming. BGU subsequently requested to conclude participation in the current grant after FY 2025.

During the first half of FY 2025, LIAP served 165 Black and Brown middle school students. Approximately 77% (127 students) of these participants were Latinx, and 23% (38 students) were African American/Black.

LIAP’s Raza Youth Consilio (RYCO) component includes a biweekly community-building group focused on students of Latinx heritage, though the curriculum is relevant to participants of all racial/ethnic backgrounds. RYCO engages youth in assets-based identity-awareness activities, focusing on beliefs, values, purpose, assets, cultural roots, and family interaction. A subset of RYCO’s students comprise a leadership team that meets bi-weekly to plan and support the larger group sessions.

The second component, Young MENtors, provides intervention services specifically designed for boys of color. LIAP’s RJ Counselor works with a team of Longfellow teachers and leaders to provide group and one-on-one support for 45 high-need students in areas including attendance, emotional regulation, and academics.

In its FY 2025 proposal to the City, LIAP requested a modest budget of $25,300. As first-time applicants for YEP funding, the Schools Fund and LIAP staff did not fully anticipate the time and staff expertise needed to collect service measures and outcomes, and to track attendance and budgets, as required of all YEP grant recipients. The program is also growing quickly, with 18% more participants than anticipated in FY 2025. As a result, LIAP has had to spread its YEP funding thinly across participants.

RATIONALE FOR RECOMMENDATION

A key finding of Berkeley Unified School District’s (BUSD) Mental Health Needs Assessment 2023[1] was that “…families of color resoundingly shared that services and supports have not been focused toward honoring the diversity of student backgrounds

and experiences; as a result, a culture of exclusion and inequity persists." The assessment recommended "[a] focused approach…[to address] racial disparities experienced by students and families…"

The YEP funding awarded to the Schools Fund supports this recommended approach by investing in programs and services that promote resiliency, positive cultural identity, and belonging. With BGU stepping away from this contract, the City has an opportunity to bolster its sister program, LIAP, by providing additional funding. This will allow LIAP to build its administrative capacity and maintain program quality in the face of growing enrollment. The increase in funding will help ensure that African American/Black and Latinx students at Longfellow Middle School continue to experience the benefits of this program: stronger cultural identity, increased connectedness, and greater resiliency.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

ALTERNATIVE ACTIONS CONSIDERED
Staff consulted with the Schools Fund to try to identify a solution that would enable BGU to continue to receive YEP funding. BGU opted to end their participation in the contract. Staff considered the benefits of the City retaining the full balance of the BGU award to help address its deficit. Staff balanced this option with the City's commitment to support vulnerable populations, including those impacted by recent federal immigration policies and practices. Particularly in light of these policy changes, LIAP plays an important role by providing Latinx middle schoolers and their families with a counterbalance to and refuge from the negative messaging and actions occurring across the country.

If it is not awarded the proposed additional funding, LIAP would need to divert a portion of its current grant award to support the program's administration. This shift would result in the need to dilute program services and/or to turn away participants. In contrast, increasing LIAP's allocation by $20,000 per year for FY 2026 – FY 2028 would enable LIAP to support a fast-growing participant pool and to build infrastructure to collect participant information, track expenditures, and document program impacts.

Given these considerations, staff recommends that $47,817 in funding originally awarded to support the BGU program be reallocated in FY 2026 – 2028 to increase LIAP's annual funding by $20,000 (from $25,300 to $45,300) and the remaining $27,817 per year be returned to General Fund for FY 2026 – 2028.

CONTACT PERSON
Nina Goldman, Senior Management Analyst, HHCS, 510-981-5420

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

REALLOCATION OF FY 2025 YOUTH RESILIENCY FUNDING

WHEREAS, on June 25, 2024, City Council approved Berkeley's FY 2025-2028 community agency contracts as part of the FY 2025 budget; and

WHEREAS, the approved budget included an annual allocation of $73,117 in General Funds for FY 2025 thru FY 2028 to the Berkeley Public Schools Fund, fiscal sponsor for Black Girls United ($47,817/year) and Longfellow Identity Affirming Programs ($25,300) for a total not to exceed amount of $292,468 under Contract #32500058; and

WHEREAS, both programs were awarded funding to advance the Youth Equity Partnership's Healthy, Connected and Resilient priority; and

WHEREAS, in May 2025, Black Girls United notified the Youth Equity Partnership that it was changing its programmatic approach and had decided to withdraw from its YEP funding award effective the end of FY 2025; and

WHEREAS, Berkeley Public Schools Fund's other sponsored program, Longfellow Identity Affirming Programs, experienced enrollment growth in FY 2025 and recognized that its contract required administrative obligations beyond what had been budgeted; and

WHEREAS, reallocating $20,000 annually in funding from Black Girls United to Longfellow Identity Affirming Programs (within the Berkeley Public Schools Fund Contract #32500058) would help strengthen the administrative infrastructure of Longfellow Identity Affirming Programs; and

WHEREAS, the remaining funds in the amount of $83,451 ($27,817/year in FY 2026, FY 2027, and FY 2028) would be reabsorbed by the City's Fund 011 General Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to amend its contract with the Berkeley Public Schools Fund, Contract #32500058, as follows: reallocate $20,000 annually of funding awarded to the Berkeley Public Schools Fund as fiscal sponsor from Black Girls United to the Longfellow Identity Affirming Programs (increasing Longfellow Identity Affirming Programs' annual budget from $25,300 to $45,300 for FY 2026 thru FY 2028); return $27,817 annually to General Funds for FY 2026 thru FY 2028; and reduce Berkeley Public Schools Fund's FY 2025 – 2028 funding by $83,451 (from $292,468 to $209,017). A record signature copy of said contract and any amendments shall be on file in the Office of the City Clerk.

07

Office of the City Manager

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:

1. **Berkeley High School and Berkeley Technology Academy Health Center Programs** in the projected amount of $187,926 for Fiscal Year 2026.

2. **School Linked Health Services Program (Measure A Funding)** in the projected amount of $200,011 for Fiscal Year 2026.

3. **Tobacco Prevention Program** in the projected amount of $82,600 for Fiscal Year 2026.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the amount of $470,537 from Alameda County for Fiscal Year 2026 (FY2026) from the sources listed below. There is no local match required for any of these grants, however, the grant funds do not fully cover personnel expenditures and the City provides general fund to support implementation of these essential services. Each contract has been entered into the citywide contract management system database:

1. **Berkeley High School Health Center and Berkeley Technology Academy Programs**: This contract is anticipated to be for $187,926 in FY2026. There is no match required.

2. **School Linked Health Services Program (Measure A Funding):** This contract is anticipated to be for $200,011 in FY2026. There is no match required.

3. **Tobacco Prevention Program:** This contract is anticipated to be for $82,600 in FY2026. There is no match required.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of a future amendment to the FY2026 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health programs and services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. Alameda County revenue is an important source of support for these City public health programs. In FY2026, there are no significant changes to this support.

1. **Berkeley High School and Berkeley Technology Academy Health Center Programs:** Provides clinical and health education services to adolescents attending Berkeley High School and Berkeley Technology Academy.

2. **School Linked Health Services Program (Measure A Funding):** Increases capacity to meet the health, dental and medical needs at Berkeley public schools, and to create the infrastructure to effectively provide referrals to services, promote school connectedness, and reduce chronic absenteeism.

3. **Tobacco Prevention Program:** Provides tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education

BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City receives specific funding through Alameda County to meet core public health objectives. The Division is committed to providing services to the community to promote healthy environments and prevent the spread of disease.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

These funds provide necessary revenue to support vital services related to the City of Berkeley's mandates as a Public Health jurisdiction. They also support the

Department's work to reduce health inequities in Berkeley and improve the health of our community.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

CONTACT PERSON

Janice Chin, Manager, Public Health Division, HHCS (510) 981-5121

Attachments:

1: Resolution: Berkeley High School and Berkeley Technology Academy Health Center Programs
2: Resolution: School Linked Health Services Program (Measure A Funding)
3: Resolution: Tobacco Prevention Program

RESOLUTION NO. ##,###–N.S.

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE BERKELEY HIGH SCHOOL AND BERKELEY TECHNOLOGY ACADEMY HEALTH CENTER PROGRAMS

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to providing health services and health education to adolescents attending Berkeley High and Berkeley Technology Academy; and

WHEREAS, the HHCS/PHD provides a broad range of Public Health program services to the community; and

WHEREAS, the HHCS/PHD works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the HHCS/PHD seeks to eliminate health and educational inequities; and

WHEREAS, the HHCS/PHD should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2026 funding for the Berkeley High School and Berkeley Technology Academy Health Center Programs to provide health services and health education to adolescents attending Berkeley High and Berkeley Technology Academy to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of $187,926; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###–N.S.

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE SCHOOL LINKED HEALTH SERVICES (MEASURE A) PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to increasing capacity to meet the health, dental and medical needs at Berkeley public schools, and to create the infrastructure to effectively provide referrals to services, promote school connectedness, and reduce chronic absenteeism.; and

WHEREAS, the HHCS/PHD provides a broad range of Public Health program services to the community; and

WHEREAS, the HHCS/PHD works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the HHCS/PHD seeks to eliminate health and educational inequities; and

WHEREAS, the City of Berkeley should seek additional grant funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2026 funding for the School Linked Health Services Program (Measure A Funding) to increase capacity to meet the health, dental and medical needs at Berkeley public schools, and to create the infrastructure to effectively provide referrals to services, promote school connectedness, and reduce chronic absenteeism; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of $200,011; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###–N.S.

GRANT AGREEMENT WITH ALAMEDA COUNTY FOR THE TOBACCO PREVENTION PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to providing tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education; and

WHEREAS, the HHCS/PHD provides a broad range of Public Health program services to the community; and

WHEREAS, the HHCS/PHD works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the HHCS/PHD seeks to eliminate health inequities; and

WHEREAS, the HHCS/PHD should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to submit a grant agreement to Alameda County for Fiscal Year 2026 funding for the Tobacco Prevention Program: to provide tobacco cessation services, enforcement of tobacco retail licensing requirements and youth prevention education, to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of $82,600; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. Funds will be deposited and expensed from a defined budget code. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

08

Office of the City Manager

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services

Subject: Revenue Grant Agreements: Funding Support from the State of California to Conduct Public Health Services

RECOMMENDATION

Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to the State of California, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:

1. **Maternal, Child and Adolescent Health (MCAH) Program**, in the projected amount of $377,000 for Fiscal Year 2026.

2. **Tobacco Trust Fund**: There is no match required, and this contract is expected to be for $600,000 for Fiscal Year 2026 through Fiscal Year 2027.

3. **Women, Infant, Children Program** There is no match required, and this contract is expected to be for $2,557,619 for Federal Fiscal Year 2026 through Federal Fiscal Year 2028 (10/1/26 – 9/30/28).

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley will receive funds in the estimated amount of $1,529,540 from the State of California for FY 2026 through the funding sources listed above. Each contract will have its own identifying contract number, and each source has a defined budget code:

1. **Maternal, Child and Adolescent Health (MCAH) Program:** The state establishes an annual cap on local revenue for this program and requires a local match. The precise amount of revenue the City earns is determined by the City's level of match funding, program staff time-studies, and level of eligible services. The City is estimated to provide $118,541 in matching funding revenue for FY 2026, drawing down $377,000 in state revenue.

2. **Tobacco Trust Fund:** There is no match required, and this contract is expected to be for $300,000 in FY 2026 and $300,000 for FY 2027.

3. **Women, Infant, Children Program:** There is no match required, and this contract is expected to be for $866,683 FFY 2026, $845,468 for FFY 2027 and $845,468 for FFY 2028.The total amount for FFY 2026 through 2028 is expected to be $2,557,619.

Spending of all referenced grant funds is subject to Council approval of the budget for each fiscal year and the Annual Appropriations Ordinances. Depending on the timing of when grants are officially awarded and the amounts are determined, the grant budgets will be adjusted as part of a future amendment to the FY 2026 Annual Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

As a local health jurisdiction, the City of Berkeley provides a broad range of public health program services to the community, with the goals of addressing health inequities, promoting healthy environments and behaviors, protecting residents from disease, and preventing illness, disability, and premature death. In addition to the funding referenced in this report, the City has continuing multi-year public health grants with the State of California. The total additional anticipated revenue from these state grants is $1,522,468 in FY 2026.

BACKGROUND

The City of Berkeley receives funding from many sources annually to complete work related to improving the health of the community. As a local health jurisdiction, the City is entitled to specific state funding to meet core public health objectives. The Public Health Division is committed to providing essential services to the community to prevent the spread of disease and to promote healthy environments.

The State establishes funding caps for the MCAH program, with actual revenue determined by city matching funds and service delivery. Revenue projections are based on recent year actual revenues in these programs, service-delivery staffing, eligible client populations, and available matching funds. These projections will enable the department to keep expenditures within actual revenues, by budgeting expenditures to realistic revenue projections.

Each grant serves a specific purpose in the department’s work towards improving the health of our community:

1. Maternal, Child and Adolescent Health (MCAH) Program develops and implements systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families and works to reduce the morbidity and mortality of pregnant African American women and their

infants. The MCAH program includes Berkeley's Black Infant Health program, which provides groups and other support to pregnant and post-partum mothers and their infants.

2. Tobacco Trust Fund works to reduce death and disease caused by tobacco use and exposure to secondhand smoke.

3. The Women, Infant, Children (WIC) Program contributes to the Department's work towards improving the health of our community by mitigating the negative health effects of poor nutrition among low-income women, infants and children by providing nutritious foods to supplement diets, information on healthy eating, breastfeeding support and referrals to health care services.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
These funds support vital services related to our mandates as a public health jurisdiction and local initiatives designed to address health inequities in Berkeley and improve the health of Berkeley residents. These non-competitive grants support the department's mission and provide the City with funding to continue working to protect and improve community health.

ALTERNATIVE ACTIONS CONSIDERED
This funding is essential for the Public Health Division's mission and goals. The Public Health Division assesses each funding source to ensure that it supports the City's mission and goals. Staff did not identify an alternative action consistent with the City's goals of advancing public health and social and racial equity.

CONTACT PERSON
Janice Chin, Manager, Public Health Division, HHCS, (510) 981-5121.

Attachments:
1. Resolution: MCAH Program
2. Resolution: Tobacco Trust Fund
3. Resolution: Women, Infant, Children Program

RESOLUTION NO. ##,###–N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE MATERNAL, CHILD, AND ADOLESCENT HEALTH (MCAH)

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to developing systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to reducing the morbidity and mortality of pregnant African American women and their infants; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to submit a grant agreement to the State of California for funding for fiscal year 2026 for the Maternal, Child, and Adolescent Health (MCAH) program: to develop systems that protect and improve the health of women of reproductive age, infants, children, adolescents and their families and to reduce the morbidity and mortality of pregnant African American women and their infants; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of $377,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###–N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE TOBACCO TRUST FUND

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division, is committed to reducing death and disease caused by tobacco use and exposure to second hand smoke; and

WHEREAS, second hand smoke is classified as a “known human carcinogen” (cancer causing agent) by the US Environmental Protection Agency, The US Toxicology Program, and the International Agency fir Research on Cancer, a branch of the World health organization; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services provides a broad range of needed public health program services to the community; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services seeks to eliminate health inequities; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to submit a grant agreement to the State of California for funding for FY 2026 through 2027 for the Tobacco Trust Fund; to reduce death and disease caused by tobacco use and exposure to second hand smoke; to accept the grant funds; execute any resultant revenue agreements and amendments in line with the grant award, which may be larger or smaller than the projected award of $600,000; and implement the projects and appropriation of funding for related expenses, subject to securing the grant. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

RESOLUTION NO. ##,###-N.S.

GRANT AGREEMENT: STATE OF CALIFORNIA FOR THE WOMEN, INFANTS AND CHILDREN PROGRAM

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services, Public Health Division (HHCS/PHD), is committed to providing nutritious foods to supplement inadequate diets, nutrition education, and referrals to health care for pregnant, breastfeeding, and non-breastfeeding postpartum women, infants and children up to age five who are found to be at nutritional risk; and

WHEREAS, HHCS provides a broad range of needed public health program services to the community; and

WHEREAS, HHCS works to promote healthy environments and behaviors, protect residents from disease, and prevent illness, disability, and premature death; and

WHEREAS, HHCS seeks to achieve health equity; and

WHEREAS, the City of Berkeley should seek outside funding wherever possible to fund vital health services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is hereby authorized to accept State of California funding for federal fiscal years 2026 through 2028 for the Women, Infants and Children program: to provide nutritious foods to supplement inadequate diets, nutrition education, and referrals to health care for pregnant, breastfeeding, and non-breastfeeding postpartum women, infants and children up to age five who are found to be at nutritional risk; execute any resultant revenue agreements and amendments; and implement the projects and appropriation of funding in the estimated amount of $2,557,619 for related expenses. A record signature copy of said agreements and any amendments shall be on file in the office of the City Clerk.

09

Office of the City Manager

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director of Human Resources

Subject: Supplemental Military Leave Compensation Policy

RECOMMENDATION

Adopt a Resolution amending Resolution No. 63,646–N.S. to the City's Supplemental Military Leave Compensation Policy to be retroactively effective from July 1, 2025, going forward in order to provide supplemental wages for employees called to involuntary active military service.

FISCAL IMPACTS OF RECOMMENDATION

The financial impact will depend on the number of employees called to involuntary active duty and their respective City and military compensation. Based on past deployments, the additional cost is absorbed within the affected department's existing personnel budget.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley has a long-standing commitment to supporting employees who serve in the military. Since the original adoption of this supplemental military leave policy by Resolution No. 63,646–N.S. in 2007, the City has offered supplemental military compensation to help offset income loss during active military duty. Most recently extended by Resolution No. 70,949–N.S., the policy is set to expire on June 30, 2025. Due to ongoing deployments and the continued need for support to deployed City staff and their families, staff recommend adopting the policy on an ongoing basis.

The supplemental military leave policy provides:

1. In addition to the 30 days fully paid annual military leave provided under the California Military and Veterans Code, the City will pay additional wages to supplement an employee's military pay and allowances to an amount equal to the employee's regular salary for a period not to exceed two (2) years that must be taken within 36 months of the initial call up order for employees who have at least one (1) year of employment with the City and who have been called up to involuntary active service. However, if the twelve months have elapsed since the employee has returned from deployment and is redeployed, the employee will start a new cycle of Supplemental Military Leave Benefits as described above.

2. The City will pay additional wages to supplement an employee's military pay and allowances in an amount equal to one-half (1/2) of the employee's regular salary for a period not to exceed two (2) years that must be taken within 36 months of the initial call up order for employees with less than one (1) year in career service with the City and who have been called up to involuntary active service.

This action aligns with the City's goal to attract and retain a talented and diverse City government workforce and ensures continued support for employees fulfilling military obligations.

BACKGROUND
Under California and federal law, the City provides baseline military leave benefits, including fully paid leave for up to 30 days per fiscal year and continuation of health and retirement benefits. The City's supplemental policy for the past 18 years expands upon these rights by offering benefits as described above.

Since the events of September 11, 2001, the City Council has adopted several resolutions on supplemental military leave compensation. The City's policy on supplemental military leave compensation was last updated on April 24, 2007, and has been incorporated in Resolution No. 63,646-N.S. Since its initial adoption in 2007, the Council has consistently extended the policy through multiple resolutions in recognition of the unpredictable nature of military call-ups and in support of City staff and their families.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no environmental sustainability or climate impacts associated with this action.

RATIONALE FOR RECOMMENDATION
Extending the policy demonstrates the City's ongoing commitment to employees who serve in the military and ensures that they and their families receive consistent financial support during deployments.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Janelle Rodrigues, Director of Human Resources, (510) 365-5934.

RESOLUTION NO. ##,###-N.S.

ADOPTION OF THE SUPPLEMENTAL MILITARY LEAVE COMPENSATION POLICY

WHEREAS, since September 11, 2001, the City Council has adopted a series of resolutions establishing and extending a Supplemental Military Leave Compensation Policy to support employees involuntarily called to active military service; and

WHEREAS, the City of Berkeley complies with California Military and Veterans Code Section 389 et seq., and the Federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. Sections 4301 et seq., by providing up to 30 days of fully paid military leave per fiscal year and continued health benefits during deployment; and

WHEREAS, on September 21, 2004, the City Council adopted Resolution No. 62,648–N.S. that provided that the City would pay additional wages to supplement an employee's military pay and allowances to an amount equal to the employee's regular salary for a period not to exceed two (2) years that must be taken within 36 months of the initial call up order for employees who have at least one (1) year of employment; and

WHEREAS, this same Resolution No. 62,648–N.S. provided that the City will pay additional wages to supplement an employee's military pay and allowances in an amount equal to one-half (1/2) of the employee's regular salary for a period not to exceed two (2) years that must be taken within 36-months of the initial call up order for employees with less than one (1) year in the career service with the City who have been called up to involuntary active service; and

WHEREAS, on April 24, 2007, the City Council adopted Resolution No. 63,646–N.S. that provided that the City would pay additional wages to supplement an employee's military pay and allowances to an amount equal to the employee's regular salary for an aggregate period of 24-months that must be taken within 36-months for employees called for active military service and to extend the City's supplemental military leave compensation benefit to May 31, 2008; and

WHEREAS, this same Resolution No. 63,646–N.S. provided that if 12 months have elapsed since the employee has returned from deployment and is redeployed, the employee will start a new cycle of supplemental military leave compensation benefits to provide a salary supplement for an aggregate of 24 months that must be taken within 36 months of the subsequent deployment; and

WHEREAS, this same Resolution No. 63,646–N.S. provided that the City will pay additional wages to supplement an employee's military pay and allowances in an amount equal to one-half (1/2) of the employee's regular salary for a period not to exceed two (2) years that must be taken within 36 months of the initial call up order for employees with

less than one (1) year in the career service with the City who have been called up to involuntary active service; and

WHEREAS, the City Council adopted various resolutions to extend the Supplemental Military Leave Benefit on an annual basis, starting on April 24, 2007 (Resolution No. 63,646-N.S.); May 20, 2008 (Resolution No. 64,063-N.S.); April 21, 2009 (Resolution No. 64,398-N.S.); April 27, 2010 (Resolution No. 64,851-N.S.); April 26, 2011 (Resolution No. 65,239-N.S.); May 15, 2012 (Resolution No. 65,701-N.S.); May 7, 2013 (Resolution No. 66,124-N.S.); May 6, 2014 (Resolution No. 66,564-N.S.); May 12, 2015 (Resolution No. 67,017-N.S.); April 26, 2016 (Resolution No. 67,438-N.S.); May 15, 2017 (Resolution No. 67,963-N.S.; July 11, 2023 (Resolution No. 70,949-N.S.); and

WHEREAS, the most recent extension of this policy was approved by Resolution No. 70,949-N.S. on July 11, 2023, which extended the policy through June 30, 2025; and

WHEREAS, military reservists continue to face ongoing and extended involuntary deployments, requiring ongoing support from the City to reduce the financial burdens on employees and their families during military service.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 63,646-N.S. is hereby amended to extend on an ongoing basis the City's Supplemental Military Leave Compensation Policy with a retroactive effective date from July 1, 2025, until such time as it is amended.

BE IT FURTHER RESOLVED that the policy shall continue to provide that:

Employees with at least one (1) year of service with the City shall be eligible to receive a salary supplement equal to the difference between their military compensation and their City salary for an aggregate period not to exceed twenty-four (24) months, to be used within thirty-six (36) months of the initial call-up order.

Employees with less than one (1) year of service shall be eligible to receive a salary supplement equal to one-half (½) of their regular City salary for the same period.

If twelve (12) months have passed since an employee returned from military deployment and is subsequently redeployed, the employee shall begin a new twenty-four (24) month benefit cycle.

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Office of the City Manager

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: 2024 Annual Military Equipment Report (Assembly Bill 481)

RECOMMENDATION
Adopt a Resolution approving the 2024 Annual Military Equipment Report.

FISCAL IMPACTS OF RECOMMENDATION
The fiscal impacts of approving the report are limited to staff time for reporting and continuous training. Fiscal impacts related to specific equipment are detailed within the report.

CURRENT SITUATION AND ITS EFFECTS
Assembly Bill 481 mandates an annual report on law enforcement use of specified military equipment be provided to the governing body of the agency.

BACKGROUND
On May 11, 2021 the City of Berkeley adopted the Police Equipment and Community Safety Ordinance, Ordinance NO. 7,760-N.S. The Police Equipment and Community Safety Ordinance requires the Police Department submit to Council for approval an annual report on the usage and deployment of specified equipment. The 2024 annual report pursuant to this ordinance was approved by the City Council on May 20, 2025.

On September 30, 2021, after the City of Berkeley adopted our City ordinance, Assembly Bill 481 was approved by California Governor Gavin Newsom, requiring law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to funding, acquisition, or use of military equipment as defined in Assembly Bill 481. Like the Police Equipment and Community Safety Ordinance, this bill required an approval process for the continued use of military equipment that law enforcement agencies already possessed. In accordance with the assembly bill, the Berkeley Police Department authored Policy 709, Military Equipment policy, which was approved by the City Council on July 26, 2022.

Also similar to Berkeley's Police Equipment and Community Safety Ordinance, Assembly Bill 481 requires law enforcement agencies to submit to the governing body an annual report for each type of military equipment they possess. The required information in the annual report per Assembly Bill 481 is similar to the City of Berkeley ordinance. However, Berkeley's Police Equipment and Community Safety Ordinance requires the police department track and report on all cases where military equipment was deployed even if it was not used (50 incidents in 2024) whereas Assembly Bill 481 only requires the tracking of military equipment that was used (9 incidents in 2024, plus 7 uses of the Mobile Command Vehicle for Cal football games).

Additionally, the equipment required to be reported on slightly differ. Below is a table comparing the list of equipment required to be reported on per the Police Equipment and Community Safety Ordinance and Assembly Bill 481. The differences appear at the end of both lists. Of note, the use of both OC Spray and 36" batons are reported via the department's use of force reporting on the Transparency Hub and BPD Annual Report.

Police Equipment and Community Safety Ordinance (City Ordinance)	**Assembly Bill 481**
• M4/Patrol Rifle Associated .223 duty and training rounds • Remington 700 Precision Rifle Associated .308 rounds • Barret Model 99 Precision Rifle Associated .50 rounds • Penn Arms single 40MM launcher • Milkor LTL 40 MM multi-launcher Associated 40mm rounds • FN 303 Launcher Associated FN rounds Associated FN Pava rounds • Chlorobenzylidene Malononitrile and Oleoresin capsicum • Light/sound distraction device • Long Range Acoustic Device (LRAD) • (OC spray) • 36" batons	• M4/Patrol Rifle Associated .223 duty and training rounds • Remington 700 Precision Rifle Associated .308 rounds • Barret Model 99 Precision Rifle Associated .50 rounds • Penn Arms single 40MM launcher • Milkor LTL 40 MM multi-launcher Associated 40mm rounds • FN 303 Launcher Associated FN rounds Associated FN Pava rounds • Chlorobenzylidene Malononitrile and Oleoresin capsicum • Light/sound Diversionary Device • Long Range Acoustic Device (LRAD) • Mobile Command Vehicle • ReconRobotics Recon Scout XT Robots • Andros Remotec HD-1 Hazardous Duty Robot

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
It is required by law and policy that an annual report on military equipment be submitted to the City Council.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Jennifer Louis, Chief of Police, (510) 981-5700
Arlo Malmberg, Strategic Planning and Accountability Manager, (510) 981-5747

Attachments:
1: Resolution
2: Annual Military Equipment Report

RESOLUTION NO. ##,###-N.S.

ANNUAL REPORTING AND IMPACT STATEMENTS: POLICE EQUIPMENT AND COMMUNITY SAFETY ORDINANCE

WHEREAS, California Governor Gavin Newsom passed Assembly Bill 481 governing the funding, acquisition and use of military equipment on September 30, 2021; and

WHEREAS, Government Code 7071(a) requires all law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to funding, acquisition, or use of military equipment; and

WHEREAS, the Berkeley City Council approved Berkeley Police Department Policy 709, Military Equipment Use Policy, on July 26th 2022; and

WHEREAS, Government Code 7072 (a) requires any agency that receives approval for a Military Equipment Use Policy submit to the governing body an Annual Military Equipment Report.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the Berkeley Police Department's 2024 Annual Military Equipment Report.

2024 Annual Military Equipment Report

Contents

Ordinance Background and Objectives 3
Equipment Inventory and Descriptions 4
2024 Equipment Uses 7
Fiscal Impact 12

Ordinance Background and Objectives

On September 30, 2021, Assembly Bill 481 was approved by California Governor Gavin Newsom, requiring law enforcement agencies to obtain approval of the applicable governing body (Mayor and City Council), by adoption of a military equipment use policy prior to funding, acquisition, or use of military equipment as defined in AB 481. This bill required the same approval process for the continued use of military equipment that law enforcement agencies already possessed. In accordance with the assembly bill, the Berkeley Police Department authored Policy 709, Military Equipment Policy, which was approved by the City Council on July 26, 2022.

Furthermore, Assembly Bill 481 requires law enforcement agencies to submit to the governing body an annual report for each type of military equipment. State law requires that the Annual Report contain the following information:

(1) A summary of how the military equipment was used and the purpose of its use.

(2) A summary of any complaints or concerns received concerning the military equipment.

(3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.

(5) The quantity possessed for each type of military equipment.

(6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Equipment Inventory and Descriptions

Below is a list and Berkeley Police Department inventory and equipment levels of the reportable equipment as defined in AB 481:

- Patrol Rifle (96)
  - Associated .223 duty and training rounds (61,450)
- Less Lethal single 40MM launcher (20)
- Less Lethal Milkor LTL 40 MM multi-launcher (2)
  - Associated 40mm rounds (450)
- Less Lethal FN 303 Launcher (8)
  - Associated FN rounds (5,813)
  - Associated FN Pava rounds (150)
- Oleoresin capsicum (handheld OC spray) (182)
- Chlorobenzylidene Malononitrile and Oleoresin capsicum/ tear gas (300)
- Remington 700 Precision Rifle (6)
  - Associated .308 rounds (3,000)
- Light/sound distraction device (88)
- Long Range Acoustic Device (LRAD) (2)
- Barret Model 99 Precision Rifle (1)
  - Associated .50 rounds (54)
- Mobile Command Vehicle (1)
- ReconRobotics Recon Scout XT Robots (2)
- Andros Remotec HD-1 Hazardous Duty Robot (1)

The following are product descriptions of the military equipment the Berkeley Police Department possesses:

Patrol Rifle

The “M4” was developed and produced for the United States government by Colt Firearms and is based on the original Armalite Rifle (AR) patent purchased by Colt in 1959. Although Colt owns the trademarked name “M4,” several other manufacturers offer similar firearms under various model names. The M4 and its variants fire 5.56×45 mm NATO (and .223 Remington) ammunition and are gas -operated, magazine -fed firearms with barrel lengths ranging from 11.5” to 16”.

The current BPD rifle ammunition is the .223 Remington—a rimless, bottlenecked cartridge developed in 1957 by Remington Arms and Fairchild Industries. One of the most popular cartridges, the .223 Remington is used by a wide range of semi-automatic and manual -action rifles, as well as handguns. While the military uses the similar 5.56×45 mm NATO cartridge, BPD employs the more common civilian .223 Remington for all training and duty purposes.

Penn Arms 40MM Single Launcher & Milkor LTL Multi-Launcher

The 40 mm impact projectile was developed as an alternative to the 12-gauge bean bag round and other less focused less -lethal options. Early 12-gauge bean bag round designs had unpredictable flight patterns and could cause significant unintended injuries. The 40 mm foam baton round was created as a direct -fire projectile intended to minimize such risks. The Berkeley Police Department currently uses the CTS 4557 foam baton projectile and the Penn Arms L-140 single -shot launcher.

FN 303

Developed in 2003 by Fabrique Nationale de Herstal as a less -lethal option, the FN 303 is based on a concept from Monterey Bay Corporation. The development team included designers and researchers from two paintball -related companies. The FN 303 uses compressed air to propel a .68-caliber projectile, similar to those used in manufactured paintball guns.

Chlorobenzylidene Malononitrile (CS) & (OC)

Chlorobenzylidene malononitrile, commonly known as CS, is one of the most widely used tear gases. It can be delivered as a liquid, gas, or solid and is designed to produce temporary discomfort by being vaporized or otherwise dispersed in the air. Law enforcement agencies rely on CS to manage combative suspects, control crowds, and handle barricaded subjects without resorting to higher levels of force. CS can be deployed via aerosol (the most common method), fogging, pyrotechnics, or blast expulsion; however, all methods are influenced by environmental factors such as wind, rain, temperature, and proximity. Under standard conditions, CS forms a white crystalline substance with low vapor pressure and poor water solubility.

Remington 700 Precision Rifle

The Remington 700 is a series of bolt -action rifles designed in 1962 by Remington Arms Company. The “700” designation refers to multiple models with varying parts, barrel lengths, stocks, and other components. The Precision Rifle model has long been used by law enforcement and remains an industry standard. The Berkeley Police Department employs a custom Remington 700 action chambered in the common .308-caliber round, featuring a 20-inch barrel, an Accuracy International chassis/stock, a Nightforce 3-15× magnified optic, and a bipod.

Light/Sound Distraction Device

Also known as diversionary, noise/flash, or light/sound devices, Light/Sound Distraction Devices have been available for about 40 years. They serve as safe and effective tools for law

enforcement during challenging tactical incidents. When activated, these devices produce loud noise, heat, and intense light to create an effective diversion.

Long Range Acoustic Device (LRAD)

The LRAD is a high -intensity, directional acoustical array that provides long -range, crystal -clear communication. Essentially, it functions as a powerful loudspeaker.

Barrett Model 99 Precision Rifle

The Barrett Model 99 is a single shot, bolt action .50caliber rifle introduced in 1999. It is intended for emergency situations where there is a high potential for violence.

ReconRobotics Recon Scout XT Robots (Throw Bot)

The Recon Scout XT robot is intended to safely provide police officers valuable information during high-risk, rapidly evolving situations via real-time audio and video footage. It can be operated a distance away, creating space between the officer and potential danger, thus decreasing the likelihood of injury to those involved in the event, or even a violent encounter between police officers and a dangerous subject. This asset furthers our commitment to the sanctity of life by offering time and distance in critical incidents.

Andros Remotec HD-1 Hazardous Duty Robot

The Remotec HD-1 robot is used as a means to approach hazardous situations where a potentially lethal threat such as an explosive device exists. The Remotec HD-1 robot allows for the examination and manipulation of an object or potential explosive device without unnecessarily putting a bomb technician’s life at risk.

Mobile Command Vehicle (MCV)

This vehicle is used as a mobile command post for any large-scale events or as a communications center in the event the communications center in the Public Safety Building is inoperable. Some examples of large-scale events include Solano Stroll, Juneteenth, 4th of July, Cal Berkeley football games, critical incidents or natural disasters. In 2024, the MCV was utilized as a command post during the Cal Berkeley football games that took place in Berkeley.

2024 Equipment Uses

The equipment documented in this report provide the Berkeley Police Department with options that assist in critical incidents and bring dangerous situations to a safe resolution. While the Berkeley Police Department possesses the equipment listed above, officers de-escalated almost all the situations that might have otherwise warranted the use of it. The use of military equipment is governed by Berkeley Police Department Policies and local, state, and federal laws. The use of the military equipment is restricted to only officers who have been trained in the use of the specific equipment.

The Berkeley Police Department responded to 61,666 calls for service in 2024. Only one of the 61,666 incidents resulted in the use of less lethal tools. The table below lists all nine AB481-eligible equipment use incidents (plus seven uses of the Mobile Command Vehicle for Cal football games). Each row represents an incident in which a specific piece of equipment was used. These statistics illustrate the extremely rare instances that less lethal munitions and other military equipment are used in relation to overall contacts.

It should be noted BPD does not possess any drones, and reporting on the use of a drone in a mutual assistance capacity in Berkeley is the responsibility of the agency that provided the assistance. The Berkeley Police Department is not required to report on the mutual assistance drone usages to prevent double reporting, but are included here in the spirit of transparency. Drone uses are also reported in the annual Surveillance Technology Report.

#	Equipment Used	Summary of Deployment	Beat
1.	Recon Scout Robot	Officers responded to a felony domestic violence call at a residence where the suspect initially refused to come outside. The Recon Scout robot was used to visually clear the house prior to officer entry. The subject was detained without incident.	10
2.	Light/Sound Distraction Device, LRAD, Drone, Hazardous Duty Robot, Recon Scout Robot	The Special Response Team responded to a suspect who had threatened to kill himself and others. SRT used an LRAD to call him out, and threw light/sound distraction devices in the yard. A drone provided overhead surveillance. The hazardous duty robot and Recon Scout robot were used to visually clear the house prior to officer entry. The subject complied and was detained without incident.	Outside of Berkeley

3.	Light/Sound Distraction Device	Officers responded to a call about a man who had been shot and was bleeding. The suspect was last seen in a tent. Attempts at contact and requests to exit were unsuccessful, and a light/sound distraction device was deployed. The subject emerged, complied, and was detained without incident.	13
4.	40MM Launcher, FN 303 Launcher	Officers responded to reports of a shirtless man on Telegraph Avenue with chest wounds, carrying a sickle and a wooden stick. Both the 40MM and FN 303 launchers were used, and the subject complied and was detained without incident.	5
5.	Light/Sound Distraction Device	The Special Response Team responded to arrest a suspect connected to a shooting. Officers spotted him walking down the street and used a light/sound distraction device to distract him. The subject complied and was detained without incident.	Outside of Berkeley
6.	Drone	Officers responded to a violent armed robbery involving multiple suspects. A drone provided overhead surveillance. All subjects complied and were detained without incident.	5
7.	LRAD, Light/Sound Distraction Device, Drone	Officers responded to a barricaded suspect situation in which the individual refused to exit an RV. Officers gave voice commands through the LRAD, and used light/sound distraction devices. A drone provided overhead surveillance. The subject complied and was detained without incident.	Outside of Berkeley
8.	Light/Sound Distraction Device, Drone	SRT served a high-risk warrant for shooting suspects. Officers used multiple light/sound distraction devices. A drone provided overhead surveillance. The subject complied and was detained without incident.	9
9.	Drone	Officers responded to an attempted catalytic converter theft. When neighbors intervened, one of the suspects produced a handgun,	1

		threatening the residents. One suspect was apprehended immediately, while another fled into the wooded area of Wildcat Canyon. A drone was deployed to assist in the search for the suspect, who was then detained without further incident.	
10.	Drone	During an SRT operation in Antioch related to a shooting incident during a vehicle theft interruption, a drone provided overhead surveillance. The subject complied and was detained without incident.	Outside of Berkeley
11.	Drone, Recon Scout Robot	While conducting a high-risk warrant service in a burglary case, a drone provided overhead surveillance. The Recon Scout robot was used to visually clear the house prior to officer entry. The subject complied and was detained without incident.	3
12.	LRAD, Light/Sound Distraction Device	Officers conducted a warrant service operation involving a suspect connected to multiple gunshots in Berkeley. Officers gave voice commands through the LRAD, and used light/sound distraction devices. The subject complied and was detained without incident.	Outside of Berkeley
13.	Mobile Command Vehicle	The MCV was utilized as a command post during the 7 Cal Berkeley football games that took place in Berkeley.	7

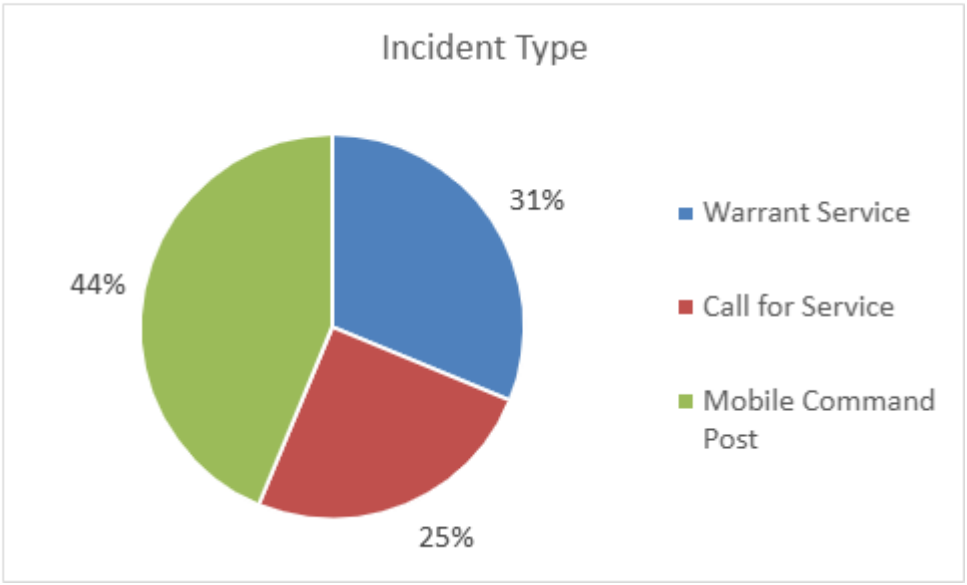
An internal audit was conducted in order to gather and confirm data for this report. No violations of equipment use were identified, and no complaints regarding the above-listed equipment were submitted to the department.

Use Statistics

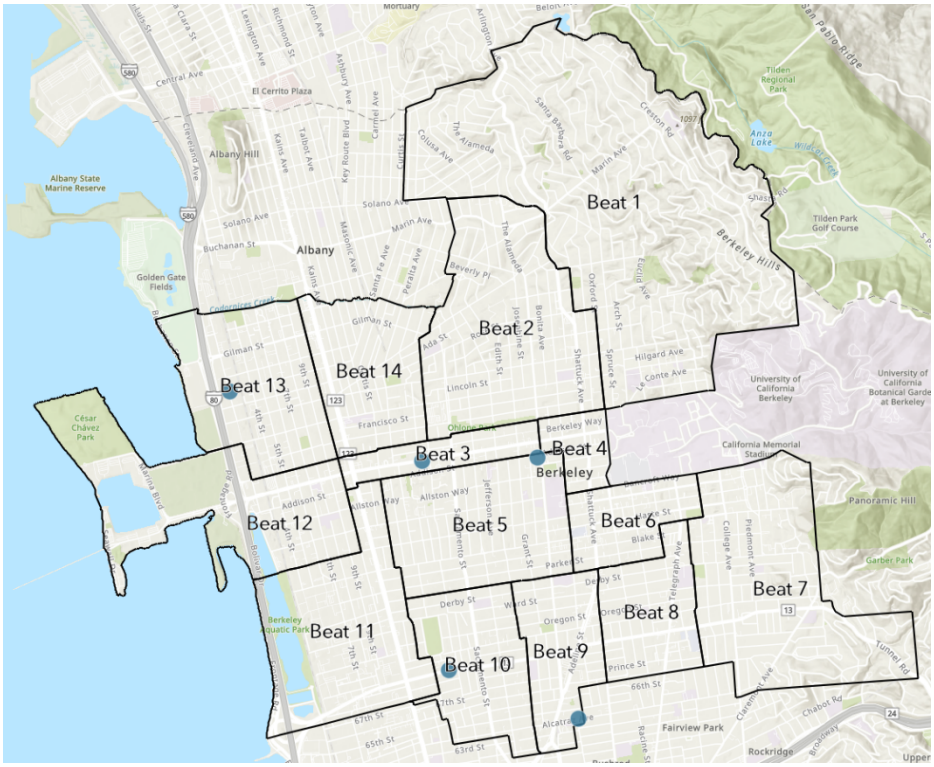
The table below displays the total number of uses for each specified piece of equipment in 2024.

Equipment	**Uses**
Patrol Rifle	0
40MM Single Launcher	1
40MM LTL Multi-Launcher	0
FN 303 Launcher	1
FN Pava Impact Projectile	0
Chlorobenzylidene Malononitrile and Oleoresin Capsicum	0
Precision Rifle	0
Light/Sound Distraction Device	6
Long Range Acoustic Device	3
Barret Model 99	0
Mobile Command Vehicle	7
ReconRobotics Recon Scout XT Robots	3
Andros Remotec HD-1 Hazardous Duty Robot	1
Drone	7

The chart below shows the breakdown of uses by incident type.



The map below shows the locations of the 5 equipment deployments by BPD in Berkeley (excluding the Mobile Command Post where the MCV is deployed near UC campus), with 4 deployments occurring in other Bay Area cities.



Fiscal Impact

Funding for all training and ongoing cost in military equipment are sourced from the Berkeley Police Department's existing budget. The only military equipment that was purchased in 2024 was .223 ammunition and .308 ammunition.

The Berkeley Police Department conducts in-house training on all specialized equipment that the department possesses. This ensures officers are fully trained to utilize the tools in the department's possession to safeguard our community. The cost of in-house training is staff time. Some of the training on specialized equipment must be conducted externally. The fiscal cost on external training related to military equipment in 2024 included expenses from Special Response Team training ($6,355.17), bomb technician training ($2,854), and less lethal instructor training ($1950.96). Additionally, 11 police recruits attended the police academy where they received Patrol Rifle training. The total cost of the police academy for those 11 recruits was $34,642.

M4/Patrol Rifle

Rifle prices, like other firearms, will range depending on current market demand and availability. While M4 rifles purchased several years ago cost between $1,000 and $1,200 each, current rifles cost between $1,400 and $1,600. It should be expected that these prices will fluctuate and likely increase over time.

Ammunition costs fluctuate with the costs of components (brass, primers, gunpowder, and bullets) and supply/demand. Current costs for .223 Remington range from $0.50 to $0.75 a round for training ammunition (55 grain) and $1.25 to $1.50 a round for duty ammunition (62 grain). 5,500 rounds of .223 ammunition were acquired in 2024 with a fiscal impact of $27,676.60.

Every officer that is authorized to carry a rifle on duty must attend a minimum 16-hour CA POST approved rifle instruction course before being authorized to carry the rifle on duty. This course may be administered by Berkeley Police Firearm Instructors or by other POST approved agencies. Tuition for the CA POST approved class is dependent on the hosting agency. If conducted in-house the cost only includes the officer's hourly wage, range fee, and ammunition costs (all vary). Outside agencies charge between $25 to $500 depending on the range location and duration (some classes are 32-hours while POST only requires 16-hours.) Additionally, all officers who are issued a rifle receive specific 8-hour rifle training every two years by POST certified Berkeley Police Department Firearm Instructors.

Typical round count for such classes range between 800 rounds and 1200 rounds per student. Additionally, all officers issued a rifle receive specific 8-hour rifle training every two years by a BPD firearm instructor which constitutes an additional 500 or so rounds per officer.

Maintenance costs vary depending on use over time. Traditionally, various springs and pins need to be replaced every five years and may cost between $3 and $30 per rifle. Other parts such as the barrel and bolt need to be replaced around ten years and range between $150 and $300 per rifle.

Penn Arms 40MM Single Launcher

Penn Arms 40MM single launchers purchased by the department cost $815.00 each. Ongoing cost for Penn Arms single launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Department Firearms Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house; thus, the cost only includes staff time, range fees, and projectile costs, which all vary.

Maintenance costs vary depending on use. Generally, various springs and pins need to be replaced every 5 years which can cost $3 to $30.

Milkor LTL Multi-Launcher

Milkor LTL Multi-Launchers purchased by the department cost $3,950.00 each. The ongoing cost for the Milkor LTL launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Firearm Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house; thus, the cost only includes the officer's hourly wage, range fees, and projectile costs which all vary.

Maintenance costs vary depending on use. Generally, various springs and pins need to be replaced every 5 years which can cost $3 to $30.

FN 303 and FN Pava Impact Projectile

FN 303s purchased by the department cost $800.00 each. Ongoing cost associated with the FN303 launcher should be based on the projectiles used in training and on duty. This will fluctuate based on department trainings, projectile availability and events that unfold in the city and surrounding region.

Every officer authorized to deploy a less lethal launcher must pass a certification course administered by a Berkeley Police Firearm Instructor. The certification class consists of classroom, range qualification and scenario application if the venue allows. This class is largely handled in house; thus, the cost only includes the officer's hourly wage, range fees, and projectile costs which all vary.

Maintenance costs vary depending on use. Generally, O-rings need to be replaced every 3,000 rounds and cost $30 per kit.

Chlorobenzylidene Malononitrile and Oleoresin Capsicum ("tear gas")

The cost for CS canisters ranges from $20.00 to $39.00 per unit. The cost for OC canisters ranges from $36.00 to $44.00 per unit. Training is conducted by a Police Officer Standard Training (POST) certified Berkeley Police chemical agent training officer. The cost of training is staff time.

Remington 700 Rifle

The initial cost to purchase this rifle with its associated components is approximately $10,000 dollars each. Their average life span is 10-years at which time it will likely need to be replaced. Ongoing cost for all firearms should be based on the ammunition used in training and on duty and maintenance. This will fluctuate based on training.

The cost associated with training is the staff time, range fees, and cost of spent ammunition. Special Response Team (SRT) members train once a month and, on average, each member shoots approximately 50-rounds. Currently, there are only 4 members shooting at each training day. This equates to approximately 2,400 rounds of ammunition being fired per year. This does not include special training days or attendance to training schools/classes. A single box of 20-rounds costs approximately $20 dollars or $1 dollar per round. Authorized and trained Berkeley Police armorers service and provide regular maintenance of the rifles. The cost of maintenance is staff time. In 2024, BPD purchased 7,000 rounds at a cost of $10,248.84.

Barrett Model 99 Rifle

The retail cost of the Barrett Model 99 Rifle is approximately $12,500. The Department of Justice provided the Barrett Modell 99 Rifle to the Berkeley Police Department in 2007. The ongoing cost related to this rifle is the cost of ammunition and training.

The ammunition has a retail cost of approximately $6 dollars per bullet; $60 for a box of 10 and $600 for a case of 10 boxes, plus shipping and handling. The cost associated with training is the staff time, range fees, and cost of spent ammunition.

Light/Sound Distraction Device

Diversionary Devices cost approximately $45 per unit. Purchases for these tools are made when inventory becomes low, based upon critical incident usage and Special Response Team trainings that incorporate live devices. In 2024, BPD expects to purchase 20 light/sound diversionary devices.

Only trained and qualified personnel are permitted to deploy diversionary devices. These trained Berkeley Police officers are typically members of the Berkeley Police Department Special Response Team who receive monthly training which includes training in the deployment of diversionary devices. The cost of training is staff time.

Long Range Acoustic Device (LRADS)

The LRAD 450XL and the LRAD 100X were purchased in 2018. The total cost for both the LRADs, rechargeable battery packs and accessories was $49,999. Training is conducted by Berkeley Police personnel who are trained in the use and procedures of the LRAD. The cost to train is staff time.

ReconRobotics Recon Scout XT

The initial cost for the Recon Scout XT robot was about $12,500 per unit in 2010. There are no ongoing costs associated with the use of the Recon Scout XT robot. Being that it is battery operated, there is a nominal cost associated with charging the Recon Scout XT robot's batteries, and the batteries of the OCU (controller).

The Recon Scout XT robot is fairly simple to operate, thus there is no cost associated with training officers in its use. Generally, the Recon Scout XT robot is robust and does not need regular repair or service. The cost of training is staff time.

Andros Remotec HD-1 Hazardous Duty Robot

The Hazardous Duty Robot was purchased in 2008 for $214,496. Being that it is battery operated, there is a nominal cost associated with charging the robot. Maintenance of the Hazardous Duty Robot is conducted by the Berkeley Police Bomb Technicians.

Berkeley Police Bomb Technicians are trained during regular bomb squad training sessions and maintain their skills through training scenarios. The cost of training and maintenance is limited to staff time.

Mobile Command Vehicle

The Mobile Command Vehicle was purchased in 2003 for $230,800. The ongoing cost associated to the MCV is the cost of gasoline and maintenance of the vehicle. Both gasoline and maintenance are received at the City Corporation Yard. Training is conducted in-house, by the Berkeley Police personnel, who are trained in the operation of the vehicle. The training cost is staff time.

The expected useful lifespan of the MCV was 15 years and was eligible for replacement in 2018. A replacement fund for the MCV currently amounts to approximately $368,000. The vehicle is still in functioning, but will need to be replaced in the near future.

11

Office of the City Manager

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: Surveillance Technology Ordinance Submission for Berkeley City Jail Surveillance System

RECOMMENDATION

Adopt a Resolution:

1. Accepting the attached Surveillance Acquisition Report for the Berkeley City Jail Surveillance System, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99.
2. Accepting the attached Surveillance Use Policy: Use of Internal Video Surveillance System (BPD Policy 1306)

CURRENT SITUATION AND ITS EFFECTS

The internal surveillance camera system that is the subject of this request is part of a larger Public Safety Building (PSB) Detention Area Security System Renovation Project. The Berkeley Police Department, with support from the Public Works Department, is currently in the bidding phase of a project to replace the jail control panel and to upgrade and expand the surveillance camera system. Portions of this project are contingent upon City Council approval of both a Surveillance Acquisition Report and a Surveillance Use Policy, as required by Berkeley Municipal Code (BMC) Chapter 2.99. The attached resolution is limited to satisfying the requirements of BMC 2.99 by approving the Surveillance Acquisition Report and Surveillance Use Policy.

BACKGROUND

The Berkeley City Jail, located at 2100 Martin Luther King Jr. Way, was constructed in 2000. The jail is secured using a combination of a control panel, which controls the opening and closing of various entry/exit doors and cell doors, and a surveillance camera system. An operator in the control room monitors the safety of employees and detainees using this control panel system and the surveillance camera system. The current control panel system is 25 years-old, has exceeded its expected service life, and is now obsolete. Similarly, the surveillance camera system is composed of outdated analog and digital cameras, some over two decades old, with many areas of the jail lacking camera coverage. As part of a comprehensive redesign of the jail surveillance system, both the control panel and surveillance camera system require replacement.

The planned expansion will provide full recorded video coverage of the facility and integrate directly with the new control panel system. This resolution is intended to secure the required approvals under BMC 2.99, the City's Surveillance Technology Ordinance.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identified environmental or climate impacts associated with the proposed project.

FISCAL IMPACTS OF RECOMMENDATION

This project was anticipated to originally cost $500,000 and resources were made available to the Public Works Department in the FY2023 Capital Budget. However, due to extended project timelines, in order to implement the surveillance camera system, an additional $250,000 is needed. Given the structural deficit in the General Fund, these resources are not immediately available and the Police Department will need to secure these funds before moving to the construction phase. Public Works will be bringing an item to Council to contract with a vendor following the Request for Proposal process.

RATIONALE FOR RECOMMENDATION

This Resolution will allow the Police Department to proceed with replacing the jail control panel and surveillance camera system. Integration of the upgraded surveillance camera system into the new control panel will enhance safety for both employees and detainees and ensure operational reliability within the Berkeley Jail facility.

ALTERNATIVE ACTIONS CONSIDERED

An alternative to approve the project would be to delay or forgo the replacement of the jail control panel and surveillance camera system. However, this option is not recommended due to significant operational and safety concerns. The current surveillance camera system lacks comprehensive coverage and relies on obsolete technology, limiting the Department's ability to effectively monitor detainee movement, respond to incidents, and ensure accountability. Gaps in video coverage may also expose the City to liability in the event of disputes or critical incidents. Delaying this project would prevent integration of modern surveillance capabilities into the new control panel system, undermining operational efficiency and delaying much needed infrastructure upgrades for the Berkeley Jail.

CONTACT PERSON

Chief Jennifer Louis (510) 981-5700

Attachments:
1: Resolution approving Surveillance Acquisition Report and Surveillance Use Policy for the Berkeley City Jail Surveillance System
2: BPD Policy 1306: Surveillance Use Policy: Use of Internal Video Surveillance System
3: Surveillance Acquisition Report: Berkeley City Jail Surveillance System

RESOLUTION NO. ##,###-N.S.

APPROVING SURVEILLANCE ACQUISITION REPORT AND SURVEILLANCE USE POLICY FOR THE BERKELEY CITY JAIL SURVEILLANCE SYSTEM

WHEREAS, on March 13, 2018, City Council adopted Ordinance NO. 7,592-N.S., the Surveillance Technology Use and Community Safety Ordinance; and

WHEREAS, the Berkeley City Jail has been in operation at 2100 Martin Luther King Junior Blvd. since 2000; and

WHEREAS, Renovation and redesign of the Jail Control Panel and Surveillance System in the Jail has become necessary due to obsolescence of the existing system; and

WHEREAS, the Berkeley Police Department in collaboration with City of Berkeley Public Works undertook a PSB Detention Area Security System Renovation Project; and

WHEREAS, the Surveillance Technology Use and Community Safety Ordinance requires Council review and approval of a Surveillance Acquisition Report describing the proposed surveillance technology; and

WHEREAS, the Surveillance Technology Use and Community Safety Ordinance requires Council review and approval of a Surveillance Use Policy for the proposed surveillance technology; and

WHEREAS, the Berkeley Police Department has submitted the required Surveillance Acquisition Report and Surveillance Use Policy required by the Ordinance; and

WHEREAS, $500,000 has been transferred to Public Works 501 Capital Improvement Fund in support of the PSB Detention Area Security System Renovation Project; and

WHEREAS, additional funding will be requested in the FY 2026 budget process; and

WHEREAS, the Council reviewed these documents has considered and balanced the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Council approves of the Surveillance Acquisition Report Berkeley City Jail Surveillance System and Surveillance Use Policy 1306 and hereby approves of the acquisition and use of this surveillance technology in the Berkeley City Jail.

Surveillance Use Policy: Use of Internal and External Video Surveillance Systems Policy 1306

PURPOSE
This policy provides guidance for the use of City of Berkeley internal and external fixed video and audio security cameras by the Berkeley Police Department.

This policy only applies to fixed, overt, marked internal and external video surveillance systems utilized by the BPD in and on its facilities. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the BPD. Department personnel shall adhere to the requirements covered in this policy.

This Surveillance Use Policy is legally enforceable pursuant to BMC 2.99.

ACCESS AND USE OF RECORDINGS
Only BPD members who have received training on this policy and have been granted access by an authorized administrator may access security camera data. This data may only be accessed to further a legitimate use purpose, as listed in this Policy.

Recordings may be accessed, reviewed, and used by authorized BPD personnel for specific criminal investigations and administrative purposes, for the following purposes:

a. To enhance security and safety for detainees and staff.
b. To support the enforcement of City and Police Department policies and procedures.
c. To prevent, deter, and identify illegal activity in Berkeley Police Department facilities, including the jail.
d. To document interactions involving City employees, detainees, or other individuals to safeguard all parties and address any potential misconduct.

Unauthorized recording, viewing, reproduction, dissemination, or retention of recorded surveillance footage is strictly prohibited.

PROHIBITED USES OF THE SECURITY SYSTEM
The following uses of the security camera system are strictly prohibited:

a. Unauthorized recording, viewing, reproduction, dissemination, or retention of surveillance footage.
b. Intentional use of cameras to invade individual privacy or to observe areas where a reasonable expectation of privacy exists.
c. Use of cameras in a discriminatory or unequal manner, including targeting individuals based on protected characteristics such as race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
d. Use of cameras to harass, intimidate or discriminate against any individual or group.

e. Sharing of surveillance footage or related data with federal immigration enforcement authorities for immigration enforcement, in accordance with the Berkeley Police Department's Immigration Law Policy.

DATA COLLECTION
The cameras will film and store video and audio on encrypted servers. License plate and facial recognition data hardware is not installed on the cameras. The cameras and storage devices shall be wholly owned and operated/maintained by the City of Berkeley.

DATA ACCESS
Access to security cameras data shall be limited to authorized BPD personnel for the purposes described in this policy. Technical assistance may be provided by authorized personnel from the Public Works Department and Department of Information Technology as necessary. Information may also be shared in accordance with the third-party data sharing provisions outlined below.

BPD members seeking access to the video surveillance system shall obtain the approval of the Support Services Captain, or their designee.

Supervisors should monitor camera access and usage to ensure compliance with this policy, all other applicable department policies, and applicable laws. Supervisors should ensure that all access and use is properly documented.

DATA PROTECTION
All data transferred from the cameras and the servers shall be encrypted. Only authorized BPD personnel shall have access to data for the legitimate uses identified in this policy.

All system access including system log-in, access duration, and data access points is trackable and reportable by the authorized system administrator within the Public Works Department. All relevant recordings that are accessed or utilized will be collected in accordance with BPD Policy 802 (Property and Evidence) and retained pursuant to BPD Policy 804 (Records Maintenance and Release).

CIVIL LIBERTIES AND RIGHTS PROTECTION
The Berkeley Police Department is committed to efficient utilization of its resources and services in its public safety endeavors. The Department also recognizes the need to protect ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. Provisions of this policy, including data access, protection, retention, public access, and third-party data sharing serve to protect against any unauthorized use of video and audio security camera data. These procedures ensure that surveillance data is not used in any manner that would violate or infringe upon anyone's civil rights or liberties, including but not limited to actions that may result in disparate or adverse impacts on any communities or groups.

DATA RETENTION
The video and audio security camera system will retain recordings in accordance with our Records Maintenance and Release and Property and Evidence policies. Recordings of incidents involving use of force by a police officer, a detention, arrest, or those relevant to a formal or informal complaint shall be retained for a minimum of two years and one month. Recordings relating to court cases and personnel complaints that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Recordings

associated with administrative or civil proceedings shall be maintained until the matter is fully adjudicated, and then deleted consistent with the Department policy, and any applicable court orders. All other data will be automatically deleted after the retention period by the System Administrator from the Public Works Department.

Any recording identified as evidence in a criminal proceeding shall be copied to an appropriate storage medium and booked into evidence in accordance with current BPD evidence procedures.

PUBLIC ACCESS
Requests for recordings from members of the public or the media shall be processed pursuant to the California Public Records Act and the Records Maintenance and Release policy.

Recordings that are the subject of a court order or subpoena shall be processed in accordance with the Records Maintenance and Release policy and any applicable legal requirements.

THIRD-PARTY DATA-SHARING
Requests for recordings from other law enforcement agencies shall be referred to the Support Services Captain or their designee and may only be released if they serve a legitimate California law enforcement purpose.

Data collected from the security camera system may be shared with:

- The District Attorney's Office for use as evidence in accordance with law governing criminal prosecution, in accordance with laws governing evidence;
- Other law enforcement personnel actively engaged in an active criminal investigation;
- Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

TRAINING
All department members authorized to operate or access the security camera system shall receive appropriate training. Training should include guidance on the use of cameras, associated software, review of this and other relevant BPD policies and procedures, Applicable federal and state laws regarding the use of video surveillance and privacy protections.

AUDITING AND OVERSIGHT
The security camera system software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting purposes. System audits will be conducted by the Office of Strategic Planning and Accountability on a regular basis.

BPD will enforce against prohibited uses of this policy pursuant to the Personnel Complaints policy or other applicable law or policy.

The audit shall be documented in the form of an internal memorandum to the Chief of Police. The memorandum shall include any data inconsistencies or errors found and outline corrective actions taken. After review by the Chief of Police and/or their designee, the memorandum and any associated documentation shall be placed into the Department’s annual report submitted to the City Council in compliance with BMC Section 2.99.020(2), published on the City of Berkeley website, and retained within the Office of Strategic Planning and Accountability.

MAINTENANCE

It shall be the responsibility of the Public Works Department to facilitate and coordinate any updates and required maintenance to ensure continued operation and compliance with this policy.

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

This report is submitted in accordance with Berkeley Municipal Code (BMC) Chapter 2.99 concerning the Acquisition and Use of Surveillance Technology. The Berkeley Police Department is updating the existing Berkeley City Jail Surveillance System.

1. Description (BMC 2.99.020(3)(a))

The Avigilon camera system consists of three main components: the camera, the server, and a remote information management system known as the Avigilon Control Center Client application (ACC).

The first component, the Avigilon camera, is a device that incorporates a video recording from an image. The cameras are affixed within the City of Berkeley Public Safety Building, specifically in the Berkeley Jail hallways and detention cells. Existing cameras in the Jail will be updated, and additional cameras will be installed to enhance safety and coverage. Audio is a standard feature of the camera and will be enabled.





The second component of the system is the server. Once the Avigilon camera captures the imagery, a local device called a server, functions as a repository for the data. Servers are physically secured within the Jail facility and video recordings are stored securely within the City's network. These servers are designed to store footage in real time for later retrieval and analysis. Data is transferred from the server into an information management system, Avigilon Control Center (ACC) application.[1]

[1] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040AB839

Surveillance Acquisition Report: Berkeley City Jail Surveillance System



The third component is the Avigilon Control Center Client application (ACC) which streamlines data management and allows users to access videos on one secure platform. Authorized users of the system can only access data stored on a server through the ACC application. The ACC application is located on the server and accessed solely through the City's secured intranet by protected login credentials and password. The application does not allow users or administrators, the authorized administrator or system users to alter, manipulate, or edit any of the footage recorded by the server.

2. Purpose (BMC 2.99.020(3)(b))

The security cameras will be utilized for the following business purposes:

a. To monitor detainee activity to enhance security and safety for detainees and staff.
b. To support the enforcement of City and Police Department policies and procedures.
c. To prevent, deter, and identify illegal activity in Berkeley Police Department facilities, including the jail.
d. To document interactions involving City employees, detainees, or other individuals to safeguard all parties and address any potential misconduct.

3. Location (BMC 2.99.020(3)(c))

Security cameras encompassed by this report are inside the Berkeley Police Department Jail Facility, located at 2100 Martin Luther King Jr. Way, Berkeley CA 94704 (Public Safety Building).

4. Impact (BMC 2.99.020(3)(d))

The primary purpose of the cameras is described in Section 2, above. The Berkeley Jail and Public Works Department will work to ensure that the video recordings are secured and only accessible to authorized personnel (namely, authorized Jail personnel and managers trained on the uses and data security components of the camera). The Department recognizes the balance between safety and privacy rights

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

in custodial settings. While detainees have a reduced expectation of privacy, the Berkeley Police Department is committed to safeguarding civil liberties and limiting access to recordings as required by law. The camera system lacks the hardware for facial recognition technology. Audio is a standard feature of the cameras and will be enabled to enhance safety.

The Berkeley Police Department Support Services Captain and Public Works Department will ensure responsible data management, transparency, and accountability, including the posting of video surveillance notices within the facility.

5. Mitigation (BMC 2.99.020(3)(e))

A comprehensive Surveillance Use Policy specific to this technology is included, outlining authorized uses, data handling, retention, and oversight, consistent with BMC 2.99.020(4). To minimize privacy risks, all recorded data will be stored in secure, non-publicly accessible locations. Access to the system is restricted to authorized personnel through secure login credentials managed by the City. Audit trails are automatically generated to log all system access and activity.

Data will not be used to unlawfully discriminate based on protected characteristics. Additionally, recordings will not be scanned, searched, or analyzed for the purpose of identifying individuals based on any such characteristics. Use of facial recognition technology is explicitly prohibited.

Employees are prohibited from retaining, duplicating, or distributing recordings except for legitimate law enforcement or administrative purposes as outlined in the Department's Surveillance Use Policy.

The camera system complies with applicable laws including BMC Chapter 2.99 related to surveillance data handling. Signage will be posted to provide notice of surveillance operations within the facility.

6. Data Types and Sources (BMC 2.99.020(3)(f))

The camera system's use is limited to capturing video and audio recordings affixed within the Berkeley Jail. The camera system collects video recordings in high-resolution imagery that is stored securely on a local server and accessible by authorized users through the ACC application. As video images are recorded, the ACC application automatically stamps the video with the current date/time and the camera's identity.

7. Data Security (BMC 2.99.020(3)(g))

External users will not have access to the ACC application. The authorized administrator and designated staff will have access to video recordings. To gain system access, staff must obtain approval from system management. Authorized users will access the ACC application via a single sign-on and password administered by Information Technology. All system access including system log-in, access duration, and

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

data access points are accessible and trackable by the Berkeley Jail and Public Works authorized administrator. The application prohibits the authorized administrator and users from altering, manipulating, tampering with, or editing video recordings.

The Public Works Director or their designee shall appoint a member of the department as the authorized administrator to coordinate the use and maintenance of the camera system and the storage of recordings, including:

1. Establishing a system for downloading, storing, and securing recordings.
2. Designating personnel responsible for downloading recorded data.
3. Establishing a maintenance system to ensure the working order of surveillance cameras.
4. Monitoring the system to prevent tampering, deleting, and copying recordings.
5. Working in alignment with the State of California record retention policy, AB 839, to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
6. Maintaining audit trails of all system access to video recording files, wherein access information for each file is logged using a secure log-in system. The ACC application associates an audit trail record with each user access information, thereby logging the date, time, username, and activity occurring during each video recording file access.

8. Fiscal Impact (BMC 2.99.020(3)(h))

Costs (fixed and ongoing) for the purchase and installation of the cameras are below. All camera servers are owned and maintained by the City of Berkeley.

Purchase and Installation Costs: $250,000.00. The annual anticipated maintenance and other ongoing costs, including compliance and other reporting and oversight requirements, is approx. $15,000.

9. Third Party Dependence and Access (BMC 2.99.020(3)(i))

Camera data is accessed by a secure network login and password and stored on servers located in the Jail and maintained by the Department of Information Technology. No third party has access to stored data. However, the ACC platform is a proprietary technology which requires all the components (camera, software, and server) to be part of the Avigilon suite.

10. Alternatives (BMC 2.99.020(3)(j))

Elect not to upgrade the existing camera system and forgo the added safety and coverage benefits provided by the new cameras.

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

11. Experience of Other Entities (BMC 2.99.020(3)(k))

Security camera systems are standard in jail facilities throughout California and the United States. They are widely used to maintain staff and detainee safety and to ensure accountability within the custodial setting.

12

Mental Health Commission

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Mental Health Commission

Submitted by: Ajay Krishnan, Chairperson, Mental Health Commission

Subject: Appointment of Ian Hunt to the Mental Health Commission

RECOMMENDATION
Adopt a resolution approving the recommendation for appointment of Ian Hunt to the Mental Health Commission. Mr. Hunt will represent the Special Interest Category (consumer), beginning a 3-year term on July 23, 2025, ending on July 22, 2028.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently three vacancies on the Commission. The Mental Health Commission is actively seeking candidates with the ability to fulfill the state law duties for Commissioners, including reviewing and evaluating the community's needs, services, facilities and special problems.

Approval of the recommended action will fill a vacancy and allow the Commission to move one step closer to having a full complement of commissioners to review and evaluate the community's mental health needs, resources and programs.

BACKGROUND
California State law requires that appointments to the Mental Health Commission meet specific categories, who may serve up to nine years consecutively. Ian Hunt meets the category of special interest, Consumer. The special interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty percent, or seven, of the commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

The Mental Health Commission recommends Ian Hunt as a representative of the special interest appointment on the Mental Health Commission for the city of Berkeley for a three-year term. Ian Hunt is a former recipient of critical mental

health services and has been a resident of Berkeley since 2019. He has been involved in housing services, substance abuse and harm reduction support.

Mr. Hunt states that drug abuse resulting in homelessness is an important mental health issue in Berkeley and providing accessible service can make a difference. He can provide insight and knowledge to the commission by sharing his unique personal lived experience.

The Mental Health Commission passed the following motions at the April 30, 2025, Special meeting:

Interview and vote for new applicant – Ian Hunt

> **M/S/C (Gu, Turner) Motion to accept Ian Hunt as a special interest, consumer applicant to send to city council**
> **PASSED**
> **Ayes:** Gu, Opton, Sol, Teague, Turner; **Noes:** None; **Abstentions:** None; **Absent:** Jones, Krishnan, Tregub, Prichett

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
Approval of the recommended action will allow the Mental Health Commission to move one step closer to having a full complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

ALTERNATIVE ACTIONS CONSIDERED
None

CITY MANAGER
The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON
Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

Attachments:
1: Resolution

RESOLUTION NO. ##,###-N.S.

APPOINTMENT OF IAN HUNT TO THE MENTAL HEALTH COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee),* seven special public interest appointments, and five public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Ian Hunt has been involved in receiving services in the City of Berkeley for mental health needs and supporting community members; and

WHEREAS, The Mental Health Commission at its April 30, 2025, Special meeting recommended the appointment of Ian Hunt.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints Ian Hunt as a representative of the Special Interest category, (consumer) to complete his first term ending July 22, 2028.

13

From: Chief Jen Louis, Berkeley Police Department
Co-signed by: Chair Josh Cayetano, Police Accountability Board
Date: May 5, 2025
To: Berkeley City Council Public Safety Policy Committee
Subject: Fair & Impartial Policing (FIP) — Final Status and Recommendation

The work of Mayor Arreguin's Fair and Impartial Policing (FIP) Task Force represents a significant commitment by the City of Berkeley to foster greater trust, equity, and accountability in policing within our community. In 2021, following the foundational work of FIP Task Force, the Berkeley City Council approved a comprehensive package encompassing 14 key recommendations designed to achieve these goals. We are pleased to report that over the past four years the Berkeley Police Department (BPD) has implemented the council-approved FIP recommendations. This process involved regular quarterly updates from BPD and concluded with a thorough review by the Police Accountability Board (PAB). Furthermore, all related datasets now appear on the Transparency Hub, giving the PAB, Council, and the community continuous access to data for effective oversight.

Qualified Positive Recommendation

BPD and PAB jointly **request the Public Safety Policy Committee make a qualified positive recommendation** of the PAB's item for the following policy areas already incorporated into day-to-day operations:

PAB Recommendation	Refined Action
1. Three-prong approach	Maintain the current traffic safety approach, which has led to a measurable decline in equipment-based stops and improved equity in stop outcomes across demographic groups
2. Evidence-based stops	Require evidence-based stops that meet reasonable-suspicion standards and rely on precision-policing data.
3. Enhanced implicit bias training	Continue to prioritize ABLE, KIND and CIT training for departmental personnel.
4. Early Intervention System (EIS)	Finish deploying the Benchmark Analytics Early Intervention System within the calendar year and prioritize revising BPD Policy 1041, Early Warning System.
8. Business cards	Continue issuing business cards that list commendation and complaint options.
9. Resources on police-civilian encounters	Continue to post links to ACLU guidance on police-civilian interactions through existing city webpages.
(To council) **3. Require BPD to report biannually**	Include in BPD's Annual Report a data-driven analysis of traffic enforcement, including moving and equipment violations. This analysis will support departmental reporting on collision data and serve as a measure of effectiveness, in line with BPD's commitment to ensuring our enforcement efforts are fair and impartial.

Additional Points

- **Transparency is permanent.** Stop and search metrics refresh daily online via the Department's Transparency Hub without staff intervention, providing timely transparency. As such, additional written updates through this process are no longer necessary.
- **Enforcement focus:** Guided by Fair and Impartial Policing principles and data analysis, BPD's enforcement efforts increasingly prioritize actions directly addressing public safety needs. The PAB's charter-defined oversight responsibilities play a key role in ensuring this focus remains consistent and equitable.
- **Collaboration continues.** BPD and PAB maintain regular communication and operate within the collaborative framework established by the City Charter. Either party may initiate dialogue on emerging or ongoing issues. With the conclusion of the FIP implementation reporting, no additional standing reporting cycle is proposed at this time; however, routine collaboration between the parties will continue as part of standard practice.

Closing the FIP Task-Force Item

The core principles of fair and impartial policing have been fundamentally integrated into the Department's ongoing policies, training, and operational practices. These practices reflect a sustained, department-wide commitment to equity and accountability. Given this progress, and in recognition of the collaborative work already achieved, we jointly recommend that the PSPC make a qualified positive recommendation on the PAB-endorsed items, issue negative recommendations on the remaining proposals, and advise the City Council to formally close the FIP item as a concluded policy initiative.

Thank you for the opportunity to streamline this material for Council review and consideration.

Respectfully

J Louis

Chief Jennifer Louis
Berkeley Police Department

Joshua Cayetano

Joshua Cayetano, Chair
Police Accountability Board

Berkeley Police Department Memorandum

From: Chief Jen Louis

Date: 2/18/2025

To: Berkeley City Council Public Safety Policy Committee

Subject: Berkeley Police Department Response to the Police Accountability Board's 2024 Fair and Impartial Policing Implementation Report

On February 23, 2021, City Council approved recommendations submitted by then-Mayor Arreguin's Fair and Impartial Policing taskforce. Since that decision, the department began reporting quarterly to Council, offering detailed updates as recommendations advanced from initial planning to completion. Today, we provide substantial, near real-time data on our FIP efforts through the Transparency Hub and deliver a comprehensive account in our annual report. The Department is proud to have fully implemented the fourteens recommendations assigned by Council. Our commitment to transparent, fair, and impartial public safety remains unwavering.

This correspondence serves as a formal response to the Public Safety Policy Committee regarding the PAB's 2024 FIP Implementation Report. Please note that we submitted a direct response to both the Director of Police Accountability (DPA) and PAB when we first received the report in April 2024. We appreciate the opportunity to clarify our progress and address specific recommendations as we continue our work to ensure that policing in Berkeley remains fair, equitable, and effective.

Below is a detailed response organized by the categories of recommendations:

Recommendations to the Berkeley Police Department

Three-Prong Approach to Traffic Safety

PAB Recommendation:

- Adopt a definition of low-level traffic infractions consistent with SB 50.
- Specify the mode of the party at fault within the Primary Collision Factors prong.
- Define which unsafe driving calls merit a police response based on the fact that 13% of community calls result in a citation or arrest.
- Provide more concrete guidelines for the Community Caretaking prong, rooted in local data about severe collisions—or eliminate it if it remains too vague.
- Include data in future updates showing whether this approach reduces low-level stops and narrows racial disparities.

BPD Response:

Since implementing our Three-Pronged Traffic Enforcement model, we have decreased equipment violation stops by 21% between 2022 and 2023 and reduced disparities in all discretionary vehicle stops. Notably, the percentage of discretionary equipment violation stops involving Black individuals has declined from 29.49% in 2021 to 20.93% in 2023. While we remain open to future adjustments, we believe that our data-driven approach merits continued evaluation over time as we collect further evidence on its impact.

Berkeley Police Department Memorandum

Evidence-Based Definition for Stops of Criminal Suspects

PAB Recommendation:

- Establish an evidence-based definition for stops of criminal suspects and explain how precision-based policing, feedback loops, and accountability measures support this goal.

BPD Response:

Our department has long maintained that stops occur only when there is reasonable suspicion that a crime has been committed—a standard that is essential to protecting constitutional rights and maintaining public trust. We utilize precision-based policing by directing resources to high-need areas identified via crime trend analysis, coupled with robust feedback loops and regular reviews. This continuous, evidence-driven process ensures that our stops of criminal suspects, as well as traffic stops under our three-prong approach, adhere to the highest legal and ethical standards.

Enhanced Implicit Bias Training

PAB Recommendation:

- Ensure that BPD personnel receive intensive annual training dedicated to implicit bias.

BPD Response:

BPD continues to exceed the Council's directives through our comprehensive "KIND" training program, which integrates principles of Constitutional, Humane, Impartial, Neighborhood and Community Oriented, and DEI-Centered responses into all facets of officer training—from tactics and de-escalation to communication. Our policies also mandate strict accountability for any biased conduct. We remain committed to fostering a work environment that minimizes bias and upholds public trust.

Early Intervention System (EIS)

PAB Recommendation:

- Focus EIS audits on officers with notable racial disparity indicators, assign a PAB observer, and ensure transparent audit findings.

BPD Response:

BPD is actively collaborating with both the PAB and the Berkeley Police Association on the procurement and implementation of a state-of-the-art Early Intervention System developed by Benchmark Analytics. In February 2025, the department finalized a contract with Benchmark and began implementation. The system will continuously monitor 91 officer/incident variables—including incident context, sequence of events, behavioral patterns, and peer comparisons—to provide a nuanced assessment of officer performance. We look forward to refining our practices in consultation with PAB experts as this system is integrated.

Berkeley Police Department Memorandum

Written Consent Searches

PAB Recommendation:

- Include in future FIP updates the number of consent searches and their effects on racial disparities.

BPD Response:

This recommendation has been fulfilled. Our current reporting on the Transparency Hub's dashboards and open data portal as well as in our Annual Report includes data on consent searches. Academic standards favor yield rate ratios as a more appropriate measure for evaluating biased decision-making. Accordingly, we do not plan to expand our reporting on this item further.

Warrantless Searches of People on Supervised Release

PAB Recommendation:

- Report on changes in search and arrest rates for individuals on supervised release under Policy 311.6, including any racial disparities.

BPD Response:

This recommendation is already fulfilled. Data on parole/probation searches is tracked and publicly available as part of our RIPA stop data that we publish and update daily on the Transparency Hub. No additional reporting is planned on this matter.

Profiling by Proxy

PAB Recommendation:

- Provide details on dispatcher guidance regarding profiling by proxy and evidence that these protocols have curtailed racial bias in responses.

BPD Response:

Our existing protocols as documented in the Communications Center Operations Manual and Policies 401 and 1105.5 address profiling by proxy. Given that it is generally impossible to discern the race of a 911 caller in most scenarios, the overall departmental training efforts related to implicit bias and other KIND training, we do not anticipate expanding training or protocols on this topic.

Business Cards

PAB Recommendation:

- Ensure that business cards are distributed as mandated by the Council directive.

BPD Response:

This recommendation has been fulfilled. Business cards containing information on how to submit a complaint and other relevant resources are in active circulation.

Berkeley Police Department Memorandum

RAHEEM.org

PAB Recommendation:

- Make resources on police-civilian encounters publicly available on the department's website, directly the public to a platform such as RAHEEM.org.

BPD Response:

The Department completed this recommendation early in the implementation process, providing a direct link on our City of Berkeley webpage Make a Commendation or Complaint | City of Berkeley to the American Civil Liberties Union (ACLU) page Know Your Rights | Stopped by Police | ACLU

The decision was intentional, to link to an organization that is internationally recognized, that has been in existence since the 1920's, and is made up of "more than 1.1 million members, 500 staff attorneys, thousands of volunteer attorneys, and offices throughout the nation, the ACLU of today continues to fight government abuse and to vigorously defend individual freedoms including speech and religion, a woman's right to choose, the right to due process, citizens' rights to privacy and much more."

While we appreciate the continued suggestion of RAHEEM.org, that organization has been discredited as a fraudulent site (as noted in a number of New York Times articles, with the first appearing on August 25, 2024, as well as a November 2025 Washington Post article on the DC attorney general's office lawsuit for fraud).

Information on submitting complaints is printed on our business cards and is also prominently posted on the city's website at multiple locations.

Additional Considerations

We would like to reiterate that BPD has fulfilled all 14 FIP recommendations that were assigned to the department. These reforms have involved significant policy changes, resulting in fewer stops, balanced search yields, and ongoing updates on our Transparency Hub. Although the PAB report restates several recommendations, we note that many proposed measures—such as additional data collection (e.g., the race of 911 callers) and direct oversight of training—exceed the PAB's stated Charter direction or rely on data that is not feasibly collectible.

Our reforms rest on robust data collection and continuous evaluation and ensure that our practices maintain the highest legal and ethical standards. Our training needs are continuously driven by legal mandates, timely legal updates, data analysis, audits, and early intervention efforts. These mechanisms ensure that we are providing training exactly where it is needed. Currently, our assessments show that our existing training adequately addresses these standards and no additional training measures regarding stay-away orders are warranted at this time. For instance, nearly every officer has completed a 40-hour Crisis Intervention Training course, and our Annual Report already provides evidence-based metrics on implicit bias and racial disparities.

Furthermore, while the report acknowledges external factors driving racial disparities, it continues to hold BPD fully accountable for outcomes influenced by broader social issues. We believe a collaborative approach that recognizes both department-level initiatives (such as our new Early Intervention System and rigorous evidence-based analyses of officer behavior) and the larger social context is necessary to achieve lasting change.

Berkeley Police Department
Memorandum

Conclusion

The Berkeley Police Department remains fully committed to fair and impartial policing. We value our ongoing collaboration with the Police Accountability Board and the Public Safety Policy Committee. Our reforms—ranging from the Three-Pronged Traffic Enforcement model to comprehensive KIND training and the upcoming Early Intervention System—demonstrate our dedication to continuous improvement and community trust.

Thank you for the opportunity to provide this follow-up response. We look forward to continued dialogue and collaboration to ensure that Berkeley's policing reflects our shared commitment to justice and equity.

Cc:

Paul Buddenhagen, City Manager

Hansel Aguilar, Director of Police Accountability

Josh Cayetano, Police Accountability Board Chair

Mark Numainville, City Clerk

CONSENT CALENDAR

July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Police Accountability Board

Submitted by: Hansel A. Aguilar, Director of Police Accountability

Subject: Police Accountability Board Report: Fair and Impartial Policing Implementation

RECOMMENDATION

Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:

Recommendations to the Berkeley Police Department

1. Three-prong approach.
    a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted.
    b. Primary Collision Factors: This prong should specify the mode of the party at fault.
    c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report.
    d. Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.
    e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong

approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach's impact on reducing racial disparities in traffic stops.

2. Evidence-based definition for stops of criminal suspects:
    a. Establish an evidence-based definition for stops of criminal suspects.
    b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects.
3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias.
4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality.
5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation.
6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them.
7. Profiling by proxy: Future BPD updates should specify what instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service.
8. Business cards: Ensure that business cards are distributed as mandated by the Council directive.
9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

Recommendations to the Police Accountability Board

1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training.
2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.

Recommendations to the Berkeley City Council

1. Establish metrics to assess the success of implementing FIP directives. Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives.
2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented.
3. Require BPD to report biannually on:
    a. Traffic stops by each prong of their 3-prong framework and by race within each prong.
    b. Stop, search, and arrest data by probation/parole status and race.
    c. Calls for service by the race of the reporter and reportee.

POLICY COMMITTEE RECOMMENDATION

On May 8, 2025, the Public Safety Policy Committee adopted the following action: M/S/C (Blackaby/Kesarwani) to send item to City Council with a qualified positive recommendation highlighting the refined actions agreed upon by PAB and BPD as captured in their joint letter, and to close the Fair and Impartial Policing (FIP) Task Force referral from the February 23, 2021 City Council meeting, with the understanding that the specific recommendations in that referral have been completed, although work on fair and impartial policing will continue.
Vote: All Ayes.

SUMMARY

This report formally assesses the Berkeley Police Department's (BPD) progress in implementing the Fair and Impartial Policing (FIP) directives adopted by the Berkeley City Council in February 2021. The Mayor’s Working Group developed these directives on Fair and Impartial Policing following two years of consultations with experts and BPD representatives. The directives were established in response to findings in the 2018 Center for Policing Equity (CPE) report, which identified significant racial disparities in BPD's stops, arrests, and searches, particularly affecting Black and Latino/a individuals.

The report includes an analysis of BPD's efforts to implement the FIP policies, focusing on whether these efforts have successfully reduced racial disparities in policing practices. It acknowledges the BPD's progress in certain areas, such as a slight reduction in racial disparities in vehicle stops. Still, it highlights concern regarding the increase in disparities in pedestrian stops and the ongoing pronounced disparities in arrests and searches.

The PAB initially submitted this report to the City Council for presentation at the October 15, 2024 Regular Meeting. During the PAB meeting on September 25, 2024, the PAB

voted to request the withdrawal of the item[1], a request that was granted by the Agenda and Rules Committee on September 30, 2024.[2] Notable findings of this report include, but are not limited to:

- The BPD has completed the implementation of some FIP Council directives, establishing implementation programs for others, and appears not to have begun implementing some directives.
- Racial disparities in vehicle stops by the BPD have decreased slightly since the CPE report but remain high.
- Racial disparities in pedestrian stops have substantially increased.
- Racial disparities in arrests and searches remain pronounced.
- Consent searches have decreased, but racial disparities in consent searches remain high.
- The percentage of stops for equipment and other non-safety-related infractions declined from 24.8% of all traffic stops in 2022 to 19% in 2023.
- A full Early Intervention and Risk Management System is in the very early stages.
- Enhanced implicit bias training has not yet begun.

Recommendations include, but are not limited to:

- The BPD's quarterly reports on the implementation of FIP should focus on policy modifications and outcomes, specifically whether and how those policy reforms have impacted racial disparities.
- The three-pronged approach to traffic enforcement should be reviewed and further oriented towards reducing low-level, non-safety-related stops.
- As per the Council's FIP directive, annual enhanced implicit bias training should be institutionalized.

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[1] The motion carried with 6 ayes in favor, 0 noes, and 2 PAB members absent. Police Accountability Board Regular Meeting Minutes for September 25, 2024: [link]
[2] Berkeley City Council Agenda and Rules Committee Special Meeting Minutes for September 30, 2024: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/09-30%20Minutes%20-%20Agenda%20Committee.pdf

- A full Early Intervention and Risk Management System should be adopted as soon as possible. In the meantime, random audits of officers should be replaced with targeted audits of "outliers."

- Full accountability must be ensured for officers whose speech or behavior demonstrates racial animus or other bias and "damages the mission" of the Berkeley Police Department.

FISCAL IMPACTS OF RECOMMENDATION

Implementing the PAB's recommendations will incur costs related to staff time, technology requirements, and maintenance of such technology.

CURRENT SITUATION AND ITS EFFECTS

On February 23, 2021, the Berkeley City Council unanimously approved a set of policy recommendations submitted by the Mayor's Working Group on Fair and Impartial Policing (FIP). As part of this decision, the Police Review Commission (PRC) and its successor, the Police Accountability Board (PAB), were tasked with monitoring and evaluating the Berkeley Police Department's (BPD) implementation of FIP directives. These directives require the BPD to provide quarterly updates to the City Council on the progress of their implementation. To comply with the Council Directive, the Police Accountability Board established a subcommittee on August 4, 2021, to monitor the progress of these reports.

BACKGROUND

The purpose of the PAB is to promote public trust through independent, objective civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and offer a means for prompt, impartial, and fair investigations of complaints brought by members of the public against sworn employees of the Berkeley Police Department.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with this report.

RATIONALE FOR RECOMMENDATION

The PAB presents these recommendations to the BPD, the PAB, and the City Council, aiming to enhance the progress made in implementing the FIP recommendations, ensure that all directives are fully addressed, and set the expectation that future BPD updates include an analysis of racial disparity outcomes.

CONTACT PERSON

Hansel A. Aguilar, Director of Police Accountability, Office of the Director of Police Accountability (510) 981-4950

Attachments:

1: Police Accountability Board Report: Fair and Impartial Policing Implementation

2024

Police Accountability Board Report: Fair and Impartial Policing Implementation



Approved* by the Police Accountability Board on April 24, 2024

*(6 Aye Votes and 1 Nay Vote)

Meeting Link:
https://tinyurl.com/PAB-FIP-Report-Approval

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Introduction

On February 23, 2021, the Berkeley City Council (City Council or Council) unanimously passed the package of policy recommendations that the Mayor's Working Group on Fair and Impartial Policing (FIP) forwarded to City Council after two years of meetings with experts and Berkeley Police Department (BPD) representatives (See Attachments 1 and 2). As part of that package, the Police Review Commission (PRC) and its successor the Police Accountability Board (PAB) were assigned responsibility for "monitoring and assessing" BPD implementation of the FIP directives. The directives included a requirement for quarterly updates from the BPD to City Council on implementation progress. A chart summarizing the BPD updates from June 2021 to October 2023 is provided in Attachment 3.

The goal of the Mayor's Fair and Impartial Working Group was to discuss ways to address racial disparities in BPD stops, arrests, and searches, as presented to the Berkeley community in the 2018 Center for Policing Equity (CPE) report[1] commissioned by the Council. That report found that, given the city's population demographics, Black motorists were 6.5 times more likely to be stopped by Berkeley police than White motorists and that Black pedestrians were 4.5 times more likely to be stopped than White pedestrians.

The PAB recognizes the ongoing efforts taken by the BPD to implement the Fair and Impartial Policing mandates, as represented in the quarterly updates from Chief Louis. This PAB report, submitted pursuant to the PAB's directive to monitor FIP implementation, is an independent assessment of progress to date. The focus of this assessment is not only on BPD changes in written policy, but also on whether progress has been made in reducing racial disparities in BPD stops, arrests, and searches.

[1] Center for Policing Equity. *The Science of Justice: Berkeley Police Department, National Justice Database City Report*. May 2018. https://berkeleyca.gov/sites/default/files/documents/Berkeley-CPE-Report-May-2018.pdf

Before proceeding, it is important to note that a finding of racial disparities does not, by that fact alone, indicate racial bias among individual police officers or the institution. Disparity is not synonymous with bias or discrimination. A measurement of racial disparity simply indicates an inequality or disproportion among or between various races on a particular variable (such as police stops), whatever the source of that inequality. Bias, on the other hand, can be defined as individual or institutional prejudice against a particular group, which may lead to disparities. This report focuses on racial disparities, as did the Mayor's Working Group on Fair and Impartial Policing and City Council's directives. Several factors may account for such disparities. These factors include, but are not limited to, socio-economic inequalities associated with race; cultural factors; institutional decision making; and, finally, individual officer bias. These factors may act independently of each other or in interaction with each other, amplifying their potential impact. It is not our goal to untangle the complex web of factors responsible for those disparities, nor is it within the scope of our work--or our ability, given data and resource limitations--to do so. Instead, the goal is to establish policies and practices that have the potential to reduce disparities and curtail the impact of any potential bias.

Key findings include, but are not limited to:

- The BPD has completed implementation of some FIP Council directives, is in the process of establishing implementation programs for other FIP directives, and appears not to have begun implementation of others.
- Racial disparities in vehicle stops by the BPD have decreased slightly since the CPE report, but remain high
- Racial disparities in pedestrian stops have substantially increased
- Racial disparities in arrests and searches continue to be pronounced
- The number of consent searches has decreased, but racial disparities in consent searches remain high

- The percentage of stops for equipment and other non-safety related infractions declined from 24.8% of all traffic stops in 2022 to 19% in 2023
- A full Early Intervention and Risk Management System is in very early stages
- Enhanced implicit bias training has not begun

Recommendations include, but are not limited to:

- The BPD quarterly reports on implementation of FIP should focus not only on policy modifications, but on outcomes, specifically the issue of whether and how those policy reforms have impacted racial disparities
- The three-pronged approach to traffic enforcement should be reviewed and further oriented towards reducing low-level, non-safety related stops
- Annual enhanced implicit bias training should be institutionalized, as per the Council's FIP directive
- A full Early Intervention and Risk Management System should be adopted as soon as possible. In the meantime, random audits of officers should be replaced by targeted audits of "outliers"
- Full accountability must be ensured for officers whose speech or behavior demonstrates racial animus or other bias and "damage[s] the mission… of the Berkeley Police Department"

Our report begins with recent statistics on stops, arrests, and searches. As we will see, a pattern of racial disparities remains since the CPE issued its report in 2018. While the racial disparity in vehicle stops has fallen slightly, racial disparities in pedestrian stops has increased substantially. The fact of racial disparities is not an abstract or academic issue. Racial disparities in policing have a serious impact on the lives of many Black and Latino/a people.

The report then includes a discussion of the status of BPD's implementation efforts, as well as questions that emerge from Chief Louis's quarterly updates[2]. We conclude with recommendations for the BPD, the PAB, and the Council, with the goal of more effectively addressing racial disparities.

Related to the issue of the meaning of disparities, the BPD presented their Annual Report to City Council on March 12, 2024. As part of that report, they included "tests for bias" in traffic stops, searches, and use of force. We have examined the analyses presented in that report and note several fundamental challenges to their conclusion that BPD traffic stops, searches, and use of force are "race-neutral." See Appendix 1 for a brief discussion of the PAB's concerns with the BPD analysis.

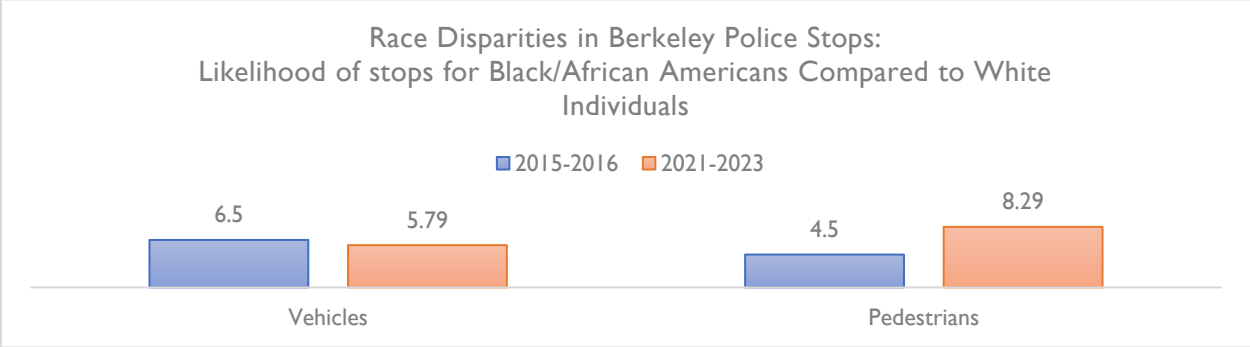
Fair and Impartial Policing Statistical Profile

The BPD data that were derived from the Department's Transparency Hub and analyzed by the ODPA and the PAB reveal little progress in reducing racial disparities in stops since the CPE report was released in 2018. That report showed that for the period 2012-2016, Black motorists were 6.5 times more likely to be stopped than White motorists based on Berkeley demographics, and Black pedestrians in 2015-2016 were 4.5 more likely to be stopped than White pedestrians.

[2] In addition to direction to the Berkeley Police Department to implement reforms, the February 2021 City Council action included referral of some FIP recommendations to the public safety reimagining process, and others to be "taken up by the PAB". This report does not address recommendations that were referred to the reimagining process. The report substantively addresses one of the three recommendations referred to the PAB (annual implicit bias training).

Berkeley Police Department statistics show that from April 1, 2021 to October 31, 2023[3], of the 13,620 stops of bicyclists, motorists and pedestrians, 45.73% were White individuals, 44.77% were Black individuals, and 20.81% were Latino/a individuals.[4] Based on Berkeley population figures[5], Black motorists were 5.8 times more likely to be stopped by Berkeley police than White motorists. The racial disparity has worsened for pedestrian stops, with Black pedestrians now 8.3 times more likely to be stopped than White pedestrians.[6]

Figure 1 Likelihood of stops for Black/African Americans Compared to White Individuals



[3] The April 1, 2021 date was chosen in consideration of the fact that the FIP directives were issued by Council on February 23, 2021. The end date of October 31, 2023 was used because we initiated this analysis in December 2023 and used the data then available. October 3, 2023 was the date of the last full quarterly update from the BPD. Unless otherwise noted, the data in this report covers the period from April 1, 2021 to October 31, 2023.

[4] Occasionally, small differences will appear in the data presented here and those in the BPD Transparency Hub. These differences, which are minor and do not affect the percentages or ratios reported, are due to periodic data updates or modifications made in the BPD Transparency Hub. All the analyses reported are derived from data in our "Data Notebook" which is available in Appendix 2.

[5] Population data sources from U.S. Census Bureau, American Community Survey (ACS) 1-Year Estimates Data Profiles, Table DP05 (2022).: https://data.census.gov/table/ACSDP5Y2022.DP05?g=040XX00US06_160XX00US0606000&tid=ACSDP5Y2022.DP05

[6] In order to calculate the greater likelihood of Black motorists or pedestrians being stopped than White individuals, we divided the number of stops of each race/ethnicity by their numbers in the Berkeley population.

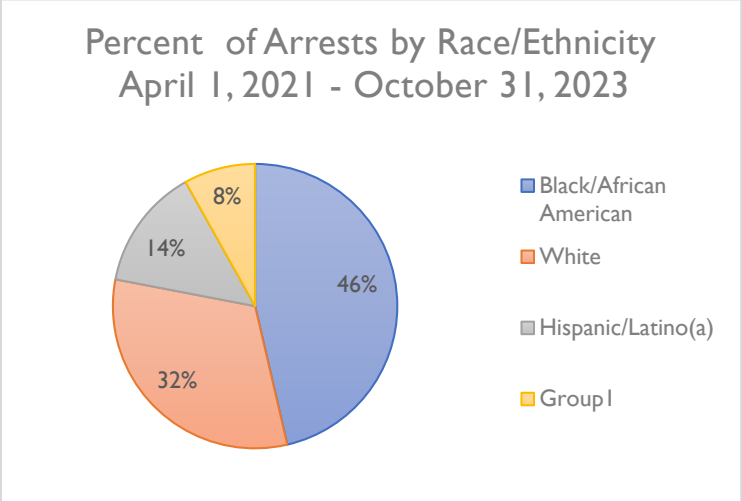
Looking at overall stop data for Berkeley residents only, a significant racial disparity persists. Black people residing in Berkeley were 6.55 times as likely to be stopped as their White counterparts. The Table below shows the absolute number of bicycle, pedestrian and vehicle stops, by race, for residents and non-residents of Berkeley.

Table 1 Number of Stops of Non-Berkeley Residents vs. Berkeley Residents by Race/Ethnicity.

Race/Ethnicity	Stops of Non-Berkeley Residents, 2021-2023	Stops of Berkeley Residents, 2021-2023
Black	1615	2814
Hispanic/Latino(a)	1212	955
White	1626	3112
Other	1109	1177
Total	5562	8058

With respect to arrests, of 2,202 arrests in this period, Black people were 50.47 percent of the total, White people 34.45 percent, and Latino/as 15.08 percent. This means that, based on population figures, Black people were 10.4 times as likely to be arrested as White people in Berkeley, and Latinos were twice as likely. Looking at these data a different way, Black people were 6.47 times more likely to be arrested than their population would suggest, White people were .62 times less likely, and Latino/as 1.25 times more likely to arrested.

Figure 2 Percent of Arrest by Race/Ethnicity (April 1, 2021 to October 31, 2023)



The Table below shows the absolute number of arrests by race.

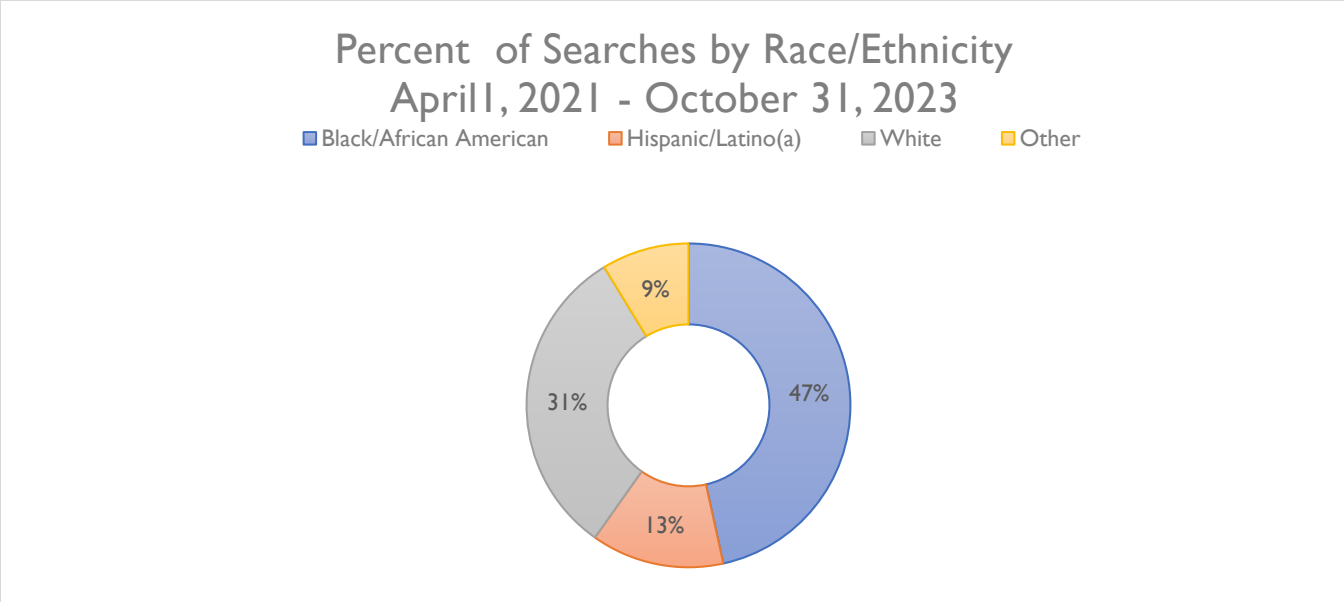
Table 2 Number of Arrest by Race/Ethnicity for Reporting Period.

Race/Ethnicity	Number of Arrests
Black	1021
Hispanic/Latino(a)	305
White	697
Other	179
Grand Total	2202

With regard to searches, of the 2,421 searches conducted by the BPD during the period of April 1, 2021 to October 31, 2023, Black individuals were 46.55 percent of the total, White individuals were 31.47 percent, and Latino/as were 13.26 percent. This indicates that Black individuals were 10.5 times more likely to be searched compared to White individuals, while Latino individuals were 1.9

times more likely.[7] Alternatively, Black individuals were 5.97 times more likely to be searched than expected based on their population representation, White individuals were 0.57 times less likely, and Latino/as were 1.10 times more likely.

Figure 3 Percent of Searches by Race/Ethnicity (April 1, 2021 - October 31, 2023)



Policy and Practices Directive and Reforms

Reducing stops for low-level infractions and focusing on safety in traffic stops.

The FIP recommendation regarding traffic stops was to "prioritize safety in traffic stops" and "discontinue stops for minor offenses." The FIP Working Group saw this as a way to reduce racial disparities and eliminate pretextual traffic stops. The motion approved by the City Council was to "Implement a new evidence-based traffic enforcement model that emphasizes safety as the primary reason for traffic stops, rather than merely addressing minor offenses." Neither the Mayor's Working Group nor the Council provided a clear definition of "minor

[7] Similar to our calculations for stops and arrests, to determine the greater likelihood of Black and Latino/a individuals than White individuals to be searched, we divided the number of searches of Black, Latino/a and White individuals by their respective numbers in the population.

offenses." The PAB recommends that the BPD adopt the definition utilized in Senate Bill 50, as outlined in the footnote below.[8]

The BPD is using a 3-pronged approach to traffic safety ("Primary Collision Factors"; "Community Reports"; and "Community Caretaking") to fulfill the Council directive (See Attachment 4 for BPD Special Order 1106.2). Quarterly BPD updates report that implementation of this recommendation is complete.

The first prong of BPD's three-pronged approach, known as "Primary Collision Factors" or PCF, is generally excellent and data-driven at the local level. This prong consists of factors that commonly lead to fatal or severe collisions in Berkeley, including unsafe speed, disregarding pedestrian right-of-way at crosswalks, failure to yield for turns, red light violations, and stop sign violations.

One important update to this prong would be to specify not only the violation but also the mode of the party at fault (e.g., stop sign violations by drivers are a common cause of fatal and severe collisions in Berkeley, but stop sign violations by bicyclists are not, and the PCF categories should reflect this). It is expected that most, if not all, stops should occur in response to these well-documented safety issues, following the Council's directive.

[8] In 2023, a Bill was introduced in the California Legislature, SB50 ("An Act to Amend Sections 21 and 21100 of, and add Section 2804.5, to the Vehicle Code"), that stipulated that "notwithstanding any other law, a peace officer shall not stop or detain the operator of a motor vehicle or bicycle for a low-level infraction…". The Bill, which was tabled after a third reading and may be re-submitted this year, defined a "low-level infraction" as "a violation related to the registration of a vehicle or vehicle equipment," as specified; "a violation related to the positioning or number of license plates when the rear license plate is clearly displayed…"; "a violation related to vehicle lighting equipment not illuminating, if the violation is limited to a single brake light, headlight, rear license plate, or running light or a single bulb in a larger light of the same," as specified; "a violation related to vehicle bumper equipment," as specified; "a violation related to bicycle equipment or operation," as specified.

The second prong ("Community Reports") consists of "responding to calls from community members" and includes such things as "possible DUI driver (i.e., car reportedly swerving)"; "driver fallen asleep at red light"; "a variety of unsafe driving incidents"; "crime with get-away vehicle description." While some of these community calls no doubt require an immediate response, the category is broad and opens the door to potential profiling by proxy. At a minimum, under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action.

The City Auditor's data analysis[9] shows that only 13% of calls from community members resulted in a citation or arrest, compared to 42% of officer-initiated stops. To effectively reduce the potential for profiling by proxy, analysis of this 13% should be conducted to determine what types of community calls are most likely to yield a law enforcement response crucial to public safety. The PAB recommends that this prong then be substantially reformulated based on the data analysis of which types of calls for service result in enforcement actions and which are more likely to open the door to profiling by proxy.

The third prong, "Community Caretaking," is the least specific and consists of three examples: "seatbelt violations"; "distracted driving (hands-free law)"; and "DUI". As described by the BPD, these are not primary collision factors according to the California Highway Patrol because they are not the proximate cause of a collision. Because this prong is open-ended and consists only of several examples, it allows for maximum discretion with no real parameters.

The PAB recommends more specificity in this prong and that its components be based on Berkeley data rather than national statistics, as BPD did for Prong 1 (Primary Collision Factors, or PCFs). Specifically, the analysis should

[9] Data Analysis of the City of Berkeley's Police Response, 07/02/2021
https://berkeleyca.gov/sites/default/files/2022-01/Data-Analysis-Berkeley-Police-Response.pdf

examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.

In addition to further clarification and specification of factors and policies related to prongs two and three, future BPD updates to Council should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses in a manner that supports an overall assessment, as well as an understanding of the impact of the approach on reducing racial disparities.

The PAB analysis of vehicle stops reveals that little progress has been made on reducing racial disparities. Given this finding, careful scrutiny of the three-pronged approach needs to be undertaken, with future BPD updates analyzing disparity outcomes and focusing on their reduction, as appropriate.

Our analysis of BPD raw data on traffic stops[10] in 2022 (when the three-pronged approach was established) and the first three quarters of 2023 reveals that the number of traffic violation stops increased from 2883 in 2022 to 3297 in the first three quarters of 2023. The percentage of stops for equipment and other such low-level infractions declined from 24.8% in 2022 to 19% in 2023. While the percentage of low-level stops thus declined, their numbers are still relatively high

[10] For this calculation, we included all vehicle stops for 2022 and for the first three quarters of 2023. The BPD data include the primary reason for each stop. From these raw data we were able to count all stops for low-level equipment violations or other non-safety related violations, for example misplaced registration tags, failure to dim beams, faulty window installation, etc. The BPD data included a few categories—such as those relating to improper parking, trespassing, bicycle helmet infractions, littering, and vehicle theft—that were not appropriate to include in these counts of traffic violations. We excluded those few categories (n=79 for 2022; n=70 for 2023) from our calculations.

despite the three-pronged approach and the directive that such stops be minimized.

Table 3 Percentage of Stops for Equipment Violations and Other Low-Level Infractions

Year	Traffic Stops	% of Stops for Equipment violations and other low-level infractions
2022	2883	24.8%
2023	3297	19%

Clear, evidence-based definition of stops of criminal suspects.

The FIP Working Group recommended "us[ing] a clear, evidence-based definition for stops of criminal suspects." This was not meant to be primarily about traffic stops but all stops of criminal suspects, including motorists, cyclists and pedestrians. Following this recommendation, Council directed the BPD to amend policies "reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects." The Department's quarterly updates state that the BPD "is establishing a precision based policing model that considers data and public safety. This model aims to reduce the number of stops that studies have shown had minimal impact on public safety."

The PAB appreciates the BPD June 2023 and October 2023 update statement that "ensuring that we implement approaches that identify and work to reduce racial disparities will be a cornerstone to our evidence-based approaches." However, without more specifics about the department's "precision-based policing model" and "a feedback loop with information flowing both ways", it is difficult to assess whether these additions have the potential to reduce racial disparities. More specificity in this context is particularly critical as the data presented in this report indicate that racial disparities remain high.

The BPD June and October 2023 updates also state that this "feedback loop … creates an accountability measure." Does this mean there is

accountability for racial disparities? If so, what does it consist of? The next BPD update should include greater specificity regarding precision-based policing, feedback loops, and accountability measures. Further, and significantly, none of the BPD updates have included a definition of what constitutes legitimate stops for criminal suspects, evidence-based or otherwise. Although the BPD indicated that this recommendation was implemented as of September 2022, a definition is still outstanding.

Only use race and ethnicity as determining factors together with other clear criteria.

BPD updates indicate that this recommendation has been completed because formal policies, state law, and the Constitution prohibit using race as the defining factor in making stops, arrests, and searches. The PAB is concerned that the BPD suggests no change is needed; the question is not whether BPD policies or state or federal law allow the use of race as a defining factor—clearly, they do not. The question is how to prevent discretionary actions in the field from inadvertently introducing race as the determining factor. Most important, how are race and ethnicity used as determining factors "together with other clear criteria"? Future updates should include more specificity on this important question of how race and ethnicity may be used with other factors. Examples may be useful here.

Enhanced Implicit Bias Training

The FIP directives passed by Council "require enhanced annual implicit bias training for police." The BPD updates state that there has been "ongoing training in topics such as implicit bias, racial profiling…". The PAB has been informed by the BPD that "The topic of bias is covered as a subtopic throughout various trainings" such as de-escalation and tactical communication. This likely falls short of the enhanced annual implicit bias training that was called for in the Council directive. Full compliance with the Council directive requires that the BPD install

annual intense implicit bias training, not the less intensive approach to implicit bias as a subtopic to other materials as currently practiced.

Early Intervention System (EIS)[11]

An effective EIS was a central component of the FIP recommendations, and the focus—as with the FIP program as a whole-- was on racial disparities. As the Working Group stated in its presentation to Council in February 2021, an effective Early Intervention System would "involve identifying officer outliers in stops, searches, and use of force and their outcomes and examining the reasons for racial disparities." Racial disparities take a back seat in the BPD quarterly updates, including in its description of an amended EIS program. Beyond this important omission, BPD updates have been inconsistent across quarterly reports with regard to how this directive has been implemented (See Attachment 3). After relatively minor tweaking, the BPD reported that the EIS directive had been completed.

Additionally, recent updates report that periodic audits of several randomly chosen officers have been added to the EIS process. While audits of a few randomly chosen officers may occasionally be useful, the intent of the FIP was to focus on "outliers", a neutral term of art that refers to officers whose performance on certain indicators is outside the BPD average. As the focus of the FIP was on racial disparities, in the case of EIS it is important to focus on those units or officers for whom stops are disproportionately numerous and/or racial disparities most pronounced. The allegations of racism, disdain for the unhoused, and implicit

[11] The PAB acknowledges the Council's allocation of funding for designing and implementing a comprehensive Early Intervention and Risk Management System (EIRMS). However, the $100,000 appropriation for the evaluation, design *and* implementation of an EIRMS is unlikely to be sufficient. Therefore, the budget for the EIRMS should be augmented to support not only its design but its near-term implementation.

arrest quotas in the Downtown Bike Force have drawn attention to the importance of such a directed focus when doing EIS audits.

In April 2023, City Council referred $100,000 to the June 2023 budget to hire a consultant for the design and help with implementing a new Early Intervention and Risk Management System. It will take some time before that project is complete. In the interim, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. In addition, a designated PAB Member should serve as an EIS observer. With regard to the latter, the PAB is pleased that observation by a PAB Member has recently been agreed to by the Chief.

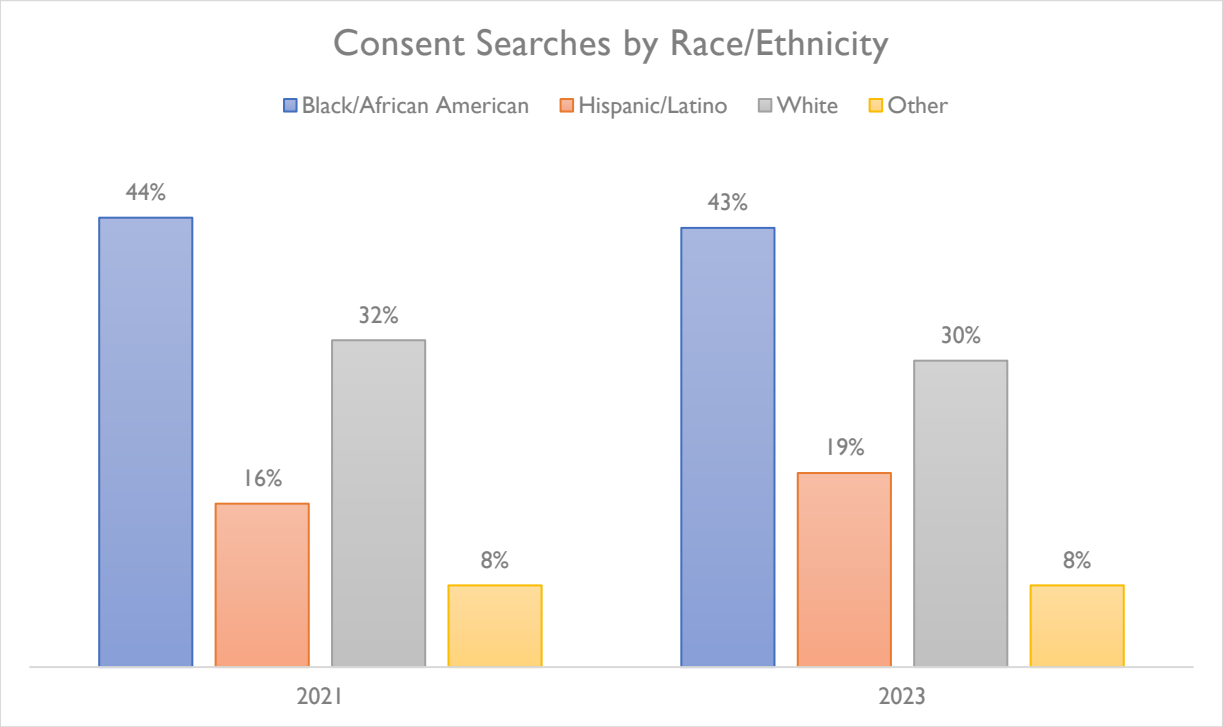
Written consent search forms

The PAB is pleased that this has been implemented (Policy 311.3). An understanding of the implementation process and its effect would be improved by the inclusion of data in the quarterly BPD reports. Dr. Frank Baumgartner and his team (2018) found that in North Carolina, consent searches declined by 75% in cities that required written permission.

PAB analysis of BPD data reveals that the number of consent searches decreased from 188 in 2021, to 123 in 2022, and 69 through the first three quarters of 2023. While the number of consent searches has gone down since the introduction of written consent forms, racial disparities in these discretionary searches remain high. In 2021, 44% of consent searches were of Black individuals, 32% were of White individuals, and 16% were of Latinos. Two years later, the respective percentages were 43%, 30%, and 19%. In other words, while the absolute number of people of color undergoing consent searches has decreased with the

implementation of written consent forms, the racial disparities in these discretionary searches have not.[12]

Figure 4 Consent Searches by Race/Ethnicity



Warrantless searches of people on supervised release status

BPD Policy 311.6, as adopted with agreement between the PRC and the BPD and incorporated into the FIP directives, limited warrantless searches of people on supervised release status unless there was reasonable suspicion that they had committed, were committing, or were about to commit a crime. This policy was modified by City Council on July 26, 2022, to make a distinction between people on supervised release for violent crimes (who would be subject

[12] These racial disparities in consent searches are roughly comparable to the disparities in all searches. As we saw above, for the period 2021 through the first three quarters of 2023, there were 2507 searches, with 47% of these searches Black people, 32% White people and 13% Latinos.
Source: https://berkeleyca.gov/sites/default/files/documents/2023-04-11_Item_25_Referral_100%2C000_to_the_June%2C_2023.pdf

to warrantless searches) as opposed to non-violent crimes (for whom reasonable suspicion would be required for a search).

The Department under Chief Greenwood had considered the violent/non-violent distinction a challenging one to make in practice and recommended the "reasonable suspicion" standard for all searches of people on supervised release. Have officers found it difficult to implement the "violent"/"non-violent" distinction as Chief Greenwood had suggested? What is the impact of this policy revision on numbers of, and racial disparities in, arrests and searches of people on probation and parole? Future BPD updates should continue to address what, if any, impact this 2022 change in policy has had on racial disparities.

Since introduction of the 311.6 policy change in 2020, BPD data no longer included "probation or parole search" as a category. This made sense since those searches were no longer permissible (absent reasonable suspicion). However, since the modification in 2022, probation and parole searches (and other supervised release searches) were allowed if the individual was on probation or parole for a violent offense. Therefore, BPD data should once again include these searches in their data.

Profiling by proxy

According to Chief Louis's June 2023 update, the Communications Manual "has been amended to address handling cases involving profiling by proxy." Further, dispatchers "are instructed to be cognizant and screen for profiling by proxy calls." More specifics need to be provided. Exactly what does the "instruction" consist of? What has the effect been on racial disparities in departmental response to calls for service? As detailed in the City Auditor's report cited above, law-enforcement actions are lower in stops initiated by the public than in officer-initiated stops. This suggests that more targeted dispatcher instructions and call-screening for profiling by proxy may be necessary.

Resources on police-civilian encounters.

The PAB is pleased that the business card directive has been fulfilled. That provision was to ensure that business cards with information on how to commend police officers or file misconduct complaints were distributed upon each officer/civilian encounter. However, the body-worn camera footage that the PAB has received in conjunction with individual misconduct complaints does not seem to show any distribution of business cards as directed by Council.

Fire racist officers identified through social media and other media screens

BPD Policy 1029 ("Employee Speech, Expression, and Social Networking") stipulates that employees of the BPD whose speech or expression "tends to compromise or damage the mission, function, or reputation…of the Berkeley Police Department" will be held accountable. Two issues arise here: 1) The FIP recommendation included media scans to ensure consistency with this policy, yet this proactive approach does not seem to have been implemented; 2) The FIP recommendation was that "racist officers identified through social media…" shall be fired. The current Policy 1029 is not specific and requires only "accountability". Thus, it is not clear if this FIP directive has been implemented. One way to move forward on this directive would be to be more specific on what exactly "accountability" means in this context and what preliminary steps would be taken prior to an officer's termination.

Require regular analysis of BPD stop, search, and use of force data

As noted in the BPD quarterly reports, a Transparency Hub was developed that provides raw data through an Open Data Portal. While this allows members of the public who have the time and ability to analyze the data, the BPD's Data Analyst should provide more detailed analysis of these data with a focus on racial disparities, as we have done in this report.

Make resources on police-civilian encounters publicly available such as through RAHEEM.org

This Council directive is mentioned in the BPD quarterly updates, but no information is provided regarding its implementation status.

Conclusions and Recommendations

Racial disparities in stops, arrest, and searches remain high, and there is little public accountability for the overall results of the FIP effort due to a lack of statistical reporting or outcome analysis in BPD quarterly updates. While some policy changes have been implemented by the BPD, modification of these changes is needed in some areas. Other FIP recommendations have not been implemented.

The PAB offers the following recommendations for action by BPD, the PAB, and City Council with the goals of improving upon steps that have already been taken, ensuring that no directives remain unfulfilled, and establishing an expectation for future BPD updates to include analysis of racial disparity outcomes.

Recommendations to the Berkeley Police Department

1. Three-prong approach.
    a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted.
    b. Primary Collision Factors: This prong should specify the mode of the party at fault.
    c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report.

d. Community Caretaking: More specificity is needed in this prong, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.

e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment as well as an understanding of the impact of the approach on reducing racial disparities in traffic stops.

2. Evidence-based definition for stops of criminal suspects.
    a. Establish an evidence-based definition for stops of criminal suspects.
    b. Explain how the precision-based policing, feedback loops, and accountability measures, referenced in BPD FIP implementation updates in relation to this recommendation, address the directive to establish an evidence-based definition for stops of criminal suspects.
3. Enhanced implicit bias training: Ensure that intensive annual training dedicated to the topic of implicit bias is delivered to BPD personnel per the Council's directive.
4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally

agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings, within the confines of officer confidentiality.

5. Written consent searches: Future reporting to council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, with a comparison to consent search numbers before implementation.
6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of, and racial disparities in, searches and arrests of people on probation and parole.
7. Profiling by proxy: Future BPD updates should specify what instruction dispatchers are given on the topic of profiling by proxy, as well as any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service.
8. Business cards: Ensure that business cards are distributed as mandated by the Council directive.
9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

Recommendations to the Police Accountability Board

1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendized for discussion at a future PAB meeting, including the appropriateness of, and ability of, the PAB to oversee departmental training.

2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB the acceleration of CIT activity. This will be taken up for discussion in future PAB meetings.

Recommendations to the Berkeley City Council

1. Establish metrics to assess the success of the implementation of FIP directives. Currently the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives.
2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented.
3. Require BPD to report biannually on:
    a. Traffic stops by each prong of their 3-prong framework and by race within each prong.
    b. Stop, search, and arrest data by probation/parole status and race.
    c. Calls for service by the race of the reporter and reportee.

Ensure that employees of the BPD whose speech or behavior is inconsistent with fair and impartial policing be held accountable.

Appendix

Appendix 1. Berkeley Police Department 2024 Annual Report "Tests for Bias"

The PAB has several concerns about the adequacy of the three tests conducted for stops and searches (use of force is not part of the FIP focus): "At-fault collision demographics": "yield rate analysis"; and, the "veil of darkness".

1. The **at-fault collision test** is the most problematic of these analyses. This BPD test purports to compare the parties at fault in collisions, by race, to the rate of police stops by race. Because they find that the proportion of stops for each race is approximately the same as the proportion of each race at fault in collisions, they conclude that police stops are "race-neutral". In other words, while not citing disparity statistics, the BPD implies that the racial disparity in stops is the result of Black motorists' more dangerous driving.

   There are numerous problems with that analysis, including the following:

   - In the interest of focusing on "discretionary stops," which as they note are most likely to involve potential bias, the BPD only includes in their analysis stops that were officer-initiated. Curiously, however, it omits the most discretionary stops of all—those based on equipment violations, registration or license plate infractions and other such low-level offenses that make up 19% of all vehicle stops.
   - The "at-fault collision" side of this equation is also problematic. Only those collisions for which the police were called to the scene or were nearby when the accident happened, and/or for which a written police report was filed, are included in the analysis. Personal experience suggests that many if not most collisions are not reported to the police.
2. The BPD's **yield rate analysis** cites the 2024 RIPA Annual Report that shows there were no statistically significant differences in rates of discovery of contraband in searches of Black people and White people in Berkeley. This is an important RIPA finding. It must be qualified, however, by the RIPA Board's advice on interpreting the finding. As the RIPA Board notes, when search rates are higher and discovery

rates lower for Black people than for white people, it can be concluded that racial bias was involved in the searches. However, "[w]hen these statistics do not move in opposite directions, it is more difficult to determine whether disparate treatment is present." (RIPA *2024 Annual Report*; Appendix B.3, p. 46).

3. The **veil of darkness** test is an industry-wide standard for testing racial bias. It assumes that if racial bias exists in vehicle stops, people of color would be more likely to be stopped during the day than at night when it is presumably less possible to discern motorists' race. The BPD analysis compares vehicle stops at the "inter-twilight" period around 6:30 pm during daylight savings time (when it is light) and standard time (when it is dark). The BPD finding is that the stop rates by race are comparable in the light and in the dark, and that "this is what we would expect to see if those stops were being made based on race-neutral factors." This is quite different from the finding of Stanford researchers who analyzed 95 million traffic stops across the United States using the veil of darkness test and found statistically significant racial disparities[13]. The BPD finding for Berkeley is a positive one, but we need more details here. It is possible that stops occurring in the inter-twilight period in Berkeley in one year would not be sufficient in number to draw statistically valid inferences. Finally, while the veil of darkness is an industry-standard, several cautions must be applied. As numerous scientists have explained, and the BPD report acknowledges, both street lighting and car profiling may skew results.

   In sum, we cannot confidently conclude from these BPD tests for bias that it is not a factor in racial disparities in BPD vehicle stops and searches. More rigorous studies would be required to untangle the web of socio-economic, cultural, institutional, and individual factors—and their interactions—that produce these racial disparities.

[13] https://www.nature.com/articles/s41562-020-0858-1

Appendix 2. PAB Data Workbook

To access a copy of the Data Workbook, please use the following link:

https://berkeleyca.gov/sites/default/files/documents/PAB%20Data%20Workbook_2024%20FIP%20Implementation%20Report%20.xlsx

Attachment List

1. Mayor's Working Group on Fair and Impartial Policing. Proposal to City Council. February 23, 2021.
2. Working Group Recommendations Passed by Council. February 23, 2021
3. Summary of BPD Quarterly Updates on Fair and Impartial Policing Implementation
4. BPD Three-Pronged Approach to Traffic Enforcement
5. Berkeley Police Department Memorandum Titled: "PD Response to PAB FIP Implementation Report"

Attachment 1: Mayor's Working Group on Fair and Impartial Policing. Proposal to City Council. February 23, 2021

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The Mayor's Working Group on Fair and Impartial Policing Policy Proposals

Developing and implementing reforms that will effectively reduce existing racial disparities requires changes at several levels. The following recommendations include setting new policy, updating institutional structures, and mandating individual accountability. Their implementation and ongoing effectiveness require supportive leadership, transparency and police accountability.

Executive Summary. Mayor's Working Group on Fair and Impartial Policing (hereafter, "the working group") focused on reducing racial disparities in stops and searches and improving community relationships damaged by the racially disparate practices in stops and searches.

This report advances the following recommendations for BPD practices:

- Focus on public safety and eliminate stops for low-level offenses not directly impacting public safety.
- Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.
- Institute annual implicit bias training and scenario-based training for California Penal Code 13519.4, prohibiting racial or identity profiling.
- Establish a truly effective Early Intervention System and risk management process to ensure department accountability and identify officers who are outliers in stops, searches, dispositions, and outcomes.
- Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole.
- Require written consent for consent searches.
- Include evaluations of cultural competence in hiring and promotion, and fire officers who have expressed racist attitudes and/or are identified as members of racist groups.

The report also advances these recommendations for the Berkeley City Council and/or the City of Berkeley:

- Hire a consultant to create a plan for monitoring and reporting on the implementation of these recommendations.
- Ensure the creation of a Specialized Care Unit with crisis-response field workers, as included in the recent contract for a community-process to establish an SCU.
- Ensure a robust community engagement process, including annual surveys and community forums
- Require quarterly analysis of stop, search, and use of force data by City Auditor and/or the PRC.
- Adopt and carry out the compliance and accountability system outlined in this document.

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Proposed Actions

Table 1 provides a proposed action for each recommendation in the body and appendices of this draft report.

Action	Recommendations
Direct the City Manager to implement key recommendations, with at minimum, quarterly progress reports to the PAB and/or the Working Group	• Focus traffic stops on safety • Use a clear, evidence-based definition for stops of criminal suspects • Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria • Eliminate stops for low-level offenses • Implement an Early Intervention System (EIS) and a risk-management structure • Immediately release stop, arrest, calls for service and use of force data from 2012 to present to the Working Group • Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole • Require written consent for all consent searches • Address Profiling by Proxy (PAB Policy Development, Dispatcher Training) • Fire racist police officers identified through social media and other media screens • Address Profiling by Proxy (Council develop & pass CAREN policy) • Require regular analysis of BPD stop, search, and use of force data • Make resources on police-civilian encounters more publicly available such as RAHEEM.org • Adopt Compliance and Accountability Mechanisms a. Hire consultant to develop implementation plan • For any individual detained, BPD officers shall provide a business card with info on a website similar to RAHEEM and info on complain process with PAB
Refer to be included in the process to reimagine public safety	• The City should create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized and includes a basic report card and quarterly neighborhood check-ins • Conduct a baseline community survey.
Refer to the Police Accountability Board	• Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4 • Require enhanced annual implicit bias training for police • Accelerate Crisis Intervention Team (CIT) activity
Follow-up with PAB and/or Fair and Impartial Working Group	• Evaluate the impact of these proposals on racial disparities in stops and searches, using regular updates to stop and search data • Conduct a regular community survey and annual community forums on Police and Public Safety
Recommendations already underway	• Fund and implement a specialized care unit for mental health crises • Conduct a Capacity Study of police calls and responses and use of officer time outside of case work
Outstanding - No Action Recommended	• Include community member participation and feedback in the hiring process • Include the following for Performance Appraisal Reports

Reducing Disparities in Vehicle, Pedestrian, and Bicycle Stops & Searches:

1. **Focus traffic stops on safety**

   According to Dr. Frank Baumgartner's 2018 book, *Suspect Citizens*, "Safety stops are those aimed at enforcing the rules of the road to decrease the likelihood of an accident" (pg. 191). The types of stops falling into this traffic safety category may include:

   - Excessive speeding[1]
   - Running a stop sign or stop light
   - Unsafe movement
   - Driving while intoxicated

2. **Use a clear, evidence-based definition for stops of criminal suspects**

   Dr. Baumgartner's analysis[2]reveals that "investigatory stops" (stops that use a minor infraction as a pretext for investigating rather than to prevent or reduce dangerous behavior pgs. 53-55) allow for the most officer discretion and open the possibility of implicit bias or "reliance on cultural heuristics" (pg. 191). Based on analyses of more than 9 million stops, Baumgartner's team found that 47% were investigatory and that they added substantially to the racial disparity statistics. Thus, investigatory stops and stops of criminal suspects shall be restricted to those made because the person and/or vehicle fits a description in relation to a specific crime.[3][4]

   Since the Oakland Police Department (OPD) has implemented evidence-based methods, the number of African American civilians stopped by the OPD has declined Since Oakland Police Department has implemented evidence-based methods, the number of African American civilians stopped has declined from 19,185 in 2017 to 7,346 in 2019, a drop of 62% and a stop disparity rate reduction of almost 60%,[5] with no corresponding increase in crime (Captain Chris Bolton presentation, 7/15/2020).

3. **Use race and ethnicity as relevant factors when determining law enforcement action only when provided as part of a description of a crime and suspect that is credible and relevant to the locality and timeframe of the crime and only in combination with other specific descriptive and physical characteristics.**[6,7]

   Specific descriptive and physical characteristics may include, for example: the gender, age, height, weight, clothing, tattoos and piercings of the suspect, the make and model of the car, and the time and location of the crime. Simple race and ethnicity alone are not

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[1] https://www.idrivesafely.com/dmv/california/laws/traffic-tickets-and-violations/, https://www.martenslawfirm.com/blog/2015/november/what-is-excessive-speeding-/
[2] *Suspect Citizens*, pp. 190-192
[3] Eberhardt, J. L. (2016). *Strategies for change: Research initiatives and recommendations to improve police-community relations in Oakland, Calif.* Stanford University
[4] This definition was created by Dr. Jennifer Eberhardt in collaboration with the Oakland Police Department.
[5] This is the percentage of African American stops within all discretionary non-intel led stops made by Police Area 2 officers fell from 76% in September 2017 to 31% in September 2018
[6] Southern Poverty Law Center, 10 Best Practices for Writing Policies Against Racial Profiling
[7] CA Penal Code

satisfactory as bases for reasonable suspicion under the law, and amount to racial profiling.

4. Eliminate stops for low-level offenses

According to the presentation to the Working Group by Captain Bolton of the OPD, Oakland significantly reduced stops for these low-level, non-public safety related offenses, resulting in a reduction in the number of African Americans being stopped and a reduced stop-disparity rate, with no effect on crime rates (homicides and injury shootings went down during the same period). There is often overlap between "investigatory stops" and "stops for low-level offenses," as the latter may be used as a pretext for investigation. The types of stops falling into these categories may include:

- Equipment violations
- Not wearing a seat belt
- Improper use of high beams
- Violating a regulation (e.g. expired license tags)
- Stop purposes recorded as "other"

5. Implement an Early Intervention System (EIS) and a risk-management structure

These measures to ensure individual accountability have operated successfully in Oakland and many other localities for some time. They involve identifying officer outliers in stops, searches, and use of force and their outcomes and examining the reasons for racial disparities. Existing software programs to assist BPD in implementing an EIS could be utilized or BPD can build its own system.

These programs operate to identify officers who are a danger either to themselves or to the public. They are referred to as "risk management" systems because they help limit the financial liability of the City and hence its taxpayers. They may address a broad range of concerns, but in this document, we only consider their use with regard to racial disparities. Elements of this process include the following steps:

a. Evaluate and assess stop incidents for legality and enforcement yield.
b. Analyze data to determine whether racial disparities are generalized across the force or are concentrated in a smaller subset of outlier officers or squads/groups of officers. To the extent that the problem is generalized across the department, supervisors as well as line officers should be re-trained and monitored, and department recruitment, training, and structure should be reviewed. In addition, department policy should be examined for their impacts.
c. Where disparities are concentrated in an individual or a group of officers, with no race-neutral legitimate evidence for this behavior in specific cases, initiate an investigation to determine the cause for the disparity. Evaluate whether there are identifiable causes contributing to racially disparate stop rates and high or low rates of resulting enforcement actions exhibited by outlying officers. Determine and address any trends and patterns among officers with disparate stop rates. In the risk management process, the responsible personnel in the chain of

command reviews and discusses the available information about the subject officer and the officer's current behavior.

d. Absent a satisfactory explanation for racially disparate behavior, monitor the officer.. Options for the supervisor in these cases include reviewing additional body-worn camera footage, supervisor ride-alongs, and other forms of monitoring. Further escalation to intervention, if necessary, may include a higher form of supervision, with even closer oversight. If performance fails to improve, command should consider other options including breaking up departmental units, transfer of officers to other responsibilities, etc. The goal of this process is to achieve trust and better community relations between the department as a whole and all the people in Berkeley. Formal discipline is always a last resort unless there are violations of Department General Orders, in which case this becomes an IAB matter.
e. Identify officers who may have problems affecting their ability to make appropriate judgments, and monitor and reduce time pressures, stress and fatigue on officers.
f. An outside observer from the PRC shall sit in on the risk management and/or EIS program. Reports from these meetings, or other accurate statistical summary, can be given to the commission without identifying any officers' names.
g. Report the results of this data analysis quarterly.

6. **Immediately release the following data to the Working Group**:
    a. All data given to the Center for Policing Equity (CPE) - This data includes:
        i. Calls for Service (January 1, 2012 - December 2016)
        ii. Use of Force Data (January 1, 2012 - December 31, 2016)
        iii. Crime Report Data (January 1, 2012 - December 31, 2016)
    b. STOP DATA - this data shall include information on "call type," similar to the data used by the Center for Policing Equity. The timeframe would be January 1, 2012 to present.
    c. USE OF FORCE DATA - This data was used in the analysis presented in the CPE report. Along with the CPE data, it would be helpful to have more recent Use of Force data. The timeframe would be January 1, 2012 to present.
    d. DEIDENTIFIED STOP & ARREST DATA - To determine if there are any problematic patterns among certain officers, or perhaps pairs of officers, data that we can be attached to anonymized individuals. The timeframe for this data would be January 1, 2012 to present.
    e. ADDITIONAL ARREST DATA - Currently, the Open Data Portal posts arrest data from January 1, 2015. The timeframe for this data would be January 1, 2012 to present day.
    f. ADDITIONAL CALLS FOR SERVICE - Currently, Calls for Service data are posted for the last 180 days. The timeframe for this data would be January 1, 2012 to present.

7. **Limit warrantless searches of individuals on supervised release status, including probation, Post Release Community Supervision (PRCS), and parole, absent evidence of imminent danger**

   California is one of a handful of states that allow high-discretion, suspicionless searches of probationers and parolees. The following was passed by the Police Review Commission on 9/23/2020 and the Working Group endorses this approach:

   "*In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion. However, under Berkeley policy, officers shall not detain and search a person on probation or parole solely because the officer is aware of that person's probation or parole status.*
   The decision to detain a person and conduct a probation or parole search, or otherwise enforce probation or parole conditions, should be made, at a minimum, in connection with articulable facts that create a reasonable suspicion that a person may have committed a crime, be committing a crime, or be about to commit a crime."

8. **Require written consent for all consent searches**

   Baumgartner (pp. 195-209) and his team found that in cities requiring written consent to perform a consent search, these searches declined by 75%. Since people of color are disproportionately the subjects of these searches, it makes sense that a significant reduction would lead to fewer consent searches for people of color.

   Examining three cities in North Carolina, Baumgartner found that in cities where there was resistance by leadership to the new written-consent policy, there was a substitution effect, such that as consent searches went down, probable cause searches went up. However, the substitution effect seemed to be directly correlated with leadership priorities. The chapter concludes, "We showed that a combination of leadership directives and simple initiatives can alter the relationship a department can have with their community" (pg. 213). *This speaks to the need for clear buy-in from BPD leadership.* The Working Group recommends that the BPD adopt the written consent form used in North Carolina, a copy of which can be found here.

9. **For any individual detained, BPD officers shall provide a business card with the following information on the back**

   a) A website similar to RAHEEM that collects information on police-civilian encounters.[8]
   b) Contact information for filing a complaint with the PRC or its successor, the Police Accountability Board.

[8] https://www.raheem.ai/en/

10. Address Profiling by Proxy[9]

Police should not be dispatched to calls that are motivated by caller bias or malintent, e.g., a claim that someone is suspicious with no corroborating reason.[10] These types of calls harm police-community relationships and undermine the authority of the police. To protect against profiling by proxy the police department shall:

a. work with PRC and other appropriate agencies to formulate a policy that defines and remedies profiling by proxy.
b. enhance Dispatcher training to evaluate calls and add implicit bias training for 911 Dispatch.

An article on profiling by proxy by the Vera Institute of Justice recommends including 911 Dispatch in implicit bias training as a method for reducing issues with profiling by proxy. Anti-bias training will also help Dispatchers become aware of their own biases. For example, when they receive calls about behavior the complainant may dislike but is not illegal—e.g., "too many" black teenagers in the public park.[11]

Hiring & Evaluation

The successful hiring and evaluation of police officers is an important part of creating a healthy and high-functioning police department. The types of people the department hires, and the effective evaluation of police officers are important in determining police department culture. Researchers on policing have repeatedly found that organizational culture is the single most important determinant of officer behavior.[12] Human Resource Management research supports including the evaluation for cultural competency as important in improving agencies. The key components for a high degree of cultural competency are: awareness, attitude, knowledge, skills.

11. Fire racist police officers identified through social media and other media screens

A third-party agency, hired by the City of Berkeley, or agency outside the police department should screen police officers and potential new hires' social media accounts for racist or violent comments, affiliations to racist groups whether public or private, including private groups expressing racist or violent rhetoric.

a. BPD shall immediately fire all identified officers who have engaged in racist or violent actions or commentary online.
b. A social media screen of officer online conduct shall be done annually.

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[9] Profiling by proxy may occur "when an individual calls the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against—e.g., ethnic and religious minorities, youth, homeless people" (retrieved from The Vera Institute of Justice).

[10] Captain Bolton of the Oakland Police Department made improvements on profiling by proxy using an approach that educated citizens on focusing on criminal behavior instead of suspicion when calling police.

[11] "Avoiding 'profiling by proxy'," Vera Institute of Justice, March 13, 2015, https://www.vera.org/blog/police-perspectives/avoiding-profiling-by-proxy

[12] Organizational Culture and Police Misconduct

Recommendations for Council

Community Engagement and Feedback - When the City of Berkeley pledged to consider reducing funding for the police department by 50%, it also committed itself to shifting to new and alternative methods of community safety. To effectively understand and implement new and alternative safety practices and services, the City of Berkeley must look to its residents for ongoing insight and feedback. The City must collect and utilize regular community feedback to inform the city on community investment priorities including police department policies and practices and future direction. To that end:

12. Address Profiling by Proxy[13]

To protect against profiling by proxy City Council should:

a. Introduce profiling by proxy legislation similar to CAREN Act in SF, which would hold residents accountable for using police in a biased manner.
b. Issue a quarterly review of data from 911 Dispatch, for the PRC or City Auditor to help understand the extent of calls from community members presenting 'biased' suspicions."

13. Require regular analysis of BPD stop, search, and use of force data

The City Auditor and/or PRC shall update the analysis of BPD data completed by the Center for Policing Equity and the PRC and publish the results on the BPD website every quarter. This report shall include stop, search, and use of force analysis. —

Ensuring Timely and Effective Implementation:

Since the fall of 2017, the police department has received 37 separate policy or legislative directives to address the racially disparate treatment of City of Berkeley residents. Those directives are the result of extensive and on-going racial disparities in police department stops, searches, and use of force. As of the drafting of this report, at least 30 of those directives remain outstanding with ***no plan*** for implementation.

We respectfully recognize that the role of the Mayor's Working Group on Fair and Impartial Policing is to advise the Berkeley City Council and staff. We recognize that we are not in a position to make final decisions; rather, our role is to offer advice and recommendations to the Council. The Mayor's Working Group is committed to ensuring that the policy recommendations outlined in this proposal are not added to the long list of unaccomplished directives. Therefore, we have included an accountability system with our policy proposal. This accountability system

[13] When an individual calls the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against—e.g., ethnic and religious minorities, youth, homeless people; retrieved from The Vera Institute of Justice

will ensure that the changes necessary to establish fair and impartial policing and rebuild public trust occur.

Compliance and Accountability Mechanisms:

A. Working in partnership with the Mayor's Working Group on Fair and Impartial Policing and within six months from approval of the proposal (extended for good cause), the City Manager hires an experienced consultant to help draft an implementation plan that includes a timeline to monitor, assess, and report on the implementation of the items outlined in the working group's policy proposal.
    i. If a consultant is not hired within six months from approval of the proposal, the Council should move to item "E" below.
    ii. If a consultant is not hired within six months (extended for good cause), the working group should remain formally organized by the Mayor until a consultant is hired and a plan is approved.
B. The Working Group, Police Chief, and the consultant will create an implementation plan that includes a timeline to monitor, assess, and report on the implementation of the items outlined in the Working Group's policy proposal. Long-term monitoring and assessments will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
C. The implementation plan will be presented to the Berkeley City Council for approval. Once the plan is approved by the City Council, the consultant's work is finished. Long-term monitoring and assessment will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
D. The City Manager and the Berkeley Police Chief should do everything within their power to implement the items outlined in the plan and timeline set forth and approved by City Council.
E. The City Council should set the implementation of this plan as a priority in the annual evaluation of the city manager.
F. If the City Manager does not ensure that the Police Department implements the plan in accordance with the timeline, the City Manager should be held accountable.
    i. In the event of a new Berkeley Police Department Chief: the Mayor's Working Group, on Fair and Impartial Policing, the new Police Chief and the City Manager shall meet and agree upon an updated timeline to monitor, assess, and report on the implementation of the items outlined in the plan approved by City Council.
    ii. In the event of a new City Manager: the Working Group, the Berkeley Police Chief, and the new City Manager shall meet and agree upon an updated timeline to monitor, assess, and report on the implementation of the items outlined in the plan approved by City Council.

If these recommendations are adopted and implemented promptly, we expect that the disparate stop data can show significant improvement in the near future. We expect the City Manager and the Police Chief to implement these programs with enthusiasm and dedication, as they reflect the constitutional imperative of equal protection under the law.

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Appendix A: Additional Recommendations

The following recommendations are also supported by the working group, which suggests referring them to the reimagining process and/or follow-up with the Police Accountability Board and the Fair and Impartial working group. See table 1 for recommended actions.

14. Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4

a. The training must include specific, relevant examples of prohibited actions and how to conduct law enforcement activities in an unbiased manner.[14]
b. MILO and VIRTRA are two such scenario-based training programs[15]
c. An independent observer shall review the training and report back to the PRC or its successor on the quality of the training.

15. Require enhanced annual implicit bias training for police

There is scant scientific evidence that implicit bias training works to change implicit biases over the long-term. However, agency-wide, enhanced, and well-executed training that occurs on a regular basis could have a positive effect on the cultural environment of the police department and on expectations for behavior. Regular, required implicit bias training provides an expression of institutional support for fairness, which is important in improving relationships across groups[16]and improving agency culture.

a. Officers should receive intensive anti-racism and implicit bias training as part of their core instruction in the first 90 days of employment, and an annual 'refresher' course.
b. An independent observer shall attend the training and report back to the PRC on the quality of the training.

16. Accelerate Crisis Intervention Team (CIT) activity

a) Require 40 hours of CIT training in the first year of employment.
b) Collect data on CIT calls to allow BPD to make informed decisions about staffing and deployment so that a CIT officer is available for all shifts in all districts to respond to every CIT call.
c) Develop a CIT reporting system so that each deployment of a CIT officer is well documented. CIT officers should submit narrative reports of their interactions with persons in crisis so the appropriateness of the response can be evaluated in an after-action analysis.
d) Implement an assessment program to evaluate the efficacy of the CIT program as a whole and the performance of individual CIT officers. A portion of a CIT officer's performance review should address skill and effectiveness in CIT situations.

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[14] CA Penal Code
[15] MILO in an Oakland setting
[16] Allport, G. W., Clark, K., & Pettigrew, T. (1954). The nature of prejudice.

17. **The City of Berkeley should conduct annual community forums on Police and Public Safety:**
    a. Identifying community-based leaders and impacted individuals for control of the envisioning process.
    b. Placing the process under the Office of the Mayor, not the City Manager. Upon establishment of the Police Accountability Board, place the process under the auspices of the Police Accountability Board.
    c. Including the creation of community-based measures of safety as part of the first round of the envisioning process.[17]
    d. Once community-based measures of safety are created, including these measures in the annual community survey (see item 17) and publishing the data as per item 17b.

18. **The City of Berkeley should conduct an annual community survey**.
    Sample surveys include the Milwaukee survey and the Dallas survey.
    a. Data collected should be shared publicly via the City of Berkeley website or an online community dashboard.

19. **The City should create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized and includes:**
    a. A basic "Report Card," in collaboration with the PRC or its successor the Police Accountability Board, based on community feedback for each reform. This will enable the Department to take the 'community's temperature' on how the implementation of the reforms are being perceived by the public.
    b. Quarterly neighborhood 'check ins' for relationship building .

20. **Conduct a Capacity Study**
    a. Release data including but not limited to 911 dispatch calls, BPD stops and interventions, written reports, and body-worn camera footage to the City Auditor and/or PRC for analysis.[18]
    b. Conduct an audit on officer down time to determine the percentage of police time spent outside of responding to calls for service and how police officers spend this time. Share this information with the City Auditor and/or PRC for analysis for use in the capacity study.
    c. Conduct an audit of police overtime to determine the factors that contribute to the use of overtime .

[17] This process should follow or be modeled after the Everyday Peace Indicators process
[18] This study could be time-limited and would not have to be a comprehensive analysis of internal data; a random sample done correctly would suffice to determine how best to restructure the response to a variety of problematic situations.

d. Identify what percentage of calls for service require a unique police response and what percentage of calls could be better served by an alternative response with the goal to focus police response on issues that can best be responded to by police officers.
e. These data can also assist in identifying calls suspected of profiling by proxy.

21. Fund and implement a specialized care unit for mental health crises

Fully fund and implement the specialized care unit as swiftly as possible in order to remove mental health and homeless encounters from the responsibility of BPD. Research has found that individuals with mental illness are at a higher risk of police stops, use of force,[19] and a fatal police encounter.[20] These disparities increase for Black and Latinx individuals. Specialized mental health crisis units are a safer option for those experiencing a mental health crisis than a police response and a more cost-effective use of public resources.[21] The Council's July 14, 2020 decision to create a Specialized Care Unit will better serve people in Berkeley experiencing a mental health crisis. The Working Group supports transitioning away from police as first responders to 911 calls related to mental health and towards trained, unarmed mental health first responders.

The Berkeley Community Safety Coalition in collaboration with Councilmember Bartlett are developing a proposal related to a pilot program transitioning away from sworn police as first responders to professional mental health first responders. The Working Group supports this effort.

22. Make resources on police-civilian encounters more publicly available, including:

a. A website similar to RAHEEM that collects information on police-civilian encounters.[22]
b. Contact information for filing a complaint with the PRC or its successor.

23. Evaluate the impact of these proposals on racial disparities in stops and searches, using regular updates to stop and search data

[19] Mental Illness, Police Use of Force, and Citizen Injury

[20] Deaths of people with mental illness during interactions with law enforcement

[21] CAHOOTS Media Guide, 2020

[22] https://www.raheem.ai/en/

Attachment 2: Working Group Recommendations Passed by Council. February 23, 2021

ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL

Tuesday, February 23, 2021

4:00 P.M.

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL https://us02web.zoom.us/j/81676274736. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

*To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and enter Meeting ID: **816 7627 4736**. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call: 4:06 p.m.

Present: Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

Absent: Kesarwani

Councilmember Kesarwani present at 4:13 p.m.

Action: M/S/C (Arreguin/Wengraf) to adopt a special rule for this meeting to limit public comment to one minute per speaker, with the option to yield time up to a total of four minutes.
Vote: Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Kesarwani

Action Calendar – New Business

1. **Report and Recommendations From Mayor's Fair and Impartial Policing Working Group**
From: Mayor Arreguin (Author), Councilmember Harrison (Author)
Recommendation:
1. Accept and acknowledge the report from the Fair and Impartial Working Group (Attachment 1).
2. Direct the City Manager to implement the following recommendations summarized below and detailed in full in Attachment 1, with at minimum, quarterly progress updates to the Police Accountability Board (PAB) and/or the Working Group.
-Focus traffic stops on safety
-Use a clear, evidence-based definition for stops of criminal suspects
-Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria
-Eliminate stops for low-level offenses
-Implement an Early Intervention System (EIS) and a risk-management structure
-Immediately release stop, arrest, calls for service and use of force data from 2012 to present to the Working Group
-Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole
-Require written consent for all consent searches
-Address Profiling by Proxy (PAB Policy Development, Dispatcher Training)
-Fire racist police officers identified through social media and other media screens
-Address Profiling by Proxy (Council develop & pass CAREN policy)
-Require regular analysis of BPD stop, search, and use of force data
-Make resources on police-civilian encounters more publicly available such as RAHEEM.org
-Adopt Compliance and Accountability Mechanisms; -Hire consultant to develop implementation plan
-For any individual detained, BPD officers shall provide a business card with info on a website similar to RAHEEM and info on complaint process with PAB
3. Refer the following recommendations summarized below and detailed in full in Attachment 1 to be included in the process to reimagine public safety:

Action Calendar – New Business

-Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins
-Conduct a baseline community survey
4. Refer the following recommendations summarized below and detailed in full in Attachment 1 to the Police Review Commission, to be taken up by the Police Accountability Board when it is established
-Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4
-Require enhanced annual implicit bias training for police
-Accelerate Crisis Intervention Team (CIT) activity
5. Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway:
-Fund and implement a specialized care unit for mental health crises
-Conduct a Capacity Study of police calls and responses and use of officer time outside of case work
6. Refer $50,000 to the FY 2022 budget process for a consultant to develop an implementation plan as described in Attachment 1 and other minor costs the Department may confer
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
Action: 40 speakers. M/S/C (Arreguin/Harrison) to:

1. Accept and acknowledge the report from the Mayor's Fair and Impartial Policing Working Group;
2. Acknowledge and appreciate the work already completed or underway by the City Manager's Office and Police Department to implement policing reforms including:
   - Adoption and implementation of Policy 401, Fair and Impartial Policing
   - Public reporting of stop data on the BPD Open Data Portal
   - Initiation of the Center for Policing Equity study
   - Implementation of the Body Worn Camera Program
   - Early adoption of Racial and Identity Profiling Act (RIPA) data collection and reporting
   - Updates to the Use of Force Policy, Policy 300
   - Development and passage of Measure II to create a new Police Accountability Board
   - Launching of the Public Safety Reimagining process
3. Refer to the City Manager to implement the following recommendations summarized below, with quarterly progress updates to the City Council and Police Review Commission/Police Accountability Board (when established):
   Implement a new evidence-based Traffic Enforcement Model
   - Focusing the basis for traffic stops on safety and not low-level offenses;
   - Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects;
   - Reaffirming and clarifying that the Berkeley Police Department will use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria
   - Minimize or de-emphasize as a lowest priority stops for low-level offenses.

Action Calendar – New Business

Implement Procedural Justice Reforms

- Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops;
- Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback;
- Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole;
- Address Profiling by Proxy (PAB Policy Development, Dispatcher Training);
- Fire racist police officers identified through social media and other media screens;
- Require regular analysis of BPD stop, search, and use of force data;
- Make resources on police-civilian encounters publicly available such as through RAHEEM.org;
- For any individual detained, BPD officers shall provide a business card with info on the commendation and complaint process with PAB and Berkeley Police Department.

Request that the City Manager report back at a Council Work Session in three months with budget estimates for implementation (to be considered along with the FY 22 budget process), information on legal and operational considerations, and a short-term action plan of recommendations which can be implemented without the hiring of a consultant, and those that will require the assistance of a consultant and additional resources.

Compliance and Accountability Mechanisms

- The City Manager will create an implementation plan with the assistance of a consultant that includes a timeline to monitor, assess, and report on the implementation of the items outlined in the Working Group's policy proposal. Long-term monitoring and assessments will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
- The implementation plan will be presented to the Berkeley City Council for approval. Once the plan is approved by the City Council, the consultant's work is finished. Long-term monitoring and assessment will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).

4. Refer the following recommendations summarized below to the Reimagine Public Safety process:
   - Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins
   - Conduct a baseline community survey.
5. Refer the following training recommendations summarized below to the Police Review Commission, to be taken up by the Police Accountability Board when it is established, and consider the resources required to implement this expanded training:
   - Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4
   - Require enhanced annual implicit bias training for police
   - Accelerate Crisis Intervention Team (CIT) activity

Action Calendar – New Business

- Refer to the PRC/PAB to consider a departmental policy on requiring written consent for person searches and report back in 6 months.

6. Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway and have been completed:
   - BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;
   - Fund and implement a specialized care unit for mental health crises;
   - Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.
7. Refer $50,000 to the FY 2022 budget process for a consultant to assist the City Manager/Police Department in the implementation of these recommendations and other minor costs the Department may confer; and also refer to the FY 2022 budget process a line item for police training for the new evidence-based stop program (costs to be determined by BPD).

Vote: All Ayes.

Adjournment

Action: M/S/C (Robinson/Taplin) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 7:07 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1: Report and Recommendations From Mayor's Fair and Impartial Policing Working Group

1. Elizabeth Ferguson

Supplemental Communications and Reports 3

Item #1: Report and Recommendations From Mayor's Fair and Impartial Policing Working Group

2. Material, submitted by Mayor Arreguin
3. Presentation, submitted by the Police Department
4. Janice Schroeder
5. Thomas Luce
6. Ben Gerhardstein, on behalf of Walk Bike Berkeley
7. Diana Bohn
8. Sivan Orr
9. Ali Lafferty

Attachment 3: Summary of BPD Quarterly Updates on Fair and Impartial Policing Implementation

FIP Recommendation	June 2021	Oct 2021	Feb 2022	June 2022	September 2022	March 2023	June 2023	October 2023
Implement a new evidence-based traffic enforcement model: minimize or de-emphasize as a lowest priority stops for low-level offenses	A working group (wg) has been established consisting of employees working in every division of BPD and a representative of the BPA leadership. The wg is tasked with identifying what low-level offenses are applicable while balancing the necessity of traffic safety and the Berkely Vision Zero initiative. The wg will present recommended policy language as well as analysis of risk or unintended outcomes no later than Fall 2021.	Officers have been directed to focus less attention on equipment violations and are expected to make investigative stops related to criminal intelligence information. The wg has been working to identify traffic offenses that most impact public safety.	Officers have been provided data regarding primary collision factors and have been directed to enforce those violations. The wg created a three-prong approach that focuses on primary collision factors, community member reports, and community caretaking. Implementation in progress. Training has commenced.	Implementation complete[1]. Officers have been provided data regarding primary collision factors and have been directed to enforce those violations. BPD has implemented and conducted departmental training on the three-prong approach.	Implementation complete. Training on the three-pronged approach has concluded. The Department will continue to review data on traffic offenses that affect community safety.	Same as previous	In addition, this has been formalized as a departmental directive in a Special Order on traffic enforcement.	Same as previous
Use a clear, evidence-based definition for stops	BPD is establishing a precision based policing model that considers	BPD continues to develop and deploy data-	BPD is establishing a precision-based policing model	BPD is establishing a precision-based policing model	Implementation complete. BPD is establishing a precision-based	Same as previous	Same as previous	Same as previous

[1] Reflects BDP-reported status update.

of criminal suspects	data and public safety. Data driven tools that enable close to real-time dashboard tracking of calls for service have been provided to Community Service Bureau and Patrol Watch Commandeers. The goal is to have data-driven approaches to violence prevention programs in real time crime and call analysis for patrol deployment strategies.	driven tools to enhance precision-based policing model. Interviewing for two data analysts and continuing to build data dashboard.	that considers data and public safety. Data driven tools that enable real-time dashboard tracking (close to real time) have been provided to Patrol Watch Commanders. Exploring feasibility of a system that employs a feedback loop to provide information back to the Community Services Bureau to support accountability. Filled one of two data analyst positions.	that considers data and public safety. Data driven tools that enable real-time dashboard tracking (close to real time) have been provided to Patrol Watch Commanders. Exploring feasibility of a system that employs a feedback loop.	policing model that considers data and public safety. Data driven tools that enable real-time dashboard tracking (close to real time) have been provided to Patrol Watch Commanders. During this reporting period feedback loop implemented. System provides tracking of calls for service with the goal of call analysis for patrol deployment strategies and allows officers in the field to communicate to the Community Service Bureau.		

Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria	Implementation complete. Existing law prohibits racial profiling. Policy 401 (Fair and Impartial) explicitly states that officers shall not consider race, ethnicity, national origin, gender….in establishing reasonable suspicion or probable cause…the above policies were reviewed in light of taskforce recommendations and found to affirm and clarify officer responsibility in stops.	Same as previous	Same as previous	Same as previous	Same as previous	Same as previous	Same as previous	Same as previous
Implement an Early Intervention System (EIS) and a risk-management structure		Working on amendments to EWS to include data around traffic, bike, and pedestrian stops.	Amendments are being made to specifically identify additional activity that should be considered when applying the EWS policy. Language	Implementation complete. Updated policy finalized reflecting amendments to include monitoring of stop data for	Implementation complete. Random quarterly audits of officers' stop data, complaints, and use of force, and other		Implementation complete. The City Council referred $100,000 to the June 2023 Budget Process to enter into a contract to	Same as previous

		added to include data around traffic, bicycle and pedestrian stops. The new policy is being reviewed by the police union.	individual officers. The Audits and Inspections Sergeant will also conduct separate and random quarterly audits of officer's stop data, complaints, and use of force incidents and other factors and will share these audits with the PAB.	factors, the results of which will be reported to the Chief of Police.		design and assist with implementing a comprehensive Early Intervention and Risk Management System.	
BPD to provide regular analysis of stop, search, and use of force data		BPD is in the process of expanding the call for service dataset to include all call types and eliminate 180-day time range. BPD has started working with a vendor to update the public facing open data.	In the process of eliminating the 180-day time range that currently exists. In the process of expanding the call for service data set. Expected completion is summer 2022.	Implementation complete. The department will regularly analyze stop, search, and use of force data.	Same as previous	Same as previous	Same as previous

Require written consent for all consent searches		Policy to require written consent for all vehicle and residence searching using updated form near completion.	Revised consent form has been created. Implementation in progress. New search and seizure policy being reviewed by union.	Implementation complete.	Same as previous	Same as previous	Same as previous	Same as previous
Limit warrantless searches of individuals on supervised release status such as PRCS, probation, or parole, absent reasonable suspicion			Implementation complete. Policy 311 updated to limit searches on individuals who are on supervised release, absent reasonable suspicion.		Implementation complete. However, In July 2022, City Council approved a revised Policy 311 to allow for searches of those on supervised release for violent crimes.	Same as previous	Same as previous	Same as previous
Address profiling by proxy			Implementation complete. Comms Center Operation Manual amended to address.	Same as previous	Same as previous	Same as previous	Same as previous	Same as previous
Fire racist police officers identified through social media and other media screens		The FIP taskforce identified additional methods for	Implementation complete. Existing policy implements this recommendation	Same as previous	Same as previous	Same as previous	Same as previous	Same as previous

	discovering issues and BPD will work with the taskforce to determine the effectiveness, legality, and usefulness of these tools.	NA	NA	NA	NA	NA	NA	NA
Make resources on police-civilian encounters more publicly available such as through RAHEEM.org	Not Addressed	NA	NA	NA	NA	NA	NA	NA
For any individual detained BPD officers shall provide a business card			Implementation complete. In May 2021 business cards modified to add info for IA and PAB on back. Officers directed to provide to all detained.	Same as previous	Same as previous	Same as previous	Same as previous	Same as previous
Conduct a capacity study of police calls and responses and use of officer time outside of case work			City Auditor's report included analysis of CAD data. BPD has reviewed and added additional disposition codes to CAD program.	An assessment of overall staffing levels as well as patrol beat specific analysis has been referred to the budget	Same as previous	The City Auditor's report was released which analyzed CAD data. Recommend	The BPD has completed an RFP. Citygate has been selected to conduct the workload study. A contract with	A contract with Citygate will be in place by the end

			One data analyst will be tasked with ongoing analysis of police calls and responses.	process via the Council's direction on Reimaging public safety		ations were provided to the BPD and findings were referred to the Reimagine Public Safety Task Force. BPD has implemented the recommendations and an assessment of overall staffing levels as well as patrol beat specific analysis will be conducted as part o the sworn staffing assessment.	Citygate is expected in the near future.	of August.
Fund and implement a specialized care unit	XX (PAB has not tracked implementation status of this effort)	XX	XX	XX	XX	XX	XX	XX
Create a formalized feedback system to			Implementation in progress. Baseline survey	Initial implementation complete. BPD	Same as previous	Same as previous	Initial implementation complete. To	Same as previous

gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the police review commission or its successor and includes a basic report card and quarterly neighborhood check-ins; conduct a baseline community survey.			completed as part of Reimagining Public Safety Taskforce process.	will be seeking ongoing community input and feedback via the Transparency Hub			support feedback systems, the BPD will be seeking ongoing community input and feedback around reform efforts via the Transparency Hub.

Attachment 4: BPD Three-Pronged Approach to Traffic Enforcement

Police Transparency

Stop Data | Calls for Service | Use of Force | Crime Data | Community Engagement | Current Trends | Traffic Safety | Open Data Portal

Our Three-Prong Approach to Traffic Safety

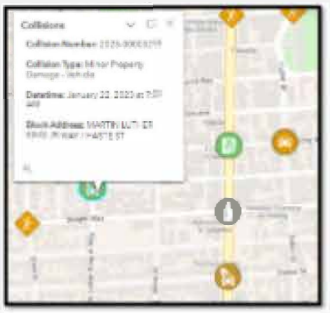
The BPD has reprioritized traffic safety efforts around a three-prong approach that focuses on primary collision factors (PCF), community concerns submitted to the BPD, and our role as community caretakers. Community caretaking functions consider safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions. The BPD collects a range of data related to traffic safety to include calls for service, collision data, and qualitative survey data. The analyses are then used to guide enforcement, education, and prevention strategies.

Prong # 1 - Primary Collision Factors (Berkeley specific data)

Vehicle code violations resulting in severe and fatal collisions in Berkeley.

- Unsafe speed
- Pedestrian right-of-way at crosswalks
- Failure to yield for turns
- Red light violations
- Stop sign violations

For additional information on the city's Vision Zero efforts please check out their page on the right!



Use the Dashboard below to explore Berkeley collision data.



Vision Zero

Berkeley's Vision Zero strategy aims to eliminate all traffic fatalities and severe injuries while increasing saf...

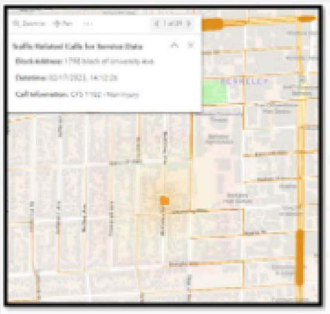
Explore

Prong # 2 – Community Reports

Responding to calls from community members.

- Possible DUI driver (car reportedly swerving)
- Driver that's fallen asleep at a red light
- A variety of unsafe driving incidents occurring
- CRIME involving vehicle
  - Hit and Run
  - Crime with get-away vehicle description

To submit a traffic safety concern, please fill out the form on the right!



Use the Dashboard below to explore traffic-related Calls for Service (orange lines) and community concerns (orange flag).



Submit a Traffic Concern

Let the Berkeley Police Department Traffic Bureau know about your traffic safety concern in the community

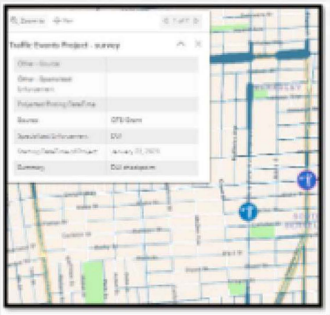
Take Survey

Prong #3 – Community Caretaking

Examples of violations that are safety concerns but not necessarily PCFs

- Distracted Driving (hands free law)
- DUI Investigation
- Seatbelt Violations

For additional information on our traffic stop data, please visit our Stop Data page on the right!



Use the Dashboard below to explore our traffic enforcement efforts (blue lines) in relation to calls/concerns/collisions.



Stop Data

An ArcGIS Hub page used by Law Enforcement agencies to help illustrate to the general public the enforcement...

Explore

Attachment 5: Berkeley Police Department Memorandum Titled: "PD Response to PAB FIP Implementation Report"

Berkeley Police Department Memorandum

From: Chief Jennifer Louis Date: 4/15/2024

To: The Police Accountability Board and the Office of the Director of Police Accountability

Subject: PD Response to PAB FIP Implementation Report

We sincerely thank you for sharing the draft of your Fair and Impartial Policing Implementation Report and for being open to accepting our comments and feedback. The Berkeley Police Department commends the Police Accountability Board for your analysis and efforts to enhance policing standards in our community. Your work plays a vital role in promoting fairness, equity, and impartiality in policing.

BPD is fully committed to collaborating with the PAB as we share the goals of ensuring justice and safety for every community member. We value your partnership as we implement effective reforms and strive for continuous improvement.

Regarding the specific recommendations:

- BPD appreciates the guidance to focus on outcomes, not just policies. We commit to including measures of our impact on racial disparities, such as steps taken to mitigate officer bias, in our quarterly FIP reports. While acknowledging external factors, we will emphasize areas where BPD can drive meaningful change.
- Since implementing our Three-Pronged Traffic Enforcement model, we've decreased equipment violation stops by 21% from 2022-2023 and reduced disparities in all discretionary vehicle stops. The data shows that the percentage of all discretionary equipment violation stops involving Black individuals has decreased from 29.49% in 2021 to 20.93% in 2023, indicating progress in addressing the overrepresentation of Black people in these stops. We are open to further adjustments but believe our current approach needs more time to demonstrate its full impact.
- BPD will continue to exceed the Council's directives for implicit bias training through our comprehensive KIND program, which embeds these principles into trainings on tactics, de-escalation, and communication. This holistic approach reinforces recognizing and mitigating bias across all aspects of our work.
- BPD is actively collaborating with the PAB and the Berkeley Police Association to enhance and refine our Early Intervention System. We are working to ensure our approach reflects best practices and balances the goals of fairness and effectiveness in identifying areas for improvement. The system's design will be informed by comprehensive analysis and guidance from these subject matter experts.
- Our policies mandate strict accountability for any biased conduct by officers. BPD is fully committed to enforcing these standards to maintain the highest levels of integrity and public trust.

Regarding the collision analysis, we want to clarify that it aims to provide a relevant baseline of the demographics of Berkeley drivers, especially those driving dangerously, to enable a fair assessment of officers' decision-making. The data reflects operational realities, not an attribution of driving behaviors

Berkeley Police Department Memorandum

to any racial group. We acknowledge the omission of equipment violations and commit to expanding our analysis to examine these stops in future reports.

We suggest the FIP subcommittee develop a theory of change linking each recommendation to specific factors contributing to disparities (e.g., socioeconomic inequities, institutional practices, individual bias). This will allow us to better assess if reforms are addressing the intended aspects of the disparities.

We also recommend clarifying that the disparity figures compare stop demographics to city demographics, not necessarily differential treatment for identical behaviors, to accurately capture the complex factors shaping police interactions beyond just department policies.

Regarding implementation progress, BPD has engaged on every recommendation, completing all but one. The outstanding recommendation, 'Conduct a capacity study of police calls and responses and use of officer time outside of case work,' is expected to be completed by June, pending the results of an upcoming report from Citygate Associates. Our 2023 annual report reflects this progress and commitment. Beyond the completion of the final recommendation, the department will continue efforts related to fair and impartial policing and will continue to assess and review the efficacy of our efforts.

In conclusion, the Berkeley Police Department reaffirms our unwavering dedication to fair and impartial policing. We deeply value the PAB's crucial role in achieving our shared goals and welcome your continued feedback. BPD is committed to learning, improving, and engaging in open dialogue as we work together to promote equity and justice.

Thank you again for the opportunity to provide input. We look forward to our continued partnership to ensure Berkeley's policing lives up to our city's values.

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Igor Tregub, Councilmember, District 4

Adena Ishii, Mayor

Mark Humbert, Councilmember, District 8

Cecilia Lunaparra, Councilmember, District 7

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), and Councilmember Lunaparra (Co-Sponsor)

Subject: Resolution in Support of California Senate Bill 81 (Arreguín) Health and Care Facilities: Information Sharing to Amend Sections 56.05 and 56.10 of the Civil Code, and to Add Chapter 1.5 to Division 2 of the Health and Safety Code, Relating to Health and Care Facilities

RECOMMENDATION

Adopt a resolution in support of California State Senate (SB) Bill 81 (Arreguín), Healthcare Provider Entities: Information Sharing amend Sections 56.05 and 56.10 of the Civil Code, and to add Chapter 1.5 (commencing with Section 1249) to Division 2 of the Health and Safety Code, relating to health and care facilities, and declaring the urgency thereof, to take effect immediately; and distribute copies to the California Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to advocate for its passage.

SB 81 would mandate healthcare facilities to develop protocols for monitoring and receiving visitors, as well as designating certain areas as nonpublic in order to maintain a secure environment aligned with the facility's mission and commitment to patient care. Additionally, the bill would prohibit immigration enforcement agents from entering nonpublic areas of a facility without a valid judicial warrant or court order. It would also protect patient information by barring the disclosure of a person's current or past immigration status or place of birth for purposes related to immigration enforcement.[1]

[1] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260SB81

CURRENT SITUATION AND ITS EFFECTS

In January of 2025, the City of Berkeley reaffirmed its status as a Sanctuary City, which outlines that "no department, agency, commission, officer or employee of the City of Berkeley shall use any City funds or resources to assist in the enforcement of Federal immigration law or to gather or disseminate information on the status of individuals in the City of Berkeley unless required by federal law."[2]

Similarly, the California Values Act (SB 54) ensures that no state and local resources are used to assist federal immigration enforcement and that schools, hospitals, and courthouses are safe spaces for everyone.

SB 54 required the Attorney General to prepare and publish guidance promoting safe and secure healthcare access for all in the state of California. This guidance is to provide the administrators of healthcare provider entities with policies for collecting patient and family health information, while preventing unnecessary collection and maintenance of information on the immigration status of patients and their families.

SB 81 would require health and care facilities to restrict access for immigration enforcement to its nonpublic areas without a valid judicial warrant or court order and prohibit such facilities from disclosing current and previous immigration status or birthplace as part of a patient's medical information for the purposes of immigration enforcement by amending Sections 56.05 and 56.10 of the Civil Code, and to add Chapter 1.5 (commencing with Section 1249) to Division 2 of the Health and Safety Code, Relating to Health and Care Facilities.

FISCAL IMPACTS OF RECOMMENDATION

Limited staff time associated with communicating the city's position to the above-referenced recipients.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Councilmember Igor Tregub, Council District 4
510-981-7140, Itregub@berkeleyca.gov

Amy Johnson, Legislative Aide, Council District 4
amjohnson@berkeleyca.gov

[2] https://berkeleyca.gov/sites/default/files/documents/2025-01-21%20Item%2027%20Reaffirming%20Berkeley%20as%20a%20Sanctuary%20City.pdf

Attachments:

1. Resolution
2. Fact Sheet

RESOLUTION NO. ##,###N.S.

RESOLUTION IN SUPPORT OF CALIFORNIA SENATE BILL 81 (ARREGUÍN) CALIFORNIA FAIR ELECTIONS ACT OF 2026 TO AMEND SECTIONS 85300 AND 85320 OF THE GOVERNMENT CODE, RELATING TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, Senate Bill 81 (Arreguín) would require health and care facilities to restrict access for immigration enforcement to its nonpublic areas without a valid judicial warrant or court order and prohibit such facilities from disclosing current and previous immigration status or birthplace as part of a patient's medical information for the purposes of immigration enforcement; and

WHEREAS, Senate Bill 81 is co-sponsored by the Service Employees International Union (SEIU), California Immigrant Policy Center, Latino Coalition for a Healthy California, and California Nurses Association, and supported by a broad coalition of labor unions, immigrant rights organizations, not-for-profit community health centers, civic engagement non-profits, civil rights advocates, healthcare policy advocates, organizations for ethnic equity, and youth health commissions, who recognize it as a critical step in protecting the civil rights of immigrants; and

WHEREAS, current law does not strictly prohibit health and care entities from sharing patient birthplace and immigration status information with immigration enforcement, leaving immigrants and their families vulnerable when accessing care that is essential to life; and

WHEREAS, Senate Bill 81 seeks to explicitly prohibit patient birthplace and immigration status information from being shared by healthcare entities to immigration enforcement and restrict access for immigration enforcement to its nonpublic areas without a valid judicial warrant or court order; and

WHEREAS, immigrants and their families have been targeted by the current federal administration, increasing the immigrants' dire need for support and protection; and

WHEREAS, the passage of Senate Bill 81 would help strengthen California's commitment as a Sanctuary State, ensuring that information regarding immigration status is only shared with due process; and

WHEREAS, the City of Berkeley was the first city in the nation to declare Sanctuary City Status and reaffirmed this commitment in January of 2025; and

NOW, THEREFORE, BE IT RESOLVED, that the Berkeley City Council hereby declares its support for California State Senate Bill 81; and

BE IT FURTHER RESOLVED, that the Berkeley City Council directs the City Manager to distribute copies to the California Governor Gavin Newsom, Senator Jesse Arreguin, Assemblymember Buffy Wicks, California Senate President pro Tempore Mike McGuire, and California Assembly Speaker Robert Rivas to advocate for its passage.





CALIFORNIA STATE SENATOR

Jesse Arreguín

REPRESENTING SENATE DISTRICT 07

SB 81– Healthcare Provider Entities: Information Sharing

SUMMARY

SB 81 would require healthcare facilities to establish procedures for monitoring and receiving visitors and designating nonpublic areas to promote a safe environment conducive to the facility's mission and patient care. Moreover, this bill would require health facilities to restrict access to its nonpublic areas for immigration enforcement without a valid judicial warrant or court order. Finally, this bill would include current and previous immigration status or place of birth as part of a patient's medical information that would be prohibited from being disclosed for the purposes of immigration enforcement.

BACKGROUND

The California Values Act (SB 54) ensures that no state and local resources are used to assist federal immigration enforcement and that our schools, hospitals, and courthouses are safe spaces for everyone in the community. SB 54 required the Attorney General to prepare and publish guidance promoting safe and secure healthcare access for all in the state of California. Such guidance is to provide healthcare provider entities administrators with policies for collecting patient and family health information, while preventing unnecessary collection and maintenance of information on the immigration status of patients and their families.

The federal Health Insurance Portability and Accountability Act (HIPAA), including its Privacy Rule and its Security Rule, provides protections for the use and disclosure of information contained in medical records. Under HIPAA, personal health information may not be used or disclosed, except under certain conditions, including for treatment or payment for health care and upon the consent of the patient.

PROBLEM

Health care is a universal right where one should feel safe and comfortable seeking the care they need. Our communities should do so without fear of deportation, harassment, or intimidation. Moreover, immigration status and place of birth are not expressly listed as protected personal health information.

SOLUTION

This bill would codify existing policy guidance from the Attorney General as part of SB 54. SB 81 would require healthcare facilities to establish procedures for monitoring and receiving visitors, and designate nonpublic areas to promote a safe and inclusive environment for all patients so everyone can get the care they need without fear of intimidation, harassment, and deportation.

CONTACT

Carmen Ayon
Legislative Aide
Carmen.Ayon@sen.ca.gov

SUPPORT

Co-Sponsors:
Service Employees International Union (SEIU)
California Immigrant Policy Center
Latino Coalition for a Healthy California
California Nurses Association

Support:
California Primary Care Association
California Hospital Association
La Clinica De La Raza, Inc.
UCLA Latino Policy and Politics Institute
Venice Family Clinic
Western Center on Law and Poverty, Inc.
First 5 Contra Costa
South Asian Network
The Children's Partnership
The Los Angeles Trust for Children's Health

Planned Parenthood Affiliates of California
Pre-Health Dreamers
Southeast Asia Resource Action Center
Thai Community Development Center
Inland Coalition for Immigrant Justice
Indivisible CA State Strong
Healthy Contra Costa
Gender Justice LA
Friends Committee on Legislation of California
Farm2People
Ensuring Opportunity Campaign
Disability Rights California
Deaf Hope
CPCA Advocates
Courage California
Community Clinic Association of Los Angeles County
Communities United for Restorative Youth Justice
Coalition for Humane Immigrant Rights
Ceres Community Project
California Pan Ethnic Health Network
Buen Vecino
Asian Americans Advancing Justice-Southern California
American Federation of State, County and Municipal Employees, AFL-CIO
Alliance San Diego

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Office of the City Manager

PUBLIC HEARING
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Ordinance Vacating a Portion of Carleton Street from Westerly Terminus Extending 381.23 Feet Easterly

RECOMMENDATION

1. Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance vacating a 381.23-linear-foot (27,449 square foot) portion of the public right-of-way on Carleton Street, located at the westerly terminus of Carleton Street.

2. Schedule a public hearing and second reading of the Ordinance for the July 29, 2025, Council meeting.

3. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute a deed quit claiming that portion of the right-of-way of Carleton Street and conveying to the adjacent property owner, Bayer Healthcare LLC ("Bayer").

FISCAL IMPACTS OF RECOMMENDATION

There is no negative fiscal impact to the City of Berkeley from adopting this ordinance. Bayer has paid the appropriate fees related to processing this street vacation. In addition, the street vacation would have a positive financial impact as it will reduce long-term City maintenance and public service costs as well as increase property tax due to increase of the Bayer-owned parcel.

CURRENT SITUATION AND ITS EFFECTS

The 381.23-linear-foot segment of Carleton Street proposed for vacation, as described in Exhibit A (attached) and shown on Exhibit B (attached), is a dead-end right-of-way. Bayer owns all properties adjacent to the proposed vacated section, including on the north, south, and west sides of the subject roadway segment. Therefore, Bayer submitted a request for the City to vacate the dead-end portion of Carleton Street to improve internal circulation and enhance facility security.

The City is currently responsible for maintaining this segment of Carleton Street. In addition, the City is liable for any incidents and accidents that may occur in this section

of the right-of-way. By vacating this segment, the City eliminates maintenance responsibility and liability while allowing Bayer to move the effective western terminus of Carleton Street eastward to improve site circulation and security.

BACKGROUND

Pursuant to Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California, a local agency may vacate a public right-of-way of a street or highway when the street is unnecessary for present or prospective public street uses. The Streets and Highways Code allows the initiation of public street vacation by the City Council by the adoption of a Resolution of intention, the fixing of a date for a public hearing, and the publication and posting of notice as required therein. The Council adopted the Resolution of intention on July 8, 2025, for this purpose.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Vacating a portion of Carleton Street decreases the amount of right-of-way available to motor vehicles which reduces the amount of pollution they produce. Similarly, maintenance activities that may have negative environmental impacts, such as street repaving and concrete sidewalk replacement, would be reduced.

RATIONALE FOR RECOMMENDATION

The Public Works Department has reviewed the proposed vacation pursuant to the California Streets and Highways Code §§ 8320, 8322, 8323, 8324 and determined that the segment is "unnecessary for present or prospective public use." This segment of the right-of-way is not identified as (1) a major, collector, or local residential street in the General Plan; (2) as a current or future part of the City's bicycle network in the Bicycle Plan; (3) as a primary or secondary transit route; or (4) as an emergency evacuation route. This portion of Carleton Street provides access to only Bayer's campus, and the vacation of this portion of the street is similar to others the City has adopted in the immediate area in connection with Bayer's campus.

City staff also determined that the vacation will not negatively impact emergency services or utility access. Bayer will preserve the right of the City of Berkeley and utility providers including but not limited to Pacific Gas & Electric Company (PG&E), East Bay Municipal Utility District (EBMUD), and American Telephone and Telegraph Company (AT&T) to maintain, repair, and perform other activities related to their infrastructure in the vacated right-of-way per Section 8340 of the California Streets and Highways Code.

In addition, approval of this vacation allows the City to avoid maintenance costs and liability on a portion of Carleton Street that provides access to only one property owner (Bayer).

ALTERNATIVE ACTIONS CONSIDERED

The alternative course of action is to deny the request for street vacation. The City would continue to be responsible for maintaining this portion of Carleton Street and hold

liability for any incidents that may occur despite this area being surrounded on three sides by Bayer-owned properties.

CONTACT PERSON
Ronald A. Nevels, Manager of Engineering, Engineering Division (510) 981-6439
Vincent Chen, Supervising Civil Engineer, Engineering Division (510) 981-6409

Attachment:
1: Ordinance
    Exhibit A: Street Vacation Area Legal Description
    Exhibit B: Street Vacation Area Plat

2: Public Hearing Notice

ORDINANCE NO. –N.S.

VACATION OF A PORTION OF CARLETON STREET BETWEEN THE WESTERLY TERMINUS OF CARLETON STREET AT THE BAYER CAMPUS AND A POINT APPROXIMATELY 381.23 FEET EASTERLY THEREOF

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Vacation of Portion of Right-of-Way

That pursuant to Streets and Highways Code Section 8320 et. seq., the City of Berkeley hereby vacates the following portion of the public right-of-way of Carleton Street located at the westerly terminus of Carleton Street at the Bayer Campus, more specifically described in Exhibits A and B, on the basis of the following findings:

a. That the public right-of-way described above is a dead-end street providing street access to one single property, that being the Macaulay Foundry located at 811 Carleton Street;

b. That the owner of the Macaulay Foundry site, Bayer Healthcare LLC, has requested the City vacate that portion of Carleton Street providing access to the Macaulay Foundry site, such owner having established legal access to public streets through property located west and adjacent to it;

c. That the portion of the right-of-way described in Exhibits A and B is not identified as a present or prospective major, collector, or local residential street in the City's General Plan;

d. That the portion of the right-of-way described in Exhibits A and B is not a current or future part of the City's bicycle network in the Bicycle Plan;

e. That the portion of the right-of-way described in Exhibits A and B is not identified as a present or prospective primary or secondary transit route in the City's General Plan;

f. That the portion of the right-of-way described in Exhibits A and B is not identified as a present or prospective emergency access and evacuation route in the City's General Plan;

g. That the portion of the right-of-way described in Exhibits A and B causes the City to incur maintenance and other public services costs necessary to keep this portion safe and in good repair;

h. That the portion of the right-of-way described in Exhibits A and B is, for the foregoing reasons, unnecessary for present or prospective public street uses;

i. That there are public utility facilities that are in use, but they would not be affected

by the vacation of the public right-of-way described in Exhibits A and B because the City's quitclaim of interests reserves sufficient easement rights for the benefit of affected utility providers to maintain, repair, and otherwise to affect their utility infrastructure; and

j. That the City Clerk is hereby authorized and directed to cause a certified copy of this ordinance of vacation, attested by him under seal, to be recorded in the Office of the Recorder for Alameda County, California.

Said vacation shall except and reserve therefrom, pursuant to the provisions of Section 8340 of the Streets and Highways Code, and for the benefit of the City itself, East Bay Municipal Utility District (EBMUD), Pacific Gas & Electric Company (PG&E), and American Telephone and Telegraph Company (AT&T), the permanent, non-exclusive easement and right at any time, and from time to time, to excavate for, construct, maintain, operate, replace (of initial or any other size), remove, inspect, use, renew and enlarge public utility facilities, including but not limited to line of pipe, conduits, cables, poles, wires and other convenient structures, equipment and fixtures for the operation of communication lines, electrical transmission distribution lines, natural gas lines, water lines, sanitary and storm sewers, stormwater infrastructure, and communication facilities, including ingress, egress, access and the right to keep the property free from inflammable material and wood growth, including without the limitation the right to trim and cut down trees and other vegetation, and protect the same from all hazards, in, upon, over and across those portions of Carleton Street so vacated and abandoned. Areas above, below, and within 8 feet of such public facilities shall be kept open and free of new buildings, structures, wells, and other obstructions. For the purposes of this section, a fence shall not constitute a new building, structure, well, or other obstruction.

Section 2. Conveyance of Property

That the City Manager and City Clerk are hereby authorized and directed to execute a quitclaim deed, conveying the City’s interests in the portion of the right-of-way described in Exhibits A and B to the adjacent property owner Bayer Healthcare LLC; and

That the City Clerk is hereby authorized and directed to cause the executed quitclaim deed to be recorded in the Official Records of Alameda County, California.

Section 3. Posting

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibits
A: Street Vacation Area Legal Description
B: Street Vacation Area Plat

March 5, 2025

EXHIBIT "A"

VACATION DESCRIPTION

CARLETON STREET

ALL OF THAT REAL PROPERTY SITUATE IN THE CITY OF BERKELEY, ALAMEDA COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF CARLETON STREET, AS SAID STREET BEING LABELED AS CARLTON STREET AND SHOWN ON THE "MAP OF BYRON JACKSON IRON WORKS PROPERTY" FILED ON JULY 14TH, 1909 IN BOOK 24 OF MAPS AT PAGE 84, ALAMEDA COUNTY RECORDS, STATE OF CALIFORNIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

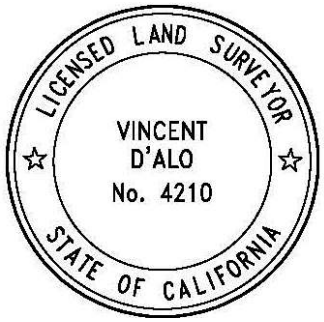
COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET WITH THE WESTERLY RIGHT OF WAY LINE OF 7TH STREET AS SHOWN ON SAID "MAP OF BYRON JACKSON IRON WORKS PROPERTY"; **THENCE** ALONG SAID NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 240.54 FEET, TO THE EASTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO JOHN ALLEN AND KEN DAVID, RECORDED MARCH 18, 2004 AS DOCUMENT NUMBER 2004-113321, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; **THENCE** CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 381.23 FEET, TO THE WESTERLY RIGHT OF WAY LINE OF CARLETON STREET AS DESCRIBED IN ORDINANCE 6618-N.S., CITY OF BERKELEY, ALAMEDA COUNTY; **THENCE** ALONG SAID WESTERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 17°46'00" EAST 72.00 FEET, TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF CARLETON STREET; **THENCE** ALONG THE SOUTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 381.23 FEET, TO A POINT WHICH WOULD BE INTERSECTED BY A LINE DRAWN SOUTHERLY AND AT RIGHT ANGLE FROM THE POINT OF BEGINNING, SOUTH 17°14'00 EAST 72.00 FEET; **THENCE** NORTHERLY ALONG SAID LINE TO THE **POINT OF BEGINNING.**

CONTAINING AN AREA OF 27,449 SQUARE FEET, MORE OR LESS.

ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT "B" FOR REFERENCE ONLY.

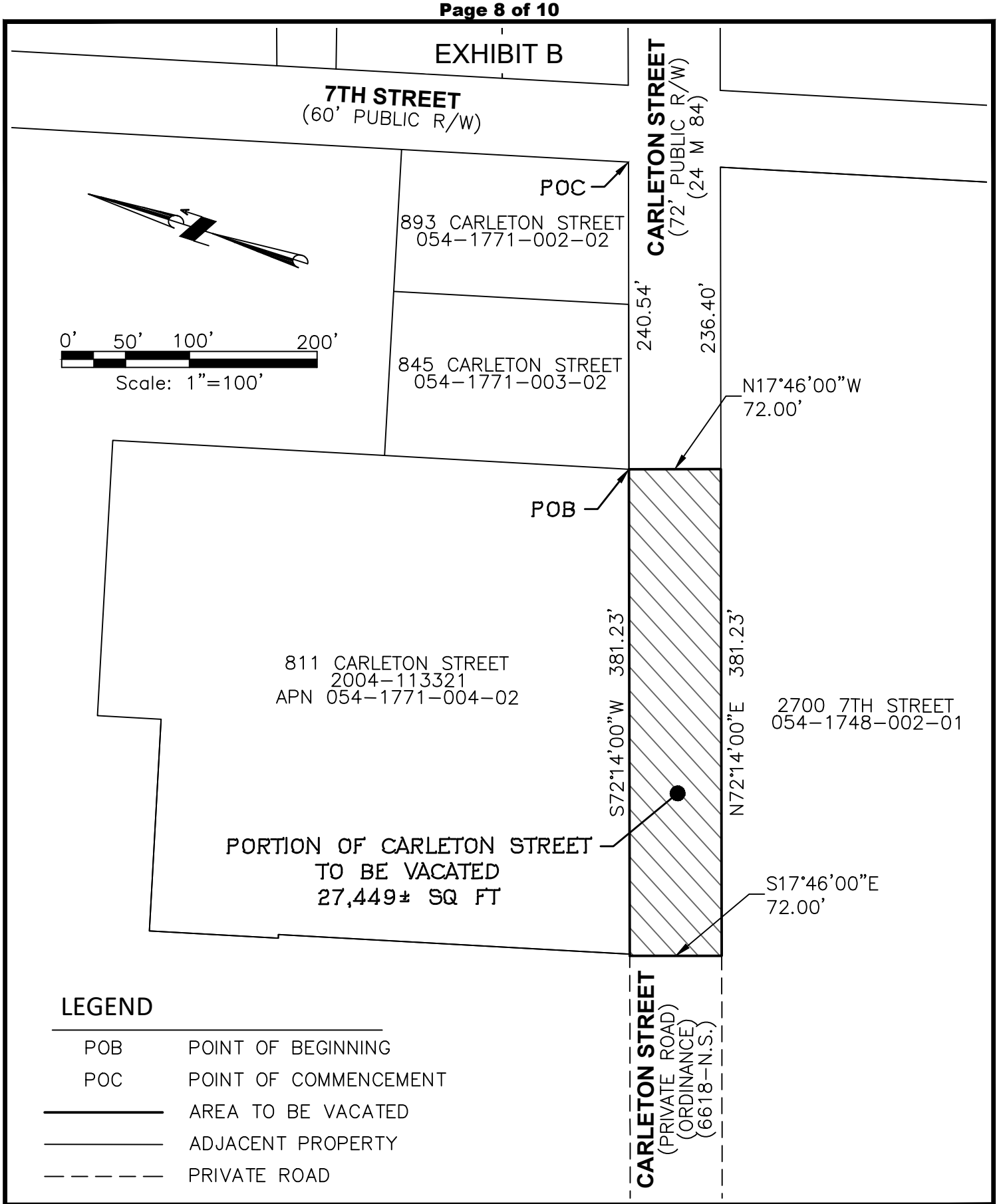
END OF DESCRIPTION

PREPARED BY:



VINCENT J. D'ALO
LS 4210

March 5, 2025
DATE



ALIQUOT
Civil Engineers
Traffic Engineers
Surveyors
Aliquot Associates, Inc.
1390 S. Main St. - Ste. 310
Walnut Creek, CA 94596
Telephone: (925) 476-2300
Fax: (925) 476-2350

Subject CARLETON STREET VACATION
Job No. 220040.42 Scale 1"=100'
By JPS Date: 03/05/25 Chkd. VJD
Sheet 1 Of 1

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

CARLETON STREET VACATION

The public may participate in this hearing by remote video or in-person.

Bayer Healthcare, LLC (Bayer) has requested the city vacate a portion of Carleton Street public right-of-way from its westerly terminus extending 381.23 feet easterly and conveying the vacated portion to Bayer. See attached legal description and plat of the proposed vacation.

The proposed street vacation will be pursuant to Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California.

A public hearing and first reading of an ordinance is scheduled for the Tuesday, July 22, 2025 City Council meeting, with a second hearing and reading scheduled for Tuesday, July 29, 2025. The location of the hearings is the School District Board Room – 1231 Addison Street, Berkeley, CA 94702. City Council meetings commence at 6:00PM.

A copy of the agenda material for the July 22, 2025 hearing will be available on the City's website at https://berkeleyca.gov/ as of July 10, 2025. A copy of the agenda material for the July 29, 2025 hearing will be available on the City's website at https://berkeleyca.gov/ as of July 17, 2025. **Once posted, the agendas for these meetings will include links for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact **Vincent Chen** at vchen@berkeleyca.gov, 510-981-6409.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 10, 2025.

_____
Mark Numainville, City Clerk

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Office of the City Manager

PUBLIC HEARING
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Prepared by: Jennifer Louis, Chief of Police

Subject: Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations

RECOMMENDATION

Conduct a public hearing, and upon conclusion, adopt a Resolution:

1. Approving the attached Compendium reflecting the current operational agreements between the Berkeley Police Department and other law enforcement agencies and private organizations.
2. Accepting the attached Suspicious Activity Report (SAR).
3. Accepting the attached Mutual Aid requests and responses report as submitted in accordance with existing City Council directives.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact of not approving these inter-agency operational agreements is difficult to quantify, but the potential costs to the City of Berkeley could be substantial. Without formal partnerships between agencies, the City could face significantly higher expenditures when responding to critical incidents or large-scale emergencies, including but not limited to major criminal investigations, civil unrest, natural disasters, or acts of terrorism. The absence of these agreements may also necessitate that the department develop and maintain additional internal expertise, equipment or specialized programs in order to meet operational needs independently. These agreements are essential for enabling coordinated, timely and cost-effective responses that minimize strain on City resources and ensure public safety during such events.

Approval of these agreements supports the continuation of law enforcement operations as outlined in the Department's current budget. While non-approval may yield short-term budget savings, it could lead to increased investigative costs and immeasurable impacts on public safety and justice outcomes if offenders are not effectively identified or prosecuted.

The cost, or lack thereof, for each agreement are outlined in the summary included in the attached MOU Compendium.

CURRENT SITUATION AND ITS EFFECTS

The majority of these agreements have been in place for several years and are updated as necessary to ensure continued relevance and operational effectiveness. This allows daily law enforcement operations to proceed smoothly. Challenges that may arise are addressed through mutual cooperation and strong working relationships between agencies. Without these agreements or memoranda of understanding (MOUs), the Department's efficiency and ability to deliver services effectively would be significantly diminished.

BACKGROUND

Berkeley Municipal Code (BMC) §§2.04.150 – 2.04.210 requires City Council approval of any agreements, understandings, or policies involving mutual aid, information sharing, or operational cooperation between the Berkeley Police Department and local, state or federal law enforcement agencies, military or intelligence agencies, and private security organizations. These provisions came into effect under Ord. 4640 NS §1, 1973, requiring annual City Council approval. The last City Council approval was July 23, 2018. Subsequent delays resulted from a combination of factors, including the COVID-19 pandemic, staffing shortages, the transition from legacy General Orders to updated Lexipol Policies, and extended legal review processes across multiple agencies for new and revised agreements. This hearing brings the Department back into compliance with the ordinance.

While the original ordinance requires annual review, the administrative burden of reviewing, updating, and securing approval for over two dozen separate agreements each year, many involving multiple external legal and policy stakeholders, has proven operationally inefficient and resource intensive. Given that most agreements do not materially change year to year and are subject to ongoing internal and partner agency review, the requirement for annual Council approval imposes a recurring administrative obligation without clear operational necessity or benefit. To ensure continued compliance while reducing unnecessary administrative strain, the Department has implemented a systematic internal review process. Staff will return at a future date with a recommendation for City Council to adopt the first reading of an ordinance amending BMC 2.04 to allow this report to be submitted every three years. This approach would maintain transparency and oversight while allowing the Department to allocate resources more effectively.

Previous iterations of the MOU Compendium included not only formal operational agreements and memorandum of understanding, but also included policy documents, general orders, and multiple "general understandings." Throughout the MOU Compendium there were numerous agreements that fall under the terminology 'general understandings,' some of which date back to the 1970's. These understandings are not written into a formal agreement between the City of Berkeley or the Berkeley Police Department and another law enforcement agency, public or private entity or other persons. They attempted to convey to Council and the public how the Police Department interacted with certain state or federal agencies. However, current state and federal laws, as well as our current policies have supplanted the usefulness of these one-sided understandings. As they do not provide any substantive operational benefit or enhance the efficacy of the Berkeley Police Department, their continued recognition is unnecessary and unwarranted. The current MOU Compendium includes a list of the items that have been removed

since the approval of the prior 2018 MOU Compendium. and only contains formal, actionable agreements.

The 2018 MOU Compendium was shared with the Police Accountability Board (PAB) on April 12, 2025 and discussed in several internal and public meetings. The PAB has been informed of the process and specific content to be removed from this MOU Compendium. Included in attachments is a supplemental letter form the PAB to City Council regarding the revised MOU Compendium and a recommendation to amend the review cycle to a more sustainable timeline.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The Berkeley Police Department provides law enforcement services to the citizens of Berkeley. It does so under the guidance of federal, state and local laws. The ability to leverage regional partnerships and shared resources is critical to the Department's mission and to maintaining a just system and effective system of law enforcement. That cannot be accomplished without the cooperation of other law enforcement agencies and private organizations.

Effectively containing and managing large-scale emergencies, critical incidents or disasters requires substantial personnel and logistical resources. Such responses are only possible through a mutual aid system established by the State and coordinated at the County level. Additionally, to remain eligible for Federal Emergency Management Agency (FEMA) disaster funding and/or reimbursement, agencies must follow the guidelines set forth by the National Incident Management System (NIMS), as required by federal law.

Many external agencies, including the University of California, Bay Area Rapid Transit, East Bay Regional Parks, and California Highway Patrol, have jurisdictional interests in areas, buildings or structures located within Berkeley. Formal agreements help ensure seamless coordination and, in some cases are required by state law.

ALTERNATIVE ACTIONS CONSIDERED:

An alternative to approving the current set of inter-agency agreements would be to defer or decline their adoption. However, this is not recommended. Failure to approve these agreements would place the City out of compliance with BMC 2.04.150–2.04.210 and compromise the Berkeley Police Department's ability to coordinate effectively with external agencies. Without formal agreements in place, the Department would face operational limitations, increased risk during critical incidents, and potential disqualification from certain state and federal funding. In addition, the absence of MOUs could hinder joint investigations, prolong emergency response times, and reduce the Department's ability to ensure public safety. Given the critical role these agreements play in maintaining compliance, operational

readiness, and regional collaboration, there is no viable alternative to their review and approval.

CONTACT PERSON:

Jennifer Louis, Chief of Police, 510-981-5900

Attachments

1. Resolution
   Exhibit A: MOU Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations
   Section # / Title
   Section 1 - Local Agencies
   Section 2 - State Agencies
   Section 3 - Federal Agencies
   Section 4 - Private Security Entities
   Section 5 - Military Entities
   Section 6 - Other Mutual Aid/Cooperative Activity Policies
   Exhibit B: SAR Report
   Exhibit C: Mutual Aid Report
2. Public Hearing Notice
3. Supplemental Letter from Police Accountability Board

RESOLUTION NO._____N.S.

APPROVING THE MEMORANDUM OF UNDERSTANDING COMPENDIUM, REVISED AND UPDATED AS OF JULY 22, 2025, WHICH EXPRESS TERMS AND CONDITIONS OF AGREEMENTS BETWEEN THE BERKELEY POLICE DEPARTMENT AND ALL OTHER LAW ENFORCEMENT AGENCIES AND PRIVATE ORGANIZATIONS.

WHEREAS, the Berkeley Police Department has established written agreements with other law enforcement agencies and private organizations; and

WHEREAS, such agreements are needed to enhance investigative resources and emergency services provided to the citizens of Berkeley, creating a safer environment for all; and

WHEREAS, Berkeley Municipal Code §2.04.150 et seq. (the Ordinance) requires public disclosure and City Council approval of written agreements between the Berkeley Police Department and outside agencies or organizations; and

WHEREAS, the Suspicious Activity Report (SAR) has been prepared and submitted in accordance with Council directives and is attached for review and acceptance; and

WHEREAS, the Mutual Aid Requests and Responses Report has been prepared and submitted in accordance with existing City Council directives and is also attached for Council review and acceptance.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley approves the agreements between the Berkeley Police Department and other law enforcement agencies and private organizations as set forth in City Manager Report dated July 22, 2025, a copy of which is attached hereto, marked Exhibit A and made part hereof.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley accepts the Suspicious Activity Report (SAR) and the Mutual Aid Requests and Responses Report as submitted.

BE IT FURTHER RESOLVED that record copies of aforementioned documents to be on file in the Office of the City Clerk, and be available electronically via the City of Berkeley website.

CITY OF BERKELEY

POLICE DEPARTMENT

MEMORANDUM OF UNDERSTANDING (MOU) COMPENDIUM

AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES

AND PRIVATE ORGANIZATIONS

(Submitted in compliance with Berkeley Municipal Code §2.04)

PREFACE

This Memorandum of Understanding (MOU) Compendium contains current written agreements referenced in Berkeley Municipal Code §2.04.150, et seq. (hereafter, Ordinance). It fulfills the Ordinance's requirement for public disclosure of formal relationships with other law enforcement agencies and private organizations.

The 2025 MOU Compendium has been updated to align with the Ordinance's intent and content. It reflects current agreements presented to and approved by Council on July 22, 2025. Informal agreements or understandings are excluded to maintain a clear focus on active, formal agreements.

Where interaction, cooperation, or information sharing with other law enforcement agencies and private organizations is not specified in this compendium, the Department shall do so only as permitted by law, policy, and when necessary to support lawful investigations and public safety.

For reference, the previous 2018 MOU Compendium can be found at this link.

The information below describes changes that were made to the current MOU Compendium and is organized as follows:

- New agreements added since July 23, 2018
- Existing agreements renewed or revised
- Existing agreements pending revision
- Existing agreements removed or discontinued
- General Understandings removed or superseded by policy

New Agreements

- 1.1 **Alameda County Sobering Center:** This operational agreement with Cherry Hill Detoxification Services Program, managed by Horizon Treatment Services, is an updated agreement that previously was between BPD and the Safe House Sobering Center, which is no longer in operation.
- 1.21 **Alameda County Emergency Medical Services Agency (EMS Agency):** The EMS Agency has agreed to provide BPD with 14 Automated External Defibrillators (AEDs), which supplies one AED for each BPD beat car. The purpose of this agreement is to enhance BPD's readiness and response capabilities when a community member experiences cardiac arrest.

- 3.13 **United States Marshals Service Fugitive Task Force:** The primary mission of this task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active warrants for their arrest. The targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offense, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. A BPD task force officer would refer cases for which they hold the primary warrant for the fugitive, for approval through the task force's Chief Inspector.

Existing Agreements: No Substantive Changes and/or only Updated Signatories

- 1.4 **Alameda County District Attorney's Office Victim/Witness Assistance Division**
- 1.7 **Bay Area Rapid Transit Police (BART)**.
- 1.9 **East Bay Regional Parks Police** (**EBRP Police)**
- 1.11 **Union Pacific Railroad Police Department**
- 2.7 **California Department of Justice CALPHOTO**
- 2.9 **California Department of Justice CLETS**
- 2.15 **Law Enforcement Penal Code 830.1**
- 2.16 **California Sex and Arson Registry (CSAR)**
- 3.12 **Northern California Regional Intelligence Center (NCRIC)**
- 4.1 **Child Abuse Listening, Interviewing and Coordination (CALICO)**
- 4.3 **A Safe Place Domestic Violence Resource Center**

Existing Agreements: Minor Updates

- 1.12 **University of California Police Department (UCPD):** The General Order (GO O-2) was rescinded and references to the order have been removed from the agreement. GO O-2 Appendices 1 and 2, contained two lists of UCPD addresses within the City of Berkeley. The two appendices have been combined into one list documented under Appendix 1, and subsequent appendices were re-numbered. This agreement was signed in September 2024.
- 2.11 **California Highway Patrol (CHP):** This operational agreement was updated and remains largely the same. The main difference is that CHP will now handle criminal investigations in their jurisdiction and on freeways. This agreement was signed in 2024.
- 4.2 **Critical Reach Public Safety Communications Systems:** This longstanding agreement has a recent addition consisting of an updated Terms of Use Agreement.

- 4.5 **Bay Area Women Against Rape (BAWAR):** The MOU is unchanged. However, this agreement will expire in September 2025 when BAWAR will cease to operate due to lack of funding.

Agreements Pending Updates

- 1.8 **Berkeley Unified School District (BUSD)**: There was an operational agreement from 2010. There is a pending update from 2025.
- 1.11 **Union Pacific Railroad Police Department:** This agreement is from 2010 and is being reviewed for minor updates and new signatories.
- 1.15 **San Jose Police Department, Silicon Valley Internet Crimes Against Children (ICAC) Task Force:** This agreement is from 2008 and is being reviewed for minor updates and new signatories.

Agreements Removed or Discontinued

- 1.3 **Alameda County District Attorney's Office, Threat Management/Stalking Vertical Prosecution Program (2004):** This program was discontinued. This Operational Agreement was established in 2004.
- 1.5 **Alameda County District Attorney's Office, Victim Advocacy Program/Elder abuse Working Group:** This program was discontinued. The Operational Agreement expired in 2018.
- 1.6 **Alameda County Sheriff's Office (ACSO):** There was a 2019 agreement to participate in ACSO's Narcotics Task Force which expired in April of 2020.
- 1.13 **Alameda County District Attorney's Office, Human Exploitation and Trafficking Unit (HEAT):** This program was discontinued in 2023. The Operational Agreement expired in 2020.
- 1.14 **Alameda County District Attorney's Office Violence Against Women/Domestic Violence Project:** This agreement expired in 2021 and the program has been discontinued.
- 1.17 **Alameda County District Attorney's Office, Memorandum of Understanding for Clearing and Preventing the Backlog of SART Exam Kits:** This 2015 agreement was grant funded and meant to clear the backlog of sexual assault forensic evidentiary exams. The grant funding and program have been discontinued.
- 1.18 **Alameda County Sexual Assault Felony Enforcement (SAFE) Task Force:** This task force was disbanded (approximately three years ago) due to funding and staffing issues.
- 2.17 **California Department of Justice UC Berkeley and Berkeley Police Department Domestic Violence / Sex Assault Reduction on Campus Grant:** This grant expired in 2023.

- 3.6 **Department of Homeland Security Urban Area Security Initiative (DHS UASI):** This had previously been a financial agreement whereby BPD was granted or awarded funds for a specific purchase. The last UASI agreement was for the purchase of an armored van for rescue or high-risk operations.
- 3.8 **Federal Bureau of Investigation (FBI):** Part of the agreement was previously removed. There was a 2009 agreement to participate in an Organized Crime Task Force which expired in September of 2010. There have been no additional or updated agreements since then. The general understanding with the FBI is removed and is now covered under Policy 327, Mutual Aid.

General Understandings – Removed or Superseded by Policy

- 1.2 **Alameda County Chiefs of Police and Sheriff's Association (ACCOPSA):** These were protocol and policy statements amongst Alameda County law enforcement agencies and were not formal agreements. This information is reference material and is maintained by Alameda County.
- 1.10 **Oakland Police Department:** This understanding covered a routine request for mutual assistance from the Oakland Police Department for response to their jurisdiction on Panoramic Way in an emergency. It was removed and now covered under Policy 327, Mutual Aid.
- 1.16 **Los Angeles Sheriff's Department:** This is a 2013 letter from the Los Angeles County Sheriff that any California peace officer has the authority of a peace officer at all times within Los Angeles County. These letters are typically coordinated by the California Police Chief's Association and there is no operational need for it at this time. This letter relates to Item 2.15.
- 1.19 **Burlington Northern Santa Fe Railway (BNSF):** This was a letter requesting assistance with trespassing and was not an agreement or compact. BNSF does not own any railroad stations, tracks, or right of way in the City of Berkeley.
- 1.20 **Oakland Police Department (OPD):** Radio Communications: This item is outdated, as it addressed a time when OPD had a separate stand-alone radio system. They have subsequently been incorporated into the East Bay Regional Communications System Authority (EBRCSA).
- 2.1 **California Boxing/Athletic Commission:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 2.2 **California Department of Alcohol Beverage Control:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.

- 2.3 **California Department of Consumer Affairs:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 2.4 **California Department of Corporations:** This general understanding was removed, and is covered by Policy 327, Mutual Aid and he agency no longer exists.
- 2.5 **California Department of Corrections (Parole Division):** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 2.6 **California Department of Fish and Game:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 2.8 **California DOJ, Law Enforcement Division:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 2.10 **DMV Division of Investigations:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 2.12 **California Horse Racing Board:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 2.13 **Cal OES LEMA Plan:** The 2019 version of the California Office of Emergency Services (CAL OES) Law Enforcement Mutual Aid Plan is a state policy document and is consistent with and describes state law concerning application of the Standardized Emergency Management System (SEMS) in law enforcement mutual aid situations.
- 2.14 **Homeland Security, State Threat Assessment Center (STAC)** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 3.1 **DHS Citizenship and Immigration Services:** This general understanding was removed as it was made obsolete by Policy 415, Immigration Law, which was implemented on May 24, 2019. Further it is covered Policy 327, Mutual Aid.
- 3.2 **DHS US Coast Guard** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 3.3 **DHS US customs and Boarder Protection** This general understanding was removed and is covered under the Immigration Policy and Policy 327, Mutual Aid.
- 3.4 **Department of Homeland Security: US Immigration and Customs Enforcement (ICE)**: This agreement was removed per the City Council's direction on September 13, 2018.
- 3.5 **DHS US Secret Service** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 3.7 **DOJ ATF** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 3.9 **DOJ DEA:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.

- 3.10 **Internal Revenue Service (IRS):** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 3.11 **US Postal Services (USPS):** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 4.4 **National Insurance Crime Bureau (NICB):** This was for use of an NICB vehicle that is no longer in service. The agreement was removed in 2018.
- 5.1 **Armed Services Police, Criminal Investigation and Special Operations Units:** This general understanding was removed, and is covered by Policy 327, Mutual Aid.
- 6.1 **Processing Stolen Vehicles:** This general understanding was removed and addressed under Policy 609.
- 6.2 **Disaster Management, COB Emergency Operations Plan 2016.** This report was produced by the Fire Department's Office of Emergency Services and may be downloaded from the following link: 2016-Emergency-Operations-Plan.pdf
- 6.3 **Mutual Aid**- "General Order M-2" was updated to "BPD Mutual Aid and Outside Assistance Policy, Policy 327" and California Office of Emergency Services Law Enforcement Mutual Aid Plan
- 6.4 **Vehicle Pursuit:** This policy statement was removed and is covered under Policy 307.
- 6.5 **Criminal Investigations-** This general understanding was removed is covered by Policy 429.
- 6.6 **Info Sharing with Review of Police Reports by Outside Agencies**: This general understanding was removed and covered under Policy 804.
- 6.7 **Jail Operations:** This general understanding was removed and covered under Policy 900 and Resolution 62,066-N.S.
- 6.8 **Use of Police Canines and Helicopters:** This policy reference was removed and is covered in policy 308 and 418 and Resolution 51,408-N.S.

LEGISLATIVE HISTORY

City Council accomplished public hearings, review and approval of submitted agreements and general understandings as required by BMC 2.04.170 on:

March 12, 1974 (Resolution No. 46,409 N.S.)
March 11, 1975 (Resolution Nos. 47,103 N.S.; 47, 104 N.S.; 47, 105 N.S.)
March 30, 1976 (Resolution No. 47,873 N.S.)
March 22, 1977 (Resolution No. 48,630 N.S.)
July 27, 1982 (Resolution No. 51,445 N.S.)
October 16, 1984 (Resolution No. 52,458 N.S.)
April 29, 1986 (Resolution No. 53,207 N.S.)
September 19, 2006 (Resolution No. 63,432 N.S.)
April 20, 2010 (Resolution No. 64,847 N.S.)
November 8, 2011 (Resolution No. 65,505 N.S.)
September 18, 2012 (Resolution No. 65,901 N.S.)
September 18, 2012 (Resolution No. 65,902 N.S.)
October 15, 2013 (Resolution No. 66,344 N.S.)
October 28, 2014 (Resolution No. 66,836 N.S.)
December 15, 2015 (Resolution No. 67,327 N.S.)
March 14, 2017 (Resolution No. 67,870 N.S.)
June 20, 2017 (Resolution Nos. 68,050 N.S, 68-051 N.S., 68-052 N.S., 68-053 N.S)
July 23, 2018 (Resolution No. 68517 N.S.)

DEPARTMENT HEAD AFFIRMATION AND APPROVAL

I affirm I have reviewed the contents of this Compendium and approve its presentation to City Council for public hearing, review and approval.



_____ ____06/25/25_____

Jennifer Louis, Chief of Police Date

BERKELEY POLICE DEPARTMENT

MOU COMPENDIUM: AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES

AND PRIVATE ORGANIZATIONS

2025

CITY COUNCIL REVIEW

REVISED/NEW ITEMS ARE IN RED REMOVED ITEMS ARE IN GREEN

Ch.	Pg.	Title
		CHAPTER 1 - LOCAL AGENCIES
1	1	Alameda County, Safe House Sobering Center (sponsored private program)
1	2	Alameda County Chiefs of Police and Sheriff Association Countywide Policy Statements
1	3	Alameda County DA's Office, Threat Management/Stalking Vertical Prosecution Program
1	4	Alameda County District Attorney's Office, Victim/Witness Assistance Division
1	5	Alameda County District Attorney's Office, Victim/Witness Assistance
1	6	Alameda County Sheriff's Office
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1	11	Union Pacific Railroad Police Department
1	12	University of California Berkeley Police Department
1	13	Alameda County District Attorney, Human Exploitation and Trafficking
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1	17	Alameda County District Attorney, Clearing and Preventing the Backlog of SART Exam Kits
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1	19	Burlington Northern Santa Fe Railway (BNSF)
1	20	Oakland Police Department, Radio Communications
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		CHAPTER 2 - STATE AGENCIES
2	1	California Athletic Commission
2	2	California Department of Alcoholic Beverage Control
2	3	California Department of Consumer Affairs
2	4	California Department of Corporations
2	5	California Department of Corrections and Rehabilitation, Parole Division
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2	8	California Department of Justice, Law Enforcement Division
2	9	California Department of Justice, Law Enforcement Telecommunications System (CLETS)
2	10	California Department of Motor Vehicles, Investigations Division
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2 12 California Horse Racing Board
2 13 California Emergency Services Agency, Law Enforcement Mutual Aid Plan
2 14 Governor's Office of Homeland Security, State Terrorism Threat Assessment Center (STTAC)
2 15 Law Enforcement Consent Authorization (Penal Code 830.1)
2 16 California Sex and Arson Registry
2 17 California Department of Justice UCBPD and BPD DV/Sexual Assault Reduction Grant

CHAPTER 3 - FEDERAL AGENCIES

3 1 Department of Homeland Security, U.S. Citizenship and Immigration Services
3 2 Department of Homeland Security, U.S. Coast Guard
3 3 Department of Homeland Security, U.S. Customs and Border Protection
3 4 Department of Homeland Security, U.S. ICE – PREVIOUSLY RESCINDED
3 5 Department of Homeland Security, U.S. Secret Service
3 6 Department of Homeland Security, Urban Area Security Initiative (UASI) Program
3 7 Department of Justice, Bureau of Alcohol, Tobacco, and Firearms
3 8 Department of Justice, Federal Bureau of Investigation
3 9 Department of Justice, U.S. Drug Enforcement Administration
3 10 Department of Treasury, Internal Revenue Service
3 11 United States Postal Service, Postal Inspection Service
3 12 Northern California Regional Intelligence Center (NCRIC)
3 13 United States Marshals Service Fugitive Task Force

CHAPTER 4 - PRIVATE AGENCIES

4 1 Child Abuse Listening, Interviewing & Coordination (CALICO)
4 2 Critical Reach Public Safety Communication System
4 3 A Safe Place
4 4 National Insurance Crime Bureau – PREVIOUSLY RESCINDED
4 5 Bay Area Women Against Rape

CHAPTER 5 – MILITARY AGENCIES

5 1 Armed Services Police, Criminal Investigation and Special Operations Units

CHAPTER 6 – OTHER PROTOCOLS

6 1 Investigation, Processing Evidence from Local Recovered but Outside Stolen Vehicles
6 2 Disaster Management, City of Berkeley Emergency Operations Plan
6 3 Mutual Aid and Agreements with Law Enforcement Agencies
6 4 Vehicle Pursuit
6 5 Criminal Intelligence
6 6 Information Sharing with and Review of Police Reports by Outside Agencies
6 7 Jail Operations and Services to Outside Agencies
6 8 Use of Police Canines and Helicopters

Berkeley Police Department MOU Compendium

Item #	1.1
Title:	**LOCAL: ALAMEDA COUNTY, CHERRY HILL DETOXIFICATION SERVICES PROGRAM (sponsored private program)**
Type:	Written Agreement
Approvals:	Initial: April 20, 2010 / Latest: **PENDING UPDATE**
Summary:	Cherry Hill Detoxification Services Program (hereafter "Program") is operated on behalf of Alameda County by Horizon Treatment Services. Its mission is to provide opportunities for consenting eligible adults exhibiting acute physiological effects of alcohol and/or drug intoxication to regain sobriety in a safe, supervised environment. The Police Department agrees to support the Program's operational mission and participate as a referring law enforcement agency.
Rationale:	The supervised sobering services offered by the Program provide consenting intoxicated persons a reasonable alternative to incarceration, and an avenue toward detoxification and improvement in their health and quality of life. Referrals to the Program may have a positive effect upon other social services, health care facilities, communities, and families adversely impacted directly or indirectly by chronic intoxicant abuse. Maintaining an operational agreement with the Program promotes consistent participation in their Program and may serve as a viable alternative to incarceration.
Cost:	*If Approved*: Specific costs for incident investigation and criminal case preparation cannot be exactly calculated. Non-criminal disposition may reduce costs associated with investigation and prosecution. *If Not Approved*: Fiscally neutral. Staff will continue to investigate incidents, direct offenders to the criminal justice system, and participate in court case preparation.
Recommendation:	Approval

Police Department

Cherry Hill
Horizon Treatment Services
2035 Fairmont Dr.
San Leandro, CA 94578

Subject: **MUTUAL OPERATIONAL AGREEMENT**

Mr. Anthony Bass, Program Manager:

This Operational Agreement stands as evidence that the involved Parties, the City of Berkeley Police Department (hereafter "Department") and Cherry Hill Detoxification Services Program (hereafter "Program") intend to work together toward the mutual goal of providing opportunities for consenting eligible adults exhibiting acute physiological effects of alcohol and/or drug intoxication (hereafter "Clients") to regain sobriety in a safe, supervised environment.

Both Parties to this Agreement believe that the supervised sobering services offered by the Program provide Clients a reasonable alternative to incarceration and criminal prosecution, and an avenue toward detoxification and improvement in their health and quality of life. The Parties also acknowledge referral of Clients to the Program may have a positive effect upon social services, health care-facilities, communities, and families adversely impacted directly or indirectly by chronic intoxicant abuse.

To this end, the Department agrees to support the Program's operational mission and participate as a referring law enforcement agency. Within written operational guidelines established and agreed to by both Parties:

1) Department employees will refer Clients to the Program as an authorized alterative to their investigation and incarceration for criminal public intoxication (e.g., CA Penal Code §647(f)). Department employees may also cite and release Clients for Penal Code §647(f) while simultaneously referring them to the Center.

2) The Department will be responsible for the Client's care and safety until the conclusion of the Program's intake process and lawful release from custodial detention.

3) The Program will evaluate eligibility of Clients referred to their facility by Department employees during the intake process and receive those deemed acceptable.

    a. Should the Program determine a Client is not acceptable for entry to the Program due to medical reasons, the Program will accept responsibility for the Client and be responsible for coordinating necessary immediate medical care.

b. Should the Program determine a Client is not acceptable for entry to the Program for other than medical reasons, the Department will maintain custody and responsibility for the Client, and will remove the Client from the Program for other custodial disposition authorized by law and policy.

4) Upon accepting responsibility for a Client, the Program will be responsible for the Client's care and safety -until an appropriate disposition regarding the Client is accomplished.

5) Once the Program has accepted responsibility for the Client:

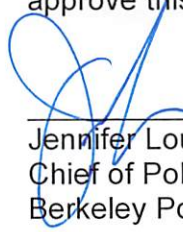
   a. The Department will not be responsible or liable for the Client's safety or welfare, or the Client's conduct; and,

   b. The Program agrees to indemnify, defend, and hold harmless the City of Berkeley, and its officers, agents, volunteers and employees, as to all claims or lawsuits against the City of Berkeley, its officers, agents, volunteers or employees, for injury, death, or damages sustained by or caused by a Client under the Program's care.

6) Subsequent to being received into the Program, should a Client referred by the Department, due to non-medical issues, including, but not limited to, belligerence or combativeness, become ineligible to remain within the Program, the Program will be responsible for the Client's safe disposition out of the Program (e.g., requesting assistance from Alameda County Sheriff's Department personnel.)

This operational agreement shall become effective upon execution by each agency. The term of this Operational Agreement is 7 years from the effective date. Either agency may terminate from this Operational Agreement by 30 days prior written notice provided to the other agency. In the event of an emergency, this Operational Agreement may be cancelled by either agency without notice.

We, the undersigned, as authorized representatives of our respective agencies, do hereby approve this document on the date(s) indicated.



6/24/25

Jennifer Louis (Date)
Chief of Police
Berkeley Police Department

Anthony Bass (Date)
Program Manager
Cherry Hill
Horizon Treatment Services

Berkeley Police Department MOU Compendium

Item #	1.4
Title:	**LOCAL: ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE, VICTIM / WITNESS ASSISTANCE DIVISION**
Type:	Written Agreement
Approvals:	Initial: 2015 / Latest: October 1, 2022
Summary:	The Alameda County District Attorney's Office's Victim/Witness Assistance Division provides services to victims of crime and their families. The Police Department affirms its statutory responsibilities regarding provision of Victim Assistance information (ref. Government Code §13968(c)), commitment to victim referral, and facilitation of in-service training programs sponsored by the District Attorney's Office.
Rationale:	Cooperation with the District Attorney's Office's Victim / Witness Assistance Division promotes the successful prosecution of offenders and effective recovery for victims and their families.
Cost:	If Approved: Costs would be neutral. Maintenance of victim assistance referral services with the Police Department are managed within its existing budget. If Not Approved: Cannot estimate cost of/or liability associated with non-compliance with statutory requirements regarding provision of victim assistance.
Recommendation:	Continued approval

Office of the District Attorney
Alameda County

Nancy E. O'Malley
District Attorney
alcoda.org

OPERATIONAL AGREEMENT

This operational agreement stands as evidence that the **Alameda County District Attorney's Office Victim/Witness Assistance Division (ACDA VWD)** will work cooperatively with the **Berkeley Police Department** to provide services to victims of crime and their families. To this end, the **ACDA VWD** and the **Berkeley Police Department** will, when appropriate, provide referrals to victims of crime who are in need of services provided by each agency.

The **Berkeley Police Department** will provide victims of crime who are injured and their family members with information regarding State Compensation assistance and refer them to the **ACDA VWD** for assistance in filing a California Victim Compensation Board (CalVCB) application.

The **Berkeley Police Department** will provide information necessary to complete and verify CalVCB applications for State Compensation assistance, when requested by staff of the **ACDA VWD** Claims Unit (13962 Government Code).

The **ACDA VWD** will provide appropriate comprehensive services as mandated by law including, but not limited to: crisis intervention, emergency assistance, resource and referral counseling, assistance in filing for State Compensation, property return, orientation to the criminal justice system, court support, case status and disposition, and restitution assistance (13835.5 Penal Code)

The **ACDA VWD** will by agreement with the Alameda County DA's Chief of Inspectors deploy if requested by Alameda County OHSES in an event of a mass victimization incident.

The **ACDA VWD** will provide information, presentations, and training to members of the **Berkeley Police Department** upon request of the **Berkeley Police Department** staff.

We, the undersigned, as authorized representatives of the **Alameda County District Attorney's Office Victim/Witness Assistance Division** and the **Berkeley Police Department** do hereby approve this agreement.

This Operational Agreement will be in effect from October 1, 2022 – September 30, 2025.

Date: 5/25/2022

Maria Suniga
Director
Victim/Witness Assistance Division

Date: 6/9/22

Jennifer Louis
Chief of Police
Berkeley Police Department

Berkeley Police Department MOU Compendium

Item #	1.7
Title:	**LOCAL: BAY AREA RAPID TRANSIT (BART) POLICE DEPARTMENT**
Type:	Written Agreement
Approvals:	Initial: March 12, 1974 / Latest: **PENDING SIGNATORY UPDATE**
Summary:	Bay Area Rapid Transit (BART) Police Department is responsible for the investigation of criminal incidents occurring at BART owned or leased properties within Berkeley (e.g., BART stations, parking lots, subterranean rail system, lease commercial spaces). As BART PD generally does not engage in enforcement action in areas outside of BART jurisdiction, Berkeley Police Department personnel generally refrain from law enforcement activity on BART properties. In an emergency or critical incident, BPD may submit, or participate in response to, a formal request for assistance pursuant to formal Mutual Aid protocols.
Rationale:	A single written agreement improves the Police Department's ability to function efficiently and effectively in the provision of law enforcement services.
Cost:	Cost factor is neutral; as there is no extraordinary fiscal commitment.
Recommendation:	Continued approval

OPERATIONAL AGREEMENT

between

BERKELEY POLICE DEPARTMENT and BART POLICE DEPARTMENT

PURPOSE

This Operational Agreement codifies a cooperative professional association between Berkeley Police Department (BPD) and Bay Area Rapid Transit Police Department (BART PD). The purpose of this association is to promote public safety and the interests of law enforcement in areas of common jurisdiction and collaborative activity. To this end, each agency agrees to abide by the jurisdictional protocols and operational procedures described hereafter.

LEGAL AUTHORITY

Pursuant to Penal Code §830.1 and Penal Code §830.33(a), police officers of both agencies shall have the authority to exercise peace officer powers at all times within the political subdivisions each represents.

OPERATIONAL JURISDICTION

BART maintains transit stations, rail and related support systems, and commercial business space in the City of Berkeley. For transit station and commercial space location information, refer to Appendix-A attached to this Operational Agreement.

Rail tracks associated with the BART transit system are primarily subterranean, descending from above ground rail structures in the area of Martin Luther King Jr. Way and 63rd Street near the Oakland-Berkeley border, and Peralta Street just north of Hopkins Street in north central Berkeley. Above ground rail structures lead southward and northward, respectively, from these areas. Ashby and North Berkeley Stations both have ground-level parking lots for use by BART patrons.

While BPD and BART PD share jurisdictional authority within each other's political subdivisions within the City of Berkeley, BART PD will have primary responsibility for all police operations and investigations upon and within the BART stations, trains, structures, parking lots and BART right of way, including elevated, subterranean, and at grade track way.

BPD will have primary responsibility for law enforcement activity in or on the areas below elevated tracks, areas immediately outside of BART properties (whether fenced or open), and public sidewalks, streets, and all other areas over or immediately surrounding BART stations, parking lots, subterranean tracks and properties within the City of Berkeley.

BPD officers should not engage in routine patrol of BART stations or parking facilities. BPD will provide support services to BART PD, whether based on an on-view event or upon request for assistance for incidents occurring on BART property within Berkeley. BPD involvement may include, but will not necessarily be limited to, the apprehension and detention of suspects, stabilization of an incident scene pending the arrival of BART PD personnel, or assistance with preliminary investigative activities (e.g., area checks, taking witness statements, etc.).

BART PD officers should not engage in routine patrol in areas where BPD has primary jurisdiction. BART PD will provide support services to BPD, whether based on an on-view event or upon request for assistance for incidents occurring within BPD's jurisdiction. BART PD involvement may include, but will not necessarily be limited to, the apprehension and detention of suspects, stabilization of an incident scene pending the arrival of BPD personnel, or assistance with preliminary investigative activities (e.g., area checks, taking witness statements, etc.).

The operational protocols within this agreement do not preclude the provision of assistance or sharing of information accomplished in the course of common law enforcement activity, and in accordance with professional courtesy.

An operational conflict which cannot be resolved by on-scene personnel will be presented via the Chain of Command to the attention of each department head. The Chiefs of Police will be responsible for the cooperative review of the issue and for providing direction to their respective subordinates to avoid future conflict.

In the event of a major incident within a BART station, rail tubes, or properties which results in the activation of BART's Emergency Plan, BPD agrees to cooperate and render requested assistance in accordance with that plan.

INCIDENT COMMAND AND CONTROL

When operating jointly, the ranking officer whose Department has operational jurisdiction will have command and control responsibility. This standard operational protocol may be modified or suspended by mutual agreement if doing so is in the interest of public safety or law enforcement effectiveness.

When a formal Incident Command Structure has been established, both agencies agree to participate in the incident response in accordance with standard SEMS/NIMS protocols.

MISCELLANEOUS SERVICE

When requested by BPD for a bona fide public safety or law enforcement purpose, BART PD Communications Center staff will facilitate control of BART train activity (i.e., communicating requests to the Operations Control Center for trains to hold, stop or be held outside of stations). BPD agrees to advise BART PD Communications Center anytime BPD personnel require entry to the BART track way. After notification to BART

PD, BPD personnel should wait for a confirmation that train movement has been stopped prior to entering the track way or any other restricted area.

When requested by BART PD, BPD Communications Center staff will dispatch a Berkeley Fire Department ambulance. The facilitation of ambulance services shall be in accordance with the provisions of relevant BPD policy.

ADMINISTRATIVE RESPONSIBILITIES

Each agency will be primarily responsible for statistical accounting and statutory reporting of criminal offenses occurring in their respective jurisdiction. Each agency will, upon request, provide the other with relevant information (i.e., "out-aid" reports, arrests, etc.) to facilitate accurate and comprehensive administrative tracking.

AUTHORIZATION OF AGREEMENT

We, the undersigned, as authorized representatives of our respective agencies, do hereby approve this document on the date(s) indicated.

Andrew Greenwood
Chief of Police
Berkeley Police Department

1/18/18
Date

Carlos Rojas
Chief of Police
BART Police Department

1/12/18
Date

cc: Original #1, Berkeley Police Department

Original #2, BART Police Department

APPENDIX-A

OPERATIONAL AGREEMENT

between

BERKELEY POLICE DEPARTMENT and BART POLICE DEPARTMENT

The following are locations within the City of Berkeley owned or leased by BART wherein BART PD exercises primary law enforcement jurisdiction:

BART STATIONS

Ashby Station:	Located below the 3000-3100 blocks of Adeline Street.
Berkeley Station:	Located below the 2100-2200 blocks of Shattuck Avenue.
North Berkeley Station:	Located beneath northwest of Delaware & Sacramento Sts.

OTHER FACILITIES:

Commercial Space (leased):	2150 Shattuck Avenue, Suite #400
Ventilation Structure:	North side of 2000 block of Hearst Avenue, mid-block between Bonita Avenue and Milvia Street.

AUTHORIZATION OF APPENDIX-A

We, the undersigned, as authorized representatives of our respective agencies, do hereby approve this document on the date(s) indicated.

Andrew Greenwood
Chief of Police
Berkeley Police Department

1/18/18
Date

Carlos Rojas
Chief of Police
BART Police Department

1/12/18
Date

Berkeley Police Department MOU Compendium

Item #	1.8
Title:	**LOCAL: BERKELEY UNIFIED SCHOOL DISTRICT (BUSD)**
Type:	Written Agreement
Approvals:	Initial: April 20, 2010 / Latest: **PENDING UPDATE**
Summary:	Berkeley Police Department personnel participate in routine safety planning meetings, provide on-site safety services at BUSD events, and maintain an on-going dialogue regarding emergency response and crisis management planning. A written Partner Agreement affirms this commitment. The Police Department has tasked the Youth Services Detail as the primary liaison with BUSD, and has assigned an officer to the high school as a School Resource Officer (ref. BPD Youth Services policy).
Rationale:	For many years, the Berkeley Police Department has partnered with BUSD to promote public safety at and proximal to District facilities/campuses. Continued collaboration will ensure effective preparation for and, if necessary, response to a critical incident or other emergency situation associated with BUSD.
Cost:	Cost factor is generally neutral, as most activity occurs in the conduct of normal business and is provided for in the existing Berkeley Police Department budget. Infrequent, extraordinary training programs/exercises or participation in support of safety-related BUSD programs would necessitate additional expenditures.
Recommendation:	**PENDING UPDATE**

Berkeley Unified School District
2134 Martin Luther King Jr. Way, Berkeley, California 94704-1180
(510) 644-6206 Fax: (510) 540-5358 www.berkeley.k12.ca.us

William Huyett
Superintendent

Partner Agreement

1. Below is a signature representing our **community-based law enforcement agency** (i.e. local police, sheriff's office whose jurisdiction covers a majority of the schools in the district) and reflecting our partner's commitment to sustainability and continuous improvement of the plan:

Signature: _____ Title: CHIEF of POLICE

City of Berkeley Police Department

Description of roles and responsibilities in the strengthening and improving of the plan:

The Berkeley Police Department is dedicated to serving all of the people in our diverse community. The members of our Department strive at all times to achieve the highest professional standards of police service. Respect for individual worth, dignity, and the rights of all those we serve are the cornerstones of the Department. We are committed to actively participate in the Berkeley Unified School District efforts in strengthening their emergency response and crisis management plan in the following ways:

- Be represented at the project kick-off meeting
- Review the plan and provide recommendations where the Police Department can be helpful in the event of an emergency or disaster
- Participate and support the plan at school sites when requested
- Revitalize our school resource program to strengthen school site-police officer relationships
- Participate in the district-wide exercise at the culmination of the program
- Participate in NIMS training and EOC exercises

Commitment to Sustainability and Continuous Improvement of the Plan:

We will strive to provide:

- Recommendations upon periodic updates of the plan
- Participation in future district-wide exercises
- Visibly participate at school sites supporting the program during school assemblies

Berkeley Police Department MOU Compendium

Item #	1.9
Title:	**LOCAL: EAST BAY REGIONAL PARK DISTRICT POLICE DEPARTMENT (EBRPD PD)**
Type:	Written Agreement
Approvals:	Initial: September 19, 2006 / Latest: **PENDING SIGNATORY UPDATE**
Summary:	EBRPD PD is responsible for the investigation of incidents occurring on properties in Berkeley that are owned or contractually obligated to the East Bay Regional Parks District. EBRPD PD generally does not engage in enforcement action in areas outside its primary jurisdiction. Similarly, Berkeley Police Department personnel generally refrain from law enforcement activity on EBRPD PD properties. In an emergency or critical incident, the Police Department may submit, or participate in response to, a formal request for assistance pursuant to formal Mutual Aid protocols.
Rationale:	Written agreements support the law enforcement mission and promotion of public safety. They ensure the Police Department's ability to function efficiently and effectively in the provision of law enforcement services in areas of concurrent jurisdiction.
Cost:	Cost factor is neutral. Activities funded in existing Police Department budget.
Recommendation:	Continued approval

OPERATIONAL AGREEMENT

between

CITY OF BERKELEY POLICE DEPARTMENT and EAST BAY REGIONAL PARK DISTRICT POLICE DEPARTMENT

SECTION I. PURPOSE

This Operational Agreement codifies a cooperative professional association between the City of Berkeley Police Department ("BPD") and the East Bay Regional Park District Police Department ("EBRPDPD"), and establishes guidelines and procedures for the exercise of concurrent policing jurisdiction at Eastshore State Park and other East Bay Regional Park District properties (hereafter the "Properties") located in the City of Berkeley. The purpose of this association has been, and continues to be, the promotion of public safety and the interests of law enforcement in areas of common jurisdiction and collaborative activity. To this end, each agency agrees to abide by the jurisdictional protocols and operational procedures described hereafter.

SECTION 2. LEGAL AUTHORITY

The aforementioned Properties are operated by the East Bay Regional Park District (hereafter "District"), which also maintains its own Department of Public Safety under authority of Public Resources Code §5558. Sworn officers employed by both agencies have peace officer authority pursuant to Penal Code §830.1. BPD and EBRPDPD have concurrent legal jurisdiction and authority on Properties that are located within the City of Berkeley.

Pursuant to Jurisdictional Consent Agreement (PC §830.1) of the Alameda County Chiefs of Police and Sheriff's Association in 2003, police officers of both agencies shall have the authority to exercise peace officer powers at all times within each other's political subdivisions.

SECTION 3. PRIMARY JURISDICTION

BPD and EBRPDPD agree to adopt a shared policing approach with respect to areas of concurrent jurisdiction. Clarifying lines of primary jurisdiction for the Properties will promote the provision of efficient and effective policing services.

Eastshore State Park:

1. West Frontage Road (between Ashby Avenue and I-80 Pedestrian Bridge): Demarcation shall be the west raised curb of the paved Bay Trail, located west of and parallel to West Frontage Road. BPD shall have primary jurisdiction over areas east, and EBRPDPD shall have primary jurisdiction over areas west of this line.

2. West Frontage Road and University Avenue (southwest quadrant):
Along West Frontage Road, demarcation shall be the west raised curb, or if none, the west paved edge, of the paved Bay Trail. Along University Avenue, it will be the south edge of the south sidewalk, or if none, south edge of the paved roadway of University

Avenue. BPD shall have primary jurisdiction over areas east and north, respectively, of these lines, and EBRPDPD shall have primary jurisdiction over areas west and south, respectively.

3. West Frontage Road and University Avenue (northwest quadrant):
Along West Frontage Road, demarcation shall be the west edge of the paved Bay Trail. Along University Avenue, it will be the north edge of the paved north sidewalk, or if none, the north edge of the paved roadway of University Avenue. BPD shall have primary jurisdiction over areas east and south, respectively, of these lines and EBRPDPD shall have primary jurisdiction over areas west and north, respectively.

4. West Frontage Road (between University Avenue and south perimeter fence line of Tom Bates Sports Complex):
Demarcation shall be the west edge of the paved Bay Trail. BPD shall have primary jurisdiction over areas east of this line. EBRPDPD shall have primary jurisdiction over areas west of this line.

5. University Avenue (south side, west of "The Brickyard") and South Sailing Basin:
Along University Avenue, demarcation shall be the south edge of the paved roadway. Along the west side of the South Sailing Basin (only the east side of the Marina's "East Lawn" park area), demarcation will be the line where the "rip-rap" (i.e., shoreline concrete/boulders) abuts the paved pathway or compacted gravel sitting/activity zones. BPD shall have primary jurisdiction over areas west of this line, and EBRPDPD shall have primary jurisdiction over areas east.

6. University Avenue (north side, between West Frontage Road and Marina Boulevard):
Demarcation shall be the north edge of the paved sidewalk/pathway, or, if none, the north edge of the paved roadway of University Avenue. BPD shall have primary jurisdiction over areas south of this line, and EBRPDPD shall have primary jurisdiction over areas north.

7. Marina Boulevard (between University Avenue and North Sailing Basin south shoreline):
Demarcation shall be the east edge of the paved pathway, located east of and parallel to Marina Boulevard between University Avenue and the western prolongation of the "rip rap" at the south shoreline of the North Sailing Basin. BPD shall have primary jurisdiction over areas west of this line, and EBRPDPD shall have primary jurisdiction over areas east.

8. Interstate 80 Pedestrian Bridge (associated with the southwest quadrant of West Frontage Road and University Avenue):
BPD shall have primary jurisdiction over the physical structures of the Bridge and paved walkway leading to/from it. EBRPDPD will have primary jurisdiction over the lands immediately surrounding and beneath the Bridge, and to either side of the paved walkway leading to/from it.

9. Tom Bates Sports Complex (southwest quadrant West Frontage Road and Gilman Avenue):
Pursuant to the Ground Lease between the District and the City of Berkeley (dated March 20, 2007), BPD shall have primary jurisdiction over the Tom Bates Sports Complex, including the sports fields, parking lot, and area between West Frontage Road and the Complex's east fence line. EBRPDPD shall have primary jurisdiction over areas south and west of the Complex.

For purposes of this Agreement, the Complex's perimeter will be: Gilman Street; West Frontage Road; the south perimeter fence and its eastern prolongation to intersection with West Frontage Road; and, the north-south line identified by the west perimeter fence of the south field, the west edge of the open drainage trench, the vehicle access gate (to/from State Park areas west of the Complex), and a northward prolongation to Gilman Street.

SECTION 4. OPERATIONAL RESPONSIBILITIES

A. Law Enforcement Activity, Investigation Procedures

While BPD and EBRPDPD share jurisdictional authority within each other's political subdivisions, EBRPDPD will have primary responsibility for all police operations and investigations upon and within EBRPD Properties. BPD will have primary responsibility for law enforcement activity in those areas not expressly described as EBRPDPD primary jurisdiction within the City of Berkeley.

Officers from one agency should not ordinarily engage in routine patrol of areas within the primary jurisdiction of the other agency. Excluding investigations originated through on-view patrol activity, non-emergency incidents shall be investigated by the agency having primary jurisdiction. In the event an officer of one agency initiates a non-emergency incident investigation in the primary jurisdiction of the other agency, responsibility for that investigation shall remain with originating agency, unless, subsequent to prescribed notification, the notified agency exercises primary jurisdiction and assumes primary responsibility for the investigation.

Each agency will provide assistance to the other regarding law enforcement response to an in-progress or serious emergency occurring at locations of concurrent jurisdiction within Berkeley. Involvement of the agency not having primary jurisdictional responsibility may include, but will not necessarily be limited to, the apprehension and detention of suspects, stabilization of an incident scene pending the arrival of primary agency personnel, or assistance with preliminary investigative activities (e.g., area checks, taking witness statements, etc.).

The first police units arriving at an in-progress or serious emergency, whether BPD or EBRPDPD, shall be primarily responsible for initiating an investigation of the incident. If occurring in the jurisdiction of the other agency, investigative responsibility shall remain with the first arriving agency until transferred to the agency having primary jurisdiction, unless mutually decided by on-scene personnel that investigative responsibility should be maintained by the initiating agency or shared by both agencies.

The operational protocols within this Agreement do not preclude the provision of assistance or sharing of information accomplished in the course of common law enforcement activity, and in accordance with professional courtesy.

B. Communication Center, Notification Protocol

Dispatch centers of both agencies will immediately notify the other of any calls received relating to an in-progress crime or serious emergency occurring in areas of concurrent jurisdiction. The agency that receives the initial report of an in-progress crime or serious emergency on the Properties (including on-viewed incidents) shall handle the call in accordance with its normal dispatch regulations and priorities. Dispatch centers of both agencies will facilitate communication between and coordination of field units responding to the emergency.

The agency that receives a non-emergency call for service or whose officers take non-emergency law enforcement action in the other's jurisdiction will notify that agency as soon as practical. When relevant and practical, the notifying agency will obtain and communicate reporting party information to the notified agency. The notifying agency will advise the other of any actions taken by its officers in response to the non-emergency call for service.

C. Special Events, Directed Enforcement Activity at District Properties

EBRPDPD shall advise BPD of any special events planned on the Properties which are likely to create public safety demands or problems. Normally, EBRPDPD will allocate sufficient resources to manage any such events, but may request support from BPD to manage any spillover onto adjacent streets and neighborhoods. Similar notice and collaboration requirements apply to BPD with regard to planned special events in the Marina which may affect the Properties and EBRPDPD (e.g., City of Berkeley-sponsored July 4th Fireworks Show).

BPD shall advise EBRPDPD whenever it decides to undertake directed law enforcement activity, other than routine patrol checks or actions, on the Properties. Unless good cause exists for each agency to act independently, joint operations shall be preferred to address serious or chronic problems on areas of concurrent jurisdiction.

SECTION 6. INCIDENT COMMAND AND CONTROL

When operating jointly, the ranking officer whose Department has operational jurisdiction will have command and control responsibility. This standard operational protocol may be modified or suspended by mutual agreement if doing so is in the interest of public safety or law enforcement effectiveness.

When a formal Incident Command Structure has been established, both agencies agree to participate in the incident response in accordance with standard SIMS/NIMS protocols.

SECTION 7. OPERATIONAL/JURISDICTIONAL CONFLICT, RESOLUTION

If a dispute arises over whether BPD or EBRPDPD should assume primary investigative responsibility in a criminal case, the dispute shall be resolved in accordance with the following procedures:

1. The agency assuming initial responsibility for the case shall retain that responsibility. The other agency shall provide reasonable support and cooperate in the investigation, consistent with its other policing priorities and resource constrains. The investigating agency, to the extent feasible, shall accommodate any request from the other agency to conduct a parallel or joint criminal investigation.

2. Within five (5) business days, involved personnel from each agency shall communicate the issue(s) in dispute to their respective Department head.

3. At the earliest opportunity following notification, BPD and EBRPDPD Chiefs of Police shall meet and/or review the disputed case. The purpose of the review shall be to clarify issues of primary jurisdiction and investigative responsibility of similar cases in the future.

SECTION 8. ADMINISTRATIVE RESPONSIBILITIES

A. Ongoing Communication and Exchange of Reports

BPD and EBRPDPD acknowledge the importance of timely, regular communication at all levels, and commit to implement procedures to assure such communication.

1. BPD and EBRPDPD will exchange copies of crime reports or reports of significant contacts with possible criminal suspects whenever such reports may be of benefit or interest to the other agency. When appropriate, immediate notification shall be made to expedite the sharing of important information.

2. BPD and EBRPDPD criminal investigators shall confer regularly on any case, or regarding subjects, of mutual interest.

3. The Investigations Bureau commanders from each agency should confer regularly (e.g., quarterly) to review statistical reports and analyze any significant trends.

4. BPD and EBRPDPD supervisory and command staff should confer periodically to ensure high levels of cooperation and coordination between the two agencies.

Each agency will be primarily responsible for statistical accounting and statutory reporting of criminal offenses occurring in their respective jurisdiction. Each agency will, upon request, provide the other with relevant information to facilitate accurate and comprehensive administrative tracking.

SECTION 9. AUTHORIZATION OF AGREEMENT

We, the undersigned, as authorized representatives of our respective agencies, do hereby approve this document on the date(s) indicated.

12/1/2010

Michael K. Meehan (date)
Chief of Police
City of Berkeley
Police Department

Timothy Anderson (date)
Chief of Police
East Bay Regional Park District
Police Department

Approved as to Form:

District Counsel

cc: Original #1, Berkeley Police Department
Original #2, East Bay Regional Park Police Department

Berkeley Police Department MOU Compendium

Item #	1.11
Title:	**LOCAL: UNION PACIFIC RAILROAD POLICE DEPARTMENT (UPRRPD)**
Type:	Written Agreement
Approvals:	Initial: April 20, 2010 / Latest: **PENDING SIGNATORY UPDATE**
Summary:	The Union Pacific Railroad Police Department (UPRRPD) is responsible for the investigation of incidents occurring on, and which affect the operation of, Union Pacific Railroad properties and right- of-ways. UPRRPD generally does not engage in enforcement action in areas outside its primary jurisdiction. An enforcement authorization letter from UPRR allows the Berkeley Police Department entry upon UPRR properties to enforce criminal trespass laws and to remove abandoned or illegally parked vehicles. Subsequently, a formal Operational Agreement was executed. The Police Department has primary investigative responsibility for all incidents occurring at the University Avenue train station, as well as crimes against persons (e.g., homicide, rape, robbery, kidnapping, assault/battery, etc.) and critical incidents (e.g., barricaded subjects, hostage situations, etc.) which occur on UPRR properties. This does not preclude transfer or sharing of such responsibility.
Rationale:	Written communications support the law enforcement mission and promotion of public safety. They ensure the Police Department's ability function efficiently and effectively in the provision of law enforcement services in areas of concurrent jurisdiction.
Cost:	Cost factor is neutral. Activities funded in existing Police Department budget.
Recommendation:	Continued approval

OPERATIONAL AGREEMENT

between

BERKELEY POLICE DEPARTMENT

and

UNION PACIFIC RAILROAD POLICE DEPARTMENT

PURPOSE

This Operational Agreement memorializes a cooperative professional association between Berkeley Police Department (BPD) and Union Pacific Railroad (UPRR) Police Department. The purpose of this association is to promote public safety and the interests of law enforcement in areas of common jurisdiction and collaborative activity. To this end, each agency agrees to abide by the jurisdictional protocols and operational procedures described hereafter.

HISTORY

Traditionally, past practice concerning law enforcement operations within areas of concurrent jurisdiction shared by the Union Pacific Police Department (formerly known as the Southern Pacific Railroad Police Department) and the City of Berkeley, California had crimes against the person and other types of high profile investigations (e.g., events which garnered significant media attention) handled by the Berkeley Police Department, in cooperation with the Union Pacific Railroad Police Department. Property offenses and crimes against Union Pacific Employees were primarily investigated by the Union Pacific Railroad Police Department, in cooperation with the Berkeley Police Department.

LEGAL AUTHORITY

Sworn officers employed by both agencies have peace officer authority with the State of California pursuant to Penal Code statute (ref. §§830.1 and 830.33).

Pursuant to the Notice of Consent (Penal Code §830.1) signed August 22, 2007 by Berkeley Police Department Chief Douglas Hambleton and on file with the California Police Chiefs Association, UPRR police officers are authorized to exercises peace officer authority within the City of Berkeley.

Pursuant to a letter of authorization signed June 12, 2009 by Mr. David Pickett, counsel for Union Pacific Railroad Company, BPD police officers are authorized to exercise peace officer powers with respect to criminal trespass enforcement and removal of illegally parked or abandoned vehicles upon the private properties of UPRR.

(ORIGINAL 1 of 2)

OPERATIONAL JURISDICTION

UPRR maintains rail tracks and related support systems in the City of Berkeley. UPRR rail tracks, two pair of primary service rails and adjacent secondary service rails, run in parallel north-south paths upon what is referred to at various areas as "3rd Street" in west Berkeley.

The private property rights-of-way associated with UPRR are located west of parcels that occupy the west side of 4th Street (between Dwight Way and the Berkeley-Albany city limit) and those parcels that align southward to the Berkeley-Emeryville city limit. Similarly, the west side of the rights-of-way are defined by east side parcel lines associated with properties along the east side of 2nd Street, and the "line" created by the east side Aquatic Park landscaping closest to UPRR rail tracks (i.e., the bush line). The described private property rights-of-way will remain the concurrent jurisdiction of the Union Pacific Railroad Police Department and Berkeley Police Department.

The City of Berkeley maintains a transit station designed to facilitate public access to and from the UPRR system. This transit station is located just north of 700 University Avenue, along and within the east side of the rail right-of-way.

BPD will have primary responsibility for law enforcement activity in all areas exterior of and adjacent to UPRR rights-of-way and properties within the City of Berkeley, including the improved structures associated with the University Avenue transit station.

Except for specific classifications of crime (described below), UPRR Police Department will have primary responsibility for all police operations and investigations upon and within UPRR properties, excluding the University Avenue transit station. Unimproved areas adjacent to the transit station located within the UPRR rights-of-way will fall under UPRR operational jurisdiction.

The following exceptions pertain to the primary law enforcement responsibility on UPRR rights-of-way. BPD will have primary operational jurisdiction for:

> Crimes Against Persons, to include homicide, rape, robbery, kidnapping, assault, and battery; and,
>
> Critical Incidents, to include barricaded subjects and hostage situations.

In the event a crime again a person investigation or response to a critical incident on UPRR rights-of-way effects UPRR operations, UPRR shall be notified. With concurrence of BPD, UPRR Police Department may exercise jurisdiction and assume primary responsibility for the incident and/or investigation. In this event, BPD should cooperate with UPRR Police Department as necessary or requested. Absent a mutually agreed transfer of operational responsibility, UPRR PD should cooperate with BPD as may be necessary or requested.

COMMUNICATION / NOTIFICATION PROCEDURE

Dispatch centers of both agencies will immediately notify the other of any calls received relating to an in-progress crime or serious emergency occurring in areas of concurrent jurisdiction. The agency that receives the initial report of an in-progress crime or serious emergency (including on-viewed incidents) shall handle the call in accordance with its normal

dispatch regulations and priorities. Dispatch centers of both agencies will facilitate communication between and coordination of field units responding to the emergency.

The agency that receives a non-emergency call for service, or whose officers take non-emergency law enforcement action, in the jurisdiction of the other agency will notify the agency having primarily jurisdiction as soon as practical. When relevant and practical, the notifying agency will obtain and communicate reporting party information to the notified agency. The notifying agency will advise the other of any actions taken by its officers in response to the non-emergency call for service.

When requested by UPRR Police Department, BPD Communications Center staff will dispatch fire and/or ambulance resources. The facilitation of fire and ambulance services shall be in accordance with the provisions of relevant BPD policy.

INVESTIGATIVE RESPONSIBILITY

General

The operational protocols within this agreement do not preclude the provision of assistance or sharing of information accomplished in the course of common law enforcement activity, and in accordance with professional courtesy.

Non-Emergency Incidents

Excluding investigations originated through an officer's normal patrol activity, non-emergency incidents shall be investigated by the agency having primary jurisdiction. In the event an officer of one agency initiates a non-emergency incident investigation in the jurisdiction of the other agency, responsibility for that investigation shall remain with originating agency, unless, subsequent to notification, the notified agency exercises jurisdiction and assumes primary responsibility for the investigation.

Collision Investigation

As used in this Agreement, the term "collision" is defined as, "An unintended event that produces damage or injury involving a vehicle in-transport" (ref. Department of California Highway Patrol Collision Investigation Manual). Intentional acts that involve a motor vehicle in-transport which purposely cause property damage or injury to any person (i.e., suicide, homicide, staged traffic collision, acts of malicious mischief directed toward a train, etc.) do not constitute a "collision."

BPD will be responsible for investigating collisions that occur at grade level public roadway crossings, within the city limits of Berkeley, assisted as necessary by the UPRR Police Department. BPD will also be responsible for investigation of collisions that occur within the UPRR rights-of-way outside of grade-level public roadway crossings that have no effect on, or association with, UPRR properties or operations.

Collisions that involve UPRR properties (e.g., damage to system controllers, dysfunctional traffic crossing control devices, etc.) or effect system operations (e.g., obstructed track, train vs. auto/pedestrian/object collision (non public grade crossing), etc.) will be investigated by UPRR Police Department.

In-Progress Crimes or Emergency Situations

Each agency will provide assistance to the other regarding law enforcement response to an in-progress or serious emergency occurring at locations of concurrent jurisdiction within Berkeley. Involvement of the agency not having primary jurisdiction may include, but will not necessarily be limited to, the apprehension and detention of suspects, stabilization of an incident scene pending the arrival of primary agency personnel, or assistance with preliminary investigative activities (e.g., area checks, taking witness statements, etc.).

The first police units arriving at an in-progress or serious emergency, whether BPD or UPRR Police Department, shall be primarily responsible for initiating an investigation of the incident. If occurring in the jurisdiction of the other agency, investigative responsibility shall remain with the first arriving agency until transferred to the agency having primary jurisdiction, unless mutually decided by on-scene personnel that investigative responsibility should be maintained by the initiating agency or shared by both agencies.

Incident Command and Control

When operating jointly, the ranking officer whose Department has operational jurisdiction will have command and control responsibility. This standard operational protocol may be modified or suspended by mutual agreement if doing so is in the interest of public safety or law enforcement effectiveness.

When a formal Incident Command Structure has been established, both agencies agree to participate in the incident response in accordance with standard SIMS/NIMS protocols.

Media Relations

Responsibility for media relations regarding incidents upon areas of concurrent jurisdiction shall rest with the agency having primary investigative responsibility. Media inquiries should be directed to the agency having primary investigating responsibility, unless information is released pursuant to prior authorization of the lead agency, or mutual agreement between collaborating agency investigators.

JURISDICTIONAL CONFLICT / RESOLUTION

A jurisdictional conflict that cannot be resolved by on-scene personnel will be presented via the Chain of Command to the attention of each Department head. The BPD Chief of Police and UPRR Regional Director of Police Services will be responsible for the cooperative review of the issue and for providing direction to their respective subordinates to avoid future conflict.

ADMINISTRATIVE RESPONSIBILITIES

Each agency will be primarily responsible for statistical accounting and statutory reporting of criminal offenses occurring in their respective jurisdiction. Each agency will, upon request, provide the other with relevant information (i.e., "out-aid" reports, arrests, etc.) to facilitate accurate and comprehensive administrative tracking.

Executed this 26th day of February, 2010.

Michael K. Meehan
Chief of Police
Berkeley Police Department

George Slaats
Regional Director of Police
Union Pacific Railroad Company

cc: Original #1, Berkeley Police Department
Original #2, Union Pacific Railroad Company

Berkeley Police Department MOU Compendium

Item #	1.12
Title:	**LOCAL: UNIVERSITY OF CALIFORNIA, BERKELEY POLICE DEPARTMENT (UCBPD)**
Type:	Written Agreement
Approvals:	Initial: March 12, 1974 / Current: November 9, 2024
Summary:	UCBPD is responsible for investigation of incidents occurring at University-owned or leased properties in Berkeley. UCBPD may engage in enforcement activity withing one mile of campus or in/around the aforementioned properties (ref. Education Code § 23501). Police Department personnel generally refrain from law enforcement activity on UCBPD properties. In an emergency or critical incident, the Police Department may submit, or participate in response to, a formal request for assistance pursuant to formal Mutual Aid protocols.
Rationale:	Developing and maintaining a single written agreement supports the law enforcement mission and promotion of public safety, as well as ensures compliance with statutory written agreement requirements. It improved the Police Department's ability to function efficiently and effectively in the provision of law enforcement services in areas of concurrent jurisdiction.
Cost:	Cost factor is neutral. No extraordinary fiscal commitment.
Recommendation:	Continued Approval

OPERATIONAL AGREEMENT
between the
CITY OF BERKELEY POLICE DEPARTMENT
and the
UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT, BERKELEY

A. PURPOSE

This Operational Agreement reflects the ongoing cooperative and professional association between the City of Berkeley Police Department (BPD) and the University of California Police Department, Berkeley (UCPD), and establishes guidelines and procedures for the exercise of concurrent policing jurisdiction. The purpose of this association has been, and continues to be, the effective and collaborative provision of public safety services and the mutual promotion of common law enforcement goals in areas of shared jurisdiction and interest. To this end, each agency adopts the jurisdictional protocols and operational procedures described in this document.

B. LEGAL AUTHORITIES AND JURISDICTION

Sworn officers employed by both agencies have peace officer authority pursuant to California Penal Code §830.1 or §830.2. Additionally, UCPD's primary jurisdiction is described in Education Code §92600. This agreement is not intended to abrogate or exceed the legal authority or jurisdiction of either agency.

Pursuant to the 2003 Jurisdictional Consent agreement of the Alameda County Chiefs of Police and Sheriff's Association, both agencies recognize the ability for police officers from either agency to exercise peace officer powers and to enforce state and local laws at any time within the jurisdiction each agency represents, to the extent allowed by law.

BPD officers do not have the authority to enforce administrative rules established by the University, but they may forward information or reports of such violations to UCPD for investigation and action.

This Operational Agreement is maintained in compliance with Education Code §67381 (The Kristin Smart Campus Safety Act of 1998).

C. DEFINITIONS

Administrative Responsibility: the duty of an agency to fulfill legal and ethical obligations including organizational oversight and internal discipline.

Geographic Responsibility: a physical location or area where an agency is identified as having operational responsibility.

Operational Responsibility: the duty of an agency to exercise jurisdictional authority as the primary provider or manager of law enforcement and public safety services in a particular area or situation.

D. ADMINISTRATIVE RESPONSIBILITIES

1. Ongoing communication and exchange of reports and statistical data

BPD and UCPD acknowledge the importance of timely, regular communication at all levels, and commit to implement procedures to ensure this continues.

BPD and UCPD will exchange copies of crime reports or reports of significant contacts with

possible criminal suspects whenever such reports may be of benefit or interest to the other agency. When appropriate, immediate notification should be made to expedite the sharing of important information.

Each agency will be primarily responsible for statistical accounting and statutory reporting of criminal offenses occurring in their respective jurisdiction. Each agency will, upon request, provide the other with relevant information to facilitate accurate and comprehensive administrative tracking.

BPD and UCPD criminal investigators should confer regularly on any case, or regarding subjects, of mutual interest. The detective commanders from each agency should confer regularly (e.g., quarterly) to review statistical reports and analyze any significant trends. BPD and UCPD supervisory and command staff should confer periodically to ensure high levels of cooperation and coordination between the two agencies.

This Agreement is not intended to in any way restrict the provision of general assistance or the lawful and necessary sharing of information between agencies in the course of normal law enforcement activity, in accordance with industry standards and professional courtesy.

2. Administrative investigations

Each Chief of Police will ensure their employee(s) give full cooperation, in all administrative investigations conducted by sworn staff of either department.

Allegations of misconduct arising out of joint police operations will be investigated by the agency against whose employee the allegation is made. Where no specific officers or agency are identified, the investigation will be conducted by the agency having operational responsibility for the joint activity.

E. GEOGRAPHIC RESPONSIBILITIES

Generally, UCPD has geographic responsibility in the buildings and on the grounds of the UC Berkeley campus (see CAMPUS BOUNDARIES below), and on the adjacent property occupied by the Lawrence Berkeley National Laboratory (LBNL). In addition, UCPD will have geographic responsibility for all properties and facilities as described in **APPENDIX 1**.

Generally, BPD has geographic responsibility for all other areas within the City of Berkeley, including off-campus properties and facilities owned, operated or controlled by the University, except for those properties and facilities as described in **APPENDIX 1**.

Within these respective geographic areas, each agency will be responsible for the prevention of crime, the preservation of peace and order, the enforcement of criminal offenses, and for providing such other police services as the regulations or orders of the respective Departments may require.

Officers of both agencies may provide routine law enforcement services in either area of geographic responsibility as described, but should share information and coordinate efforts with the other agency as appropriate for the situation and as described elsewhere in this document.

F. OPERATIONAL RESPONSIBILITIES

1. Response to public safety emergencies and in-progress crimes

Reports of public safety emergencies or in-progress crimes in UCPD's area of geographic responsibility should immediately be relayed to UCPD if received by BPD.

The agency that receives the first or simultaneous report of a public safety emergency or in-progress crime near the central UC Berkeley campus should respond and take initial action as appropriate for the situation. For purposes of this agreement, "near the central UC Berkeley campus" is roughly the area bounded by Virginia Street on the north, Shattuck Avenue on the west, Dwight Way from Shattuck Avenue to Telegraph Avenue on the southwest, and Derby Street from Telegraph Avenue to Belrose Avenue on the southeast. Reports of public safety emergencies or in-progress crimes outside of this area should immediately be relayed to BPD if received by UCPD.

Regardless of location, an on-duty peace officer of either agency who on-views or discovers a public safety emergency or in-progress crime should take responsibility for the initial response to and/or investigation of the situation. If occurring in the other agency's area of geographic responsibility, the duty to manage the incident shall remain with the initiating officer/agency until officially transferred to the other agency.

2. Response to non-emergency incidents and late-reported crimes

The agency that receives the first or simultaneous report of a non-emergency incident or late-reported crime occurring within the other agency's area of geographic responsibility should relay that call or information to the other agency for response.

An on-duty peace officer of either agency who on-views or discovers a non-emergency incident or late-reported crime in the other agency's area of geographic responsibility shall either ensure prompt notification of the other department for response or take appropriate initial action to resolve, investigate and/or document the situation. In the latter case, the handling officer / agency should ensure the other agency is notified of the incident and its resolution, and should forward to the other agency a copy of any arrest, crime, or incident report that results.

3. Communication during emergency events of mutual impact

Each agency's communications center should, without unnecessary delay, inform the other of any public safety emergency or in-progress crime to which the staff of that agency is responding, if that situation appears likely to affect or to require the deployment of resources from the other agency. Field supervisors, commanders and communications center staff should continue to share updated information including ongoing actions or plans and should facilitate any necessary communication and coordination between responding field units until the situation is resolved.

4. Response to University alarms

UCPD is responsible for any necessary response-to facilities or locations in UCPD's area of geographic responsibility (including off-campus properties as described in **APPENDIX 1**) that have been equipped with an intrusion alarm or other emergency alert system. If UCPD responds to an alarm or alert and discovers that the source is in fact outside UCPD's geographic and operational responsibility, BPD is responsible for any necessary investigation or follow-up actions.

5. Response to emergency (9-1-1) telephone calls

Emergency (9-1-1) telephone routing should correspond with the division of BPD/UCPD geographic responsibility as described above (section E.), to the extent this is possible.

At an off-campus location where UCPD has partial geographic responsibility, and where 9-1-1 telephone routing cannot be divided more precisely than street address, one agency shall be selected to receive 9-1-1 calls and to route them to the other agency as appropriate, according to

the descriptions in **APPENDIX 1**.

Regardless of routing status, 9-1-1 calls that require an emergency response should be handled by the receiving agency as described above (section F.1.).

6. Medical or Fire Department response to University property

BPD communications center staff should notify UCPD without delay after dispatching medical or fire personnel to a location in UCPD's area of geographic responsibility, if that call for service did not originate from the UCPD communications center.

7. Special event notifications

The agency with knowledge or information of any large public gathering, demonstration or other group act of civil disobedience, or special event planned on or occurring in their area of geographic responsibility which appears likely to affect or to require the deployment of resources from the other agency should notify the other agency at the soonest practical opportunity.

8. City or University-owned vehicle collisions

If a City of Berkeley or University-owned vehicle is involved in a traffic collision, the agency with geographic responsibility will respond, investigate and document the incident in a manner and format consistent with SWITRS procedures and that agency's report writing policy. However, if the vehicle involved is driven by an on-duty employee of UCPD or BPD in the other agency's area of geographic responsibility and the collision involves injuries or fatalities, either agency may opt to contact the California Highway Patrol for investigation and documentation assistance.

9. Ticketed or paid-admission events

On-duty employees from either agency should not enter the venue of a ticketed or paid- admission event (including sporting events, lectures, concerts and other performances) outside their area of geographic or operational responsibility unless assigned or specifically requested, or in response to an emergency or a criminal investigation in progress. Nothing in this agreement is intended to restrict the ability of an off-duty employee to enter an event venue according to the same procedures as the public.

G. JOINT POLICING OPERATIONS

1. Incident command and control

When operating jointly, the ranking officer of the Department with operational responsibility will have command and control responsibility for the incident, except as described elsewhere in this Agreement or as required by law or policy. However, incident command and control may be shared or transferred by mutual agreement of agency supervisors or managers if doing so is in the interest of public safety or law enforcement effectiveness.

During a joint operation, employees of each agency remain subject to the policies, orders and procedures established by their own Department, and shall not take action(s) that conflict with such policies, orders or procedures. Employees should notify a supervisor without delay if they anticipate or encounter such a conflict.

When responding to an "Officer Needs Help" (11-99) broadcast, the responding agency should act

at the direction of the requesting agency, regardless of geography.

When a formal Incident Command Structure has been established, both agencies will participate in the incident response in accordance with standard SEMS/NIMS protocols.

2. Use of outside agency police radio channels

Employees of either department should only utilize the other agency's radio channels to directly coordinate response and share relevant information during emergencies, in- progress crimes and other urgent situations. Non-emergency and routine information should be handled via the communication center or telephone. When broadcasting on the other agency's radio channels, staff should identify themselves by department and badge number.

This provision is not intended to restrict other approved and appropriate shared use of police department or common radio channels by employees of either agency.

3. Telegraph Avenue patrol/ South campus patrol

By mutual agreement on December 4, 1969, the Berkeley City Council and the University of California authorized funds for a joint UCPD/BPD Patrol in the area south of the central UC Berkeley campus, intended as a cooperative venture to reduce the high incidence of serious crime and disorder. Over the years this program evolved into Telegraph Avenue Patrol (TAP), consisting of officers from both agencies working together, exclusively dedicated to patrolling the south campus using a variety of directed patrol techniques and problem-solving methods.

TAP officers are expected to embrace the community involved policing concept, and are responsible for identifying problems and using outreach and innovation to solve them.

As staffing allows, BPD and UCPD should each designate up to four dedicated TAP officers with hours of work coordinated to meet the needs of the assignment. The primary focus of TAP should be the area bounded by Bancroft Avenue on the north, Derby Street and Willard Park on the south, Fulton Street on the west, and Warring Street on the east.

4. Memorial Stadium events

During football games and other large events held at Memorial Stadium, UCPD will be responsible for law enforcement and public safety services on University property inside and near the stadium. Upon request of UCPD, BPD will provide traffic, pedestrian and parking control services in support of football games and other large events at Memorial Stadium. In general, BPD will operate in areas exterior of University property, and specifically, outside of the fence-enclosed boundaries of Memorial Stadium. The particular scope of services will conform to the nature of the event and collaborative pre-planning event determinations.

In a letter to the City of Berkeley Council dated November 17, 1922 (ref. **APPENDIX 2**), the University affirmed its interest in cooperation regarding the management of vehicular and pedestrian traffic associated with events occurring at Memorial Stadium, and acknowledged responsibility for costs related to BPD personnel assigned and assisting with management of such an event. BPD is responsible for maintaining a detailed account of BPD personnel assigned to, and their time spent in support of, joint operations at University/Memorial Stadium events.

5. Joint crowd management activity

Each Department is responsible for response to crowd situations occurring within their respective areas of geographic responsibility. Both Departments should provide their officers with crowd management and control training of similar content and philosophy to the Alameda County standard, so to facilitate effective joint operations.

Each Department will maintain close communications with the other regarding crowd situations likely to require a police response from both Departments. Where there is advance knowledge of a potential crowd situation likely to require a joint agency response, representatives from each Department will be designated to act as liaisons.

The senior ranking officer of the agency having geographic responsibility at the scene of any crowd situation shall have overall responsibility for police action. It is expected that, whenever possible, the senior ranking officer from the lead agency will consult with the senior ranking officer from the other agency before any joint action is taken.

Where individual or organizational sponsors of events are known in advance, the lead agency will attempt to contact and work with crowd/event leaders to identify and resolve potential problems.

6. Explosive ordinance investigation and disposal

BPD and UCPD will both provide explosive ordinance investigation and disposal expertise and assistance to the other agency, as available and requested.

When a suspected explosive device is reported to either agency, the Communication Center of the agency having operational responsibility should handle the report according to department policy and procedures, and notify their Explosive Ordnance Disposal technician(s) if appropriate. Responding technicians will make a cursory examination of the device and decide if the situation requires additional technicians to resolve. If requested by the initially responding technicians, that agency's Communication Center should relay a request for assistance to the other agency. The initially responding technicians shall remain in charge of rendering safe and disposal of the suspected device unless relieved of this duty by a Commanding Officer of their Department.

Should EOD technicians from the agency having operational responsibility be unavailable for an initial response to a suspected device, that agency may request an initial response from the other agency's technicians: Under these circumstances, technicians from the responding agency shall remain in charge of rendering safe and disposal of the suspected device unless relieved of this duty by a Commanding Officer of either Department.

When operating jointly, BPD and UCPD technicians shall share access to and use of all EOD equipment and material as may be at their disposal.

When operating jointly, each department shall be responsible for the compensation, welfare and care of their respective technicians. Neither Department shall charge the other for responding and providing assistance or for the costs of normal materials and supplies.

Should BPD Bomb Technicians need to conduct an emergency transport and counter charge operation on a suspected explosive device, they will be allowed to transport and conduct disposal operations at the University of California's Russell Research Center at 2947 Happy Valley Road in Lafayette. Per this agreement the University of California Police Department will dispatch a UCPD EOD Technician to the Russell Research Center to provide access to BPD Bomb Technicians.

Notifications prior to transport will be as follows:

- BPD shall contact UCPD Communications for access to the Russell Research Center.
- BPD will be responsible for notifications to Transportation Management Center (TMC) at (510) 286-6923 for CalTrans/CHP if required.
- BPD will be responsible for all LE jurisdiction notifications for transport route.
- UCPD will be responsible to notify the Russell Research Center point of contact of the disposal activity.
- UCPD will be responsible to notify the staff at the UC Observatory at the Russell Research Center of the disposal activity.
- UCPD will be responsible to contact Contra Costa County Sheriff's Office prior to any disposal activity and request Contra Costa County Consolidated Fire District to dispatch a fire unit to the Russell Research Center for a fire stand-by.

7. Tactical operations

BPD and UCPD will both provide tactical operations team expertise and assistance to the other agency, as available and requested.

As time and resources permit, BPD's Special Response Team (SRT) and UCPD's Special Response Unit (SRU) should conduct mutual training, including the exchange of instructors as needed.

Should an incident within the area of operational responsibility of one Department result in the activation of that agency's tactical response team, and it is determined by that agency's command personnel that special operations assistance is needed from the other agency, a request will be made through the assisting agency's on-duty Watch Commander. The assisting agency will direct their tactical response team to the location indicated and will provide necessary assistance to the requesting agency.

During a joint operation, command and control of the critical incident will remain with the agency having operational responsibility, unless otherwise decided by mutual agreement of agency command personnel.

When operating jointly, SRT and SRU shall share access to and use of all special operations equipment and material as may be at their disposal.

When operating jointly, each department shall be responsible for the compensation, welfare and care of their respective special operations team members. Neither Department shall charge the other for responding and providing assistance or for the costs of normal equipment and supplies.

H. PRISONER BOOKING AND HOUSING

In a letter from UCPD to BPD dated December 13, 1994 (ref. **APPENDIX 3**), both agencies entered into a services agreement regarding booking and housing UCPD prisoners in the Berkeley City Jail, according to the applicable fee schedule established by the Berkeley City Council, most recently updated in Resolution No. 62,066 dated May 20, 2003 (ref. **APPENDIX 4**). Refer to the appendices for details.

I. OPERATIONAL/JURISDICTIONAL CONFLICT, RESOLUTION

If during the course of field activity, a dispute arises between the agencies regarding administrative, geographic or operational responsibility, and it cannot be resolved by referring to the terms of this agreement, the agency with initial responsibility for the situation shall retain that responsibility. The other agency should provide reasonable cooperation and resources in support of the situation, consistent with its other policing priorities and constraints. The agency with responsibility for the situation should accommodate a request from the other agency to conduct a parallel or joint response and/or criminal investigation.

As soon as necessary, or within five (5) business days, involved personnel from each agency should communicate the issue(s) in dispute to their respective Chief of Police. At the earliest opportunity following notification, BPD and UCPD Chiefs of Police or their designated representatives shall review the disputed case to clarify responsibility for similar situations in the future.

J. CENTRAL CAMPUS BOUNDARIES

The University central campus boundaries described below are intended to be the actual boundaries for the purpose of determining geographic responsibility between BPD and UCPD on a daily basis. To facilitate identification, these boundaries are described using physical lines of demarcation (such as sidewalks, fences and curb lines) in place of precise geographic measurements.

North & east from Hearst Avenue and Highland Place	UC fence lines
Hearst Avenue south side, west from the extended east curb line of Highland Place to the east side of Gayley Road*	South curb line
**BPD shall have geographic responsibility north of the extended south edge of the south sidewalk through the intersection of Hearst Avenue/Gayley Road*	
Hearst Avenue south side, west from the west side of Gayley Road to the east end of the fence at 2468 Hearst Avenue (north border of University House)	South edge of sidewalk.
Hearst Avenue south side, west from the east end of the fence at 2468 Hearst Avenue (north border of University House) to 2400 Hearst Avenue	UC fence line
Hearst Avenue south side, west from the 2400 Hearst Avenue to the northwest corner of the east wing of The Gateway building (old Tolman Hall), at the line extended from sidewalk drain to curb	South curb line

Hearst Avenue south side, west from the northwest corner of east wing of The Gateway building (old Tolman Hall) at the line extended from sidewalk drain to curb, to the west side of MacFarlane Lane	Ten (10) feet south of south curb line
Hearst Avenue south side, west from the west side of MacFarlane Lane to Oxford Street	South edge of south sidewalk
Oxford and Fulton Streets east side, south from Hearst Avenue to Bancroft Way	East edge of east sidewalk
Bancroft Way north side, east from Fulton Street to the west side of Piedmont Avenue	North edge of north sidewalk*
**Where the edge or extension of the sidewalk is not clearly defined, ten (10) feet north of the north curb line*	
Piedmont Avenue west side, north from Bancroft Way to the south line of the crosswalk north of 2220 Piedmont Avenue	West edge of west sidewalk
South edge of the south painted line of the crosswalk north of 2220 Piedmont Avenue, from Piedmont Avenue west side to Piedmont Avenue east side	South line of crosswalk
Piedmont Avenue east side, south from the south line of the crosswalk north of 2220 Piedmont Avenue to the north side of Bancroft Way (at southwest corner of International House)	East edge of east sidewalk
Bancroft Way north side, east from Piedmont Avenue to the east side of Warring Street at the west property line of 2833 Bancroft Steps	North edge of north sidewalk
West property line of 2833 Bancroft Steps, north from Warring Street at Bancroft Steps and along the west and then north property line at 2250 Prospect Street*	Private property line
**BPD has geographic responsibility for 2833 Bancroft Steps and 2250 Prospect Street*	
Prospect Street west side, south from the extended north property line of 2250 Prospect Street to the extension of the north curb of Bancroft Way	West curb line
Extension of, and north curb of Bancroft Way, east from the west curb line of Prospect Street to Canyon Road	North curb line

West curb of Canyon Road, north from Bancroft Way to Stadium Rimway	West curb line
Extension of the north side of Canyon Road across Stadium Rimway and the north side of Canyon Road east from Stadium Rimway to the extended east property line of 55 Canyon Road	UC property line
East end of Canyon Road	UC property line

K. CLARK KERR CAMPUS/ SMYTH-FERNWALD HOUSING BOUNDARIES

The Clark Kerr Campus is the property south of Dwight Way, east of Warring Street and north of Derby Street (excluding 2951 Derby Street – Redwood Gardens senior residential facility).	Stone perimeter wall and extension thereof at points of vehicle and pedestrian access
Smyth/Fernwald Student Housing is the property east of Hillside Avenue (south of 2425 Hillside Avenue) and north of Dwight Way.	Stone retaining wall or ten (10) feet east of the east curb line (Hillside Ave.); North edge of north sidewalk (Dwight Way)
*BPD has geographic responsibility for the private homes and properties located on Dwight Way east of Fernwald Road.	

L. PART 1 VIOLENT CRIMES REPORTING

1. PURPOSE

The purpose of this section is to meet the statutory requirements established by AB 1433 (Gatto 2014) requiring covered institutions to adopt and implement written policies and procedures to ensure that reports of Part 1 violent crimes, hate crimes, or sexual assaults are immediately or as soon as practicably possible, disclosed to local law enforcement.

It is further the purpose of this section to promote collaboration between the City of Berkeley Police Department (BPD) and the University of California Police Department, Berkeley (UCPD) and to enhance the reporting, investigations, and appropriate response to sexual assault and other covered crimes.

2. REPORTING OBLIGATIONS

UCPD and BPD agree to the following procedures through which each department will transmit reports it receives to the other. These reports shall comply with the confidentiality requirements described in Section 4 below and shall not identify the victim or the alleged assailant unless the victim has consented to being identified.

(a) UCPD Reports to BPD

UCPD will report immediately or as soon as practicably possible to BPD all reports received by a

Campus Security Authority of any Part 1 violent crime, sexual assault, or hate crime committed on or off campus. This includes reports victims make directly to Campus Security Authorities (CSAs) as well as reports victims make to other Campus employees that are then conveyed to the CSAs. Such reports will include, where authorized:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator if known;
- Description of the incident, including location and date and time; and
- Any report number assigned to the police report documenting the investigation being conducted by the jurisdictional agency.

All such notifications to BPD will be documented in UCPD records. In addition. UCPD will maintain a public crime log documenting the "nature, date, time, and general location of each crime" and its disposition, if known. The log should be accessible to the public during normal business hours.

(b) BPD Reports to UCPD

Pursuant to the Clery Act, UCPD must report aggregate data concerning certain enumerated crimes. To enable UCPD to fulfill this requirement, BPD shall provide statistics on at least an annual basis to UCPD on all crimes listed in 20 U.S.C. §1092(f)(1)(F) for which BPD acted as a first responder or had geographic responsibility.

BPD will promptly notify UCPD when students or employees are identified as the victims or suspects of any Part 1 violent crime, sexual assault, or hate crime that occurs within BPD's jurisdiction, and/or when BPD acts as first responder to an incident. Such reports will include, where authorized:

- The name and characteristics of the victim;
- The name and characteristics of the perpetrator if known;
- Description of the incident, including location and date and time; and
- Any report number assigned to the police incident report documenting the investigation being conducted by the jurisdictional agency.

All such notifications to UCPD will be documented in BPD incident reports.

BPD will promptly notify UCPD if it has referred the incident to the Alameda County District Attorney (ACDA) for charges to be filed, and of any charging decisions made by ACDA.

3. CLERY WARNINGS

The Clery Act requires UCPD to issue timely warnings for Clery crimes on- and off-campus that pose a serious or continuing threat to students and employees and emergency notifications for a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

To facilitate the issuance of Clery Act-required timely warnings and emergency notifications, UCPD and BPD agree to coordinate the sharing of information as described above. BPD acknowledges that UCPD need not obtain the approval of an outside law enforcement agency to issue any warnings/notifications, nor is UCPD required to seek preclearance of the content of any warning/notification. However, UCPD will inform BPD about such warnings as soon as practicable.

4. CONFIDENTIALITY REQUIREMENTS

UCPD and BPD will comply with applicable law and guidance regarding anonymous and confidential reporting of sexual violence, including when, how, and what information can or must be disclosed to each other.

UCPD and BPD agree that if a victim requests confidentiality regarding a reportable incident, each department will take all reasonable steps to comply with the victim's request or inform the victim when the department cannot ensure confidentiality. Neither department will disclose the name of the victim to the other unless the victim provides consent to being identified after being informed of their right to have identifying information withheld.

UCPD and BPD agree to inform the victim that they can agree to engage with law enforcement and participate in the investigation and prosecution using a pseudonym (i.e. Jane or John Doe) instead of their legal name. In that case. the name of the alleged perpetrator may be disclosed to other law enforcement (if known) while protecting the identity of the victim from public disclosure.

5. COLLABORATION ON CAMPUS COMMUNITY TRAINING

UCPD and BPD agree to collaborate to provide outreach and training for the campus community about the awareness, prevention. intervention, investigation, and response to sexual assaults and other crimes of violence and to work with community or campus-based resources and experts, including victim advocates, to provide these programs.

M. HISTORY & AMENDMENTS

This is the 21st revision of a written jurisdictional agreement first established May 1, 1958 between the City of Berkeley Police Department and the University of California Police Department.

This agreement will be reviewed and amended regularly and as needed to better serve the ever-changing needs of the City and the University.

APPENDICES 1 and **3** may be revised more frequently by mutual agreement of the Chiefs of Police and such changes do not require re-issuance of the full operational agreement.

N. AUTHORIZATION OF AGREEMENT

We, the undersigned, as authorized representatives of our respective agencies, do hereby approve this document on the date(s) indicated. It will remain in effect until amended, revised, or terminated by mutual agreement.

Jennifer Louis
Jennifer Louis (Sep 10, 2024 13:21 PDT)

09/10/202

Jennifer Louis — Date
Chief of Police
Berkeley Police Department

Yogananda Pittman (Sep 11, 2024 19:07 PDT)

11/09/20

Yogananda D. Pittman — Date
Chief of Police
University of California Police Depart

List of off-campus Berkeley properties under UCPD Jurisdiction

Updated 08/31/2023

Generally, for off-campus locations:
UC as Landlord: UCPD has primary jurisdiction for all land, structures and spaces, except areas leased and open to the public for commercial purposes. UCPD's primary jurisdiction includes any vacant units.
UC as Tenant: UCPD has primary jurisdiction only for the areas leased and exclusively controlled by the University. The land, structures and other spaces are the primary jurisdiction of the City of Berkeley.
UC as Owner / Occupant: UCPD has primary jurisdiction for all land, structures and spaces.
Clarifications and known exceptions to these guidelines are included below.

Number	Street	Description	UC is:	UC Lease expires
2001	Addison Street	Haas School of Business **UC controlled areas only – on 1st & 2nd floors**	Tenant	1/31/2023
2123	Addison Street	University Hall West Lot	Owner / Occupant	
2199	Addison Street	University Hall	Owner / Occupant	
1601	Allston Way	The Convent (co-op) **All land, structures and spaces**	Landlord	
2108	Allston Way	Berkeley Wireless Research Center (AKA: 2201 Shattuck Avenue) **UC controlled areas only – on 2nd floor**	Tenant	1/31/2024
2121	Allston Way	Magnes Museum **All land, structures and spaces**	Tenant	9/14/2071
2150	Allston Way	Institute of Transportation Studies **UC controlled areas only - on 2nd floor**	Tenant	12/31/2024
1750	Arch Street	Center for New Music and Audio Technologies (McEnerney Hall)	Owner / Occupant	
2425	Atherton Street	Jones Child Study Center	Owner / Occupant	

Number	Street	Description	UC is:	UC Lease expires
2105	Bancroft Way	-UC controlled areas: Haas School of Business – 2nd floor & basement storage -Tenant: Grabango headquarters –3rd & 4th floors (UCPD response) -Tenant: Yoga studio –1st floor (open to public, BPD response) **All land, structures and spaces except areas leased for public commercial use**	Landlord	
2111	Bancroft Way	Banway Building	Owner / Occupant	
2200	Bancroft Way	Office of Public Affairs	Owner / Occupant	
2214	Bancroft Way	Legends Aquatics Center	Owner / Occupant	
2220	Bancroft Way	Founders Building (Career Counseling Library)	Owner / Occupant	
2222	Bancroft Way	Tang Center and parking lot (University Health Services)	Owner / Occupant	
2440	Bancroft Way	University Relations, Center for Educational Partnerships, Berkeley Law **All land, structures and spaces except areas leased for public commercial use**	Landlord	
2626	Bancroft Way	Woo Hon Fai Hall / Bakar BioEnginuity Hub (AKA: 2625 Durant Avenue) **All land, structures and spaces**	Tenant	12/31/2041
2400 A&B	Bancroft Way	Retail locations **All land, structures and spaces except areas leased for public commercial use**	Landlord	
2400 C	Bancroft Way	Stiles Hall **All land, structures and spaces**	Landlord	
2120	Berkeley Way	Former UC Press Building **All land, structures and spaces except areas leased for public commercial use**	Landlord	
2121	Berkeley Way	Berkeley Way West (AKA: 1919 Shattuck Avenue) **All land, structures and spaces except areas leased by Marugame Udon**	Landlord	

2151	Berkeley Way	Innovative Genomics Institute Building (IGIB) / Energy & Biosciences Institute (EBI)	Owner / Occupant	

Number	Street	Description	UC is:	UC Lease expires
2334	Bowditch Street	Center for Latin American Studies	Owner / Occupant	
2350	Bowditch Street	Fox Cottage	Owner / Occupant	
2415	Bowditch Street	Crossroads Dining Commons	Owner / Occupant	
2420	Bowditch Street	Anna Head Complex	Owner / Occupant	
2000	Carleton Street	Facilities Services	Owner / Occupant	
2155	Center Street	Berkeley Art Museum / Pacific Film Archive	Owner / Occupant	
2100	Channing Way	Manville Hall Student Housing (RSSP) **All land, structures and spaces except areas leased for public commercial use**	Landlord	
2424	Channing Way	Beverly Cleary Residence Hall (RSSP)	Owner / Occupant	
2515	Channing Way	Academic Achievement Program	Owner / Occupant	
2520	Channing Way	Maximo Martinez Commons (RSSP)	Owner / Occupant	
2521	Channing Way	Institute for Research on Labor & Employment	Owner / Occupant	
2535	Channing Way	Channing / Bowditch Apartments (RSSP)	Owner / Occupant	
2536	Channing Way	Office of Student Conduct / Anna Head Complex	Owner / Occupant	
2538 / 2538A	Channing Way	Survey Research Center / Anna Head Complex	Owner / Occupant	
2547	Channing Way	Center for Latino Policy Research, UC Energy Institute (Shorb House)	Owner / Occupant	

2610	Channing Way	Residential and Student Services Building	Owner / Occupant	
2612	Channing Way @ College Avenue	Underhill Parking Structure (lot 'D')	Owner / Occupant	

Number	Street	Description	UC is:	UC Lease expires
2821	Claremont Boulevard	UC President's Residence	Owner / Occupant	
2333	College Avenue	Ida Louise Jackson Graduate House (RSSP)	Owner / Occupant	
2400	Durant Avenue	Unit III Residence Halls (Spens-Black, Priestly, Ida Sproul, Norton)	Owner / Occupant	
2401	Durant Avenue	Blackwell Hall (RSSP)	Owner / Occupant	
2625	Durant Avenue	Woo Hon Fai Hall / Bakar BioEnginuity Hub (AKA: 2626 Bancroft Way) **All land, structures and spaces**	Tenant	12/31/2041
2650	Durant Avenue	Unit I Residence Halls (Freeborn, Putnam, Slottman, Deutsch, Cheney, Christian)	Owner / Occupant	
2415	Dwight Way	Fenwick Weavers Village (co-op) **All land, structures and spaces**	Landlord	
2427	Dwight Way	Dwight Way Child Development Center	Owner / Occupant	
2614 / 2616	Dwight Way	Traffic Safety Center & UC Transportation Center (Johnson Hall) **UC controlled areas only – on 1st & 2nd floors**	Tenant	9/30/2022
	Dwight Way @ Fernwald Road	Smyth House & Smyth-Fernwald estate	Owner / Occupant	
	Ellsworth Street @ Channing Way	Ellsworth Parking Structure (lot 'C')	Owner / Occupant	
1608	Fourth Street	Campus Shared Services **All land, structures and spaces except areas leased for public commercial use**	Landlord	
2339	Haste Street	Haste Street Child Development Center	Owner / Occupant	

2424	Haste Street	Rochdale Village (co-op) **All land, structures and spaces**	Landlord	
2441	Haste Street	New Sequoia Apartments (RSSP) **UC controlled areas only**	Tenant	7/31/2026

Number	Street	Description	UC is:	UC Lease expires
2503	Haste Street	Enclave Apartments (RSSP) **UC controlled areas only**	Tenant	6/20/2030
2650	Haste Street	Unit II Residence Halls (Davidson, Griffiths, Wada, Ehrman, Cunningham, Towle)	Owner / Occupant	
2537 / 2537A	Haste Street	Alumnae Hall / Anna Head Complex	Owner / Occupant	
	Haste Street @ Bowditch Street	People's Park	Owner / Occupant	
2195	Hearst Avenue	Warren Hall	Owner / Occupant	
2481	Hearst Avenue	UC Investigative Reporting Program **All land, structures and spaces**	Landlord	
2483	Hearst Avenue	Daily Californian **All land, structures and spaces**	Landlord	
2521	Hearst Avenue	Etcheverry Hall	Owner / Occupant	
2607	Hearst Avenue	Goldman School of Public Policy	Owner / Occupant	
2700	Hearst Avenue	Foothill Residence Halls	Owner / Occupant	
	Hearst Avenue @ LaLoma Avenue	Upper Hearst Parking Structure (lot 'H')	Owner / Occupant	
	Hearst Avenue @ Scenic Avenue	Lower Hearst Parking Structure (lot 'A')	Owner / Occupant	
2465	LeConte Avenue	Goldman School of Public Policy **UC controlled areas only**	Tenant	8/14/2024
1893	LeRoy Avenue	Goldman School of Public Policy	Owner / Occupant	

1898	LeRoy Avenue	Soda Hall	Owner / Occupant	
2743	Ninth Street	College of Environmental Design **UC controlled areas only**	Tenant	3/31/2023

Number	Street	Description	UC is:	UC Lease expires
1899	Oxford Street	Oxford Parking Lot **UC controlled areas only**	Tenant	12/31/2022
1970	Oxford Street	Anchor House (under construction) *Bounded by Oxford St., University Ave., Walnut St., Berkeley Way*	Owner / Occupant	
2120	Oxford Street	BAM/PFA Store	Owner / Occupant	
255	Panoramic Way	Havens House & Garage	Owner / Occupant	
2299	Piedmont Avenue	International House	Owner / Occupant	
717	Potter Street	LBNL Biosciences Operations (AKA: LBNL Building #977) **UC & LBNL controlled areas only**	Owner / Occupant	
2451	Ridge Road	Fung Institute of Engineering Leadership (Shires Hall) **UC controlled areas only**	Tenant	6/19/2026
2530	Ridge Road	Jacobs Hall	Owner / Occupant	
2600	Ridge Road	Cloyne Court (co-op) **All land, structures and spaces**	Landlord	
2684	Ridge Road	Ridge Lot	Owner / Occupant	
1798	Scenic Avenue	College of Engineering (Mudd Hall) **UC controlled areas only**	Tenant	5/31/2031
1919	Shattuck Avenue	Berkeley Way West (AKA: 2121 Berkeley Way) **All land, structures and spaces except areas leased by Marugame Udon**	Landlord	

2150	Shattuck Avenue	TBSI, IPIRA, RDO, BIO, NSSC, Sky Deck **UC controlled areas only – on 2nd, 5th, 9th, 10th, 13th floors**	Tenant	Multiple (longest 2/28/2025)
2201	Shattuck Avenue	Berkeley Wireless Research Center (AKA: 2108 Allston Way) **UC controlled areas only – on 2nd floor**	Tenant	1/31/2024

Number	Street	Description	UC is:	UC Lease expires
2539	Telegraph Avenue	Panoramic Apartments (RSSP) **UC controlled areas only**	Tenant	8/14/2024
2850	Telegraph Avenue	Information Systems & Technology, Berkeley Law **All land, structures and spaces except areas leased for public commercial use**	Landlord	
124	University Avenue	UC Aquatic Center at the Berkeley Marina **UC controlled areas only**	Tenant	Month to Month
1936	University Avenue	Real Estate Division & School of Education (Promenade Building) **UC controlled areas only – on 2nd & 3rd floor**	Tenant	Multiple (longest 7/31/2025)
1995	University Avenue	Golden Bear Center **All land, structures and spaces except areas leased for public commercial use**	Landlord	
2136 - 2140	University Avenue	Restaurant & retail spaces **All land, structures and spaces except areas occupied by Campus Dental Care (2136), Instant Copying & Laser Printing (2138) and Lucky Thai House (2140) - BPD.**	Landlord	
2154 - 2160	University Avenue	Restaurant & retail/office spaces, including private office leased to Cupertino Electric Inc. (2160), and private office leased to BuildGroup (2154 & 2158) - UCPD. **All land, structures and spaces except areas occupied by Simply Bowl (2156)-open to public - BPD.**	Landlord	
2275	Virginia Street	Miles Residence for Visiting Poets	Owner / Occupant	

1741	Walnut Street	Oxford Tract GPB (North) Greenhouse	Owner / Occupant	
1751	Walnut Street	Oxford Tract GPB (South) Greenhouse	Owner / Occupant	
1801	Walnut Street	Oxford Tract Natural Resource Laboratory	Owner / Occupant	
1803	Walnut Street	Oxford Tract Insectary Greenhouse	Owner / Occupant	
1805	Walnut Street	Oxford Tract Insectary Building	Owner / Occupant	
2601	Warring Street	Clark Kerr Campus **All land, structures and spaces except Redwood Gardens Senior Housing**	Owner / Occupant	

ROBERT G. SPROUL, SECRETARY
RECEIVED
NOV 17 1922
OFFICE OF
CITY CLERK
CALIFORNIA
ARY OF THE REGENTS
G. J. STRUBLE, ASSISTANT SECRETAR
RECEIVED
NOV 17 1922
CITY CLERK

BERKELEY
November 17, 1922.

Council of the City of Berkeley,
Berkeley,
California.

Gentlemen:

Mayor Bartlett and your City Planning Consultant, Mr. Carol Aronovici, have informed me of your wish to learn the attitude of the Regents of the University of California towards certain problems raised by the location of the California Memorial Stadium near Strawberry Canyon. May I say in general that the Regents are perhaps even more interested than yourselves in making the Stadium easily accessible to those who seek admission to it and may, therefore, be counted upon to cooperate to the fullest extent in any plans designed to broaden and improve the approaches to the structure. I am writing this letter to set forth the specific assurances I have been authorized to give you.

(1) If it shall be determined to be advisable by yourselves or your representatives, the University will permit the parking of automobiles on approximately ten acres of the present campus.

(2) The University will widen the sidewalk on the north side of Bancroft Way from Barrow Street to College Avenue, at a cost not to exceed $5,000, the figure named by Mr. Aronovici.

(3) In order to facilitate entrance to the campus through Sather Gate, the University will agree to the establishment of a set-back line on the east side of Telegraph Avenue from Bancroft Way to Allston Way so far as this affects the property of the University.

(4) The University will assume the expense of rearranging the parking strip on Piedmont Avenue to accomodate pedestrian traffic.

(5) The University will assume the cost of all extra police officers made necessary by games or other events held under its auspices.

(6) The University will, within five years, establish a connection between Warring Street at the intersection of Piedmont Avenue and Bancroft Way, via the Stadium.

(7) The cost of all changes which are or may be included in the plans of the Regents, such as the widening and altering of streets, the establishment of set-back lines, the changing of sewers, will be met by the University.

The suggestion was made by your representatives that there be set up a Commission consisting of one member selected by the City Council, one member selected by the Regents, and a third to be chosen by these two, to make a study of the traffic problem at the time of the first California-Stanford Game and to report necessary changes to meet the situation as it then develops, any changes recommended by a majority of the Commission to be made at the expense of the University. The Regents regret that they have not the power to delegate to a body outside their own membership the control and disposition of University funds, or the power to alienate or alter the property of the State. They are, however, willing to set up such a Commission as an advisory body, to pay its approved expenses up to a maximum of $2,000, and to endeavor, insofar as possible, to carry out its recommendations, any costs involved to be met from the net profits of the Stadium and not by the City of Berkeley or adjacent property owners.

I trust that with these assurances, your honorable body will see fit to put the stamp of its approval on this great civic improvement which must be started immediately if it is to be ready for the Big Game of 1923.

Respectfully,

RGS-R

A TRUE COPY
Dorni E. Hess
CITY CLERK OF THE CITY OF
BERKELEY, CALIFORNIA

UNIVE[illegible] OF CALIFORNIA, BE[illegible]

KELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • S[illegible] RANCISCO SANTA BARBARA • SANTA CRUZ

POLICE DEPARTMENT

ROOM 1 SPROUL HALL # 1199
BERKELEY, CALIFORNIA 94720-1199

December 13, 1994

Police Chief D. E. Butler
City of Berkeley Police Department
2171 McKinley Street
Berkeley, CA. 94703

EFFECTIVE 1-16-95
NOT TIL TUES
1-17-95 PER
UC

Dear Chief Butler:

I am enclosing the final draft of the joint BPD/UCPD prisoner booking and housing agreement. This agreement has been reviewed and approved by appropriate staff from both departments, and, with your concurrence, will be implemented on January 16th, 1995. I understand that the formal contract review must still occur through normal city channels, and is expected to take 60 - 90 days. Concurrently, I will have the contract reviewed, and signed by the appropriate university officials.

UCPD and BPD staff have agreed to implement the prisoner booking and housing agreement on January 16th, even though the final document may not be signed by that date. If you agree with moving forward with this joint agreement, please indicate below, and inform your staff.

If you have any questions, or need clarification on this matter, please call me at 642-1133, or Captain Pat Carroll at 643-9597.

Thank you very much for your support in this matter.

Victoria L. Harrison
Chief of Police

Approved: Chief D. E. Butler — Date: 12-20-94

cc: Capt. P. J. Carroll
Capt. B. Miller - BPD

CONTRACT

This contract is entered into on Jan. 16, 1995 between the CITY of BERKELEY ("City"), a Charter City organized and existing under the laws of the State of California, and The Regents of the University of California ("UC"), a California constitutional corporation.

This contract is made with reference to the following facts and objectives:

A. The City of Berkeley operates and maintains the Berkeley City Jail ("Jail"), into which the Police Department of the University of California regularly books arrested persons.

B. The City and UC have agreed that charging UC a flat fee for all persons UC books into the Jail up to a certain number of bookings would be more efficient than charging a daily fee for each person booked. Said flat fee charge has been approved by the Berkeley City Council and authorized officials of the University of California.

The parties agree as follows:

1. Payment

In consideration for accepting persons arrested by UC into the City Jail, UC shall pay a booking fee to the City of $1500.00 per month for all bookings in a said month, up to 100 bookings. Should the number of bookings into the City Jail by UC in any month exceed 100, UC shall pay the City an additional booking fee for each booking after the 100th, of $75.00 per person for each day said persons are in custody at the Jail.

The City shall bill UC on a monthly basis and UC shall pay said bill within 60 days of receipt. For any month in which the number of bookings by UC exceeds 100, the monthly bill shall be accompanied by documentation prepared by the City showing the number of bookings by UC exceeding 100 and number of days each person so booked was held in the Jail.

2. Term

This contract shall be retroactive to July 1, 1994, and shall continue until terminated as provided herein. The parties agree that after the first year this contract is in effect, either party shall have the right to request a renegotiation of the fee paid hereunder. Either party may terminate this contract at any time upon 30 days written notice to the other for any reason whatsoever, including, but not limited to, the failure of the parties to reach agreement on a renegotiated fee. The parties understand that if this contract is terminated, the booking fee charged to UC shall be the same as that charged to other parties that book into the Jail, as established by the City Council resolution then in effect.

EXHIBIT "A"

1. UC will comply with all the provisions of City General Orders A-51, "Arrest and Traffic/Warrants Offenses" A-52, "Alameda County Consolidated Arrest Report", and C-10, "Citation Release".

2. UC Officers will complete the Consolidated Arrest Report ("CAR") for all prisoners brought to the Jail.

   a. UC Officers will complete the "probable cause" narrative.

   b. UC Officers will complete the "Declaration of Arrest."

3. If a UC prisoner housed in the Jail requests medical treatment, or is deemed to be suicidal, a UC Police Officer will return to the Jail to escort the prisoner to the hospital, or to Alameda County Jail as appropriate.

4. UC agrees that all warrant confirmations will be made directly to the City, using the mnemonic #0103BRY.

5. When UCPD has a prisoner currently being housed at the Berkeley City Jail, and the Jail is filled to capacity, and Jail staff decides to purge the jail, UC shall supply at least one Police Officer to assist City staff in the trip to Santa Rita. The City agrees that UC prisoners will be excluded from going to Santa Rita under these circumstances. only if there are UC prisons in custody.

6. In the case of mass arrests by UC, those prisoners will not be taken to the city Jail.

7. All large items of property (E.g. sleeping bags, duffle bags, clothing bags) will be booked into the U.C.P.D. evidence locker, and not taken to Berkeley Jail.

RESOLUTION NO. 62,066–N.S.

INCREASING THE INDIVIDUAL BOOKING FEES AND DAILY HOUSING RATES FOR THE CITY OF BERKELEY JAIL TO $190.00 PER INDIVIDUAL AND RESCINDING RESOLUTION NO. 61,579–N.S. EFFECTIVE JULY 1, 2003

WHEREAS, a fee increase is necessary to ensure that the City Jail can continue to book and house prisoners to assist outside agencies; and

WHEREAS, the fee increase will allow the City Jail to continue to meet all federal, state, and county health and safety requirements, and complete facility repair projects; and

WHEREAS, the County of Alameda will be increasing it's booking and housing fees requiring the City Jail to raise its fee appropriately.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the booking and daily housing rate for the City of Berkeley Jail be set as follows, effective July 1, 2003:

Individual Booking = $190.00 per individual

Housing rate = $190.00 per individual per day

The foregoing Resolution was adopted by the Berkeley City Council on May 20, 2003 by the following vote:

Ayes: Councilmembers Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

Tom Bates, Mayor

Attest: Sherry M. Kelly, City Clerk

Berkeley Police Department MOU Compendium

Item #	1.15
Title:	**LOCAL: SAN JOSE POLICE DEPARTMENT, SILICON VALLEY INTERNET CRIMES AGAINST CHILDREN TASK FORCE**
Type:	Written Agreement
Approvals:	Initial: September 18, 2012 / Latest: **PENDING UPDATE**
Summary:	The Silicon Valley Internet Crimes Against Children Task Force (SVICAC) is committed to the protection of children from the sexually-oriented dangers posed by the internet. In an effort to create a networking group focused on internet crimes against children and to work in concert with the community of law enforcement agencies.
Rationale:	The Berkeley Police Department is committed to the investigation and prosecution of internet crimes against children and related offenses. Cooperation with regional groups promotes successful prosecution through resource and information sharing. Due to the nature of these crimes, they are often decentralized, and require specialized contacts, and investigators experienced in computer crimes to successfully resolve. Building the Police Department's expertise and network may lead to long-term reduction of these crimes.
Cost:	If Approved: Costs would be neutral. Participation in this task force does not require a full-time assignment to the task force therefore services with the Police Department are managed within its existing budget. If Not Approved: Loss of resources, expertise, and potentially lower closure rate for internet crimes against children.
Recommendation:	Continued approval

SILICON VALLEY INTERNET CRIMES AGAINST CHILDREN TASK FORCE
AGENCY PARTICIPATION AGREEMENT

201 West Mission Street, San Jose, California 95110

I recognize the city of Berkeley is within the geographic area served by the *Silicon Valley Internet Crimes Against Children Task Force (SVICAC)*, and therefore eligible to participate in the National Internet Crimes Against Children (ICAC) Task Force in alliance with the SVICAC. The SVICAC is coordinated by the City of San Jose Police Department's Sexual Assaults Investigative Unit (SAIU) and partially funded by the Department of Justice. This Task Force is committed to the protection of children from the sexually-oriented dangers posed by the internet.

In an effort to create a networking group focused on internet crimes against children and to work in concert with the community of law enforcement agencies comprising SVICAC and the National ICAC Task Force with regard to these specialized investigations, this agency will:

- Adopt and comply with the National ICAC Operation Guideline and subsequent revisions, understanding these guidelines do not supersede my department policy;
- Participate in training of our agency's task force members as resources allow;
- Appoint one person to serve as the agency primary contact for ICAC-related matters;
- Appoint at least one person to supervise ICAC investigations;
- Acknowledge that SVICAC is not obligated to assume any financial responsibility for this agency or participation in the Task Force;
- Hold harmless the Silicon Valley ICAC Task Force and the City of San Jose, its employees and officials from any claim, suit, or demand in any proceeding brought by others based on the conduct of any employee of our agency;
- To notify in writing the Task Force Coordinator upon withdrawal from or a change in personnel assigned;

This Participation Agreement shall be effective on the date of the application and may be cancelled by either party upon written notification.

Having read the operational guidelines of ICAC, I request and agree to affiliation with the Silicon Valley Internet Crimes Against Children Task Force.

Signature _____ Date 4/25/08
Affiliated Agency Head

Affiliated Agency Contact Information

Title / Name	SGT. JENNIFER LOUIS
Mailing Address	BERKELEY POLICE, 2100 MARTIN LUTHER KING JR WAY BERKELEY CA 94704
Office Phone / Fax	(510) 981-5717 FAX 981-5704
Email	JLOUIS@CI.BERKELEY.CA.US

Berkeley Police Department MOU Compendium

Item #	1.21
Title:	**LOCAL: ALAMEDA COUNTY EMERGENCY MEDICAL SERVICES AGENCY**
Type:	Memorandum of Understanding
Approvals:	Initial: NEW, July 9, 2024
Summary:	Alameda County Emergency Medical Services Agency (EMS) has agreed to provide Automated External Defibrillators (AEDs) to BPD to enhance readiness and response capabilities when a community member experiences cardiac arrest. This is a pilot program to assess whether police response increases pre-hospital cardiac arrest survival.
Rationale:	The Berkeley Police Department and the EMS recognize the critical importance of AEDs in saving lives during cardiac emergencies. The deployment of AEDs by BPD may significantly improve outcomes in cardiac arrest incidents.
Cost:	*If Approved*: Specific costs for these devices and maintenance are not incurred by the department. Potentially life saving emergency medical equipment may arrive to cardiac emergencies faster than it would without these AEDs being deployed. *If Not Approved*: Fiscally neutral. There are no costs associated with this agreement.
Recommendation:	Approval

Memorandum of Understanding (MOU)

Between: City of Berkeley, on behalf of its Berkeley Police Department, 2100 Martin Luther King Jr. Way, Berkeley, CA, 94704 , hereinafter, Law Enforcement Agency or Berkeley Police Department	**And:** County of Alameda on behalf of its Alameda County Emergency Medical Services Agency, 1000 San Leandro Blvd., Suite 200, San Leandro, CA, 94577, hereinafter EMS

Subject: Memorandum of Understanding for the Usage of Avive AEDs
Date: 7/4/2024

1. Purpose: This Memorandum of Understanding (MOU) establishes the terms and conditions between the Berkeley Police Department and Alameda County Emergency Medical Services Agency (EMS) governing the usage of Avive Automated External Defibrillators (AEDs) to enhance readiness and response capabilities when a community member experiences cardiac arrest.

This is a pilot program to assess whether police response increases pre-hospital cardiac arrest survival.

2. Background: The Berkeley Police Department and the EMS recognize the critical importance of AEDs in saving lives during cardiac emergencies. Avive AEDs offer advanced technology and features that can significantly improve outcomes in cardiac arrest incidents.

3. Terms and Conditions:

Equipment: Each Avive AED will be issued with a protective case and one set of pads.

Deployment and Maintenance: EMS shall provide Avive AEDs to the Berkeley Police Department. The Berkeley Police Departement shall deploy Avive AEDs at strategic locations determined jointly by the Berkeley Police Department and the EMS, considering high-traffic areas, events, and emergency response needs.

EMS shall be responsible for scheduling the regular maintenance, inspection, and replacement of Avive AEDs or pads as needed. The Berkeley Police Department shall cooperate with EMS regarding the scheduling of such regular maintenance, inspection, and replacement of Avive AEDs or pads. The Berkeley Police Department should promptly notify EMS in the event of damage, loss, or loss of function of any Avive AED or the need for replacement pads.

The Avive AEDs will remain the property of EMS, and Berkeley Police Department shall return the Avive AEDs to the EMS within thirty (30) days of the termination or expiration of this MOU. The Berkeley Police Department is not required to reimburse EMS in the event of accidental damage during the course of use or malfunction of an Avive AED due to a manufacturing issue.

The Berkeley Police Department shall store the Avive AEDs in their protective cases at all times when they are not in use to prevent excessive wear and tear. The Avive AEDs shall also be kept inside of a locked location to reduce the chance of theft. The Berkeley Police Department shall reimburse EMS in the event of misplacement or theft of an Avive AED unit; damage incurred outside of the intended use of the of an Avive AED unit; or loss of function that is not due to a manufacturing issue.

Training: EMS will work with Avive to ensure that Berkeley Police Department officers receive proper training in the operation and use of Avive AEDs, in accordance with guidelines established by the EMS. The Berkeley Police Department shall only permit officers who have received proper training to use and operate the Avive AEDs.

Notification: In the event of a cardiac emergency, Berkeley Police Officers are encouraged to respond. Notification of a cardiac emergency will be made through each law enforcement agency's respective dispatch center.

Data Sharing: Subject to applicable laws and regulations, both parties agree to share relevant data and incident reports regarding the usage of Avive AEDs for evaluation and improvement purposes.

Indemnification: The Berkeley Police Department acknowledges that the County of Alameda, including without limitations EMS, is not a dealer in or manufacturer of AEDs and that the County of Alameda makes no warranty as to the fitness of any or all equipment provided under this MOU and makes no guarantee that any or all equipment is free of manufacturer defects or latent, hidden, or obvious defects.

To the fullest extent permitted by law, the Berkeley Police Department shall hold harmless, defend and indemnify the County of Alameda, its Board of Supervisors, employees and agents from and against any and all claims, losses, damages, liabilities and expenses, including but not limited to attorneys' fees, arising out of or resulting from or under this MOU, provided that any such claim, loss, damage, liability or expense is attributable to bodily injury, sickness, disease, death or to injury to or destruction of property, including the loss therefrom, or to any violation of federal, state or municipal law or regulation, which arises out of or is any way connected with the performance of this MOU (collectively "Liabilities") except where such Liabilities are caused solely by the negligence or willful misconduct of any indemnitee. The County of Alameda may participate in the defense of any such claim without relieving the Berkeley Police Department of any obligation hereunder. The obligations of this indemnity shall be for the full amount of all damage to County of Alameda, including defense costs, and shall not be limited by any insurance limits.

Term: This MOU shall commence on the date of signing and remain in effect for a period of June 30, 2028, subject to renewal by mutual written agreement of authorized representatives of both parties.

Termination: Either party may terminate this MOU with thirty (30) days written notice to the other party. Upon termination, all equipment will be returned to the EMS Agency within thirty (30) days.

Entire Agreement: This MOU constitutes the entire agreement between the parties concerning the usage of Avive AEDs and supersedes all prior agreements and understandings, whether written or oral, relating to the same subject matter.

[Signature page to follow]

4. Signatures: This MOU shall be effective upon the signatures of authorized representatives from both parties.

For the City of Berkeley on behalf of its Berkeley Police Department:

Signature: DocuSigned by: Chief Jennifer Louis D8D538DAAF5E4E7... **Name:** Chief Jennifer Louis **Title:** Police Chief **Date:** 7/9/2024

For the County of Alameda on behalf of its Alameda County EMS Agency:

Signature: DocuSigned by: Lauri McFadden EE5CB9B522844B1... **Name:** Lauri McFadden **Title:** EMS Director **Date:** 7/9/2024

By signing above, the signatory warrants and represents that signatory executed this MOU in signatory's authorized capacity and that by signatory's signature on this MOU, signatory or the entity upon behalf of which signatory acted, executed this MOU.

Approved as to form:

Donna R. Ziegler, County Counsel

By: DocuSigned by: K. Joon Oh, Deputy County Counsel EFDCE3E661894A0...

K. Joon Oh, Deputy County Counsel

Berkeley Police Department MOU Compendium

Item #	2.7
Title:	**STATE: CALIFORNIA DEPARTMENT OF JUSTICE** **CAL PHOTO PROGRAM**
Type:	Written Agreement
Approvals:	Initial: September 19, 2006 / Current: March 8, 2024
Summary:	The CA Department of Justice (CADoJ) is responsible for the enforcement of State law and management of Criminal Offender Record Information (CORI). Pursuant to common professional courtesy, the Police Department may assist, extend cooperation to, and share information with the CADoJ in the interest of criminal justice and public safety. Via the California Law Enforcement Telecommunications System (CLETS), CADoJ's Cal-Photo Program provides law enforcement CORI-classified driver license and image data obtained by the Department of Motor Vehicles. As such, Police Department agrees to conform to all laws, regulations, policies and audits associated with access to Cal-Photo Program CORI.
Rationale:	Police Department cooperation and information exchange with this State agency promotes public safety and serves the law enforcement mission. Maintenance of efficient access to CORI is valuable in crime prevention and essential for the successful investigation and prosecution of criminal acts.
Cost:	If Approved: Cost will be neutral. Approval will continue to support current law enforcement activities, funded in existing budget. If Not Approved: Increased cost cannot be calculated. Staff time and resources for investigation will increase. The reduced access to CORI will hinder investigation, obstruct offender identification, and reduce the incidents of successful prosecution.
Recommendation:	Approval

CALPhoto

CAL-PHOTO AGENCY AGREEMENT

BERKELEY POLICE DEPARTMENT Agency Name	0103 ORI Number
2100 MLK JR. WAY Street Address	BERKELEY, CA 94704 City State Zip Code

Hereinafter referred to as Subscriber,

I. Agrees to conform to all rules and policies established by the Department of Justice in the California Cal-Photo Policies, Practices and Procedures (PPPs). Wherein Cal-Photo images and information are classified as Criminal Offender Record Information (CORI), the Subscriber agrees to conform to all CORI laws, regulations and policies. It is further agreed that non-criminal history information contained within this database shall not be used for immigration enforcement purposes as stated in the Cal-Photo PPPs Section VI. This restriction does not pertain to any information that is regarding a person's immigration or citizenship status pursuant to 8 U.S.C. §§ 1373 and 1644.

II. The Subscriber agrees to abide by all rules, policies and procedures of the FBI/NCIC as approved by the NCIC Advisory Policy Board. The Subscriber also agrees to adhere to all rules, policies and procedures of the National Law Enforcement Telecommunications System (NLETS). The subscriber additionally agrees to conform to all California Department of Motor Vehicles (DMV) rules and policies governing the retrieval and release of DMV Driver License and image information as stated in the Cal-Photo Policies, Practices and Procedures.

III. It is understood by the Subscriber that violation of these rules, policies, practices and procedures may result in immediate or delayed suspension or removal of Cal-Photo service, as deemed appropriate by the Department of Justice, Cal-Photo Program.

IV. It is understood by the Subscriber that it is the responsibility of all city, county, state, and federal agencies that use information supplied via Cal-Photo to participate in DOJ's training programs to ensure that all personnel (i.e., computer operators, peace officers, investigators, clerical, agency management/supervisors, etc.) are trained in the operation, policies, and procedures of Cal-Photo.

V. Remote audits by the Cal-Photo Administrators and the Department of Justice and Department of Motor Vehicles will be performed on the use of the system. Periodic unannounced site inspections may be performed by the Department of Justice to ensure compliance with all established rules, regulations, policies, practices and procedures.

If there are any questions about Cal-Photo, the application process, or to receive additional Cal-Photo information, please contact the Cal-Photo Unit at (916) 210-3169 or send an e-mail to calphoto@doj.ca.gov.

AGENCY HEAD AUTHORIZATION

JEN LOUIS, CHIEF Agency Head Name and Title	(510) 981 5900 Telephone Number
 Agency Head Signature	3/8/24 Date Signed

Submit the completed form(s) to the DOJ/Cal-Photo Section electronically or by mail to:

California Department of Justice
Client Services: Cal-Photo Unit
calphoto@doj.ca.gov
4949 Broadway, Room B114
Sacramento, CA 95820

Berkeley Police Department MOU Compendium

Item #	2.9
Title:	**STATE: CALIFORNIA DEPARTMENT OF JUSTICE** **CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)**
Type:	Written Agreement
Approvals:	Initial: September 19, 2006 / Current: June 23, 2025
Summary:	The CA Department of Justice (CADoJ) is responsible for the enforcement of State law and management of Criminal Offender Record Information (CORI). Pursuant to common professional courtesy, the Police Department may assist, extend cooperation to, and share information with the CADoJ in the interest of criminal justice and public safety. CADoJ manages CLETS, which provides access to state and federal CORI databases. In accordance with Government Code § 15164, the Police Department agrees to conform to all laws, regulations, policies, audits, and technological requirements associated with access to CLETS.
Rationale:	Police Department cooperation and information exchange with this State agency promotes public safety and serves the law enforcement mission. Maintenance of efficient access to CORI is valuable in crime prevention and essential for the successful investigation and prosecution of criminal acts.
Cost:	If Approved: Cost will be neutral. Approval will continue to support current law enforcement activities, funded in existing budget. If Not Approved: Increased cost cannot be calculated. Staff time and resources for investigation will increase. The reduced access to CORI will hinder investigation, obstruct offender identification, and reduce the incidents of successful prosecution.
Recommendation:	Approval

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS) SUBSCRIBER AGREEMENT

Department of Justice
CLETS Administration Section P.O. Box 903387
Sacramento, CA 94203-3870
Telephone (916) 210-4240
Fax (916) 227-0696
cas@doj.ca.gov

ORI # CA0010300 County ALAMEDA

In accordance with Section 15165 of the Government Code, it is hereby agreed that

BERKELEY POLICE DEPARTMENT

(Name of CLETS Subscribing Agency)

hereinafter referred to as Subscriber, the Subscriber to the California Law Enforcement Telecommunications System (CLETS), will abide by all California and federal laws regulating the use of information from the CLETS; and, conform to the operating policies and regulations of the California Department of Justice (CA DOJ), the Federal Bureau of Investigation (FBI) and the International Justice and Public Safety Network (Nlets). It is further agreed that federal, state or local law enforcement agencies shall not use any non-criminal history information contained within this database for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person's immigration or citizenship status pursuant to 8 U.S.C. sections 1373 and 1644.

It is understood by the Subscriber that violation of these policies, regulations and laws may result in suspension of service or other appropriate disciplinary actions as determined by the CA DOJ, with recommendation from the CLETS Advisory Committee. The CA DOJ reserves the right to immediately suspend furnishing criminal offender record information to the Subscriber when either security or dissemination requirements are violated.

It is understood by the Subscriber that it is the responsibility of all city, county, state and federal agencies that use information from the CLETS, are required to participate in the CA DOJ's training programs to ensure all personnel (i.e., terminal operators, peace officers, investigators, clerical, agency management/supervisors, etc.) are trained in the operation, policies, regulations and laws of each file that is accessed or updated. The Subscriber understands that training shall be provided only by the CA DOJ's training staff or another certified CLETS/NCIC trainer. Periodic unannounced site inspections may be performed by the CA DOJ to ensure compliance with the criminal offender record information regulations and CA DOJ policies.

CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS) SUBSCRIBER AGREEMENT

ORI # CA0010300 County: ALAMEDA

It is further agreed by the Subscriber that the following training requirements will be followed:

1. Initially (within six months of employment or assignment) train, functionally test, and affirm the proficiency of all terminal (equipment) operators (full access/less than full access) by the completion of a Proficiency Examination (or facsimile thereof) to ensure compliance with the CLETS/NCIC policies and regulations.

2. Biennially provide functional re-testing and reaffirm the proficiency of all terminal (equipment) operators (full access/less than full access) by the completion of a Proficiency Examination (or facsimile thereof) to ensure compliance with the CLETS/ NCIC policies and regulations.

3. Maintain record of all training, testing, and proficiency affirmation. An individual computerized or written log must be maintained on each full access operator. Such logs may be destroyed three years after the operator is separated from the agency. Training records for less than full access operators, practitioners, administrators, and other sworn/non-sworn law enforcement personnel shall be maintained on a computerized or written group log. Less than full access operator group access logs shall be retained indefinitely by the agency. The examinations may be discarded upon entry of the required information in the appropriate log.

4. Initially (within six months of employment or assignment) all sworn law enforcement personnel must receive basic training in the CLETS/NCIC policy and regulations.

5. Make available appropriate training on the CLETS/NCIC system use for criminal justice practitioners other than sworn personnel.

6. All sworn law enforcement personnel and other practitioners should be provided with continuing access to information concerning the CLETS/NCIC systems, using methods such as roll call and in-service training.

7. Provide peer-level training on the CLETS/NCIC system use, regulations, policies, audits, sanctions, and related civil liability for criminal justice administrators and upper-level managers.

Either the CA DOJ or the Subscriber may, upon 30 days notice in writing, discontinue service. This Subscriber Agreement shall be renewed when the agency head changes or immediately upon request of the CA DOJ.

JENNIFER LOUIS
Agency Head Name

POLICE CHIEF
Title

Agency Head Signature

June 23, 2025
Date

Berkeley Police Department MOU Compendium

Item #	2.11
Title:	**STATE: CALIFORNIA HIGHWAY PATROL (CHP)**
Type:	Written Agreement
Approvals:	Initial: September 19, 2006 / Current: March 17, 2025
Summary:	The California Highway Patrol has responsibility for enforcement of the provisions of the Vehicle Code, investigation of traffic accidents on all freeways, investigation of incidents at state owned/leased properties, investigation involving student-occupied school buses, and mitigation of activities affecting safety upon Interstate 80. In an emergency or critical incident, the Police Department may submit, or participate in response to, a formal request for assistance pursuant to formal Mutual Aid protocols.
Rationale:	Police Department cooperation and information exchange with this State agency promotes public safety and serves the law enforcement mission. Maintenance of effective relationships supports crime prevention and is essential for successful investigation and prosecution of criminal acts.
Cost:	If Approved: Cost will be neutral. Approval will continue to support current law enforcement activities, funded in the existing budget. If Not Approved: Increased cost cannot be calculated. Staff time and resources for investigation will increase.
Recommendation:	Approval

OPERATIONAL AGREEMENT
between the
BERKELEY POLICE DEPARTMENT and the CALIFORNIA HIGHWAY PATROL

PURPOSE

This Operational Agreement codifies a cooperative professional association that has existed between the Berkeley Police Department (BPD) and the California Highway Patrol (CHP) since January 15, 1970. The association was originally codified under BPD report #U-77768 in 1970, then BPD Special Order #05-016 in 2005, and most recently the BPD/CHP Operational Agreement in 2010. The purpose of this association was, and continues to be, the promotion of public safety and the interests of law enforcement in areas of common jurisdiction and collaborative activity. To this end, each agency agrees to abide by the jurisdictional protocols and operational procedures described hereafter.

LEGAL AUTHORITIES

BPD and CHP have concurrent legal jurisdiction and authority on Interstate and State highways, roadways that intersect, traverse or are parallel and proximal to those highways, and State-owned properties that are located within the City of Berkeley. Additionally, the California Vehicle Code grants lawful authority to the CHP to enforce traffic related laws and investigate traffic collisions occurring anywhere in the State.

This Operational Agreement shall constitute Jurisdictional Consent (Penal Code §830.1) upon officers of both agencies, who shall have the authority to exercise peace officer powers at all times within the political subdivisions each represents.

OPERATIONAL JURISDICTION

The following describes primary operational responsibilities of each agency at areas of concurrent jurisdiction:

Interstate 80 (Eastshore Freeway): Interstate 80 (I-80), also known at the Eastshore Freeway, is a major east-west (actual orientation is north-south) freeway thoroughfare located in west Berkeley. It includes the paved roadway, shoulder and other areas within established fence lines, walls, or landscaped barrier zones.

CHP will have primary responsibility for the enforcement of traffic laws and investigation of collisions, Vehicle Code criminal offenses (e.g., hit-and-run, DUI, etc.), criminal violations (e.g., assault, domestic violence, homicide, etc.), and non-criminal incidents on, or originating from I-80.

University Avenue Overpass: The University Avenue overpass is a paved east-west roadway that ascends above grade level at 5th Street, continues westward over the Union Pacific Railroad right-

of-way and I-80, and descends to grade level at West Frontage Road.

BPD will have primary responsibility for law enforcement activity on the University Avenue overpass.

Interstate 80 Pedestrian Bridge The I-80 Pedestrian Bridge is a concrete, fence- enclosed walkway structure located approximately 1000 feet south of, and oriented parallel to, the University Avenue Overpass. The Bridge ascends from grade level at the northmost end of Bolivar Drive Gust west of the base of Addison Street), continues westward over I-80, and descends to grade level on California State Park property west of West Frontage Road.

BPD will have primary responsibility for law enforcement and criminal investigation on the Bridge. BPD's enforcement focus will be mitigation of pedestrian activity that creates a tangible public safety hazard to vehicles and persons traveling on I-80 (e.g., projectiles dropped/thrown at passing vehicles, suspension of large banners which may be struck by or adversely affect the safe operation of large trucks, etc.)

CHP will be responsible for other traffic- related law enforcement upon the Bridge regarding pedestrian activity that may affect Interstate traffic flow and cause driver distraction.

State Route 13 (Ashby Avenue/Tunnel Road): SR13, also known as Ashby Avenue and Tunnel Road, is a major east-west thoroughfare that traverses south Berkeley from I-80 eastward to the Berkeley-Oakland city limit.

BPD will have primary responsibility for law enforcement activity on Ashby Avenue east of the on-/off-ramp demarcation line eastward to the Berkeley-Oakland border on Tunnel Road.

State Route 123 (San Pablo Avenue): SR123, also known as San Pablo Avenue, is a major north-south thoroughfare that traverses west Berkeley the Berkeley-Albany border southward to the Berkeley-Oakland city limit.

BPD will have primary responsibility for law enforcement activity on San Pablo Avenue.

On/Off-Ramps: On-ramps and off-ramps are paved roadways which allow vehicular traffic to enter or exit I-80. The following locations have on-ramps and off-ramps:

> *Gilman Street:* Demarcation of on-ramps and off-ramps to and from I-80 at Gilman Street will be indicated by prolongations of Gilman Street curb lines associated with the particular ramp. Where none, or if such prolongation is impractical, demarcation will be indicated by marked limit line (e.g., single white limit line, crosswalk line farthest from Gilman Street, etc.)
>
> *University Avenue Overpass:* Unless otherwise indicated by signage or affirmative marking, demarcation lines shall be roadway expansion seams located proximal to the entrance to the on-/off-ramp from University Avenue, or, if none, prolongations of

relevant curb lines.

Hearst Avenue/Eastshore Road: The off-ramp from eastbound I-80 will be defined as that area of paved roadway that branches from the off-ramp roadway associated with the exit onto eastbound University Avenue. It runs east of and parallel to I-80 below the University Avenue overcrossing, between fixed east and west side concrete curbs, and terminates at the prolongation of the south curb line of Hearst Avenue.

2nd Street: The off-ramp from eastbound I-80 will be defined as that area of paved roadway that branches eastward from the Hearst Avenue/Eastshore Road off-ramp roadway, between fixed north and south concrete curbs, and terminates at the prolongation of the west curb line of 2nd Street.

Ashby Avenue: Ashby Avenue transitions into on-/off-ramp to/from I-80 as it passes under the Bay Street overcrossing. Specifically, the demarcation is vertically aligned with the westmost edge of the Bay Street overcrossing.

Potter Street: Demarcation of the on-ramp to eastbound I-80 from westbound Potter Street will be a line extending perpendicular and westward from the east roadway fog line, that intersects the gore point identified by the intersection of the west roadway fog line of the Potter Street on-ramp and east roadway fog line of the Ashby Avenue on-ramp.

West Frontage Road: Demarcation of the off-ramp from westbound I-80 onto West Frontage Road will be the prolongation of the east curb line of West Frontage Road.

CHP will have primary responsibility for the enforcement of traffic laws and investigation of collisions, Vehicle Code criminal offenses (e.g., hit-and-run, DUI, etc.), criminal violations (e.g., assault, domestic violence, homicide, etc.), and non-criminal incidents on, or originating from, on-/off-ramps leading to/from I-80.

Frontage Roads: Roadways and areas exterior of and adjacent to I-80 are referred to as "frontage roads". These roadways and areas include:

West Frontage Road: Located west of and parallel to I-80, between Gilman Street and the Berkeley/Emeryville city limit);

Eastshore Highway: Located east of and parallel to I-80, between Hearst Avenue and the Berkeley/Albany city limit); and,

Bolivar Drive: Located east of and parallel to I-80, between Addison Street and Potter Street (i.e., the paved roadway along the west side of Aquatic Park).

BPD will have primary responsibility for law enforcement activity on the frontage roadways that run adjacent to, and outside the fenced barriers of, I-80. These responsibilities include, but are not limited to, traffic enforcement, traffic control, and investigation of collisions, criminal

offenses, and non-criminal incidents.

Roadways Intersecting Frontage Roads: BPD will have primary responsibility for law enforcement activity on all paved roadways intersecting frontage roads, unless designed and identified as an on-ramp or off-ramp to I-80 (see above).

STATE-OWNED REAL PROPERTY

CHP will be primarily responsible for law enforcement activity at State-owned property and structures located within the City of Berkeley. BPD will provide assistance as may be requested by CHP.

SPECIFIC CIRCUMSTANCE ASSISTANCE

In accordance with relevant law and agency policy, CHP will have primary responsibility for the investigation of traffic collisions involving a school bus, youth bus, or school pupil activity bus transporting school pupils or children at or below the 12th grade level. Responsibility for the investigation of a collision involving the described vehicles not transporting school pupils or children will rest with BPD.

Upon request, CHP will be primarily responsible for the investigation of injury or fatal traffic collisions directly or indirectly involving BPD personnel.

Excluding assistance associated with formal emergency declarations and requests for Mutual Aid, BPD and CHP will provide emergency response (i.e., '11-99'/urgent request for assistance, spontaneous crowd situation affecting I-80, etc.) or expertise-related (i.e., HazMat carrier commercial enforcement, major collision/criminal investigation support, etc.) assistance to the other agency as may be necessary and requested.

The afore described operational protocols do not preclude the provision of general assistance or sharing of information accomplished in the course of common law enforcement activity, and in accordance with professional courtesy.

INCIDENT COMMAND AND CONTROL

When operating jointly, the ranking officer whose Department has operational jurisdiction will have command and control responsibility. This standard operational protocol may be modified or suspended by mutual agreement if doing so is in the interest of public safety or law enforcement effectiveness.

When a formal Incident Command Structure has been established, both agencies agree to participate in the incident response in accordance with standard SIMS/NIMS protocols.

OPERATIONAL/JURISDICTIONAL CONFLICT, RESOLUTION

An operational conflict that cannot be resolved by on-scene personnel will be presented via the Chain of Command to the attention of each department head. The department heads will be responsible for the cooperative review of the issue and for providing direction to their respective subordinates to avoid future conflict.

ADMINISTRATIVE RESPONSIBILITIES

Each agency will be primarily responsible for statistical accounting and statutory reporting of criminal offenses occurring in their respective jurisdiction. Each agency will, upon request provide the other with relevant information (i.e., "out-aid" reports, arrests, etc.) to facilitate accurate and comprehensive administrative tracking.

EFFECTIVE DATE/TERM/TERMINATION

The term of this Operational Agreement shall become effective upon execution by each agency. The term of this Operational Agreement is 7 years from the effective date. Either agency may terminate from this Operational Agreement by 30 days prior written notice provided to the other agency. In the event of an emergency, this Operational Agreement may be cancelled by either agency without prior notice.

AUTHORIZATION OF AGREEMENT

We, the undersigned, as authorized representatives of our respective agencies, do hereby approve this document on the date(s) indicated.

3/16/25

Jennifer Louis
Chief of Police
Berkeley Police Department

(Date)

03/17/2025

M. Novosel, Captain
Commander, Oakland Area
Golden Gate Division
California Highway Patrol

(Date)

Berkeley Police Department MOU Compendium

Item #	2.16
Title:	**STATE: CALIFORNIA DEPARTMENT OF JUSTICE** **CALIFORNIA SEX AND ARSON REGISTRY (CSAR)**
Type:	Written Agreement
Approvals:	Initial: October 28, 2014 / Current: March 27, 2024
Summary:	The CA Department of Justice (CADoJ) is responsible for the enforcement of State law and management of Criminal Offender Record Information (CORI). Pursuant to common professional courtesy, the Police Department may assist, extend cooperation to, and share information with the CADoJ in the interest of criminal justice and public safety. CSAR provides law enforcement CORI-classified sex and arson registry information. As such, the Police Department agrees to conform to all laws, regulations, policies and audits associated with access to CSAR.
Rationale:	Police Department cooperation and information exchange with this State agency promotes public safety and serves the law enforcement mission. Maintenance of efficient access to CORI is valuable in crime prevention and essential for the successful investigation and prosecution of criminal acts.
Cost:	If Approved: Cost will be neutral. Approval will continue to support current law enforcement activities, funded in existing budget. If Not Approved: Increased cost cannot be calculated. Staff time and resources for investigation will increase. The reduced access to CORI will hinder investigation, obstruct offender identification, and reduce the incidents of successful prosecution.
Recommendation:	Approval

California Sex and Arson Registry (CSAR)
Agency User Agreement

ORI Number	**0010300**
County	**Alameda**

Berkeley Police Department

Name of Agency

Hereinafter referred to as the Subscriber, your agency agrees to conform to all rules and policies established by the Department of Justice (DOJ) in the Security, Policies, Practices and Procedures for the CSAR Web Interface. CSAR information and images are confidential and are to be used for law enforcement purposes only. Use of the CSAR or Cal-Photo for any other purpose may be a violation of California Penal Code sections 290 and 457.1. It is understood by the Subscriber that violation of these rules, policies, practices and procedures may result in suspension or revocation of CSAR and Cal-Photo access, as deemed appropriate by the DOJ. In signing this Agency Agreement, the Subscriber is certifying that he/she is a regularly employed peace officer or other law enforcement representative.

It is understood by the Subscriber that it is the responsibility of all agencies using the CSAR and Cal-Photo to participate in the DOJ's CSAR training. All personnel (i.e., computer operators, peace officers, investigators, clerical, agency management/supervisors, etc.) must be trained in the operation, policies, and procedures of the CSAR and Cal-Photo. The Subscriber understands that training can only be provided by DOJ's training staff, the local agency's CSAR Justice Identity Manager System (JIMS) Administrator, or the agency's CSAR Trainer.

The DOJ, and/or the Agency's CSAR-JIMS Administrator will perform audits on the use of the system and its records to ensure compliance with the CSAR Security, Policies, Practices and Procedures and to validate the timeliness, accuracy, and completeness of the data. Periodic, unannounced site inspections may be performed by the DOJ to ensure compliance with the above.

Jennifer Louis	**Chief of Police**
Agency Executive Officer (Printed Name)	Title
jlouis@berkeleyca.gov	**(510) 981-5705**
E-mail Address	Phone Number
Signature	3/27/24
	Date

Submit the completed and signed agreement to CSAR
E-mail: VCIC.CSAR@doj.ca.gov
FAX: (916) 227-4814

Revised 06/26/2017 (Exhibit 1)

Berkeley Police Department MOU Compendium

Item #	3.12
Title:	**FEDERAL: NORTHERN CALIFORNIA REGIONAL INTELLIGENCE CENTER (NCRIC)**
Type:	Written Agreement
Approvals:	Initial: February 19, 2019 / Current: August 7, 2024
Summary:	Berkeley Police Department General Order N-17 previously governed the relationship between the Berkeley Police Department and NCRIC. In 2019, NCRIC and BPD entered into a more formalized written MOU agreement. NCRIC facilitates the legal sharing of terrorism and criminal-oriented information. In this effort, NCRIC produces/disseminates intelligence, conducts training, and provides investigative and analytical case support to federal, state and local law enforcement agencies. NCRIC strives to ensure the protection of privacy and civil liberties of citizens in its assistance to local, state and federal agencies with their mission of protecting the communities they serve from the threats and dangers of terrorist, gang, narcotics and organized criminal activities. Local Threat Liaison Officers (TLOs) facilitate information sharing and investigative collaboration. The Police Department has a comprehensive policy regarding the provision of a Suspicious Activity Report to NCRIC, including several steps of review, and the reporting to City Council, in redacted form, of all SARs submitted to NCRIC. The Police Department may receive and share confidential or law enforcement sensitive public safety-oriented information with NCRIC to facilitate criminal investigation or to promote the safety of the community and/or law enforcement. The Police Department has designated sworn employees to act as TLO's in addition to their normal assigned duties, as described within BPD Suspicious Activity Reporting Policy, #432.
Rationale:	Police Department interaction with NCRIC, previously governed by General Order N-17, will now be governed by the NCRIC MOU. Interaction between NCRIC and BPD promotes public safety and serves the law enforcement mission. Transparency of Suspicious Activity Reporting to NCRIC is accomplished through reporting redacted SARs to City Council.
Cost:	If Approved: Cost will be neutral. Approval will continue to support current law enforcement activity, funded in existing budget. If Not Approved: Effect on cost cannot be calculated. Absence of or reduced interaction would inhibit investigations and impact successful prosecution. Public and employee safety would be adversely affected. Increased local enforcement responsibility would increase local costs.
Recommendation:	Continued Approval

Memorandum of Understanding and Agreement

Northern California Regional Intelligence Center

Mike L. Sena
Director, Northern California Regional Intelligence Center &
High Intensity Drug Trafficking Area

NORTHERN CALIFORNIA REGIONAL INTELLIGENCE CENTER MEMORANDUM OF UNDERSTANDING AND AGREEMENT

This Memorandum of Understanding (hereinafter "MOU" or "Agreement") is entered into by and between the Northern California Regional Intelligence Center ("NCRIC") and the law enforcement or public safety agency executing this agreement as indicated on the signature page "Member Agency", hereinafter "Berkeley Police Department".

WHEREAS, the Berkeley Police Department provides public safety services; and

WHEREAS, NCRIC is a multi-jurisdictional public safety information fusion center managed under the Northern California High Intensity Drug Trafficking Area (NCHIDTA) Executive Board that assists public safety agencies with the collection, analysis and dissemination of information related to criminal threats; and

WHEREAS, the mission of the NCRIC in collaboration with the Berkeley Police Department is to protect the citizens of the counties within its area of responsibility from the threat of narcotics trafficking; organized crime; international, domestic and street terrorism related activities through information sharing and technical operation support to public safety agencies; and

WHEREAS, NCRIC and the Berkeley Police Department are dedicated to the most efficient utilization of their resources and services in public safety endeavors; and

WHEREAS, NCRIC and the Berkeley Police Department are committed to cooperation and coordination in providing the highest level of safety services to the public, guided by the principle that cooperative efforts are in the public's best interest; and

WHEREAS, the Berkeley Police Department supports the sharing of information contained within its electronic data systems in furtherance of collaboration with other appropriate public safety entities, through integrated systems of information technology that the NCRIC has developed, established, or licensed; and

WHEREAS, NCRIC and the Berkeley Police Department recognize the need to protect the Berkeley Police Department's ownership and control over its shared information, to optimize the means through which shared information is accessed or analyzed, and to protect privacy and civil liberties in accordance with the law; and

NOW, THEREFORE, NCRIC and the Berkeley Police Department hereby agree to conditions set forth in this MOU:

1) **Purpose**

This agreement provides a framework for the Berkeley Police Department and NCRIC to facilitate data collaboration – both outward sharing of information from the Berkeley Police Department, as well as providing the Berkeley Police Department with shared information from other sources - in a manner that protects the rights and authority of the Berkeley Police Department, allowing participation in sharing environments while simultaneously retaining ownership of its data and control over which records are shared, how they are shared, and with whom.

2) **Definitions and other Terminology**

Member Agency / the Berkeley Police Department: the law enforcement or public safety organization whose leadership or appropriate authority has signed this agreement and actively participates in bi-directional information sharing with other law enforcement or public safety entities through assistance from the NCRIC.

Data: electronic records, analyses, images, and other information associated with incidents, persons, or objects, originally created by the Berkeley Police Department and existing in the Berkeley Police Department system or database.

Contributed Data: records originating from the Berkeley Police Department that the Berkeley Police Department has elected to share with other appropriate parties.

Shared Data: the aggregate pool of shared information from the Berkeley Police Department and other contributing sources, made available via the NCRIC or facilitated by NCRIC funding, technology systems, and/or efforts.

Authorized Users: personnel from the Berkeley Police Department that have the appropriate clearance and authority to utilize and access shared data as a function of their employment, in support of law enforcement or public safety.

3) **Rights, Powers and Authority**

This Agreement does not limit the rights, powers, and authority of either party. Nothing in this Agreement shall be construed to require either party:

a) to disclose any information it determines, in its sole discretion, it does not have the ability or authority to disclose; OR
b) to perform any act that it determines, is contrary to law or public policy; OR
c) to provide personnel, equipment, or services to the other party; OR
d) to modify, restrict, or inhibit utilization of any information technology systems

4) **Data Sharing**

Recognizing that the Berkeley Police Department has sole discretion to choose exactly the information it wishes to contribute, the audience to which contributed data may be shared, and retains unbridled authority to redact or exclude information: the Berkeley Police Department agrees to promote comprehensive, timely, and accurate data sharing, with the exception of BWC footage or ALPR data, which shall not be shared by the Berkeley Police Department under this Agreement.

The Berkeley Police Department may submit information to NCRIC through the Suspicious Activity Report System (SARS). The submitted information will be for law enforcement purposes only. All SARS shall by submitted in accordance with the Berkeley Police Department's Suspicious Activity Reporting Policy.

The Berkeley Police Department grants authority to NCRIC to further share the information contributed by the Berkeley Police Department with other public safety entities who possess a need to know and right to know the shared data, except where explicitly denied by the Berkeley

Police Department.

The Berkeley Police Department grants authority to the NCRIC to execute information sharing agreements with other agencies, and to expand, incorporate, and unify additional shared information from other agencies. Such agreements will not require further review or approval by the Berkeley Police Department.

The Berkeley Police Department grants authority to the NCRIC to provide contributed data into software platforms to optimize law enforcement sharing, search, reporting, or analytic capabilities. Such connections will not require further review or approval by the Berkeley Police Department, provided it occurs entirely within technology infrastructure that is both CJIS-compliant and NCRIC managed.

If NCRIC determines it is in the interest of public safety to connect the Berkeley Police Department's contributed data to a CJIS-compliant system that resides outside NCRIC ownership and control, NCRIC shall only proceed after obtaining written approval from the Berkeley Police Department.

The Berkeley Police Department retains right to later determine that any contributed data should no longer be shared, or to opt out of any specific sharing software platform. In these instances, NCRIC will make every reasonable effort to accommodate the updated preferences of the Berkeley Police Department within 14 days.

5) **Goal**

When submitting SARS, accessing NCRIC's databases or utilizing NCRIC's equipment, the Berkeley Police Department's goal is to provide and obtain critical information for law enforcement purposes while protecting the civil liberties of the public.

6) **Berkeley Surveillance Ordinance and NCRIC Surveillance Equipment**

The Berkeley Police Department shall conform to the requirements of the Berkeley Surveillance Ordinance, see Chapter 2.99 of the Berkeley Municipal Code.

The Berkeley Police Department may request equipment and analytical support from NCRIC. The Berkeley Police Department will use the equipment and support for a limited duration which is sufficient to achieve the public safety mission. Any use of NCRIC's surveillance equipment will comply with the Berkeley Surveillance Ordinance, including reporting the use in the annual Surveillance Report.

Any information received by way of NCRIC equipment or support will be retained by BPD only if it is used in an investigation, wherein the data will remain with the case until the case is purged according to BPD retention guidelines, see BPD Records Maintenance and Release Policy.

7) **Sharing in Compliance with State and Federal Law**

In gathering, sharing, and storing information, and in all other respects in performing acts related to this Agreement, the parties will comply with all applicable laws, rules, and regulations, both those in existence at the time of execution of this MOU and those enacted subsequent to execution of this MOU, including but not limited to, to the extent applicable, the California Values

Act (Government Code Section 7284 *et seq.*). NCRIC will, consistent with Section 7284.8(b) work to ensure that databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement.

The Berkeley Police Department intends to submit limited information to NCRIC. The information submitted will be for specific law enforcement purposes only, such as Suspicious Activity Reports. Procedures regarding SAR submittals can be viewed in BPD's Suspicious Activity Reporting Policy.

8) ALPR Information

Authorized BPD members may choose to receive Automated License Plate Reader (ALPR) data from NCRIC. This data can be used as a tool in a criminal investigation. The data the member receives includes the date, time and location a license plate was seen, along with a photo of the back or front of the vehicle showing the license plate. The ALPR data is retained by NCRIC for 365 days. The ALPR data will not be entered into BPD's records management system or retained by BPD unless it is used in an investigation. If the data is used in an investigation, the data will remain with the case until the case is purged according to BPD retention guidelines. See also BPD's ALPR, Suspicious Activity Reporting, and Records Maintenance and Release Policies.

9) Information Ownership and Release

The Berkeley Police Department remains the official custodian of all contributed data. To the fullest extent permissible by law, all requests for information, including but not limited to inquiries under the California Public Records Act or Freedom of Information Act, will be referred to the Berkeley Police Department that is the originator of the requested data. The Berkeley Police Department that is the originator of the requested data will be responsible for responding to the request and will indemnify and defend the NCRIC from any action brought related to the Berkeley Police Department's response, or lack thereof, provided that NCRIC uses best efforts to promptly inform the Berkeley Police Department of the CPRA request upon receipt.

10) Authorized User Access and User Responsibilities

The Berkeley Police Department is responsible for management of its Authorized User accounts and the activities of its Authorized Users.

The Berkeley Police Department agrees that all Authorized Users shall be current employees in good standing that are legally entitled to view law enforcement sensitive content as part of their assigned duties in support of public safety.

Authorized users may also choose to receive the following information from NCRIC via email:

1. Advisories (accessible to BPD for 60 days per NCRIC guidelines)
2. Public Partner Briefs - SARS (accessible to BPD for 60 days per NCRIC guidelines)
3. Training opportunity bulletins (accessible to BPD for 90 days per BPD email retention guidelines)

BPD's definitions for the listed information mechanisms can be found in BPD's Suspicious Activity Reporting Policy.

If for any reason a user is no longer eligible for such access, including ending employment with the agency, the Berkeley Police Department will ensure access is removed and make notification to the NCRIC.

The Berkeley Police Department agrees that shared information is to be used solely for authorized purposes consistent with the law. The Berkeley Police Department shall not use or share the information for any unauthorized purposes, and Member Agencies agree that such actions will result in the Berkeley Police Department or its offending Authorized User being revoked access to the system.

The Berkeley Police Department will ensure that its Authorized Users will not access shared data by using a name, password, or any authentication mechanism that is assigned to another person. The Berkeley Police Department will ensure that Authorized Users will not share passwords with another individual, nor allow another user to utilize the system under their credentials.

The Berkeley Police Department will ensure that shared data will only be accessed from electronic devices that meet all current security requirements for accessing law enforcement information. Such policies should also forbid utilization of personal / non-agency devices, or enforce appropriate security requirements on those devices to meet CJIS compliance.

11) No Guarantee of Accuracy

The Berkeley Police Department acknowledges that shared data may or may not be accurate. The Berkeley Police Department further understands that neither the suppliers of shared data nor NCRIC are warranting the accuracy of such information. The Berkeley Police Department agrees to take necessary steps to appropriately verify the accuracy of any and all information before taking any action based upon it.

The Berkeley Police Department understands and agrees to put in place a policy that clearly sets forth a requirement of verification and so inform each Authorized User.

The Berkeley Police Department agrees to use shared data as a pointer system for investigative leads or guidance, and not as the sole source of probable cause for law enforcement actions.

12) Information Security and Standards Compliance

The Berkeley Police Department and NCRIC agree to enforce and maintain security for shared data in compliance with all applicable law, including but not limited to the California Department of Justice's California Law Enforcement Telecommunications System Policies, Practices, and Procedures (CLETS PPP) and the Federal Bureau of Investigation's Criminal Justice Information System Security Policy (FBI CJIS Security Policy).

The Berkeley Police Department and NCRIC shall store information, whether electronic or hardcopy, only in a manner that is compliant with all applicable physical security and cyber security requirements. Data shall be retained, purged, and destroyed in accordance with all applicable standards. Data exchange and user access shall be achieved using encryption, private networks, or other configurations that follow current best practices for information technology.

13) Mutual Indemnification

For the purpose of this Section, indemnification of NCRIC and its employees includes any and all NCRIC personnel, regardless of whether they may be employed by or assigned to NCRIC from another public agency.

Each party shall indemnify, defend, protect, hold harmless, and release the other, its officers, agents, and employees, from and against any and all claims, loss, proceedings, damages, causes of action, liability, costs, or expense (including attorneys' fees and witness costs) arising from or in connection with, or caused by any act or omission of such indemnifying party or its agents, employees, contractors, subcontractors, or invitees. This indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages or compensation payable to or for the indemnifying party under workers' compensation acts, disability benefit acts, or other employee benefit acts.

14) Costs

Execution of this agreement shall not be construed to require NCRIC or the Berkeley Police Department to incur any new costs. For any potential costs associated with information sharing or access to shared information, either party may determine in its sole discretion, whether or not to incur those costs.

15) Partial Invalidity

If any terms or conditions of this Agreement shall to any extent be judged invalid, unenforceable, or void for any reason whatsoever by a court of competent jurisdiction, the remaining terms and conditions of this agreement shall continue in full force and effect.

16) Effective Date and Term of MOU

This agreement shall remain in effect until terminated by either party by giving written notice. In the event of termination, NCRIC will destroy or return the Berkeley Police Department's contributed data, and provide written confirmation upon completion.

This agreement supersedes any previous Memorandum of Understanding between NCRIC and the Berkeley Police Department regarding the sharing of law enforcement information systems and data.

17) Written Amendments or Assignment

This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

No assignment of this Agreement or of the rights and obligations hereunder shall be valid without the prior written consent of the other party.

18) Signer Authority and Electronic Documents

The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective parties.

Unless otherwise prohibited by law, the parties agree that an electronic copy of a signed contract, or an electronically signed contract, has the same force and legal effect as a contract executed with an original ink signature. The term "electronic copy of a signed contract" refers to a transmission by facsimile, electronic mail, or other electronic means of a copy of an original signed contract in a portable document format. The term "electronically signed contract" means a contract that is executed by applying an electronic signature.

The Berkeley Police Department hereby executes this MOU as of the date of execution by the individual below possessing the authority to sign on behalf of the Berkeley Police Department:

The Berkeley Police Department

Signed: Jennifer Louis (Aug 7, 2024 10:19 PDT) Date: Aug 7, 2024
Name: Jennifer Louis
Title: Chief of Police, Berkeley Police Department

The Northern California Regional Intelligence Center:

Signed: Mike Sena (Aug 7, 2024 09:38 PDT) Date: Aug 7, 2024
Name: Mike Sena
Title: Director, Northern California Regional Intelligence Center

Berkeley Police Department MOU Compendium

Item #	3.13
Title:	**FEDERAL: UNITED STATES DEPARTMENT OF JUSTICE UNITED STATES MARSHALS SERVICE (USMS) FUGITIVE TASK FORCE**
Type:	Written Agreement
Approvals:	New
Summary:	The United States Marshals Service directs and coordinates a regional fugitive task force consisting of federal, state and local law enforcement officials. The mission of the task force is to investigate and arrest persons who have active warrants for their arrest. The Police Department will work with them to target crimes that primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes conducted by subjects who have a criminal history involving violent crimes, felony drug offenses and/or weapons offenses. Cases that the Police Department seeks assistance on must be submitted to the task force and accepted at the discretion of the task force Chief Inspector/Chief Deputy. Civil immigration enforcement is not a part of the mission of the task force.
Rationale:	As part of the Fugitive Task Force the Police Department gains valuable resources to apprehend violent fugitives. Involvement in this task force brings additional personnel and resources to locate and arrest persons with active felony warrants.
Cost:	If Approved: Cost will be neutral and may consist of overtime reimbursement. Approval will continue to support current law enforcement activity, funded in the existing budget. If Not Approved: Effect on cost cannot be calculated. Absence of or reduced interaction would inhibit investigations and impact successful prosecution. Public and employee safety would be adversely affected. Increased local enforcement responsibility would increase local costs.
Recommendation:	Approval

United States Marshals Service

Fugitive Task Force

Memorandum of Understanding

For Non-Federal Agencies

Rev. 03/2023

PARTIES AND AUTHORITY:

This Memorandum of Understanding (MOU) is entered into by the
Berkeley Police Department
and the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000, codified at 34 U.S.C. 41503, and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent Regional Fugitive Task Forces consisting of federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives. The authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State . . . [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15. *See also* Memorandum for Howard M. Shapiro, General Counsel, Federal Bureau of Investigation concerning the "Authority to Pursue Non-Federal Fugitives," issued by the U.S. Department of Justice (DOJ), Office of Legal Counsel, dated February 21, 1995; Memorandum concerning the "Authority to Pursue Non-Federal Fugitives," issued by the USMS Office of General Counsel, dated May, 1, 1995; 42 U.S.C. § 16941(a)("The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements."). Additional authority is derived from the Attorney General's Memorandum, Implementation of National Anti-Violent Crime Initiative (March 1, 1994); Attorney General's Memorandum, Policy on Fugitive Apprehension in FBI and DEA Cases (dated August 11, 1988); Memorandum of Understanding between the Drug Enforcement Administration and the United States Marshals Service (dated September 28, 2018, or as hereafter amended); and Federal Rules of Criminal Procedure 41 – Search and Seizure.

MISSION: The primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active warrants for their arrest. The intent of the joint effort is to investigate and apprehend federal, local, state, tribal, and territorial fugitives, thereby improving public safety and reducing violent crime. Each participating agency agrees to refer cases for which they hold the primary warrant for the subject to the RFTF (Regional Fugitive Task Force) or VOTF (Violent Offender Task Force) for adoption and investigation. Cases will be adopted by the RFTF/VOTF at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Targeted crimes will primarily include violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by

subjects who have a criminal history involving violent crimes, felony drug offenses, and/or weapons offenses. Upon receipt of a written request, the RFTF/VOTF may also adopt non-participating law enforcement agencies in investigating, locating, and arresting their fugitives. Task force personnel will be assigned federal and adopted fugitive cases for investigation. Investigative teams will consist of personnel from different agencies whenever possible. Participating agencies retain responsibility for the cases they refer to the RFTF/VOTF. Federal fugitive cases referred to the task force for investigation by any participating agency will be entered into the National Crime Information Center (NCIC) by the USMS or originating agency, as appropriate. State, local, tribal, or territorial fugitive cases will be entered into NCIC (and other applicable state or local lookout systems) as appropriate by the concerned agency.

SUPERVISION: The RFTF/VOTF may consist of law enforcement and administrative personnel from federal, state, local, tribal, and territorial law enforcement agencies. Agency personnel must be approved by the RFTF/VOTF Chief Inspector/Chief Deputy prior to assignment to the RFTF/VOTF. Agency personnel may be removed at any time at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy. Direction and coordination of the RFTF/VOTF shall be the responsibility of the RFTF/VOTF Chief Inspector/Chief Deputy. Administrative matters which are internal to the participating agencies remain the responsibility of the respective agencies. Furthermore, each agency retains responsibility for the conduct of its personnel. A Task Force Advisory Committee, consisting of representatives of participating agencies and USMS RFTF/VOTF personnel, may be established at the discretion of the RFTF/VOTF Chief Inspector/Chief Deputy and will meet and confer as necessary to review and address issues concerning operational matters within the RFTF/VOTF.

PERSONNEL: In accordance with Homeland Security Presidential Directive 12, personnel assigned to the task force are required to undergo background investigations to be provided unescorted access to USMS offices, records, and computer systems. The USMS shall bear the costs associated with those investigations. Non-USMS law enforcement officers assigned to the task force will be deputized as Special Deputy U.S. Marshals.

REIMBURSEMENT: If the Marshals Service receives Asset Forfeiture funding for either 1) overtime incurred by state, local, tribal, or territorial investigators who provide full time support to USMS RFTF/VOTF joint law enforcement task forces; or 2) travel, training, purchase or lease of police vehicles, fuel, supplies or equipment for state, local, tribal, or territorial investigators in direct support of state, local, tribal or territorial investigators, the USMS shall, pending availability of funds, reimburse your organization for expenses incurred, depending on which category of funding is provided. Reimbursement of overtime work shall be consistent with the Fair Labor Standards Act. Annual overtime for each state or local law enforcement officer is capped the equivalent 25% of a GS-1811-12 Step 1, of the general pay scale for the Rest of United States. Reimbursement for all types of qualified expenses shall be contingent upon availability of funds and the submission of a proper request for reimbursement which shall be submitted quarterly on a fiscal year basis, and which provides the names of the investigators who incurred overtime for the RFTF/VOTF during the quarter; the number of overtime hours incurred, the hourly regular and overtime rates in effect for each investigator, and the total quarterly cost. The request for reimbursement must be submitted to the RFTF/VOTF Chief

Inspector/Chief Deputy, who will review the request for reimbursement, stamp and sign indication that services were received and that the request for reimbursement is approved for payment. Supporting documentation must accompany requests for reimbursement for equipment, supplies, training, fuel, and vehicle leases.
Reimbursement for other types of qualified expenses (i.e., investigative or travel) shall be contingent upon availability of funds and the submission of a proper request for reimbursement. Task force personnel may incur investigative expenses or may be required to travel outside of the jurisdiction to which they are normally assigned in furtherance of task force operations. State, local, tribal, or territorial task force officers (TFOs) traveling on official business at the direction of the USMS shall be reimbursed directly by the USMS for their authorized travel expenses in accordance with applicable USMS policy, federal laws, rules, and regulations. The request for reimbursement must be submitted to the RFTF/VOTF Chief Inspector/Chief Deputy, or IOD program Chief (i.e., SOIB or OCAG), and must include appropriate supporting documentation.

VEHICLES: Pending the availability of asset forfeiture funding, the USMS may acquire vehicles to be utilized by state, local, tribal, or territorial investigators assigned to the RFTF/VOTF. Vehicles provided by the USMS remain in the control of the USMS and must be used solely in support of RFTF/VOTF operations. The vehicles must be available for exclusive use of the TFOs assigned to the RFTF/VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the RFTF/VOTF, any USMS vehicle provided to the agency for use by TFO(s) must be returned to the USMS. Operators of USMS-provided vehicles must adhere to USMS policy regarding the use of government owned vehicles. Any violation of the USMS vehicle policy may result in the vehicle being repossessed by the USMS and the operator and/or agency forfeiting the opportunity to utilize a USMS-provided vehicle in the future. Vehicles provided to state, local, tribal, or territorial investigators may be subject to additional regulations or restrictions pursuant to USMS lease agreements. Replacement or removal of any vehicle provided by the USMS will be at the discretion of the USMS and/or subject to lease agreement terms.

EQUIPMENT: Pending the availability of Asset Forfeiture funding, the USMS may purchase equipment for state, local, tribal, or territorial investigators assigned to the RFTF/VOTF. Equipment purchased by the USMS using Asset Forfeiture funding must be used solely in support of RFTF/VOTF operations. The equipment must be available for exclusive use of the TFOs assigned to the RFTF/VOTF by the undersigned participant agency for the duration of the agency's participation on the task force. If the agency is no longer a participating member of the RFTF/VOTF, any equipment purchased with Asset Forfeiture and provided to TFOs from the agency may be retained by the agency. Equipment provided by the USMS that is not purchased using Asset Forfeiture funding remains the property of the USMS and will be issued to state, local, tribal, or territorial investigators for exclusive use in support of the RFTF/VOTF. If the investigator or agency is no longer a participating member of the RFTF/VOTF, any equipment issued that was not purchased with Asset Forfeiture funding will be returned to the USMS.

BODY-WORN CAMERAS AND TASK FORCE OFFICERS: As per USMS Policy, Body Worn Cameras (BWC) may be worn by TFOs operating on a USMS Task Force when their parent agency mandates their use by personnel assigned to the task force. A partner agency must

formally request to participate in the TFO BWC program and, upon approval, comply with all USMS policies, procedures, documentation, and reporting during their participation. The USMS will inform all partner agencies of which other partner agencies, if any, have been authorized to have their TFOs wear BWCs on the Task Force. Accordingly, all partner agencies should be aware that TFOs may be participating in the TFO BWC program and may be operating with BWCs on USMS task force operations in their agency's jurisdiction. TFOs whose parent agency is not approved for participation in the TFO BWC program are not allowed to deploy with BWCs on USMS missions. As of September 2021, DOJ law enforcement components are implementing BWC into their agency missions. Accordingly, all partner agencies should be aware that USMS and other DOJ law enforcement personnel may be operating with BWCs on USMS task force operations.

RECORDS, REPORTS, AND TESTIMONY: After the RFTF/VOTF has adopted a warrant, all investigative reports, evidence, and other materials generated, seized or collected by the RFTF/VOTF, relating to the fugitive investigation, shall be material within the custody and control of the RFTF/VOTF. Physical evidence, such as drugs, firearms, counterfeit credit cards, and related items may be released to the appropriate prosecuting agency. Records and information obtained during the RFTF/VOTF fugitive investigation are ordinarily not evidence and may not be released unless authorized by the Office of General Counsel (OGC). A participating agency may retain copies of RFTF/VOTF investigative reports, and other documents or materials, but they may be released only upon approval of the USMS (OGC), in consultation with the local U.S. Attorney's Office, if and as applicable. If an applicable state law mandates the release of records or reports pertaining to RFTF/VOTF activities, those documents may only be released after coordination with USMS OGC.

RFTF/VOTF records and documents will be maintained in USMS electronic records and/or paper case files. All investigative reporting will be prepared in compliance with existing USMS policy and procedures utilizing USMS case management systems. Every effort should be made to document investigative activities on USMS forms, such as USM-11s and USM- 210s. Reports should never contain information related to sensitive USMS programs that are deemed privileged and not subject to reporting. Task force statistics will be maintained in the USMS case management systems. Statistics will be made available to any participating agency upon request.

To the greatest extent possible, all communications regarding USMS task force operations should be conducted on USMS email accounts and USMS cellular devices (if issued to the TFO). If required as per policy, a TFO may complete parent agency investigatory forms pertaining to task force operations. However, copies of such investigatory forms will be provided to the task force's USMS supervisory personnel for inclusion in the relevant USMS case file. The USMS has an interest in reports documenting task force related investigations or activities prepared by a TFO on their parent agency form, and any task force related email or text exchanges done on a parent agency issued account or device. Accordingly, if a state open records request for task force records held on parent agency electronic systems or devices or in paper files is received by a TFO, and an applicable state records law mandates the disclosure of task force records, the

parent agency agrees to notify USMS of the request and coordinate with the USMS prior to any proposed disclosure.

Information that identifies, or tends to identify, a USMS confidential source, a USMS sensitive program, or the use of sensitive equipment/techniques will not be recorded on parent agency forms or parent agency issued devices and will not be released outside of the USMS unless approved by the Office of General Counsel (OGC). Absent exceptions noted below for discovery related purposes, information related to RFTF/VOTF activities will not be disseminated at any time to any third party (including a non-task force law enforcement officer or other law enforcement agency) by any task force member without notification to the RFTF/VOTF Chief Inspector/Chief Deputy or his/her designee, in consultation with USMS OGC where appropriate. This guidance applies to requests to share reports, memoranda, or other records (both formal and informal) compiled during the course of RFTF/VOTF operations. Nothing in this paragraph supersedes requirements pursuant to federal discovery obligations and/or the DOJ Touhy regulations, 28 C.F.R. § 16.21, et seq.

All requests for task force-related information, testimony (including any preparation in support) and documents (whether maintained in USMS systems and/or parent agency systems) in connection with state or federal litigation require compliance with the DOJ Touhy Regulations. Any disclosure of records pertaining to task force operations in state and federal litigation will only be done by or with the permission of the U.S. Attorney's Office (Civil Division) and the Office of General Counsel. The partner agency agrees TFOs receiving requests to testify in federal or state litigation regarding task force matters, or for the disclosure of records pertaining to task force matters in federal or state court, will notify the Office of General Counsel. The TFO will await authorization for such testimony or record disclosure prior to testifying, engaging in trial preparation with a prosecutor, and/or providing records, consistent with the DOJ Touhy regulations.

TFOs whose parent agency are properly onboarded to the USMS Body Worn Camera Program (BWCP) may wear parent agency issued BWC during certain USMS task force operations. TFOs are governed by the provisions set forth in the USMS TFO BWC Standard Operating Procedures and USMS Policy Directive 2.11, Body Worn Cameras. Any copy of TFO BWC recording shared with the USMS upon culmination of an enforcement action is deemed a federal record, subject to federal disclosure laws and DOJ policies. If a partner agency receives a request for TFO BWC footage pursuant to state records laws, that agency agrees to provide USMS with advance written notification of the request and proposed disclosure. Requests to the USMS for footage in connection with state or federal criminal prosecutions or civil litigation will be handled pursuant to the DOJ Touhy Regulations and/or applicable federal discovery rules and routed to the USMS Office of the General Counsel.

CONFIDENTIAL SOURCES / CONFIDENTIAL INFORMANTS: Pending the availability of funds, the USMS may provide funding for payment of Confidential Sources (CS) or Confidential Informants (CI). The use of CS/CIs, registration of CS/CIs and all payments to CS/CIs shall comply with USMS policy. USMS payment to an individual providing information

or "tip" related to a USMS offered reward on an active fugitive case shall be accomplished by registering the individual or "tipster" through the established USMS CS payment process.

USE OF FORCE: All members of the RFTF/VOTF will comply with their agencies' guidelines concerning the use of firearms, deadly force, and less-than lethal devices, to include completing all necessary training and certification requirements. All members of the RFTF/VOTF when operating on task force missions will adhere to the DOJ Policy Statement on the Use of Force, dated May 20, 2022, and the DOJ Policy Statement on the Use of Less-Than-Lethal Devices, dated May 16, 2011, and their parent agencies will review the Policy Statement to assure that they approve. Additionally, all members of the RFTF/VOTF when operating on task force missions will adhere to the DOJ Deputy Attorney General memorandum, dated September 13, 2021, prohibiting the use of chokeholds or carotid restraint techniques unless deadly force is authorized. Copies of all applicable firearms, deadly force, and less-than-lethal policies shall be provided to the RFTF/VOTF Chief Inspector/Chief Deputy and each concerned TFO. In the event of a shooting involving task force personnel, the incident will be investigated by the appropriate agency(s). Additionally, in the event of a shooting, the required reporting for the FBI National Use of Force Data Collection (NUOFDC) should be accomplished by the involved task force personnel's employing agency when the TFO is inside their primary/physical jurisdiction and by the USMS when the TFO is outside their employing agency's primary/physical jurisdiction. If the employing agency wishes to submit such NUOFDC entries regardless of the physical location of the event, that is allowed under this MOU with prior written notice to the USMS.

NEWS MEDIA: Media inquiries will be referred to the RFTF/VOTF Chief Inspector/Chief Deputy. A press release may be issued, and press conference held, upon agreement and through coordination with participant agencies' representatives. All press releases will exclusively make reference to the task force and participant agencies.

RELEASE OF LIABILITY: The Parties acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the RFTF/VOTF.

Each participating agency shall immediately notify the USMS Office of General Counsel of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information of which the agency receives notice, concerning or arising from the conduct of personnel assigned to the RFTF/VOTF or otherwise relating to the RFTF/VOTF. Each participating agency acknowledges that financial and civil liability, if any and in accordance with applicable law, for the acts and omissions of each employee detailed to the RFTF/VOTF remains vested with his or her employing agency. If a civil claim or complaint is brought against a state or local officer assigned to the RFTF/VOTF, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.

For the limited purpose of defending against a civil claim arising from alleged negligent or wrongful conduct under common law under the FTCA, 28 U.S.C. § 1346(b) and §§ 26712680: an individual assigned to the RFTF/VOTF who is named as a defendant in a civil action as a

result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request to be certified by the U.S. Attorney General or his designee as having acted within the scope of federal employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d)(2). Upon such certification, the individual will be considered an "employee" of the United States government for the limited purpose of defending the civil claim under the FTCA, and the claim will proceed against the United States as sole defendant. 28 U.S.C. § 2679(d)(2). Once an individual is certified as an employee of the United States for purposes of the FTCA, the United States is substituted for the employee as the sole defendant with respect to any tort claims. Decisions regarding certification of employment under the FTCA are made on a case-by-case basis, and the USMS cannot guarantee such certification to any RFTF/VOTF personnel.

For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971): an individual assigned to the RFTF/VOTF who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General through the USMS Office of General Counsel. In the event of an adverse judgment against the individual, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c)(4). Requests for DOJ representation and indemnification are determined by DOJ on a case- by-case basis. The USMS cannot guarantee the United States will provide legal representation or indemnification to any RFTF/VOTF personnel.

Liability for any conduct by RFTF/VOTF personnel undertaken outside of the scope of their assigned duties and responsibilities under this MOU shall not be the responsibility of the USMS or the United States and shall be the sole responsibility of the respective employee and/or agency involved.

EFFECTIVE DATE AND TERMINATION: This MOU is in effect once signed by all parties. Participating agencies may withdraw their participation after providing 30 days advanced written notice to the RFTF/VOTF Chief Inspector/Chief Deputy.

Task Force: PSWRFTF
UNITED STATES MARSHAL:

Print Name: Jay Bieber

Signature: JAY BIEBER Digitally signed by JAY BIEBER Date: 2024.08.14 14:58:46 -07'00' **Date:**

RFTF COMMANDER (where applicable):

Print Name: Sean LoPiccolo

Signature: SEAN LOPICCOLO Digitally signed by SEAN LOPICCOLO Date: 2024.08.15 10:56:42 -07'00' **Date:** 8/15/24

PARTNER AGENCY:

Name: Berkeley Police Department

Location (City, State): Berkeley, CA

PARTNER AGENCY REPRESENTATIVE:

Print Name and Title: Jennifer Louis , Chief of Police

Signature: **Date:** 8/14/24

ASSISTANT DIRECTOR, INVESTIGATIVE OPERATIONS DIVISION:

Print Name: For Assistant Director Peter Marketos by Chief Inspector John Noel

Signature: **Date:** 8/24/24

Berkeley Police Department MOU Compendium

Item #	4.1
Title:	**PRIVATE: CHILD ABUSE LISTENING, INTERVIEWING & COORDINATION (CALICO)**
Type:	Written agreement
Approvals:	Initial: April 20, 2010 / Current: November 12, 2024
Summary:	CALICO is a private organization that provides legal, medical, and therapeutic services to children and developmentally-delayed adults in Alameda County who are victims or witnesses of abuse and neglect. CALICO provides similar services to effected families. The Police Department and CALICO commit to a partnership toward mutually valued goals: facilitating a multidisciplinary team response to child abuse; accomplish forensic interviews with trained Child Interview Specialists in a safe, neutral, child-friendly environment; and, share relevant information as permitted by law.
Rationale:	Partnerships between the Police Department and public safety- focused organizations like CALICO enhance the effectiveness of juvenile criminal investigation, promote prevention of child abuse and neglect, and facilitate supportive provision of services to juvenile victims and their families.
Cost:	If Approved: $5,400.00 donation (annual). While there is no contractual or statutory obligation to remit funds to CALICO for services rendered, the Police Department, on behalf of the City, has for many years responded to an annual request for donation to support CALICO operations. Approval will continue to support current law enforcement activity, funded in existing budget. If Not Approved: Effect on cost cannot be calculated. Absence of or reduced interaction would inhibit investigations and impact successful prosecution. Public safety would be adversely affected. Increased local enforcement responsibility would increase local costs.
Recommendation:	Continued approval

CALICO
Child Abuse Listening, Interviewing & Coordination Center
524 Estudillo Ave, San Leandro, CA 94577 tel: 510-895-0702 fax: 510-895-0706
email: info@calicocenter.org web: www.calicocenter.org

OPERATIONAL AGREEMENT

This Operational Agreement, effective January 1, 2025, affirms that CALICO and the following partnering agencies intend to work together toward our mutual goal of achieving justice and healing for children and adults with developmental disabilities in Alameda County, who are victims or witnesses of abuse and neglect, and their families.

- Alameda County Behavioral Health Care Services
- Alameda County Counsel
- Alameda County District Attorney's Office
- Alameda County Family Justice Center
- Alameda Health System, Highland Hospital, Sexual Assault Center
- Alameda County Probation Department
- Alameda County Sheriff's Office
- Alameda County Social Services Agency
- Alameda Police Department
- Albany Police Department
- BART Police Department
- Berkeley Police Department
- California Department of Social Services, Community Care Licensing
- California State University - East Bay
- Dublin Police Services
- East Bay Regional Parks Police Department
- Emeryville Police Department
- Fremont Police Department
- Hayward Police Department
- Livermore Police Department
- Newark Police Department
- Oakland Police Department
- Piedmont Police Department
- Pleasanton Police Department
- San Leandro Police Department
- UCSF Benioff Children's Hospital Oakland, Center for Child Protection
- Union City Police Department
- University of California - Berkeley Campus Police Department

To achieve our mutual goals, CALICO agrees to:

- Facilitate a multi-disciplinary team response to child abuse and cases involving adults with developmental disabilities as described in the Alameda County Child Abuse Protocol;
- Exchange information to the fullest extent permitted by law;
- Maintain as required by law the confidentiality of the shared information;
- Receive referrals for interviews from multi-disciplinary team members;
- Coordinate the scheduling of interviews with involved agencies;
- Provide trained Child Interview Specialists to conduct forensic interviews;

CALICO
524 Estudillo Ave, San Leandro, CA 94577 tel: 510-895-0702 fax: 510-895-0706
email: info@calicocenter.org web: www.calicocenter.org

Child Abuse Listening, Interviewing & Coordination Center

- Provide a safe, neutral, child-friendly environment for victims and family members;
- Maintain interviewing facilities in both San Leandro and at the Family Justice Center in downtown Oakland;
- Create two, original recordings of the forensic interview;
- Provide clinically trained family support staff to provide crisis intervention, referrals and follow-up support to caregivers of CALICO children and adults with developmental disabilities;
- Facilitate monthly multi-disciplinary team case review and program advisory committee meetings; and
- Provide training for multi-disciplinary team members.

The Berkeley Police Department agrees to:

- Participate in a multi-disciplinary team response to child abuse and cases involving adults with developmental disabilities as described in the Alameda County Child Abuse Protocol;
- Exchange information to the fullest extent permitted by law;
- Maintain as required by law the confidentiality of the shared information;
- Schedule forensic interviews at either of CALICO's two interviewing facilities;
- Cross report to and coordinate with other agencies who need to be involved in the interview process;
- Work closely with CFS to observe the forensic interviews together, whenever possible;
- Consult with other multi-disciplinary team members, as needed, to discuss appropriate criminal charges;
- Refer victims to acute and non-acute forensic medical exams, as appropriate;
- Provide a representative to attend monthly program advisory committee meetings; and
- Attend and exchange information at multidisciplinary team case review meetings, as requested.

We the undersigned, as authorized representatives of CALICO and the Berkeley Police Department, do hereby approve this agreement.

Nadia Bueno
Executive Director
CALICO

11/1/24
Date

Jennifer Louis
Chief of Police
Berkeley Police Department

11/12/24
Date

Berkeley Police Department MOU Compendium

Item #	4.2
Title:	**PRIVATE: CRITICAL REACH**
Type:	General understanding
Approvals:	Initial: September 19, 2006 / Current: May, 2025
Summary:	Critical Reach is a private company that provides an Internet based communication system designed to facilitate effective communication between law enforcement agencies and other subscribing entities (i.e., news media). The Police Department employs the Critical Reach system to disseminate important crime- oriented information and public notifications, historically referred to as "Be-On-The-Lookout" announcements and "All Points Bulletins". The intent and value of Critical Reach communications is the rapid location of missing persons, recovery of stolen property, the furtherance of criminal investigations, and enhancement of public safety.
Rationale:	Rapid communication is a crucial component of providing effective public safety services. The absence of practical communication mechanisms provides opportunity for criminal offenders to evade justice. Partnerships between the Police Department and public safety-focused organizations like Critical Reach enhance the effectiveness of criminal investigation and promote public safety.
Cost:	If Approved: Software licensing for up to six computers and system maintenance by Critical Reach costs the Police Department $1350 per year; the Police Department maintains two computers for Critical Reach. The City provides all computer hardware components. As needed, equipment replacement costs would be based on the component required (est. $30- $1000). Approval will continue to support current law enforcement activity, funded in existing budget. If Not Approved: Effect on cost cannot be calculated. Absence of this communication service would inhibit investigation and adversely affect public safety. Increased local enforcement responsibility would increase local costs.
Recommendation:	Continued approval

APBnet Terms of Use Agreement

APBnet Terms of Use Agreement

This Terms of Use agreement ("Agreement") is a legal agreement between you and Critical Reach, Inc. ("us," "we," "our") for the use of the APBnet law enforcement alert system. This Agreement governs access to and use of APBnet.

By using APBnet, you agree to be bound by the terms of this Agreement and affirm that you have the authority to bind yourself and your employer to the Agreement. If you do not agree to the terms of this Agreement, you are not permitted to use APBnet.

Deployment of APBnet

You are entitled to unlimited deployment of APBnet (no limit on how many user numbers may be installed), unlimited use of APBnet, and unlimited support of APBnet users. The only cost for APBnet is an annual support fee paid to Critical Reach.

Acceptable Use

You agree to use APBnet only for its intended purpose. The intended purpose of APBnet is to help officers create photo bulletins for investigative and informational purposes and distribute them electronically to other officers, other agencies, and the public when appropriate; further, officers may search the database of previous bulletins based upon the data and images contained in those bulletins. Your officers, during their investigations, may upload data and images to APBnet and that information may be shared with other people and organizations at the bulletin creator's discretion.

It is your responsibility to ensure that your use of APBnet, including the data that you upload, submit, or otherwise input into or cause to be stored by APBnet, conforms to all applicable laws and legal requirements. By using APBnet, you warrant that you have proper legal authority and standing to obtain, use, and hold any data that you upload, submit, or otherwise input into or cause to be stored.

You agree not to misuse APBnet in any way, including, but not limited to, (a) Uploading or otherwise inputting any data that you do not have the legal right, authority, or standing to obtain, hold, and use;

(b) Sharing access to APBnet, including your username and password, with others; (c) Testing in any way the vulnerability of any component of APBnet;(d) Circumventing any security or authentication measures implemented by APBnet; (d) Interfering with any user, host, or network associated with APBnet; (e) Inputting malware to APBnet; (e) Sending promotions, advertisements, or spam to or from APBnet; (f) Using altered, deceptive, or false source-identifying information; (f) Violating the privacy of others, defaming others or violating the law in any way. Critical Reach reserves the right at its discretion to revoke access to APBnet for any misuse of APBnet.

You may not, without the prior written consent of Critical Reach, conduct, cause, or facilitate the: (a) use, copying, reproduction, modification, rental, lease, sublease, sublicense, public display, public performance, or transfer of APBnet except as expressly provided in this Agreement; (b) creation of any derivative works based on APBnet; (c) reverse engineering, disassembly, or decompiling of APBnet's underlying computer code or software; (d) use of APBnet in connection with service bureau, facility management, timeshare, service provider, or like activity whereby you operate or use APBnet for the benefit of a third party that has not been licensed by Critical Reach to use APBnet; (e) use of APBnet by any third party under your user account or login for APBnet.

Any data or content that you input into APBnet is owned by you. Critical Reach expressly disclaims any legal liability for the data or content that you upload, submit, or otherwise input into or cause to be stored by APBnet.

Privacy Statement

By using APBnet, you consent to the data practices described in this statement. Critical Reach is not responsible for the privacy statements or other content on websites outside of the Critical Reach.org or apbnet.net domains that may link to our pages.

APBnet will store data that you upload, submit, or otherwise input into APBnet, and will process such data as needed to perform various functions of APBnet that you choose to use in conjunction with the data that you input. Critical Reach does not claim any right of ownership to any data that you upload, submit, or otherwise input into or cause to be stored by APBnet; you retain all rights of ownership to such data.

Critical Reach collects personally identifiable information, such as your email address, name, home or work address or telephone number and general geographic location (e.g., by country or state). Critical Reach also automatically collects usage statistics for various functions offered by APBnet, as well as information about your computer hardware and software, including, but not limited to your IP address, browser type, domain names, access times and durations, and referring website addresses. Critical Reach uses this information for the operation of APBnet, to maintain the quality of APBnet, and to provide for general statistical analysis regarding use of APBnet.

APBnet secures all data that you upload, submit, or otherwise input into or cause to be stored by APBnet, including your personally identifiable information, from unauthorized access, use, or disclosure. When you upload data to APBnet, it is protected in transit through the use of encryption protocols, such as the Secure Socket Layer (SSL) protocol or the Transport Layer Security (TLS) protocol.

Critical Reach collects and uses your personally identifiable information to operate APBnet and to deliver the functionality to which you have requested access. Critical Reach may also use your personally identifiable information, from time to time, to inform you of other products or services available from or through Critical Reach. Critical Reach may also contact you via surveys to conduct research about your opinion of APBnet or of potential new services that may be offered. In the event that you are contacted for any of the forgoing reasons, you will be offered the opportunity to opt out of future contacts of the same nature.

Critical Reach does not sell, rent, or lease its customer lists, including personally identifiable information, to third parties. Critical Reach will disclose your personal information, without notice, to lawfully authorized recipients, only if required to do so by law or in the good faith belief that such action is necessary to (a) conform to the edicts of the law or comply with legal process served on Critical Reach, (b) protect and defend the rights or property of Critical Reach, and (c) act under exigent circumstances to protect the personal safety of users of APBnet or of the public.

Critical Reach may share data with trusted partners to help us perform statistical analysis, send you email or postal mail, provide customer support, or arrange for deliveries. All such third parties are

prohibited from using your personally identifiable information except to provide these services to Critical Reach, and they are required to maintain the confidentiality of your information.

Superseding Provisions

Part or all of this Agreement may be superseded or augmented by one or more additional, legally binding contracts or provisions (collectively, "Provisions") between the user or the purchasing agency associated with the user and Critical Reach. It is the user's responsibility to be aware of any such Provisions and of the terms and limitations specified by such Provisions. Any and all additional Provisions are subject to the terms of this Agreement unless otherwise explicitly specified in the Provisions and, except as otherwise expressly provided in the Provisions, in the event of any conflict between the terms of this Agreement and the terms of any Provisions, this Agreement shall control.

Limited Warranty

APBNET IS OFFERD AS IS. TO THE MAXIMUM EXTENT ALLOWED BY LAW, CRITICAL REACH DISCLAIMS ALL WARRANTIES AND CONDITIONS, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, IMPLIED WARRANTIES OF MERCHANTABILITY, NONINFRINGEMENT, AND FITNESS FOR A PARTICULAR PURPOSE. THE USER ASSUMES ALL RISKS AS TO THE QUALITY AND PERFORMANCE OF APBNET. Critical Reach does not warrant or guarantee that the functions contained in or offered by APBnet will meet the User's requirements or that the operation of or accessibility to APBnet will be uninterrupted or error free.

Limitations of Remedies and Liability

IN NO EVENT WILL CRITICAL REACH, ITS AFFILIATES, OFFICERS, EMPLOYEES, AGENTS, SUPPLIERS OR LICENSORS BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE, EXEMPLARY OR CONSEQUENTIAL DAMAGES, INCLUDING LOSS OF USE, DATA, BUSINESS, OR PROFITS, REGARDLESS OF LEGAL THEORY, EVEN IF CRITICAL REACH HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, AND EVEN IF A REMEDY FAILS OF ITS ESSENTIAL PURPOSE, OR FOR ANY CLAIM BY ANY OTHER PARTY.

Indemnification

By using APBnet, you agree to hold harmless and indemnify Critical Reach against any and all claims and actions arising or resulting from your use of APBnet, including, without limitation, expenses, judgements, fines, settlements, and other amounts actually and reasonably incurred in connection with any liability, suit, action, loss, or damage arising or resulting from your use of APBnet.

Governing Law

This Agreement is governed by and construed in accordance with the laws of the State of California without regard to its conflicts of laws provisions. In the event of a dispute, the user agrees to first negotiate and mediate the dispute. If such efforts are unsuccessful within 90 days of written notice of the dispute, as a last resort, the user agrees to submit exclusively to the jurisdiction of the federal and state courts of the State of California, and further agrees that any and all legal actions arising therefrom shall take place in such courts.

Severability

If any provision of this Agreement is held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions of this Agreement shall not in any way be affected or impaired and shall remain in force.

Term/Termination

Critical Reach invoices each organization using APBnet an annual support fee each December for the following calendar year's use of APBnet. This is the only cost associated with use of APBnet. It is at the organization's sole discretion to pay this invoice and renew use of APBnet for the following calendar year. If the organization terminates use of APBnet during that subscribed calendar year, they will have continued use of APBnet through that term. The organization will not be entitled to any refund or credit for support fees already paid.

General

This Agreement creates no third-party beneficiary rights. Critical Reach's failure to enforce any term or condition of this Agreement does not constitute or imply a waiver of its right to do so later, nor does it imply or permit any further waiver of that or any other term or condition. You may not assign any of your rights under this Agreement and any such attempt to do so is void, but Critical Reach may assign its rights under this Agreement to any of its affiliates or subsidiaries, or to any successor in interest of any business associated with APBnet.

Contact Information

Critical Reach welcomes your comments regarding this Agreement. You may contact us at info@apbnet.net.

Copyright

APBnet and other accompanying and supporting materials are the copyrighted intellectual property of Critical Reach, and are protected by copyright laws and international copyright treaties. Critical Reach retains ownership of APBnet in all aspects and reserves all rights under copyright.

Notices of alleged copyright infringement should be reported to Critical Reach. We will respond to notices of alleged copyright infringement if they comply with the law and are properly provided to us. We reserve the right to delete or disable content alleged to be infringing and to terminate access to APBnet by repeat infringers.

Berkeley Police Department MOU Compendium

Item #	4.3
Title:	**PRIVATE: A SAFE PLACE**
Type:	Written Agreement
Approvals:	Initial: November 8, 2011 / Current: April 17, 2024
Summary:	A Safe Place provides counseling and shelter placement for victims of domestic violence. They maintain and 24-hour crisis hot-line, as well as crisis counselors who will assist victims in shelter admittance.
Rationale:	The Police Department strives to create positive outcomes for domestic violence survivors by breaking the cycle of violence and helping victims tap into resources outside of their current domestic situation. A Safe Place is the first step towards fostering this independence for victims and forging a secure space for victims to launch into a violence free existence. The Police Department agrees to use A Safe Place as their single point of contact when attempting to locate emergency placement services for domestic violence victims.
Cost:	If Approved: None. If Not Approved: Effect on cost cannot be calculated, but the loss of this single-point-of-contact system to our community's domestic violence victims would be significant.
Recommendation:	Continued Approval

A Safe Place

MEMORANDUM OF UNDERSTANDING
October 31, 2023- November 30, 2026

This Memorandum of Understanding (MOU) between **A Safe Place** and the **City of Berkeley Police Department** describes the ongoing working relationship and the activities in which we participate or engage in supportive efforts to serve victims of domestic violence.

The **City of Berkeley Police Department** will support the efforts of **A Safe Place** in the following manner:

Contact **A Safe Place** 24-hour crisis line when responding to Domestic Violence victims for sheltering services.

Transport domestic violence victims, in accordance with department procedure, to a safe location where **A Safe Place** staff can meet clients for admittance to a shelter.

This agreement shall remain in effect from October 31, 2023 – November 30, 2026 or unless terminated in writing by either party.

Signature _____ Date _____
Carolyn Russell
Executive Director
A Safe Place

Signature _____ Date 4/17/24
Jennifer Louis
Chief of Police
City of Berkeley Police Department

Berkeley Police Department MOU Compendium

Item #	4.5
Title:	**PRIVATE: BAY AREA WOMEN AGAINST RAPE**
Type:	Written Agreement
Approvals:	Initial: October 28, 2014 / Current: April 4, 2024
Summary:	The Bay Area Women Against Rape (BAWAR) has been serving Alameda County since 1971 with support services for survivors of sexual assault. BAWAR provides a 24-hour crisis line, in-person and group counseling, as well as community awareness and prevention programs.
Rationale:	The City of Berkeley, despite significant declines in reported stranger assaults, provides police services to a significant number of sexual assault victims, many of whom require access to psychological and support services, which are not provided by the Police Department. BAWAR provides a bridge to healing, and to connecting sexual assault survivors to a community of successful survivors.
Cost:	If Approved: The Police Department will continue to have access to a resource, which is instrumental in meeting the needs of community members who have been victims of serious and violent crimes. If Not Approved: Effect on cost could be significant. Absence of this resource would be a detriment to sexual assault survivors, as well as the City, as it would be required to attempt to provide follow-up services despite the absence of an established City program.
Recommendation:	Continued approval

bawar

Memorandum of Understanding (MOU) between Berkeley Police Department

and Bay Area Women Against Rape (BAWAR)

Bay Area Women Against Rape (BAWAR) and Berkeley Police Department hereby agree to continue to constructively and efficiently work together to serve survivors of sexual violence in Alameda County.

BAWAR assumes responsibility for the operation of all baseline services, including a 24-hour crisis line, SART accompaniment and advocacy, crisis counseling, and community awareness and prevention. BAWAR will provide confidential advocacy and support to survivors of sexual violence during police interviews. BAWAR will commit to professional communication with the Berkeley Police Department and prioritize crisis response services referred from them.

Berkeley Police Department assumes responsibility for law enforcement services to survivors of sexual violence including SART participation. Berkeley Police Department will also inform survivors of their right to have a sexual assault counselor, human trafficking advocate and/or support person of their choice present during the interview process. Berkeley Police Department will participate in cross-training of staff and volunteers when appropriate and will communicate with BAWAR's SART team regarding case status updates for BAWAR clients. Personnel from Berkeley Police Department will receive a yearly training from BAWAR regarding agency updates, trauma-informed care and collaboration during the reporting process, and other relevant information.

Additionally, Berkeley Police Department and BAWAR agree to a bi-annual review and evaluation of services provided between BAWAR's Director of Programs, the SVU Sergeant, and the head of the patrol units.

This operational agreement will be in effect from January 1, 2024 - December 31, 2027.

SIGNED:

4/16/2024	4.4.24
BAWAR Representative Signature & Date	PD Representative Signature & Date
Michelle La Place Watts	JEN TATE
BAWAR Representative's Name, Printed	PD Representative's Name, Printed
Director of Programs	DEPUTY CHIEF (ACTING CHIEF)
Position / Role of Signer	Position / Role of Signer

411 30th St, Suite 412,
Oakland, CA 94609
Ph: 510.430.1298
Hotline: 510.800-4247

BERKELEY POLICE DEPARTMENT

SUSPICIOUS ACTIVITY REPORTS – 2018

02/25/18	Police investigated implied threats of a school shooting. The threats were received via an online message. No violence took place.
03/03/18	A person made specific threats of arson against a business. The person was identified and there were no further threats. No arson was committed.
03/15/18	Graffiti was found in a school bathroom that made a specific threat of school violence at a particular date and time. Police investigated the vandalism and provided extra security for the school.
07/26/18	A widely publicized protest was planned for August 5. Leading up to that event a person reported that one of their family members was making specific threats of arming themselves and attending the event. An allied agency investigated this and no further action was taken.
08/05/18	During a widely publicized riot there were multiple suspicious devices that were discarded by a large group of involved people when they were confronted by police.
08/25/18	Two unidentified men were walking in and around police headquarters filming and looking into protected and secured areas. Upon contact they refused to identify themselves and they have not since returned.
10/29/18	A former law enforcement officer and student at a graduate school was a self-identified sovereign citizen. The person's mental health declined rapidly and he purchased a firearm and holster. Police investigated the matter and ultimately seized the person's firearms.
12/15/18	An alleged member of a white-supremacist organization was trying to rent a venue in Berkeley to hold a recruiting event. They were denied the rental by the staff at the business.

SUSPICIOUS ACTIVITY REPORTS – 2019

02/11/19	An off-duty out of state peace officer had their gun and badge stolen from their vehicle in the Berkeley Marina.
02/18/19	There were three images posted on a sandwich board on the periphery of the UC Berkeley campus. The images depicted people being killed or injured via beheading or being run over by an automobile. The images were implied to be Jewish people based on some of the icons on the images.
03/08/19	A Jewish community facility had flyers distributed at the location. The flyers were from a high-profiles neo-Nazi group.
08/01/19	A vehicle was burglarized and PG&E uniforms were stolen from it. This occurred in the Berkeley Marina.
08/06/19	An unknown person called a local hospital and threatened o “shoot up” the hospital.

SUSPICIOUS ACTIVITY REPORTS – 2020

02/24/20	An individual spray-painted red swastikas on the rocks and surrounding park fixtures in Indian Rock Park.
08/28/20	Berkeley Technical High School received a bomb threat via email.
09/16/20	A person reported that there were suspicious items, including gasoline and combustible material, stuffed inside free speech statues on the University pedestrian overpass. The items were found and removed.

SUSPICIOUS ACTIVITY REPORTS – 2021

01/12/21	HHCS staff received a suspicious package. Berkeley Police EOD staff investigated the issue and determined the package was safe.
02/16/21	Person was filming the exterior of police headquarters, the parking lots, and tried to film inside of the building when the doors were opened.
03/04/21	A Berkeley Police vehicle was stolen from the street in front of the police department.

10/04/21	An automobile burglary occurred and one of the stolen items included a National Guard uniform and hat.
11/20/21	A group of people tried to break into a high-end electronics retailer in Berkeley while the business was closed. This was part of a spree of crimes that occurred in Berkeley and surrounding jurisdictions.
11/20/21	A group of people broke into a rental car establishment and tried to steal cars and the safe while the business was closed. This was part of a spree of crimes that occurred in Berkeley and surrounding jurisdictions.
11/21/21	A group of people attempted to burglarize a cannabis dispensary while the business was closed. The business was also shot at by the suspects. This was part of a spree of crimes that occurred in Berkeley and surrounding jurisdictions.

SUSPICIOUS ACTIVITY REPORTS – 2022

01/05/22	The ATF Internet Investigations Center notified BPD of threats of a mass shooting at Berkeley High. A person was contacted on this case but no arrest was made.
02/20/22	Number of people in North Berkeley reported finding zip locked bags with an Anti-Semitic flyer inside the bag on the driveways of people's property.
03/12/22	Anti-Semitic flyers were distributed throughout Berkeley. These were the same as those distributed in February 2022.
05/22/22	An individual contacted BPD to report that a fellow student was recruiting people to assist with a school shooting and bombing at Berkeley High School. An individual was arrested in this case.
07/08/22	Berkeley Public Library staff received a phone call about "Drag Queen Story Time" event. When the employee advised that none are scheduled at this time the subject stated, "good, some things should stay in San Francisco." The subject then went on to say, "If you had an event, I would come with pepper spray, I stand with the Proud Boys on this." The library did not have any such planned events.
07/17/22	Many vehicles were vandalized with swastikas etched into the paint on the car doors. Two of the victims were of Jewish ancestry.

10/08/22	Early in the morning, 4 people were shot after an altercation in the South Campus area of Berkeley. One person died as a result of a gunshot wound.
01/05/22	The ATF Internet Investigations Center notified BPD of threats of a mass shooting at Berkeley High. A person was contacted on this case but no arrest was made.

SUSPICIOUS ACTIVITY REPORTS – 2023

03/12/23	Swastikas and phallic images were spray painted onto four fraternity houses. There were at least two Jewish members of one of the fraternities and one of the fraternities was next door to a Jewish Community Center.
03/31/23	A bomb threat was emailed to Maybeck High School and another school in a different state.
07/24/23	A cache of ghost guns, gun parts, a loaded firearm and multiple knives were found on the roof of an abandoned industrial building. A suspect was identified.
10/07/23	Hate incident at Jewish-related facility whereby one person reportedly yelled hateful words at the reporting party.
10/13/23	An unknown suspect was seen spray painting message about Palestine on a Jewish-centered billboard.
10/16/23	Multiple private schools received an emailed bomb threat.
11/15/23	An unknown suspect mailed Fentanyl to a residence in a letter. The matter was turned over to the FBI for further investigation.
11/17/23	Multiple private schools received an emailed bomb threat.

SUSPICIOUS ACTIVITY REPORTS – 2024

04/17/24	Berkeley High School received an emailed bomb threat. No suspect was identified.
05/08/24	Multiple Jewish facilities received an emailed bomb threat. No suspect was identified.
05/07/24	An unknown suspect attempted to steal an Israeli flag from an outdoor patio at a residence.
07/12/24	An unknown suspect vandalized the windows of a business where the business displayed signs that were pro-Palestinian.
08/02/24	A west-Berkeley business was vandalized when an unknown suspect spray painted pro-Palestinian and pro-Congo phrases on their windows.
08/23/24	Anti-Semitic flyers were distributed in northeast Berkeley by an unknown person.
09/04/24	A nonprofit organization received a phone call with threats of pending violence. The suspect was identified, and the case was forwarded to the FBI.
09/14/24	An unknown suspect burned the victim's Pride flag that hung in front of their residence.
09/29/24	An unknown suspect spray painted a racial epithet on a resident's garage door.
10/01/24	An unidentified female was taking photographs into the secured police department parking lot. The person was unable to be located.

BERKELEY POLICE DEPARTMENT

Law Enforcement Mutual Aid Requests Berkeley PD (6/2019 – 12/2024)

7/29/19	Gilroy Police Department requested LEMA to assist in managing the expansive crime scene following the active shooter event that occurred at the Gilroy Garlic Festival on Sunday, July 28, 2019. Up to four BPD Officers responded each day between 8/2/19 and 8/6/19 to provide perimeter security to maintain the crime scene.
9/1/19*	UC Berkeley Police requested LEMA for demonstrations in their jurisdiction on 09/01/19. BPD assisted in planning and supported UCPD during the event, as past similar events have spilled over from UCPD jurisdiction into that of BPD. Members of the Berkeley Police Department Special Response Team were mobilized for this event.
10/26/19	Sonoma County Sheriff's Office requested LEMA to assist with the Kincaid Fire. Up to ten BPD Officers responded each day between 10/26/19 and 10/29/19. BPD Officers were assigned to assist with traffic control posts and looting patrol.
11/20/19*	UC Berkeley Police requested LEMA for demonstrations in their jurisdiction on 11/20/19. BPD assisted in planning and supported UCPD during the event, as past similar events have spilled over from UCPD jurisdiction into that of BPD. The demonstrations were in relation to Ann Coulter giving a speech on the UC campus. The majority of the Berkeley Police Department was mobilized for this event.
5/29/20	Oakland Police Department and Alameda County SO requested LEMA in response to widespread Alameda County protests and looting lasting several days. The Berkeley Police Department sent officers primarily to Oakland to assist in crowd management and looting calls. 52 BPD Officers responded on 5/29/20, 86 BPD Officers responded on 5/30/20 and 49 BPD Officers responded on 5/31/20.
8/16/20	Napa County Sherriff's Office requested LEMA to assist with the Lightening Complex Fire. The request was for officers to provide security checks in mandatory evacuation zones, fire watches, and looting patrols. BPD Officers responded, beginning in the evening of 8/20/20 with two operational periods per day continuing through 8/31/20. The largest BPD response occurred at the first operational period, 8/20/20 from 1800-0700 hours, when 16 BPD Officers responded.

6/29/21	Mendocino County Sheriff's Office requested LEMA for SWAT teams, including Tactical Medics, to assist with locating an armed suspect who shot at the police and was hiding in a heavily wooded area. On 7/1/21, four BPD Special Response Team Officers and two Tactical Medics responded. They were assigned to stationary posts for the purpose of monitoring ingress/egress points where the suspect was believed to be hiding and filled the Tactical Medic need. All BPD officers were released and returned on 7/3/21.
12/19/21	Oakland Police Department requested LEMA for dispatchers to assist with emergency and non-emergency call taking due to severe understaffing. One dispatcher assisted with the evening shift on 12/19/21 and 12/20/21.
11/15/23	San Francisco Police Department requested LEMA for the Asia-Pacific Economic Cooperation (APEC) Summit. BPD responded and provided 12 officers for assistance.
04/27/24	Humboldt County Sheriff's Office requested LEMA to support officers to assist with the continued civil unrest on the college campus at Cal Poly Humboldt. They requested 125 officers per day on April 29 and April 30. The unrest was a result of the pro-Palestinian activities. BPD did not commit any officers to this request.
05-16-24*	UC Berkeley Police Department requested LEMA support of 100 officers for Crowd Management, booking and transportation. The request was generated due to civil unrest regarding the closure and construction of People's Park.
07-03-24	Butte County Sheriff's Office requested LEMA for the Thompson Fire near Oroville. The request was for 80 police and 40 vehicles per day. The LEMA request was for assistance with fire evacuations, looter suppression, and staffing checkpoints in/out of evacuated areas. BPD did not commit any officer to this request.

*BPD did not commit officers to UCPD based on the potential impact of the event(s) in our jurisdiction

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **July 22, 2025** the Police Department is requesting a public hearing, and at the conclusion of the hearing, adoption of a Resolution approving agreements between the Police Department and other law enforcement agencies and private organizations, as required by Berkeley Municipal Code 2.04.150, et. seq. The hearing will be held at 6:00pm in the School District Boardroom at 1231 Addison St., Berkeley, CA

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of July 10, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Chief Jennifer Louis at 510-981-5700.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or emailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6908 or clerk@berkeleyca.gov for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

Published: July 11, 2025 – The Berkeley Voice
Berkeley Municipal Code §2.04.170
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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 10, 2025.

_____

Mark Numainville, City Clerk

Joshua Cayetano
Chair of the Police Accountability Board
JCayetano@berkeleyca.gov

June 27, 2025

VIA ELECTRONIC MAIL [Email]

Honorable Mayor Ishii and Members of the City Council
Council@berkeleyca.gov
2180 Milvia Street
Berkeley, CA 94704

Re: Supplemental Letter Regarding MOU Submission and Recommended Revision to BMC 2.04.190

Dear Honorable Mayor Ishii and Members of the City Council:

On behalf of the Police Accountability Board (PAB), I would like to express our appreciation to the Berkeley Police Department (BPD) for its efforts to comply with the requirements of Berkeley Municipal Code (BMC) Section 2.04.150 by preparing the current list of Memoranda of Understanding (MOUs) for Council review.

We especially commend the Department for its decision not to submit informal "general understandings" as part of its compendium of agreements, thereby upholding the intent of BMC Section 2.04.170 to increase transparency and ensure meaningful Council oversight. Two months ago, the PAB flagged for BPD that the inclusion of "general understandings" within its compendium of agreements could lead to substantial confusion, considering that general understandings are not formal agreements, but rather informal articulations of BPD policy and practice. BPD agreed and now submits to the Council a revised compendium that only includes official MOUs.

Additionally, the PAB respectfully recommends that the Council consider revising the timeline currently prescribed under BMC Section 2.04.190(C), which renders all MOUs null and void one year after Council approval unless affirmatively renewed. While we recognize the importance of regular review, the one-year expiration rule creates a recurring and administratively burdensome cycle that may unintentionally discourage the development or maintenance of otherwise lawful and beneficial agreements. Moreover, lapses in timely review may lead to unintended noncompliance or disrupt ongoing interagency coordination, especially in the context

of specialized investigative or emergency response partnerships. The PAB observes that the BPD was in violation of section 2.04.190(c), as the MOU compendium has not been updated since 2018.

We propose that Council consider an amendment to BMC Section 2.04.190 to permit a multi-year review schedule (e.g., every three years), subject to earlier review at the discretion of Council or upon the recommendation of the City Manager, BPD, or the PAB. This would better align the review process with both operational realities and the evolving nature of law enforcement collaboration.

The PAB remains committed to partnering with BPD and the City Manager's Office to identify a legally sound and administratively sustainable framework. We welcome the opportunity to collaborate further and offer technical assistance in shaping language for Council consideration.

Thank you for your leadership and ongoing commitment to transparent governance and police accountability.

Sincerely,

Joshua Cayetano

Joshua Cayetano, Chair

Police Accountability Board

Cc: Paul Buddenhagen, City Manager
David White, Deputy City Manager
Jennifer Louis, Chief of Police
Jen Tate, Deputy Chief of Police
Farimah Brown, City Attorney
Mark Numainville, City Clerk
Hansel Aguilar, Director of Police Accountability

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ACTION CALENDAR
July 22, 2025

To:	Honorable Mayor and Members of the City Council
From:	Paul Buddenhagen, City Manager
Submitted by:	Jennifer Louis, Chief of Police
Subject:	Surveillance Technology Ordinance Submission for External Fixed Surveillance Cameras (Flock Safety Condor Video Cameras)

RECOMMENDATION

Adopt a Resolution:

1. Accepting the attached Surveillance Acquisition Report for the Flock Safety Condor video cameras, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99.
2. Re-affirming the associated Berkeley Police Department (BPD) Use Policies (BPD Policy 351: External Fixed Video Surveillance Cameras and BPD Policy 1304: Surveillance Use Policy—External Fixed Video Surveillance Cameras), which were previously approved by Council on June 13, 2023.

CURRENT SITUATION AND ITS EFFECTS

This report is submitted in accordance with the Surveillance Technology Ordinance (STO) process, as codified in B.M.C. Chapter 2.99. The City is transitioning its External Fixed Video Surveillance Camera program to a new vendor, Flock Safety, and deploying Flock Safety Condor video cameras. This transition and the introduction of a new model of technology requires the submission of a Surveillance Acquisition Report for review and acceptance by the City Council.

This action will allow the Police Department to proceed with the camera installation plan as previously directed by Council, utilizing modern, solar-powered technology that resolves prior installation challenges and integrates with the City's existing Automated License Plate Reader (ALPR) network.

BACKGROUND

On October 12, 2021, and again on January 30, 2024, the City Council authorized the installation of an external fixed video surveillance camera program to enhance public safety. Subsequent analysis identified Flock Safety's solar-powered Condor cameras as

the most effective technology to meet the City's needs and overcome significant power supply and right-of-way challenges associated with the previous vendor. On March 18, 2025, Council approved updated locations for the cameras and directed BPD to initiate the STO review process.

The adoption of a new vendor and specific technology initiated the requirement under the STO to submit a new Surveillance Acquisition Report for approval by Council. The BPD policies governing the *use* of this technology—Policy 351 and Policy 1304—are not being changed. These Use Policies underwent the full STO review process, including pursuant to the ordinance, Police Accountability Board (PAB) review, and were formally approved by the City Council on June 13, 2023. They are included with this submission solely to fulfill the procedural requirements of the ordinance, which mandates that a complete package of STO documents be presented. Also pursuant to policy, this acquisition report and the previously approved policies were submitted to the PAB on June 19, 2025.

RATIONALE FOR RECOMMENDATION

Accepting the Surveillance Acquisition Report is the final procedural step required under the STO to implement the Council-approved External Fixed Video Surveillance Camera program with the selected vendor, Flock Safety. This action ensures the City remains in full compliance with its surveillance oversight laws while allowing the Police Department to deploy a critical tool to deter crime and support criminal investigations. The Flock Condor cameras offer superior technical capabilities and flexible installation options that will allow the project to be completed promptly and effectively.

Furthermore, the Flock Safety Condor cameras align with the City's high standards for data privacy and civil liberties protection. As detailed in the Surveillance Acquisition Report, the system employs robust, multi-layered security measures, including end-to-end encryption, secure cloud storage on AWS GovCloud, and strict access controls. The technology integrates seamlessly into the Police Department’s existing workflows, operating on the same platform as the City's ALPR network, which maximizes its public safety value without creating new operational burdens. This combination of advanced security, adherence to strict use policies, and operational efficiency ensures that the deployment of these cameras fully meets the Council's original intent to enhance safety while upholding community values.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Transitioning to solar-powered cameras will reduce the carbon footprint of this project.

FISCAL IMPACTS OF RECOMMENDATION

As detailed in the attached Surveillance Acquisition Report, Flock Safety Condor cameras are priced as a subscription service at $5,000 per camera per year. For the 16 proposed cameras, the total annual cost is approximately $80,000. This recurring

cost includes hardware, installation, ongoing maintenance, cellular service, data hosting, and software updates. Funding for this program is allocated from the FY 2024 baseline Public Works budget, with sufficient funds available to cover operating costs for four years. Further use of the technology beyond the initial four years will require additional funding allocations.

CONTACT PERSON

Jennifer Louis, Chief of Police, (510) 981-5700

ATTACHMENTS

1. Resolution
2. Surveillance Acquisition Report: Flock Safety Condor Video Cameras
3. BPD Policy 351: External Fixed Video Surveillance Cameras (Approved 6/13/2023)
4. BPD Policy 1304: Surveillance Use Policy—External Fixed Video Surveillance Cameras (Approved 6/13/2023)

RESOLUTION NO. ##,###-N.S.

ACCEPTING THE SURVEILLANCE ACQUISITION REPORT FOR FLOCK SAFETY CONDOR VIDEO CAMERAS

WHEREAS, the City of Berkeley is committed to leveraging technology to enhance public safety while ensuring transparency, oversight, and the protection of civil liberties and civil rights, as codified in the Surveillance Technology Ordinance (B.M.C. Chapter 2.99); and

WHEREAS, the City Council previously authorized the implementation of an External Fixed Video Surveillance Camera program to aid in deterring crime and supporting criminal investigations; and

WHEREAS, the Police Department has, in accordance with B.M.C. 2.99.030, prepared and submitted a Surveillance Acquisition Report detailing the technology's description, purpose, location, impact, and safeguards; and

WHEREAS, the governing Use Policies for this technology, BPD Policy 351 and BPD Policy 1304, were previously reviewed and approved by the City Council on June 13, 2023, and are submitted herewith without change, pursuant to the requirements of the Surveillance Technology Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby accepts the Surveillance Acquisition Report for the Flock Safety Condor Video Cameras, allowing the City Manager and Police Department to proceed with the acquisition and deployment of this technology in accordance with the report and the previously approved Use Policies.

Surveillance Acquisition Report: External Fixed Surveillance Cameras - Flock Safety Condor Video Cameras

This report is submitted in accordance with Berkeley Municipal Code (BMC) Chapter 2.99 concerning the Acquisition and Use of Surveillance Technology. The City of Berkeley is transitioning its External Fixed Video Surveillance Camera program vendor from Edgeworth Integration, LLC to Flock Safety and plans to deploy Flock Safety Condor video cameras.

1. Description (BMC 2.99.020(3)(a))

- Condor cameras capture high-definition video footage. PTZ models allow for remote control to pan, tilt, and zoom.
- They operate on the FlockOS platform, which is the same platform through which Berkeley PD currently accesses Automatic License Plate Readers (ALPR).
- The cameras do not record audio, and audio recording is explicitly prohibited by Berkeley policy for these types of cameras.
- The system utilizes AI for features like "People Detection Alerts" (identifying human presence without facial recognition) and "Visual Alerts" (tracking vehicles across feeds).
- Some models feature dual lenses to maintain wide-angle context while zoomed in.
- They offer features like 25x optical zoom and high-quality nighttime imagery.
- Crucially for Berkeley's deployment challenges, Flock offers solar-powered, LTE-enabled cameras, eliminating the need for direct electrical wiring or complex network infrastructure setup on city poles.
- Data is transmitted wirelessly via cellular connection to cloud storage. Flock provides installation, ongoing maintenance, cellular service, and software updates as part of its subscription model.

2. Purpose (BMC 2.99.020(3)(b))

The proposed purpose for the Flock Safety Condor cameras is to provide real-time awareness and investigative capacity in following use cases:

- To support specific and active criminal investigations.
- To support serious traffic-related investigations.
- To support police misconduct investigations, and
- To respond to and review critical incidents or natural disasters.

3. Location (BMC 2.99.020(3)(c))

The cameras are proposed for deployment adjacent to the following intersections, chosen for high pedestrian traffic and analysis of crime trends:

- Center / MLK
- Milvia / Alston
- College / Ashby
- 9th / Gilman

- Center / Shattuck
- University / Shattuck
- Cedar / Shattuck
- Durant / Telegraph
- 4th / Virginia
- University / MLK
- Solano / Colusa
- 4th / Hearst
- Adeline / Fairview
- Shattuck / Ashby
- 62rd / King
- College / Alcatraz

Additional potential locations if funding allows include Ashby Ave / Domingo Ave, Ashby Ave / San Pablo Ave, Dwight Ave / San Pablo Ave, and University Ave / San Pablo Ave. This plan reallocates previously approved locations now covered by ALPRs or facing installation barriers.

4. Impact (BMC 2.99.020(3)(d))

- The deployment aims to enhance public safety and aid investigations.
- As with any surveillance, there is a potential impact on privacy and civil liberties, specifically the expectation of anonymity in public spaces. The cameras will capture video of public areas with high foot traffic.
- Concerns regarding potential disparate impacts on specific communities are acknowledged. Mitigation measures (Section 5) and adherence to a strict Use Policy are intended to prevent discriminatory use.
- Safeguarding privacy from potential misuse, particularly concerning federal immigration enforcement, is critical. Protections include state law (e.g., SB 54 prohibits sharing certain information for federal immigration enforcement), alignment of BPD policy with state law, Flock's terms forbidding such sharing, and prompt notification procedures if federal access is requested.
- The technology provider, Flock Safety, states its video cameras do not use facial recognition technology. Berkeley city policy explicitly prohibits the use of facial recognition technology.

5. Mitigation (BMC 2.99.020(3)(e))

- A comprehensive Surveillance Use Policy specific to this technology is in place and enforced (Policy 1304), outlining authorized uses, data handling, retention, and oversight, consistent with BMC 2.99.020(4).
- Use will comply with California SB 54, prohibiting data sharing for federal immigration enforcement. Flock's Terms of Agreement also forbid sharing data with federal immigration agencies. The City will be notified if federal authorities request access, allowing for intervention and oversight.
- Data access will be restricted to authorized personnel via secure login credentials managed by the City. Audit trails will log all access. Role-based access controls are available to manage least privilege.
- Data will be encrypted during transmission (TLS 1.2+) and storage (AES-256) to mitigate cybersecurity risks and prevent unauthorized third-party access. Data is stored on AWS GovCloud meeting strict governmental security standards.
- Data will be retained for a limited period pursuant to the Department Use Policy, and automatically deleted thereafter using secure methods compliant with NIST 800-88 to reduce risks associated with unauthorized use.

- The technology will not be used for facial recognition or to unlawfully discriminate based on protected characteristics. The cameras will not be used for automated traffic enforcement.
- Signage will be posted in areas where cameras are deployed. This report and the subsequent Use Policy will be public documents.
- Using solar-powered cameras minimizes infrastructure impact and reliance on grid power at specific pole locations.

6. Data Types and Sources (BMC 2.99.020(3)(f))

- High-definition video recordings of public spaces. Associated metadata including date, time, and camera location. AI-derived alerts for human presence (without identification) or vehicle characteristics (if integrated with ALPR features).
- Video feeds directly from the Flock Safety Condor cameras affixed to City-owned poles or other suitable infrastructure in public rights-of-way. The system may integrate data/alerts from the City's existing Flock ALPR system.

7. Data Security (BMC 2.99.020(3)(g))

Flock Safety describes a multi-layered security architecture prioritizing encryption, data protection, and compliance. Key aspects include:

- Flock states its practices align with principles in the FTC Safeguards Rule and comply with frameworks like NIST CSF, NIST 800-53 Rev 5, and holds ISO 27001 certification.
- Flock employs dedicated security teams (Product Security, Corporate Security, Risk/Compliance) including a CISO and professionals with CISSP and CIPP certifications.
- Regular risk assessments (annual, utilizing NIST frameworks) are conducted, prioritized threats are tracked, and cyber threat intelligence is monitored. Quarterly security reviews and board transparency ensure oversight.
- Data is encrypted in transit (TLS 1.2+ or higher) and at rest (AES-256).
- Data is stored in Flock Safety's secure cloud environment (AWS, including AWS GovCloud for CJIS data accessible only by Law Enforcement), leveraging geographic redundancy and robust backup policies.
- Role-based access controls (RBAC) enforce least privilege for both customer administrators and Flock personnel. Access is centrally managed via an identity provider, reviewed quarterly.
- Multi-Factor Authentication (MFA) is required for privileged access and recommended for all users (supported methods include authenticator apps, SMS, customer SSO). SSO technologies (Azure AD, Okta, SAML) are supported.
- Regular security assessments (including OWASP checks, vulnerability scanning) are performed on in-house and third-party applications. Advanced tooling monitors platform, container, endpoint, and network security.
- Hardware/software inventories are actively managed. A formal SDLC process (Agile, GitHub for source code, Jira for tracking) governs changes, with mandatory reviews, testing, separation of environments, and infrastructure management via Terraform.
- Data is automatically deleted after the retention period pursuant to policy using secure methods (e.g., cryptographic wiping) aligned with NIST 800-88 guidelines.

- Continuous monitoring (including SIEM) detects unauthorized access attempts, security events, and logs privileged user access.
- Comprehensive security awareness training is mandatory for all personnel upon hire, annually, and for significant changes, covering policies, incident response, and role-specific duties.
- Flock undergoes regular third-party assessments including SOC 2 Type II (annually), ISO 27001 certification, and CJIS ACE compliance assessment. A formal third-party risk management program vets vendors integrated with Flock products.
- Flock maintains a documented incident response plan that is tested quarterly and reviewed annually, defining roles, responsibilities, and procedures for handling breaches.

8. Fiscal Impact (BMC 2.99.020(3)(h))

- Flock Safety cameras are priced as a subscription service at $5,000 per camera per year. For the 16 proposed cameras, the annual cost is $80,000. This includes installation, maintenance, data hosting, cellular connectivity, and software updates.
- The FY 2024 baseline Public Works budget allocated $600,000 for external cameras. $290,000 was disbursed to the previous vendor, Edgeworth; the City aims to reassign these funds to other projects. The remaining $310,000 is sufficient to cover over four years of operating costs for the 16 Flock cameras. Recovering the $290,000 could fund an additional four years.
- Ongoing costs include City staff time for system administration, oversight, auditing, and reporting, similar to the previous system. Specific costs are TBD but covered within existing departmental budgets.
- The City intends to seek grant funding to potentially offset purchase/subscription costs.

9. Third Party Dependence and Access (BMC 2.99.020(3)(i))

- The City will depend on Flock Safety for the camera hardware, the FlockOS software platform, cellular data transmission, cloud storage, system maintenance, and software updates. This is inherent in the subscription model.
- Flock Safety handles and stores the data on its cloud platform.
- The City owns the data. Flock Safety states it will not share or sell customer data. Access to the data by third parties (including Flock Safety personnel) is controlled by the City through permissions managed within the FlockOS platform. Any data sharing with other entities (e.g., other law enforcement agencies) would be governed by Berkeley PD’s Surveillance Use Policy and applicable laws.
- The City's contract with Flock Safety will require the company to provide prompt notification of any data request from a federal agency. Flock will not release data unless legally compelled to do so by federal law, and in such cases, will provide the City with advance notice to the greatest extent possible before complying.

10. Alternatives (BMC 2.99.020(3)(j))

- Continuing with the originally approved vendor, Edgeworth Integration, was considered but deemed infeasible due to insurmountable technical challenges related to power requirements at proposed locations and installation delays.

- Relying solely on traditional policing techniques (e.g., increased officer patrols) is an alternative but does not provide the persistent monitoring or video evidence capabilities offered by cameras.
- Deciding against deploying fixed video surveillance cameras altogether.

11. Experience of Other Entities (BMC 2.99.020(3)(k))

- Many cities, including neighboring jurisdictions like San Francisco, Oakland, and San Jose, utilize fixed surveillance cameras as a tool for public safety and crime deterrence, often with their own specific use policies.
- Flock Safety systems (including LPR and video) are used by numerous law enforcement agencies nationally. These agencies often cite benefits in investigations and situational awareness.

External Fixed Video Surveillance Cameras

351.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of City of Berkeley external fixed video surveillance cameras by the Berkeley Police Department (BPD).

This policy only applies to fixed, overt, marked external video surveillance systems utilized by the BPD. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department, as authorized by the City Council for use by other City Departments. BPD Personnel shall adhere to the requirements for External Fixed Video Surveillance Cameras covered in this policy as well as the corresponding Surveillance Use Policy -1304.

351.2 POLICY

The Berkeley Police Department utilizes a video surveillance system to enhance its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance safety and security in public areas. As specified by this policy, cameras may be placed in strategic locations throughout the City to record, deter, and solve crimes, to help the City safeguard against potential threats to the public, and to help manage emergency response situations during natural and human-made disasters, among other uses specified in Section 351.3.1.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

351.3 OPERATIONAL GUIDELINES

Only City Council-approved video surveillance equipment shall be utilized. BPD members authorized to review video surveillance may only record and review public areas and public activities where no reasonable expectation of privacy exists and pursuant to Section 351.3.1. The City Manager shall obtain Council approval of any proposed additional locations for the placement and use of video surveillance technology.

351.3.1 PLACEMENT REVIEW AND MONITORING

Camera placement will only occur in locations approved by the City Council and will be guided by this policy and the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City departments when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Camera placement includes existing cameras such as those located at San Pablo Park, the Berkeley Marina, and cameras placed in Council identified and approved intersections throughout the City, and potential future camera locations as approved by City Council.

Current City Council approved locations:

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- 6th Street at University Avenue
- San Pablo Avenue at University Avenue
- 7th Street at Dwight Way
- San Pablo Avenue at Dwight Way
- 7th Street at Ashby Avenue
- San Pablo Avenue at Ashby Avenue
- Sacramento Street at Ashby Avenue
- College Avenue at Ashby Avenue
- Claremont Avenue at Ashby Avenue
- 62nd Street at King Street

The cameras shall only record video images and not sound. Recorded images pursuant to Section 351.5 may be accessed, reviewed, and used for specific criminal or BPD administrative investigations and video surveillance may be accessed and reviewed by authorized BPD personnel for the following purposes:

(a) To support specific and active criminal investigations.

(b) To support serious traffic-related investigations.

(c) To support police misconduct investigations, and

(d) To respond to and review critical incidents or natural disasters.

Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.

351.3.2 FIXED CAMERA MARKINGS

All public areas monitored by video surveillance equipment shall be marked in a conspicuous manner with unobstructed signs to inform the public that the area is under police surveillance.

351.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department is prohibited from integrating or accessing system capabilities of the video surveillance system with other systems, such as gunshot detection, automated license plate recognition, facial recognition and other video-based analytical systems.

351.4 VIDEO SUPERVISION

Access to video surveillance camera data shall be limited to Berkeley Police Department (BPD) personnel utilizing the camera database for uses authorized above, with technical assistance from Public Works Department and Department of Information Technology personnel. Information may be shared in accordance with Sections 351.6 or 1304.9 below. BPD members seeking access to the camera system shall obtain the approval of the Investigations Division Captain, or their designee.

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Supervisors should monitor video surveillance access and usage to ensure BPD members are complying with this policy, other applicable department policy, and applicable laws. Supervisors should ensure such use and access is appropriately documented.

351.4.1 VIDEO LOG

No one without authorization will be allowed to login and view the recordings. Those who are authorized and login should automatically trigger the audit trail function to ensure compliance with the guidelines and policy.

351.4.2 PROHIBITED ACTIVITY

Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

Video surveillance systems and recordings are subject to the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

351.5 STORAGE AND RETENTION OF MEDIA

Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. Recordings of incidents involving use of force by a police officer or involving, detentions, arrests, or recordings relevant to a formal or informal complaint against a sworn police officer shall be retained for a minimum of two years and one month. Recordings relating to court cases and complaints against BPD sworn officers that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to a police misconduct investigation shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence retention policy, and any applicable orders from the court.

Any recordings needed as evidence in a criminal or police misconduct proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

351.5.1 EVIDENTIARY INTEGRITY

All media downloaded and retained pursuant to this Policy shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to

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preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

351.6 RELEASE OF VIDEO IMAGES

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law, also referenced in Policy 1304.8.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records pursuant to Policy 804, Records Maintenance and Release.

Requests for recorded video from other law enforcement agencies shall be referred to the Investigations Division Captain, or their designee for release in accordance with this policy and must be related to a specific active criminal investigation.

Requests for recorded video from the Office of Director of Police Accountability and Police Accountability Board shall be referred to the Investigations Division Captain, or their designee, for release in accordance with Charter Article XVIII, Section 25, Subdivision (20)(a).

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

351.7 VIDEO SURVEILLANCE AUDIT

The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. System audits will be conducted by the Office of Strategic Planning and Accountability on a regular basis, at least biennial.

BPD will enforce against prohibited uses of the cameras pursuant to Policy 1010, Personnel Complaints, or other applicable law or policy. The City Manager shall enforce against any prohibited use of cameras and/or access to data by other City of Berkeley personnel.

The audit shall be documented in the form an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be published on the City of Berkeley website in an appropriate location, and retained within the Office of Strategic Planning and Accountability.

351.8 TRAINING

All department members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy, as well as review of relevant City of Berkeley laws and regulations. Training should also address state and federal law related to the use of video surveillance equipment and privacy. All relevant recordings that are utilized

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will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804, Records and Maintenance.

351.9 MAINTENANCE

It shall be the responsibility of the Public Works Director to facilitate and coordinate any updates and required maintenance, with access limited to that detailed in the City Manager's promulgated policies.

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Surveillance Use Policy-External Fixed Video Surveillance Cameras

1304.1 PURPOSE

This policy provides guidance for the use of City of Berkeley external fixed video surveillance cameras by the Berkeley Police Department (BPD).

This policy only applies to fixed, overt, marked external video surveillance systems utilized by BPD. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department. Department personnel shall adhere to the requirements for External Fixed Video Surveillance Cameras covered in this policy as well as the corresponding Use Policy-351.

This Surveillance Use Policy is legally-enforceable pursuant to BMC 2.99.

1304.2 AUTHORIZED USE

Only BPD members who receive training on this policy, who are then granted access by an administrator may access the data from the video surveillance cameras. This data may only be accessed to further a legitimate law enforcement purpose, as listed in this Policy. Members must follow the necessary logging mechanisms, such as case number and case type when querying the database.

The cameras shall only record video images and not sound. Recorded images pursuant to Section 351.5 may be accessed, reviewed, and used for specific criminal or BPD administrative investigations and video surveillance may be accessed and reviewed by authorized BPD personnel for the following purposes:

(a) To support specific and active criminal investigations.

(b) To support serious traffic-related investigations.

(c) To support police misconduct investigations, and

(d) To respond to and review critical incidents or natural disasters.

Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.

The following are prohibited uses of the video surveillance system:

(a) Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.

(b) Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

(c) Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

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(d) Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

(e) Video surveillance systems and recordings are subject to the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

1304.3 DATA COLLECTION

The cameras will film and store video on City of Berkeley encrypted servers. License plate and facial recognition data hardware is not installed on the cameras and may not be installed or used unless approved by the City council. Audio is a standard feature of the camera, but is deactivated by the system administrator and may not be activated or used unless approved by the City Council. The cameras and storage devices shall be wholly owned and operated/maintained by the City of Berkeley.

1304.4 DATA ACCESS

Access to video surveillance cameras data shall be limited to BPD personnel utilizing the camera database for uses described above and pursuant to Use Policy 351, with technical assistance from Public Works Department and Department of Information Technology personnel. Information may be shared in accordance with 1304.9 below. BPD members seeking access to the video surveillance system shall obtain the approval of the Investigations Division Captain, or their designee.

Supervisors should monitor camera access and usage to ensure BPD members are complying with this policy, other applicable department policy, and applicable laws. Supervisors should ensure such use and access is appropriately documented.

1304.5 DATA PROTECTION

All data transferred from the cameras and the servers shall be encrypted. Access to the data must be obtained through the Public Works Department according to this policy and published regulations that limit access and use of data by Public Works and other City Departments and personnel. All system access including system log-in, access duration, and data access points is accessible and reportable and shall be documented by the Public Works Department's authorized administrator. All relevant recordings that are utilized will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804 Records and Maintenance.

1304.6 CIVIL LIBERTIES AND RIGHTS PROTECTION

The Berkeley Police Department is dedicated to the most efficient utilization of its resources and services in its public safety endeavors. The Berkeley Police Department recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. Provisions of this policy, including 1304.4 Data Access, 1304.5 Data Protection, 1304.7 Data Retention, 1304.8 Public Access and 1304.9 Third Party Data Sharing serve to protect against any unauthorized use of video

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surveillance camera data. License plate and facial recognition data hardware is not installed on the cameras. Audio is a standard feature of the camera, but is deactivated by the system administrator. These procedures ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.

1304.7 DATA RETENTION

Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. Recordings of incidents involving use of force by a police officer or involving detentions, arrests, or recordings relevant to a formal or informal complaint against a police officer shall be retained for a minimum of two years and one month. Recordings relating to court cases and complaints against BPD sworn officers that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to BPD administrative proceedings pursuant to this section shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence retention policy, and any applicable orders from the court. All data will automatically delete after the aforementioned retention period by the System Administrator from Public Works.

Any recordings needed as evidence in a criminal or police misconduct proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

1304.8 PUBLIC ACCESS

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records pursuant to Policy 804.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

1304.9 THIRD-PARTY DATA-SHARING

Requests for recorded video from other law enforcement agencies shall be referred to the Investigations Division Captain, or their designee for release in accordance with this policy, and must be related to a specific active criminal investigation.

Data collected from the video surveillance system may be shared with the following:

(a) The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;

(b) Other law enforcement personnel as part of an active criminal investigation;

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(c) Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process

Requests for recorded video from the Office of Director of Police Accountability and Police Accountability Board shall be referred to the Investigations Division Captain, or their designee, for release in accordance with Charter Article XVIII, Section 125, Subdivision (20)(a).

1304.10 TRAINING

All BPD members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy as well as review of relevant City of Berkeley laws and regulations.

Training should also address state and federal law related to the use of video surveillance equipment and privacy. All relevant recordings that are utilized will be collected pursuant to Policy 802 Property and Evidence, and retained pursuant to Policy 804 Records Maintenance.

1304.11 AUDITING AND OVERSIGHT

The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. Video surveillance system audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biennial.

BPD will enforce against prohibited uses of this policy pursuant to Policy 1010, Personnel Complaints or other applicable law or policy. The City Manager shall enforce against any prohibited use of the cameras and/or access to data by other City of Berkeley personnel.

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020 2. d., published on the City of Berkeley website in an appropriate location, and retained within the Professional Standards Bureau.

1304.12 MAINTENANCE

It shall be the responsibility of the Public Works Department to facilitate and coordinate any updates and required maintenance with access limited to that detailed in the City Manager's promulgated policies.

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Office of the City Manager

INFORMATION CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Carianna Arredondo, Assistant to the City Manager, City Manager's Office

Subject: Reimagining Public Safety Status Report

SUMMARY
The Reimagining Public Safety (RPS) initiative is currently in **Phase 3 (2024–2026): Continued Implementation and Expansion**. This phase focuses on sustaining key reforms, enhancing service coordination, and transitioning pilot programs into integrated, long-term systems. It builds on earlier efforts to establish an equitable, effective, and community-responsive public safety framework, emphasizing long-range planning, strategic resource allocation, and data-informed decision-making.

This summary provides a high-level overview of recent developments and does not capture the full scope of work underway across departments. A comprehensive update on current efforts, accomplishments, and next steps is included in the *Summer 2025 Reimagining Public Safety Status Update* and companion appendix. Together, these materials reflect the City's ongoing commitment to a responsive, inclusive, and well-coordinated approach to safety and well-being in Berkeley.

Since the last update in October 2024, the City has achieved several milestones:

- **Gun Violence Prevention**: The City continued to expand implementation of the Gun Violence Intervention and Prevention Program (GVIPP), a core strategy within the RPS framework. In partnership with Live Free USA and the National Institute for Criminal Justice Reform (NICJR), the City launched the Community Violence Intervention (CVI) Collaborative in December 2024. The Collaborative meets monthly to strengthen implementation, improve coordination, and inform strategy across partners. Staff also joined a regional CVI partnership in February 2025 to align strategies with neighboring jurisdictions. Since launch, GVIPP has served more than 500 individuals through life coaching, crisis response, school-based conflict mediation, and community outreach. Early indicators suggest a decline in gun violence incidents and increased engagement among community stakeholders.

- **Mental Health Crisis Response System Planning**: The City finalized the Crisis Needs Assessment, which analyzed dispatch data to identify gaps in the

response to behavioral health and homelessness-related calls. Based on these findings, and in alignment with CalAIM and Medi-Cal reform, the City began the process of sunsetting the Specialized Care Unit (SCU) pilot. Alameda County Behavioral Health is currently building out a Medi-Cal funded mobile crisis response program that will serve Berkeley residents moving forward. An SCU Retrospective Evaluation completed in June 2025 documents key lessons from the pilot and will inform future coordination and strategies.

- **Dispatch Enhancement Planning**: Following completion of the Dispatch Needs Assessment and Validation Study in prior phases The Police and Fire Departments are meeting regularly to coordinate next steps, and the City is working with consultants to develop a phased implementation roadmap that supports both near-term improvements and long-term needs in staffing, triage protocols, and workspace expansion. Phase 3 initiated a plan to strengthen recruitment and retention, implement new technology to assist with diverting non-emergency calls, develop a Continuity of Operations Plan (COOP), and created and implemented a new call taker position.

- **Reaffirming Vision Zero Commitments**: The City reaffirmed its goal of eliminating all fatal and serious injury traffic crashes by 2028 through continued investment in the Vision Zero Program. In early 2025, the Vision Zero Program Manager (Senior Planner) was hired, restoring internal capacity to lead this work. Since then, staff have prioritized grant-funded capital projects along high-injury corridors and resumed interdepartmental coordination with the Police Department, Fire Department, and City Manager's Office. The program is also advancing consultant-supported design for quick build improvements, and rapid response protocols. While staffing constraints have delayed some initiatives, these coordinated efforts reflect the City's ongoing commitment to safer, more equitable streets.

- **Gender-Based Violence Recommendations**: The Health, Housing, and Community Services Department (HHCS) presented a set of non-carceral, survivor-centered policy recommendations to the Commission on the Status of Women. These recommendations were developed through engagement with survivors, service providers, and shelter staff, and outline strategies to strengthen trauma-informed response, expand restorative justice pathways, and improve coordination between City departments and community-based organizations. To support public awareness, the City also developed a gender-based violence resource brochure in collaboration with community stakeholders. The brochure includes information on national, county, and Berkeley-specific resources. It will be available in the City's top five languages and disseminated through City departments, service providers, and other community access points once finalized.

- **Fines and Fees Reform**: The City completed a preliminary Fines and Fees Assessment in partnership with the Goldman School of Public Policy. Initiated in early 2025, the project identified opportunities to improve equity, communication, and administrative efficiency across the City's fines and fees system. Short-term, low-cost recommendations include eliminating mandatory bicycle registration, updating disability placard policies, and creating multilingual, plain-language communications. Longer-term reforms—such as expanded installment payment options and modernized administrative systems—will require phased implementation. These efforts align with RPS guiding principles and support the City's "Care First, Jails Last" policy goals.

- **Capacity-Building**: In Phase 3, the City has deepened its investment in capacity building to support the sustainability of key RPS reforms. This includes converting Community Service Officer (CSO) positions to permanent roles, continuing technical assistance for projects such as dispatch implementation, and strengthening grant development through external support. Staff are also aligning programs with County infrastructure and state and federal funding opportunities to reduce reliance on the General Fund. In parallel, the City has supported community-based violence prevention organizations with training and technical assistance to reinforce long-term impact.

Phase 3 reflects a collective effort to strengthen Berkeley's public safety infrastructure while remaining adaptive to community needs, fiscal constraints, and evolving state mandates. Work will continue over the next year to evaluate program performance, implement key recommendations, and advance sustainable models for alternative response, violence prevention, and equitable safety services.

CURRENT SITUATION AND ITS EFFECTS

The Reimagining Public Safety (RPS) initiative is a Strategic Plan Priority Project, advancing Berkeley's goal of creating a resilient, safe, connected, and prepared city. This initiative is being implemented in three distinct phases, focusing on equitable and community-centered public safety transformation:

Phase 1 (2020-2022): Community Process and Research

On July 14, 2020, the City Council adopted an omnibus package to reimagine public safety and policing in Berkeley. This phase focused on planning, analysis, and early program development. Activities included:

- **Community/Consultant Engagement**: Partnering with experts to develop an equitable, community-focused safety model.

- **Specialized Care Unit (SCU) Development**: Initiating a pilot program to reassign non-criminal police service calls to a Specialized Care Unit.

- **Community Crisis Response (CCR) Bridge Services**: Providing interim crisis support services while the SCU program was being developed.
- **Priority Dispatch**: Developing dispatch models to route specific calls to alternative responders, including the possibility of transitioning some functions to the Fire Department or other entities.
- **City Auditor Review**: Conducting an analysis of emergency call data and the police budget.
- **Fair and Impartial Policing**: Implementing policies to ensure fairness and equity in policing.
- **BerkDOT Development**: Planning for the creation of a Berkeley Department of Transportation (BerkDOT) to handle traffic enforcement with a focus on racial justice.
- **Violence Intervention Program**: Expanding violence prevention efforts through targeted programs.

Following the adoption of the omnibus package, a multi-departmental working group was formed to guide implementation, including representatives from the City Manager's Office, Police, Fire, HHCS, Public Works, and the City Attorney’s Office.

In January 2021, the Reimagining Public Safety Task Force was established to gather community input and provide strategic direction. The Task Force played a key role in shaping the transition to Phase 2 by integrating feedback from community members and experts.

Phase 2 (2022-2024): Continued Analysis and Implementation

Phase 2 emphasized the development and launch of several recommendations from Phase 1. This included:

- **Staffing Investments**: Funding positions in HHCS, Police, Public Works, and the City Manager’s Office to support the initiative’s priority recommendations.
- **Consultant Support**: Engaging consultants to evaluate dispatch needs, crisis response models, staffing, beat structures, and BerkDOT development.
- **Community Investments**: Directing resources toward violence prevention, mental health services, and support for individuals affected by gender-based violence.

This phase further advanced interdepartmental collaboration and coordination with community partners. Remaining tasks from Phase 2 were continued into Phase 3.

Phase 3 (2024-2026): Continued Implementation and Expansion

Phase 3 is centered on embedding reforms into City operations, ensuring long-term sustainability, and strategically pursuing external funding—particularly through state and federal grants—to support continued implementation. This phase builds on prior progress while remaining responsive to changing community needs, fiscal conditions, and evolving policy landscapes. Areas of emphasis include:

- **Staffing Investments:** Maintaining critical positions that support diversity, equity, and inclusion (DEI); Vision Zero initiatives; alternative crisis response models; and the long-term stability of Community Service Officer (CSO) unit and dispatch services.

- **Consultant and Technical Support:** Enhancing capacity for grant development, community engagement, and technical analysis related to transportation safety, crisis response systems, and overall program evaluation.

- **Community Investments:** Sustaining and expanding funding for violence prevention, behavioral and mental health services, and community-based initiatives aimed at addressing the root causes of harm.

Phase 3 continues the City's commitment to building a data-informed, equitable, and care-centered model of public safety. As part of this work, the City is assessing long-term funding strategies, including potential alignment with County systems where appropriate, to reduce reliance on the General Fund and support sustainable service delivery.

BACKGROUND

In 2020, national attention on longstanding inequities in public safety reached a tipping point. The deaths of George Floyd, Breonna Taylor, and others underscored the need to address systemic harm and rebuild trust between communities—particularly marginalized communities—and public institutions. In response, more than 7,000 Berkeley residents marched on June 6, 2020, calling for meaningful change in law enforcement practices.

The City of Berkeley formally launched the Reimagining Public Safety (RPS) initiative in July 2020 to explore and implement structural reforms. Since then, the City has undertaken a series of actions aimed at creating a more equitable, community-centered public safety system. The following timeline summarizes key milestones, ***with an emphasis on developments since the last status update in October 2024***:

On July 14, 2020, the City Council passed Resolution No. 69,501-N.S., initiating a community-driven process to reimagine public safety.

On December 15, 2020, the City Council authorized the City Manager to contract with the National Institute of Criminal Justice Reform (NICJR) to conduct research, analysis, and develop reports and recommendations for community safety and police reform. This included leading an inclusive and transparent community engagement process to achieve a transformative model of positive, equitable, and community-centered safety for Berkeley.

On January 19, 2021, the City Council adopted revisions to the enabling legislation for the Reimagining Public Safety Task Force. The Task Force's work focused on providing input and making recommendations to NICJR and City staff on a set of proposed programs, structures, and initiatives for a final report and implementation plan to guide future budget decisions.

On March 3, 2022, the City Auditor issued a report titled "Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities," recommending a study of Berkeley Police Department (BPD) staffing.

On March 10, 2022, the culmination of research analysis, and community dialogue was manifested in the comprehensive reports from NICJR, the Reimagining Public Safety Task Force, and Resource Development Associates work on the Specialized Care Unit (SCU) design.

On April 21, 2022, the City Manager and Staff presented a report to the City Council detailing the achievements of Phase 1 of the Reimagining Public Safety initiative. This included proposals for transforming Berkeley’s police force, enhancing priority dispatch, developing BerkDOT, and establishing an SCU, alongside budget recommendations for these initiatives.

On May 5, 2022, a special council meeting led to the formal adoption of the Mayor's framework for continuing the Reimagining Public Safety initiative. This framework was the culmination of years of diligent work from community members, officials and staff. The key decisions made were as follows:

1. Refer up to $5.3 Million to the FY 2023-2024 Budget Process for staff and/or consulting services and community investments to complete the Priority Reimagining Public Safety Initiatives.

2. Direct the City Manager to prioritize over the next two years the programmatic recommendations for Phase 1 of Reimagining Implementation.

3. Direct the City Manager to initiate a design process for an innovative and comprehensive public safety agency or Department of Community Safety within the City of Berkeley administration and return with recommendations to the City Council by May 2024 to align with the FY 25-26 Biennial Budget process.

4. Except where resources may allow for expedited implementation, refer additional reforms to the FY 2025-2026 Biennial Budget.

On January 23, 2024, the City Manager and staff provided a detailed status update, outlining progress, leadership coordination, and challenges. Council also reviewed and adopted the Gun Violence Intervention and Prevention Program framework.

On May 14, 2024, a second update was delivered by the City Manager and staff, outlining progress on the Reimagining Public Safety initiative. This update also included budget recommendations for the FY 2025-2026 biennial budget process, which were under consideration as part of Phase 3.

On June 25, 2024, the City Council adopted the FY 2025-2026 budget, which included Tier 1, 2, and 3 Reimagining Public Safety items.

On October 29, 2024, the City Manager and staff delivered a third progress update, featuring presentations on the City's Dispatch Needs Assessment and Berkeley Police Department Staffing and Organizational Workload study.

On December 6, 2024, the City, in partnership with Live Free USA and NICJR, held the first of two community forums to solicit feedback on the Gun Violence Intervention and Prevention Program (GVIPP). These forums evolved into a recurring monthly Community Violence Intervention (CVI) Collaborative, fostering cross-sector coordination and ongoing community engagement.

On January 28, 2025, a Goldman School of Public Policy candidate was hired as a policy consultant to conduct an in-depth assessment of the City's fines and fees structure. This work, guided by the Fines & Fees Steering Committee, aimed to advance fiscal equity and was completed by May 30, 2025.the City of Berkeley hired a Goldman Student of Public Policy to conduct the fines and fees assessment to be completed by May 30, 2025.

On February 13, 2025, representatives from the City Manager's Office and Berkeley Police Department participated in an inaugural regional partnership meeting on gun violence, bringing together neighboring jurisdictions to enhance coordination, share best practices, and explore opportunities for regional alignment in gun violence prevention strategies.

On March 19, 2025, a representative from HHCS presented gender-based violence policy recommendations to the Commission on the Status of Women. The recommendations propose non-carceral, survivor-centered strategies including trauma-informed crisis response, restorative justice, and improved service coordination.

On March 30, 2025, the Crisis Needs Assessment—based on Computer-Aided Dispatch (CAD) data analysis—was complete. This report provided insight into call

volume, dispatch classifications, and system improvement opportunities related to behavioral health and homelessness crisis response, further information SCU operations.

On April 22, 2025, the City Manager issued an Off-Agenda Memo announcing the planned transition of the Specialized Care Unit (SCU) to Alameda County Behavioral Health. This transition, to be completed by late summer 2025, responds to new state mandates under CalAIM and Medi-Cal mobile crisis reforms. The memo outlines financial sustainability challenges, service delivery gaps, and next steps to support a coordinated and uninterrupted transition of mobile crisis response services to the County.

On May 30, 2025, the City completed a preliminary Fines and Fees Assessment in partnership with the Goldman School of Public Policy. The report identified key challenges related to equity, communication, and administrative efficiency, and provided recommendations to support more transparent, accessible, and sustainable practices aligned with *Reimagining Public Safety* and *Care First, Jails Last* goals.

On June 30, 2025, the Specialized Care Unit (SCU) Retrospective Evaluation was completed, offering lessons learned from the pilot implementation and informing the City's ongoing planning efforts in partnership with Alameda County for long-term service and funding transitions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

POSSIBLE FUTURE ACTION

Council may consider advancing new or expanded projects aligned with the Reimagining Public Safety initiative in the coming months and years. This could include identifying long-term sustainability solutions, deferring certain efforts based on capacity and funding, or exploring opportunities to transition specific programs to County responsibility where appropriate.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Future Council actions may result in varying fiscal impacts depending on the scope, scale, and funding sources of proposed initiatives. Some projects may require new or reallocated General Fund resources, while others may be supported through time-limited grants or external partnerships. Transitioning select programs to County oversight could reduce long-term costs to the City. Staff will continue to assess fiscal implications and identify options to align funding strategies with Council priorities.

CONTACT PERSON

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Attachments:
1: Reimagining Public Safety Status Update Summer 2025 Report
2: Reimagining Public Safety Status Update Summer 2025 Companion Appendix

REIMAGINING PUBLIC SAFETY



Status Update and Report Out

City Manager's Office

Summer 2025

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APPENDIX 48



EXECUTIVE SUMMARY

This section provides an overview of Berkeley's work towards Reimagining Public Safety, highlighting key milestones and the City's commitment to creating an equitable and effective model for all residents.

Introduction

Reimagining Public Safety (RPS) in the City of Berkeley is a multi-phase initiative aimed at advancing a more equitable, inclusive, and community-responsive approach to safety. The initiative seeks to shift from an enforcement-centered model toward one that prioritizes prevention, wellness, and coordinated service delivery. Through cross-departmental collaboration, community engagement, and data-informed planning, RPS works to align City systems with the needs of all residents, particularly those historically underserved by conventional public safety structures.

The initiative is structured around a phased implementation process:

- ***Phase 1 (2020-2022) Community Process and Research***

  In July 2020, the City Council adopted resolutions to initiate a comprehensive public safety transformation process. Phase 1 focused on research and extensive community engagement, supported by the National Institute for Criminal Justice Reform (NICJR) and the Reimagining Public Safety Task Force. This foundational phase involved broad-based dialogue and cross-sector partnerships, culminating in a set of recommendations to guide structural reform. The reports developed during this phase emphasized the principles of "Reimagine, Improve, and Reinvest" and provided a roadmap for shifting Berkeley's public safety system toward a more community-centered model.s.

- ***Phase 2 (2022-2024) Continued Analysis and Implementation***

  Phase 2 focused on translating the recommendations from Phase 1 into operational strategies. This included targeted staffing investments, consultant-led assessments, and new community-based programs addressing violence prevention, mental health, and gender-based harm. Departments worked collaboratively to implement Council direction and ensure alignment across City systems. This phase reinforced the City's commitment to data-driven decision-making, cross-departmental coordination, and inclusive service delivery.

- ***Phase 3 (2024-2026) Continued Implementation and Expansion***

  Now underway, Phase 3 is focused on embedding reforms into City operations, expanding care-based models, and establishing long-term sustainability. This includes continued investments in staffing, technical support, and community initiatives, as well as alignment with County systems where appropriate. Phase 3 also incorporates adjustments in response to fiscal conditions, while maintaining the City's core commitment to a responsive, equitable, and well-coordinated public safety framework that reflects the diversity and needs of the Berkeley community.

Timeline

Timeline of Events		
Date	**Milestone Description**	**References**
June 16, 2020	"Urgency Item: Safety for All" introduced, initiating Berkeley's public safety reform process.	• Annotated Agenda
July 14, 2020	City Council approved the Omnibus motion, launching the Reimagining Public Safety initiative.	• See Action Calendar: Items 18a-18e • Annotated Agenda
December 15, 2020	City Council authorized a contract with the National Institute for Criminal Justice Reform (NICJR).	• See Consent Calendar: Item 7 • Annotated Agenda
January 19, 2021	RPS Task Force established to guide recommendations through community and stakeholder engagement.	• See Consent Calendar: Item 18 • Annotated Agenda
March 10, 2022	NICJR, the Task Force, and consultants presented final reports and recommendations.	• See Action Calendar: Item 1-2 • Annotated Agenda
April 21, 2022	City Manager presented a roadmap synthesizing Phase 1 efforts.	• See Action Calendar: Item 1 • Annotated Agenda
May 5, 2022	Council adopted the Mayor's phased implementation plan and referred $5.3 million for FY 2023–24.	• See Action Calendar: Item 1a-1c • Annotated Agenda
June 28, 2022	Fiscal Year 2023–24 Biennial Budget adopted, incorporating RPS priorities.	• See Action Calendar: Item 44 • Annotated Agenda
January 23, 2024	Staff presented the Fall 2023 RPS Status Report; Council adopted the GVIPP framework.	• See Action Calendar: Item 1 • Annotated Agenda
May 14, 2024	Staff presented the Spring 2024 RPS Status Report and FY 2025–26 budget recommendations.	• See Action Calendar: Item 27 • Annotated Agenda
June 25, 2024	Fiscal Year 2025–26 Biennial Budget adopted, including multi-tiered RPS funding allocations.	• See Action Calendar: Item 53 • Annotated Agenda
October 29, 2024	Staff presented the Fall 2024 RPS Status Report, highlighting the Police Department Workload Study and Dispatch Needs Assessment.	• See Action Calendar: Item 1 • Annotated Agenda

Phased Deliverables & Status Updates

City Manager's Office-led Deliverables		
Deliverable	**Recommendation**	**Status Update**
Assistant to the City Manager RPS Coordinator	Establish a dedicated senior-level position (NTE 3 years) to manage cross-departmental implementation and ensure continuity across Reimagining efforts.	**Complete – Ongoing Work.**[1] Initiated in Phase 2. The Assistant to the City Manager position was filled in August 2023 and continues to support implementation, coordination, and reporting for the RPS initiative.
Office of Diversity, Equity, and Inclusion (ODEI)	Advance DEI infrastructure and integrate equity considerations across RPS priorities.	**Complete – Ongoing Work.** Initiated in Phase 2. The DEI Officer was onboarded in November 2023 and is supporting broader City equity goals (e.g., environmental justice, BINDEX, LGBTQIA+) and alignment with RPS principles.
Grant Assistance	Increase capacity to secure external funding in support of RPS-related programs.	**Complete – Ongoing Work.** Initiated in Phase 2. The City continues to partner with California Consulting to pursue grants supporting violence prevention, crisis response, and system improvements. City staff are also coordinating multiple competitive state and federal applications.
Language Equity	Translate victim resources and other public safety materials into multiple languages.	**Complete – Ongoing Work.** Initiated in Phase 2. Efforts related to Language Equity are ongoing, with research and evaluation to identify community language needs currently underway. The team is working to complete the translation of key resources, including the survivor resources, by the end of Summer.
Gun Violence Intervention and Prevention	Fully implement the Ceasefire violence intervention program.	**Complete – Ongoing Work.** Initiated in Phase 2. Berkeley launched the GVIPP soft rollout in Fall 2024. The program includes outreach, reentry support, custom notifications, and monthly CVI Collaborative meetings. Regional coordination is underway. Vendor performance and data-sharing protocols continue to evolve.
Fine and Fees Analysis	Review Municipal Code for proposed changes to increase equity and racial justice in City's transportation fines and fees, and explore the civilianization of the municipal code.	**Complete – Ongoing Work.** Initiated in Phase 2. The City partnered with the Goldman School of Public Policy to complete a preliminary analysis in Spring 2025. Recommendations include centralizing fines administration, modernizing communications, and advancing payment alternatives. Implementation planning is underway, guided by the RPS and Care First, Jails Last frameworks.
Alternative Response Implementation Plan	Expand use of non-police responders for lower-risk calls.	**In Progress.** Initiated in Phase 2. Work is underway to align CSO roles, explore new response options beyond SCU, and refine dispatch protocols. This effort is closely tied to CAD reforms and analysis of call types and responder fit.
Department of Community Safety	Support an organizational design process to create an umbrella Department of Community Safety.	**Paused – Funding Deferred.** Deferred to Phase 4. Efforts related to Department of Community Safety design are on hold.
Recommendations on Public	To support phased roll out of recommendations addressing	**Paused – Funding Deferred.** Initiated in Phase 2. Staff completed a

Safety/Crime Prevention for Women and Older Persons	public safety/crime prevention for women and older persons.	preliminary cost analysis and presented early findings to the Commission on the Status of Women. Staff continue to assess alignment opportunities and analyze local data to inform future rollout.

Phased Deliverables & Status Updates

City Attorney-led Deliverable		
Deliverable	**Recommendation**	**Status Update**
Litigation Analysis	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.	**Complete** – Ongoing Work. Initiated in **Phase 1.** The City Attorney's Offices continues to partner with departments on all Reimagining Public Safety-related efforts.

City Auditor-led Deliverable		
Deliverable	**Recommendation**	**Status Update**
City Auditor Analysis	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.	**Complete**. Initiated in Phase 1. The City Auditor Completed their report, Data Analysis of the City of Berkeley's Police Response, July 2, 2021.

Police-led Deliverables		
Deliverable	**Recommendation**	**Status Update**
Fair and Impartial Policing Implementation	Recommendation to implement and prioritize FIP and continue to support employee training and professional development.	**Complete** – Ongoing Work. Initiated in Phase 1. The Police Department has implemented all 14 Reimagining Public Safety Task Force recommendations related to FIP. Ongoing efforts include integrating FIP principles into professional development and annual training requirements.
Auditor Recommendations	Complete Auditor Recommendations on overtime and calls for service.	**Complete** – Ongoing Work. Initiated in Phase 1. BPD began implementation following the Auditor's report. Progress updates have been shared through memos and reports, with final outcomes addressed in the Citygate Workload Study.
Staffing Assessment	Analysis of BPD Staffing and Beat Structure.	**Complete** – Ongoing Work. Initiated in Phase 2. The City contracted with Citygate Associates to conduct the analysis; the final report was published in September 2024. Findings are being used to inform ongoing staffing strategy and resource alignment.
Wellness Funding	Continue to support employee health and wellness.	**Complete** – Ongoing Work. Initiated in Phase 2. The Department continues to promote officer wellness through existing partnerships and internal

		initiatives. Additional efforts are being explored to expand access and normalize mental health care.
Staffing (CSO & Dispatcher)	Launch a pilot Community Services Officer unit.	**In Progress.** Initiated in Phase 2. The CSO program has transitioned from a limited-term pilot to a full-time staffing model. Recruitment and assessment of new applicants are currently underway, with operational data to inform longer-term program placement and sustainability.

Phased Deliverables & Status Updates

Fire-led Deliverable		
Deliverable	**Recommendation**	**Status Update**
Dispatch Needs Assessment (DNA)	Continue development and implementation of prioritized dispatch, request staff return with a recommended plan.	**Complete** – Ongoing Work. Initiated in Phase 1. The Berkeley Fire Department completed the Dispatch Needs Assessment and a validation study. An implementation plan is currently in progress, focusing on triage protocol development, software upgrades, and Emergency Communications Center capacity planning.

Health, Housing, and Community Services-led Deliverables		
Deliverable	**Recommendation**	**Status Update**
Specialized Care Unit (SCU)	Adopt the report, "City of Berkeley Specialized Care Unit Crisis Response Recommendations by Resource Development Associates" and implement the pilot SCU.	**Complete** – Ongoing Work. Initiated in Phase 1. The SCU was launched in partnership with Bonita House, RDA, and community stakeholders in Fall 2023 and has responded to over 2,400 calls. Informed by a retrospective evaluation and aligned with CalAIM, the City is sunsetting the pilot and transitioning crisis response services to Alameda County's Medi-Cal-funded Mobile Crisis Response System.
Crisis Needs Assessment	Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments.	**Complete** – Ongoing Work. Initiated in Phase 2. The Crisis Needs Assessment, led by RDA, analyzed 911 CAD data, dispatcher narratives, and field observations to assess crisis-related call handling and response alignment. The final CAD Assessment was delivered in Spring 2025 and will inform improvements to triage protocols, coordination, and stabilization services. HHCS is reviewing findings in conjunction with the SCU evaluation to guide future policy and operational changes.
Respite from Gender Violence	Implement recommendations related to Gender Violence, LGBTQIA+ needs, and peer-led services; work with county and CBO partners to map systems and identify service gaps.	**Complete** – Ongoing Work. Initiated in Phase 2. HHCS hired a temporary Community Services Specialist II to lead implementation. Staff have conducted stakeholder engagement and are developed an action framework based on identified gaps in gender-based violence support systems.
Violence Prevention and Youth Services	Support violence prevention and youth service programs, including McGee Ave. Baptist Church, Berkeley Youth Alternatives, and Berkeley Junior Jackets.	**Complete** – Ongoing Work. Initiated in Phase 2. Contracts were renewed for FY 2025–26, and staff continue to provide technical assistance, monitoring, and impact evaluation as part of biannual RPS reporting.
Youth Mental Health	Support a youth-led mental health response model through partnership with Berkeley Unified School District (BUSD).	**Complete** – Ongoing Work. Initiated in Phase 2. Contract with BUSD was executed, and the Berkeley High School Wellness Center officially launched in Winter 2024. Ongoing monitoring and student engagement activities are in place to ensure responsive support.

Internal

Phased Deliverables & Status Updates

Public Works-led Deliverables		
Deliverable	**Recommendation**	**Status Update**
Berkeley Department of Transportation (BerkDOT)	Pursue creation of a Berkeley Department of Transportation (BerkDOT) to integrate a racial justice lens into traffic enforcement, policy, and infrastructure development. Identify strategies to reduce pretextual stops based on minor traffic violations.	**Paused – Funding Deferred.** Initiated in Phase 1. Due to state legislative setbacks (e.g., SB 50's failure in 2023) and local budget constraints, BerkDOT development has been deprioritized and is on hold. Transportation equity goals continue through Vision Zero and staffing investments.
Vision Zero Coordinator (Collision Analysis)	Approve a Vision Zero staff position (NTE 3 years) in Public Works to enhance collision data analysis capacity.	**In Progress – Ongoing Work.** Initiated in Phase 2. The Vision Zero Program Coordinator (Associate Planner) position became vacant in November 2024 and remains unfilled due to citywide resource constraints. The Vision Zero Program Manager (Senior Planner) was hired in January 2025, restoring program leadership. Despite staffing gaps, consultant support and interdepartmental collaboration have sustained progress. Construction on several high-injury corridor projects is scheduled for 2025–2026. Continued staffing and funding are essential to achieving Berkeley's Vision Zero goal by 2028.
Expand Downtown Streets Teams (DST)	Expand DST as placement for *low-level violations* (e.g. vehicular camping/parking and sidewalk ordinance infractions).	**Paused – Funding Deferred.** Initiated in Phase 2. In FY 2024, the City allocated $50,000 in one-time funds to expand the DST Clean Cities Program, supporting litter removal, graffiti abatement, and neighborhood maintenance. A new contract was executed in June 2023. While the original referral included exploring DST as a diversion for low-level violations, the City's Fines and Fees Assessment determined that a community service model was not viable due to cost, equity, and infrastructure barriers. The $50,000 in allocated funds were not carried forward during the Annual Appropriations Ordinance (AAO) process, and are therefore currently unavailable.
Alternatives to Sanctions/Fines Hearing Officer	Expand hearing officer resources in the City Manager's Office to provide alternative referrals to community service and social services for *parking and other infractions.*	**Paused – Funding Deferred.** Deferred to Phase 4. Hearing officer resources have been expanded, but the implementation of alternatives to sanctions and fines is pending the results of the Fines & Fees analysis.

Considerations

As the City continues to advance its Reimagining Public Safety (RPS) initiative, several intersecting challenges and operational realities shape ongoing implementation. Addressing these considerations will be critical to sustaining progress, maintaining alignment with community needs, and supporting long-term system transformation.

Fiscal Conditions and Resource Allocation

The current budget landscape has required a phased approach to implementation, with some initiatives deferred based on funding availability. Departments are prioritizing core services and high-impact deliverables while seeking external funding to support future expansion. Continued alignment between fiscal strategy and program planning will be essential to ensure long-term viability.

Infrastructure and Implementation Capacity

Achieving the goals of RPS depends not only on funding but also on the systems and staffing required to support effective delivery. Gaps in administrative infrastructure, technology systems, and data coordination have presented challenges in several areas. Addressing these needs through phased planning and capacity-building will remain a focus moving forward.

Staffing and Workforce Retention

Citywide staffing constraints continue to impact the pace and scale of implementation. While the City has taken steps to stabilize key functions and fill essential roles, the hiring freeze that City's structural deficit and hiring freeze has limits the City's ability to hire additional staff for this initiative. Exceptions to the freeze are being considered for critical positions, but the broader constraints reinforce the need for retention strategies, succession planning, and operational resilience.

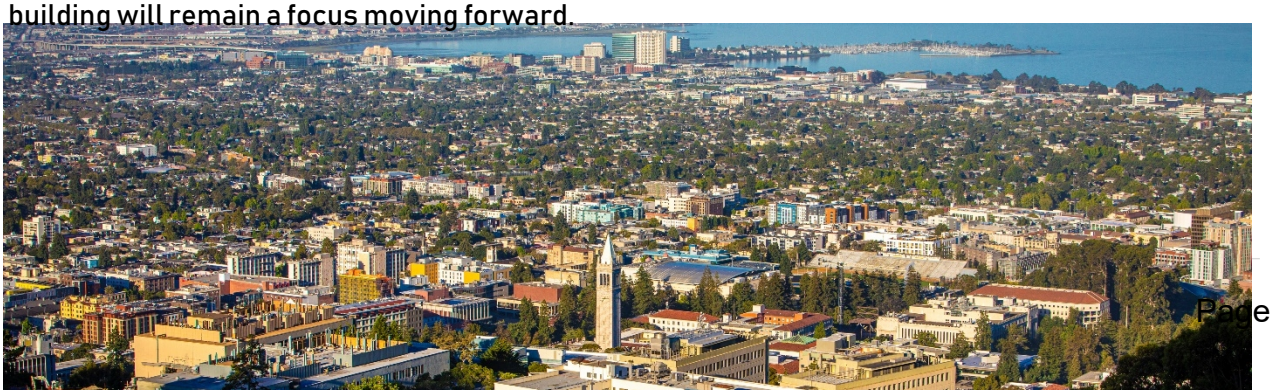
Interdepartmental Coordination

The scope and interdependence of RPS work require sustained collaboration across City departments, community-based partners, and County agencies. As the City works to embed reforms into standard practice, maintaining clear communication, shared ownership, and coordinated timelines will be necessary to ensure alignment, minimize duplication, and achieve equitable outcomes.

Sustainability and Strategic Planning

Many Phase 2 efforts were supported through pilot funding or short-term grants. As programs mature, the City is evaluating long-term delivery strategies and exploring transitions to County or regional systems where appropriate—such as in the area of mobile crisis response. These decisions are being guided by service impact, fiscal sustainability, and alignment with system-level planning efforts.

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Internal

Next Steps

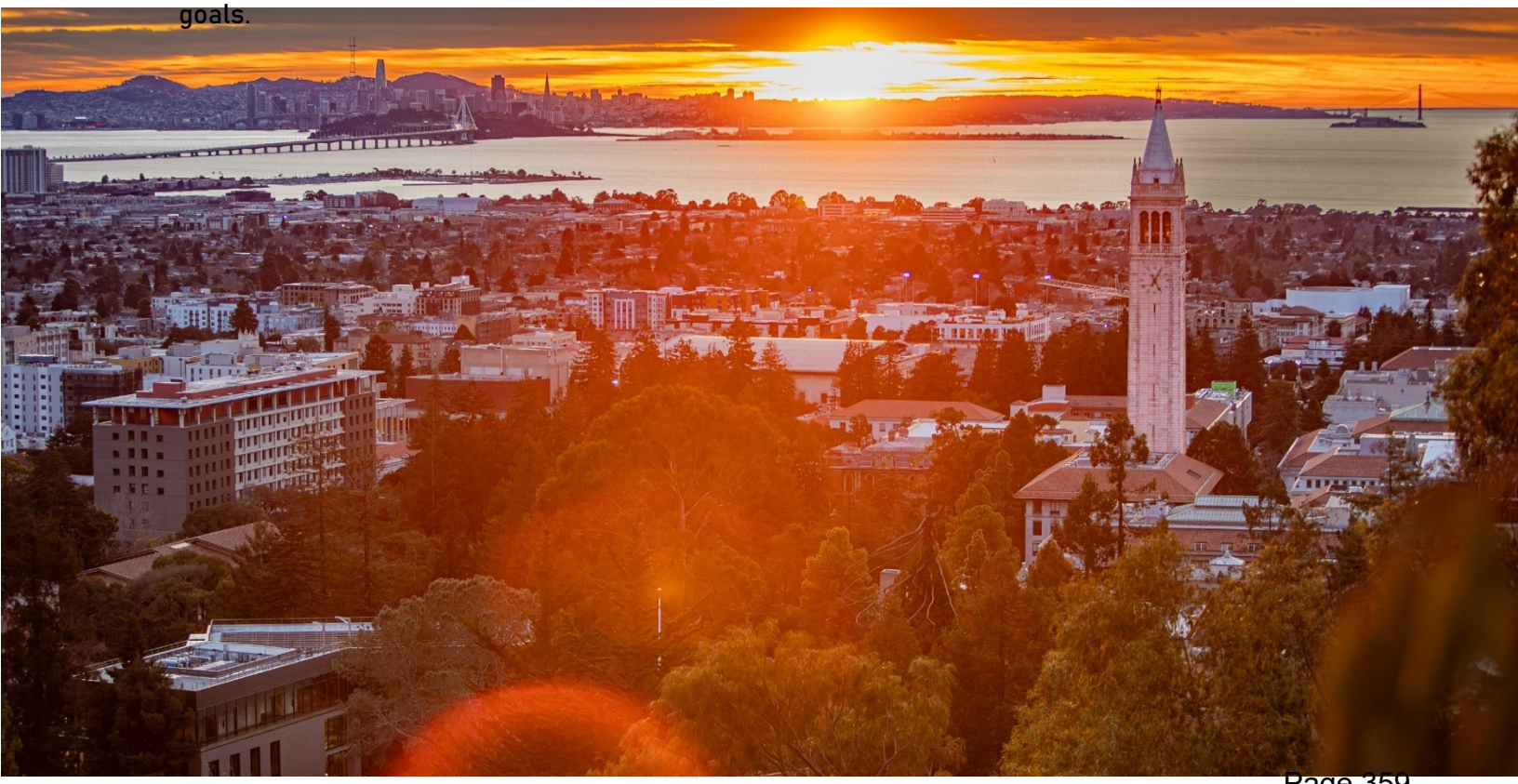
As the Reimagining Public Safety initiative progresses through Phase 3, the City remains focused on sustaining momentum, institutionalizing successful reforms, and strategically planning for future phases of work. Building on community engagement, consultant analyses, and recent program evaluations, staff are identifying areas for targeted improvement and long-term investment.

In the near term, the City will continue to support core RPS efforts while refining implementation strategies based on operational needs, fiscal realities, and service delivery goals. Staff are also developing a roadmap for deferred or longer-term items to ensure that sequencing is achievable and aligned with available resources.

Internal coordination and system improvements remain key priorities. While the City works to address its structural deficit, a citywide hiring freeze has been put in place with the understanding that strategic exceptions are being considered where positions are essential to the sustainability of mandated programs and core services.

In parallel, staff are exploring external funding opportunities—including grants and regional partnerships—to reduce reliance on the General Fund and support financial sustainability. This includes evaluating when it may be appropriate to transition City-operated pilots into County-operated programs.

Looking ahead, Phase 4 planning will be grounded in lessons learned, performance data, and Council and community feedback. This next phase will further Berkeley's commitment to a more equitable, coordinated, and sustainable public safety system, aligned with long-term strategic goals.



Overview

Building on the summaries provided in earlier sections, this part of the report offers a more comprehensive view of the City's efforts. It details the unique challenges and considerations for each deliverable, outlining future steps and associated timelines. Additional details can be found in the report's Companion Appendix.

As noted in the Executive Summary, the City continues to navigate challenges, including staffing shortages, the redirection of resources, legislative hurdles, and legal complexities, which have caused delays in some initiatives. The City is dedicated to ensuring transparency and maintaining clear communication regarding all aspects of this initiative, covering both accomplishments and challenges encountered.

It is essential to recognize that, although there are more milestones to achieve, real change is an ongoing process. The City of Berkeley is deeply committed to this important work and the significant journey ahead. Rooted in community engagement, this effort is not just a duty but a privilege and remains at the heart of Berkeley's shared vision for a safer, more inclusive City.



Priority Reimagining Public Safety Initiatives

This section offers a concise overview of Berkeley's work towards Reimagining Public Safety, highlighting key milestones and the city's commitment to creating an equitable and effective model for all residents.

STAFFING INVESTMENTS

REIMAGINING PUBLIC SAFETY PROJECT COORDINATOR

Department Lead: City Manager's Office

Status Update: ***Initial Hiring Complete, Activities In-Progress***

Overview:

In Phase 2 of the Reimagining Public Safety (RPS) initiative, the City of Berkeley created the Assistant to the City Manager (AtoCM) position to serve as the RPS Project Coordinator. This role has been central in fostering cross-departmental collaboration—engaging Police, Fire, Health, Housing and Community Services, Public Works, and the City Attorney's Office—to develop a strategic Coordination Plan that improves resource allocation, interdepartmental communication, and overall project direction. Beyond coordination, the AtoCM is responsible for tracking and reporting on initiative progress and driving key deliverables from the City Manager's Office, including efforts related to Gun Violence Intervention and Prevention, Grant Assistance, Fines & Fees Analysis, Language Equity, and foundational work for a potential Department of Community Safety. As the City progresses through Phase 3, the AtoCM is amplifying efforts to leverage grant opportunities to ensure the sustainability of the initiative in a fiscally responsible and balanced way. Additional priorities include securing Council approval for Tier 1 funding, requesting carryforward of unused funds during the Annual Appropriations Ordinance process, and completing the revamp of the public-facing RPS webpage.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	August 2023	Assistant to the City Manager hired.
	December 2023	Reimagining Public Safety Fall 2023 Status Report published.
	January 2024	Reimagining Public Safety Fall 2023 Presentation to City Council.
	May 2024	Reimagining Public Safety Spring 2024 Report Published & Presentation to City Council.
Phase 3 (2024-2026)	October2024	Reimagining Public Safety Fall 2024 Report Published & Presentation to City Council.

Next Steps & Timeline:

- **Ongoing:** The Assistant to the City Manager will continue to lead cross-departmental coordination while finalizing the public-facing RPS webpage to enhance transparency and community engagement. Focus will also center on securing long-term funding and

leveraging grant opportunities to sustain and expand key public safety initiatives beyond FY 2025–2026.

OFFICE OF DIVERSITY, EQUITY, AND INCLUSION (ODEI)

Department Lead: City Manager's Office

Status Update: ***Initial Hiring Complete, Activities In-Progress***

Overview:

As part of Phase 2 of the Reimagining Public Safety initiative, the City of Berkeley established a Diversity, Equity, and Inclusion (DEI) Officer position within the City Manager's Office to help embed anti-racism, equity, and inclusion into City operations. The DEI Officer leads efforts to align City policies, practices, and programs with the values of equity, justice, and community accountability. Since onboarding in late 2023, the DEI Officer has focused on internal assessment and external engagement, collaborating with departments, boards, commissions, and community organizations to strengthen inclusive governance. This includes aligning equity efforts with municipal legislation, Citywide survey data, and the recommendations from the Reimagining Public Safety Task Force. The DEI Officer's scope includes strategic planning, cross-departmental coordination, and LGBTQ+ community liaison work. Current efforts include collaboration with the Police Department on its LGBTQ+ liaison initiatives, support for inclusive community training, and participation in environmental justice. Due to the City's ongoing deficit, previously proposed DEI staffing roles were not funded, the office continues to explore alternative funding and partnership opportunities with the San Francisco Foundation and Partnership for the Bays Future.

DEI and the City Manager's Office Special Projects division are experiencing vacancy and in light of the challenging financial landscape that the City faces, we are exploring integration of operations in areas of overlap to address support in both offices. ODEI will begin the UBI/Reentry study investment process, with a report on initial findings by Winter 2025. ODEI plans to coordinate with external partners and grant writers to identify matching funds and evaluation support by Spring 2026. The City of Berkeley will employ race neutral measures like outreach to eliminate any unnecessary barriers in public works procurements and contracts identified in the Mason Tillman report recommended by the BINDEX steps to increase business inclusion opportunities for small minority- and women-owned businesses and to improve the diversity culture framework within the organization.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	**November 2023**	DEI Officer Hired.
	Fall 2023 – ongoing	Strategic planning, engagement with internal and external stakeholders.
Phase 3 (2024-2026)	**Fall 2024–**	• Strengthen support for formerly incarcerated adults by identifying gaps in existing reentry programs. • Launch a Guaranteed Income (GI) Pilot to test the impact of direct cash assistance on financial stability and recidivism with a clear evaluation processes and metrics.

		• Align E4BB with the work plan established by the DEI Officer. • Assess BINDEX Metrics and adjust for impact in utilization based on identified firms.
	Ongoing	• Continued partnerships, LGBTQ+ inclusion, environmental justice, and trainings centering Belonging.

Considerations:

- **Institutional Readiness and Sustainability:** Continued implementation of DEI priorities requires strong cross-departmental coordination, sufficient staff capacity, and compliance with changing federal mandates. Establishing shared protocols for data collection and maintaining continuity in equity-related work will be essential. Sustaining progress depends on clear governance, adequate resources, and consistent stakeholder engagement.

Next Steps & Timelines:

- **Ongoing:** The DEI Officer will continue developing a citywide DEI strategic workplan, engage in interdepartmental and community partnerships, and support inclusive policy implementation. Updates LGBTQ+ programs, and community outreach will be shared in future Reimagining Public Safety reports.



GRANT ASSISTANCE

Department Lead: City Manager's Office

Status Update: ***Contract Initiated, Activities In-Progress***

Overview:

In Phase 2 of the Reimagining Public Safety initiative, the City allocated funding to enhance grant-seeking capacity and partnered with California Consulting, LLC to pursue state and federal funding aligned with public safety, equity, and resilience goals. In response to the current fiscal landscape, the City has expanded the scope of its critical focus areas—including crisis response, police wellness, climate equity, and economic stability—to increase competitiveness for both public and private grant opportunities.
As Phase 3 progresses, the City has applied for major grants that could potentially support Reimagining Public Safety efforts and continues to identify new opportunities to support long-term sustainability.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	**Summer – Fall 2023**	Contract with California Consulting, LLC initiated.
	Spring 2024	Contract with California Consulting, LLC amended to fully allocate grant assistance funds.
Phase 3 (2024-2026)	**Ongoing**	The Reimagining Public Safety AtoCM will continue to lead efforts in identifying, applying for, and managing grants.

Considerations:

- **Grant Alignment and Strategic Coordination:** The City's grant strategy prioritizes alignment with Reimagining Public Safety goals while fostering effective interdepartmental collaboration. To optimize resources and minimize fiscal impact, the team focuses on pursuing no-match grants, though it remains open to opportunities that require matching funds when they support high-priority initiatives.

Next Steps & Timeline:

- **Ongoing:** The Assistant to the City Manager will continue collaborating across departments to identify grant opportunities that align with the Reimagining Public Safety initiative's objectives. The team will report on successfully obtained grants and seek additional funding opportunities to further advance public safety goals.

SPECIALIZED CARE UNIT IMPLEMENTATION

Department Lead: Health, Housing and Community Services Department

Status Update: ***Initial Implementation Complete, Activities In-Progress***

Overview:

In Phase 1, the SCU model was developed through extensive community engagement, expert consultation, and research facilitated by Resource Development Associates (RDA) and the SCU Steering Committee. This work culminated in a model tailored to Berkeley's needs and grounded in trauma-informed, equity-centered care. The Specialized Care Unit (SCU) was established as a core component of the City's Reimagining Public Safety initiative, offering a non-police, community-based response to behavioral health and substance use crises. Each SCU team includes a licensed clinician, a peer specialist, and an EMT. Together, they respond to calls involving individuals in crisis, working to stabilize situations through de-escalation and support—without involving law enforcement unless absolutely necessary.

By Phase 2, the City contracted with Bonita House, Inc. to launch the SCU, which began operations in September 2023. Since its launch, the SCU has responded to approximately 2,445 calls, with 1,376 resulting in an in-person field response. The majority of these calls were resolved without police involvement—underscoring the promise of care-based responses. However, over time, several structural challenges emerged that limited the program's sustainability. These included difficulties maintaining 24/7 staffing, extended response times, and the SCU's separation from the City's 911 dispatch system. To better understand these limitations and guide future planning, the City commissioned a retrospective evaluation by Resource Development Associates (RDA), completed in Spring 2025. The evaluation affirmed the SCU's value in offering compassionate, community-centered crisis care. At the same time, it highlighted critical barriers that made the current city-operated model difficult to sustain—particularly the lack of dedicated long-term funding[2], staffing constraints, and operational isolation from broader emergency response infrastructure. The SCU was initially funded through one-time CCMU and ARPA grants, both of which have now been exhausted. Continuing the program under the City's structure would require substantial and ongoing investment, which is not feasible given Berkeley's structural deficit, rising personnel costs, and broader fiscal constraints—challenges faced by many Bay Area jurisdictions.

Based on these findings and in alignment with statewide policy shifts under CalAIM, the City is now transitioning the SCU into Alameda County's Medi-Cal-funded Mobile Crisis Response system. This transition represents the most viable long-term sustainability strategy, addressing both funding limitations and structural barriers encountered during local implementation and

[2] The SCU was funded by one-time CCMU and ARPA grants, which have now been exhausted. Per the SCU Evaluation and RDA's recommendations, transitioning the program to Alameda County is the most sustainable option. This would address structural barriers faced during Berkeley's implementation and align the SCU with the County's Medi-Cal billing and behavioral health systems amid ongoing City fiscal constraints.

ensures that Berkeley residents will continue to have access to high-quality, non-police crisis care through a regional system designed for long-term viability. Alameda County is building out ten mobile response teams to meet state-mandated standards, including a 60-minute maximum response time, and will be positioned to support broader coverage and integration across jurisdictions. This next chapter for the SCU represents a strategic shift toward regional sustainability. Rather than building a duplicative system within the City, the transition allows Berkeley to leverage County infrastructure and Medi-Cal billing capacity while continuing to shape local priorities and preserve the SCU's core values. HHCS, in partnership with Bonita House and Alameda County Behavioral Health, is actively managing the transition, with full-service integration targeted for the end of Summer 2025. As the SCU evolves into a County-operated program, the City will continue to coordinate closely with all partners and provide updates to the City Council, ensuring that care-first principles remain at the center of crisis response.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	December 2020	SCU Steering Committee Formed.
	January 2021	Contract with RDA Initiated.
	March 2022	RDA Completes Report & Presents to Council.
	May 2022	City Council informed of Reimagining Public Safety Framework for SCU design.
Phase 2 (2022-2024)	October 2023 – Summer 2024	Program continues to expand staffing and build infrastructure toward 24/7 operations. Conversations begin around long-term Medi-Cal billing pathways.
	March 2024	SCU vans are deployed to improve mobile response capability.
Phase 3 (2024-2026)	September 2024	SCU Steering Committee and monthly SCU updates transitioned to Berkeley Mental Health Commission.
	Fall 2024 – Spring 2025	RDA finalizes SCU Retrospective Evaluation. Findings inform County transition and validate system-level integration strategy.
	Summer 2025	Alameda County's Medi-Cal Mobile Crisis Response System to be completed.

Considerations:

- **Transition Readiness and Program Sustainability:** Transitioning the SCU to Alameda County reflects a thoughtful shift toward long-term sustainability, system integration, and alignment with state policy. While Berkeley's pilot demonstrated the effectiveness of a non-police, care-first crisis response, the RDA evaluation confirmed key limitations, including limited 911 integration, staffing constraints, and the expiration of one-time funding, that challenge the City's capacity to maintain the program independently. By moving into the County's Medi-Cal-funded Mobile Crisis Response system, Berkeley ensures continued access to timely, community-based care while avoiding duplication of services. Importantly, RDA's findings offer valuable insight that Alameda County can use

to strengthen and evolve its own crisis response efforts, building on Berkeley's lessons to shape a more responsive and equitable regional system.

Next Steps & Timeline:

- **Spring 2025 – ongoing:** HHCS will work closely with Alameda County Behavioral Health and Bonita House to manage service handoff, including communications, continuity planning, and coordination infrastructure.

STAFFING AND OPERATIONS (COMMUNITY SERVICE OFFICERS, DISPATCH, AND DEPARTMENTAL ASSESSMENT)

Department Lead: Police

Status Update: ***Activities In-Progress***

Overview:

The Berkeley Police Department (BPD) is actively implementing staffing and structural improvements to strengthen its capacity, reduce overtime, and deliver more responsive, community-oriented services.

In February, BPD launched a new CSO deployment model that includes support to patrol and investigations functions. This model is designed to improve community responsiveness and operational efficiency while addressing long-standing staffing shortages. From February 1- April 24, 2025, the City's three patrol CSOs have handled 466 calls for service and completed 228 reports. Their ability to manage non-emergency calls has helped our sworn officers remain focused on priority incidents.

The City's external consultant completed a workload and staffing study in Fall 2024, identifying 74 findings and 54 actionable recommendations related to organizational health, staffing levels, resource deployment, beat structure, and CSO integration. Department leadership has reviewed the recommendations and developed a phased implementation plan in alignment with departmental priorities and available resources.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Summer 2022 – Fall 2024	Ongoing BPD Recruitment Cycle.
	July 2024	CSO positions converted to full-time permanent status.
	Summer 2024	CSO patrol and investigations track initiated; continued Dispatcher recruitment.
Phase 3	Fall 2024	Final staffing report released with 54 recommendations.

(2024-2026)	**Spring 2025 – ongoing**	BPD to provide updates on staffing progress and implementation of study recommendations.

Next Steps & Timelines:

- **Spring 2025 – ongoing:** The Berkeley Police Department will continue to advance the implementation of staffing improvements and organizational recommendations as outlined in the recent consultant study. This includes refining CSO deployment in patrol and investigations, increasing recruitment outreach for both dispatcher and CSO positions, and further integrating CSOs into non-emergency response workflows.

FAIR AND IMPARTIAL POLICING

Department Lead: Police

Status Update: *Implementation Complete, Activities In-Progress*

Overview:

The core principles of fair and impartial policing have been fundamentally integrated into the Department's ongoing policies, training, and operational practices. Key actions include implementing all 14 recommendations from the Mayor's Fair and Impartial Policing (FIP) Task Force, which led to department-wide "KIND" (Constitutional, Humane, Impartial, Neighborhood-focused, and DEI-aligned) training. BPD also adopted the Active Bystander for Law Enforcement (ABLE) training to promote peer intervention and accountability. These internal reforms are supported by community engagement with organizations like Dorothy Day House and the Center for Food, Faith, and Justice.

Phase 2 of the initiative saw a $100,000 allocation for expanded training to deepen organizational capacity in line with FIP values. Looking forward, Phase 3 includes a continued $100,000 training investment for Fiscal Years 2025 and 2026. A significant development in Phase 3 is the implementation of an improved Early Intervention System (EIS) through a two-year contract with Benchmark Analytics. This data-driven system, selected with input from the Police Accountability Board and the Berkeley Police Association, aims to analyze officer performance, identify early warning indicators, and apply targeted interventions to strengthen professional development, reduce risk, and enhance public trust (See Appendix G for FIP Update).

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	February 2021	Mayor and the City Council pass FIP Recommendations
	August 2021 – ongoing	Department launches ongoing FIP-aligned officer training.
Phase 2 (2022-2024)	Summer 2022 – ongoing	Continued training inclusive of FIP tenets. KIND and ABLE training expanded.
Phase 3 (2024-2026)	Ongoing	• Continued training inclusive of FIP tenets. • Leveraging grant opportunities.
	Fall 2024	RFP Process Conducted for EIS and Benchmark Analytics selected.
	Spring 2025	Contract begins; system onboarding and training initiated.
	Summer 2025 – ongoing	Initial deployment, analysis, and integration of EIS into departmental workflows.

Next Steps & Timeline:

- **Spring 2025 – ongoing:** BPD will lead the implementation of the new EIS platform, including staff training, performance analytics integration, and regular evaluation. The

department will continue to deliver FIP-aligned trainings and explore funding opportunities to expand its programming.

WELLNESS PRACTICES (CRITICAL INCIDENT STRESS, PEER SUPPORT TEAM, AND EMERGING WELLNESS NEEDS)

Department Lead: Police

Status Update: ***Implementation Complete, Activities In-Progress***

Overview:

The Police Department continues to advance staff wellness as a core operational priority. Recognizing the connection between employee well-being, retention, and high-quality service delivery, the City Council allocated $50,000 during Phase 3 to support the continued development of comprehensive wellness infrastructure. These initial investments included facility improvements, the introduction of immersive group therapy programming, and the launch of a confidential wellness mobile application offering 24/7 access to behavioral health resources. These resources are designed to support both routine stress management and recovery from exposure to critical incidents. This includes the continuation of peer support services, enhanced access to Critical Incident Stress Management (CISM) specialists, and targeted wellness training. In parallel, the Assistant to the City Manager is working with the Police Department to identify and pursue external grant opportunities to further institutionalize wellness supports across the department.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	**July 2022 – ongoing**	Wellness initiatives included counseling, critical incident stress training, gym upgrades, and immersive group therapy. By FY 2024, partnerships such as O2X and wellness apps for first responders were integrated.
Phase 3 (2024-2026)	**July 2024 – ongoing**	Expansion of wellness programs, leveraging grant opportunities to enhance support services, wellness training, and retention initiatives.

Next Steps & Timeline:

- **Spring 2025 – ongoing:** BPD will continue to advance its wellness strategy by refining support systems, evaluating program outcomes, and exploring new partnerships. Additional funding opportunities and outcome data will be incorporated into future Reimagining Public Safety reports.

VISION ZERO PROGRAM

Department Lead: Public Works Department

Status Update: ***Activities In-Progress***

Overview:

The City of Berkeley continues its commitment to Vision Zero—eliminating all fatal and serious injury traffic crashes by 2028. The Vision Zero Action Plan, developed in Phase 2, identifies eleven high-priority actions that guide data-informed interventions focused on high-injury corridors. These actions emphasize street design, infrastructure improvements, and system-wide safety strategies grounded in equity and public health, rather than enforcement-based approaches.

Throughout 2024, the Vision Zero Program contributed to the advancement of major safety initiatives, including the Southside Complete Streets Project and the Martin Luther King Jr. Way Quick Build. In response to multiple serious and fatal collisions, the City activated its Vision Zero Rapid Response Protocol and began developing a scalable Quick Build program to more rapidly implement safety solutions. Staff also collaborated with the Berkeley Police Department to improve traffic injury data transparency through the Police Transparency Hub. As of Spring 2025, the City has filled the Vision Zero Program Manager (Senior Planner) position, marking a critical milestone in restoring internal leadership and planning capacity. However, the Vision Zero Program Coordinator (Associate Planner) position has remained vacant since November 2024, and recruitment is paused due to citywide resource constraints. This vacancy has delayed several programmatic initiatives, including the update of the Vision Zero Action Plan, developing and delivering the Vision Zero Quick Build Program, and the reactivation of the Vision Zero Coordinating Committee. Fully staffing the program remains a high priority to ensure continuity of service and timely project delivery. The Vision Zero Program Manager position remained vacant for 17 months (August 2023-January 2025), creating leadership and continuity challenges. The Program has operated with significant staffing gaps, hindering the City's ability to fully implement the program's goals of achieving zero traffic fatalities by 2028. With the position now filled, Public Works is better equipped to lead interdepartmental coordination, advance grant-funded capital projects, consultant-supported Quick Build designs, and the Rapid Response Protocol—key steps toward achieving the City's data-driven, equity-centered safety goals.

Rising construction costs and limited availability of Measure BB funding for staffing and planning have constrained the City's ability to fully resource Vision Zero program activities. These financial challenges may delay the delivery of key safety initiatives, including Quick Build implementation, planning efforts, and the update of the Vision Zero Action Plan. With the passage of Measure FF, the Public Works Department will leverage this funding to help address current resource gaps and support Vision Zero priorities. Strategic coordination between City staff, consultants, and external partners will remain essential to sustaining progress and scaling the program's impact in Phase 3.

As part of the City's commitment to eliminating fatal and severe traffic crashes by 2028, construction will begin in 2025–2026 on several key safety and mobility projects. These include the Sacramento Street Pedestrian Safety Project, Woolsey–Fulton Bicycle Boulevard, Parker–Addison Mobility and Safety Improvements, Ohlone Greenway Safety Improvements, Sixth Street/Addison Street Intersection Enhancements, and Adeline Street Quick Build Projects. Each of these projects is strategically located on, across, or as an alternative to a Vision Zero High Injury Street, addressing known safety concerns and improving conditions for people walking, biking, and driving. These infrastructure improvements reflect the City's data-driven approach to reducing traffic related crashes and enhancing equitable access to safe streets. Moreover, our Traffic Maintenance teams have successfully implemented daylighting at over 190 high-injury corridor intersections citywide and working urgently to implement more.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	October 2023	Vision Zero Program Coordinator (Associate Planner) Hired.
	Fall 2023 – Spring 2025	Construction progressed on MLK Jr. Way Quick Build, Southside Complete Streets, AC Transit's Durant Ave Quick Build Projects
Phase 3 (2024-2026)	November 2024	Vision Zero Program Coordinator (Associate Planner) Vacancy. Led to no staff on Vision Zero Program
	January 2025	Vision Zero Program Manager (Senior Planner) hired.
	Spring – Summer 2025	Recruitment for replacement Vision Zero Program Coordinator ongoing; consultant-led Quick Build development and Rapid Response Protocol work continues.
	Fall 2024 – December 2025	Telegraph Multi-modal Corridor Study (concept design expected December 2025).
	Spring 2025 – TBD	Implementing Daylighting through contractor services, with priority given to intersections with meters and blue zones on high injury streets; and on/near high injury streets, schools, and senior centers.
	Spring 2025 – December 2026	Adeline Street Transportation Improvements Corridor Study (concept design expected December 2026).
	2025 – 2026	Construction begins on Sacramento St Pedestrian Safety, Woolsey – Fulton Bicycle Blvd, Parker – Addison Mobility and Safety Improvements, Ohlone Greenway Safety Improvements, Sixth St/ Addison St Intersection, Adeline St Quick Build Projects.

Considerations:

- **Rebuilding Program Capacity to Sustain Momentum:** Staffing remains the most significant factor shaping the near-term trajectory of the Vision Zero Program. The City continues to explore options to augment capacity for Vision Zero with other staffing, where possible, to ensure that program deliverables move ahead. In addition, consultant resources are currently bridging gaps, until budgets rebound and a fully staffed internal team is restored.

Next Steps & Timelines:

- **Spring 2025 – ongoing:** Vision Zero efforts will focus on grant-funded capital project delivery related to the Vision Zero High Injury Streets, consultant-supported Quick Build design, execution of the Rapid Response Protocol. The city will also continue to explore and leverage Measure BB, grant resources, and Measure FF to support ongoing staffing and consultant needs.

CONSULTANT COSTS

BERKELEY DEPARTMENT OF TRANSPORTATION DEVELOPMENT

Department Lead: Public Works Department

Status Update: ***Paused*** (funding deferred)

Overview:

As part of the Reimagining Public Safety initiative, the Berkeley Department of Transportation (BerkDOT) remains a long-term vision focused on restructuring transportation services to prioritize equity, sustainability, and safety. While early groundwork began during Phase 1—including the transition of crossing guards to Public Works and initial discussions around transportation consolidation—progress on full implementation has been delayed due to funding deferrals, staffing vacancies, and organizational shifts within the Public Works Department. Though BerkDOT development remains on hold, the City continues to advance key transportation safety priorities through existing Vision Zero efforts and quick-build projects. These projects reflect a tactical shift to focus on what is implementable now while laying the foundation for longer-term structural transformation. Staff continue to monitor regional legislative activity and internal capacity, with plans to revisit BerkDOT development once key dependencies are resolved and the City is better positioned to address this work.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	June 2020 – Ongoing	Community Process for BerkDOT Development
	Fall 2022	Transition of crossing guards from the Police Department to Public Works' Transportation Division.
	Fall 2022 – 2023	Public Works issued staffing vacancy updates to City Council and the community.
Phase 2 (2022-2024)	Summer 2023	Funding for several Reimagining Public Safety project initiatives, including BerkDOT deferred.
Phase 3 (2024-2026)	Fall 2024 – Ongoing	Staff continue to monitor state policy shifts and advance near-term transportation safety initiatives. BerkDOT is classified as a Tier 3 priority pending resolution of key planning dependencies.

Next Steps & Timeline:

- **Spring 2025 – ongoing:** The City will continue to prioritize transportation safety projects. Staff will revisit BerkDOT development as capacity improves and as legislative or funding opportunities emerge.

BEHAVIORAL HEALTH, CRISIS RESPONSE, AND CRISIS-RELATED SERVICES NEEDS AND CAPACITY ASSESSMENTS

Department Lead: Health, Housing and Community Services Department

Status Update: ***Assessment Complete, Activities In-Progress***

Overview:

As part of Phase 2 of the Reimagining Public Safety initiative, the City of Berkeley allocated $100,000 to assess service needs related to behavioral health and homelessness by analyzing 911 and non-911 call data. In May 2023, the City Council authorized additional funding to expand this work through a Crisis Needs Assessment conducted by Resource Development Associates (RDA).

The CAD analysis focused on the City's Computer Aided Dispatch (CAD) system and how crisis-related calls are categorized and routed. RDA's methodology included a review of CAD records from March 2020 onward, qualitative analysis of dispatcher call narratives, observations from sit-alongs in the Communications Center, and field shadowing of Berkeley Police Department responses. The goal was to identify opportunities to improve classification accuracy, response alignment, and system-wide integration for behavioral health emergencies.

The assessment reviewed how crisis-related calls are currently handled across dispatch, police, and mental health systems. It revealed limitations in how behavioral health emergencies are classified and routed, which are a nationwide limitation with dispatch. The findings reinforce the City's decision to sunsetting the operation of the Specialized Care Unit (SCU) and utilizing Alameda County Behavioral Health services, where the County will be better positioned for long-term success through deeper integration with county-level services, Medi-Cal reimbursement, and regional coordination efforts.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Summer 2023	SCU evaluation scope expanded to include RDA's Crisis Needs Assessment; CAD data analysis initiated; Community Services Specialist II hired to support assessment coordination.
	Fall 2023 – Spring 2025	RDA refined CAD data requests and conducted analysis through data review, dispatch center observations, and police ride-alongs. Final CAD Assessment delivered to HHCS in Spring 2025.
Phase 3 (2024-2026)	Fall 2023 – Spring 2025	HHCS reviewing CAD Assessment findings alongside the upcoming SCU evaluation; Crisis Needs Assessment recommendations to inform policy and operational adjustments across crisis response services.

Next Steps & Timeline:

- **Spring 2025 – Ongoing:** HHCS will coordinate with internal departments, Alameda County Behavioral Health, and community stakeholders to consider how the findings from both RDA reports, the CAD Assessment and SCU Retrospective Evaluation, can inform improvements to triage protocols, crisis response coordination, and stabilization services.

FINES & FEES ANALYSIS

Department Lead: City Manager's Office

Status Update: ***Initial Analysis Complete***, ***Activities In-Progress***

Overview:

In Phase 2 of the Reimagining Public Safety (RPS) initiative, the City Council allocated funding to assess Berkeley's system of municipal fines and fees, with a focus on equity, racial justice, and exploring alternatives to traditional enforcement. Though implementation was initially delayed due to budgetary constraints, funds were released in January 2024, enabling an internal steering committee—led by the Assistant to the City Manager and composed of cross-departmental staff—to initiate the project. The scope was subsequently expanded to include a comprehensive review of all fines and fees with the potential to disproportionately impact low-income residents.

In Phase 3, in partnership with a graduate policy analyst from the Goldman School of Public Policy, the City conducted an in-depth assessment of current policies and practices, with attention to affordability, administrative efficiency, and long-term sustainability (See Appendix C for Preliminary Fines & Fees Assessment). The methodology included staff interviews, departmental schedule reviews, and benchmarking against peer jurisdictions, including insights from San Francisco's Financial Justice Project. Findings were evaluated using a five-part criteria matrix assessing political feasibility, cost, effectiveness, sustainability, and externalities.

The final report identifies six priority recommendations, presented in order of implementation feasibility based on the matrix scoring:

- **Develop a clear fines and fees communication strategy**, including a multilingual, plain-language online portal, QR-coded citations, and a Council-adopted Master Fee Schedule to improve access and standardize information.
- **Amend BMC 14.40.100 to align with federal and state disability parking standards**, allowing caregivers to use placards when transporting disabled individuals.
- **Amend BMC 14.68 to eliminate mandatory bicycle registration**, which disproportionately impacts youth and low-income residents, and is not enforceable under state law.
- **Evaluate and implement centralized fines and fees administration software**, including enhancements to the City's ERP system and potential use of Robotic Process Automation (RPA) to improve data integration and reduce manual workload.
- **Expand the Indigent Payment Plan (IPP) beyond parking citations** to cover other fines and fees across the Berkeley Municipal Code (BMC), aligning obligations with residents' financial capacity.
- **Embed automatic installment payment options for all citations**, enabling residents to pay fines over time without requiring income verification, reducing defaults and enforcement costs.

The report underscores that many proposed reforms—particularly those involving communication, legal updates, and policy clarity—are low-cost and immediately actionable. Others, such as technology upgrades and universal installment plans, will require phased implementation, staff training, and interdepartmental coordination.

The City will continue to evaluate implementation strategies through interdepartmental collaboration, stakeholder engagement, and fiscal analysis. Progress updates will be reported regularly to ensure reforms remain accountable, effective, and responsive to the community's needs.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	City Council referred several Reimagining Tier 1 requests to the Annual Appropriations Ordinance process.
	January 2024	Funding for the Fines & Fees Analysis was released following AAO approval.
	Spring – Fall 2024	A staff steering committee explored the project scope and evaluated approaches, ultimately deciding to engage a Goldman School of Public Policy (GSPP) intern as a Policy Consultant.
Phase 3 (2024-2026)	January – May 2025	The GSPP intern conducted a comprehensive study, including a literature review, departmental interviews, and analysis of fines and fees impacting low-income Berkeley residents.

Considerations:

- **Sustainable Reform with Long-Term Benefits:** The City is taking a balanced, long-term approach to fines and fees reform that ensures legal compliance while prioritizing sustainable, equity-centered outcomes. Recommendations must be both fiscally responsible and socially just—delivering net positive impacts for low-income residents without undermining core city operations. To ensure successful implementation, some strategies may be phased in over time, allowing the City to evaluate impacts, adjust policies as needed, and build public trust through transparent, measured progress.

Next Steps & Timelines:

- **Summer 2025 – ongoing:** Findings will be reviewed by the steering committee to identify priority recommendations and explore phased implementation strategies, including potential Municipal Code amendments and administrative reforms that support long-term equity and sustainability.

DEPARTMENT OF COMMUNITY SAFETY

Department Lead: City Manager's Office

Status Update: ***Paused*** (funding deferred)

Overview:

As part of Phase 2 of the Reimagining Public Safety initiative, the City allocated $250,000 in FY 2024 to begin design work for a new Department of Community Safety. However, due to competing citywide priorities and resource constraints, the initiative was deferred during the Annual Appropriations Ordinance process in January 2024. This decision was based on staff's recommendation to sequence investments more strategically across the multi-year initiative, with a focus on ensuring assessments, pilot programs, and interdepartmental structures are in place before launching a new department. The City continues to prioritize immediate public safety reforms and system evaluations. The design of a standalone department will be re-evaluated in Phase 4 (FY 2026–2028), following additional implementation of core Reimagining programs and stabilization of staffing and funding capacity. This approach ensures that the development of a Department of Community Safety can be undertaken with clear operational goals, strong interdepartmental alignment, and community-informed design principles.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	**June 2023**	Council referred several Reimagining Tier 1 requests to the Annual Appropriations Ordinance process.
	January 2024	Funding for the Department of Community Safety deferred.
Phase 3 (2024-2026)	**June 2024**	Funding for the Department of Community Safety deferred to align with Phase 4, Fiscal Year 27-28.

Considerations:

- **Phased Planning for Sustainable Implementation:** The decision to defer funding for the Department of Community Safety underscores the City's commitment to responsible sequencing and sustainable public safety transformation. Rather than initiate new structures prematurely, staff are focused on ensuring foundational reforms—such as dispatch modernization, alternative response programs, and community-led evaluations—are stabilized first. Revisiting this department concept in Phase 4 will allow the City to incorporate learnings from current efforts, align staffing needs, and evaluate long-term fiscal viability.

Next Steps & Timelines:

- **Spring 2025 – ongoing:** Staff will revisit the concept and funding proposal for the Department of Community Safety as part of Phase 4 and future planning as resources become available.

CONSULTANT COSTS

DISPATCH NEEDS ASSESSMENT

Department Lead: Fire Department

Status Update: ***Assessment Complete, Activities In-Progress***

Overview:

As part of the City of Berkeley's Reimagining Public Safety (RPS) initiative, modernizing the Emergency Communications Center (ECC) is a critical investment in the city's long-term capacity to deliver responsive, equitable, and efficient emergency services. The ECC serves as the central hub for dispatching police, fire, EMS, and emerging alternative response units—but current limitations in infrastructure, staffing, and protocols have constrained its ability to meet growing and evolving community needs.

Phases 1 and 2 of the initiative laid the foundation through a comprehensive Dispatch Needs Assessment (DNA), followed by a validation study that confirmed urgent areas for improvement. These findings provided a roadmap to align Berkeley's dispatch operations with national best practices, including triage-based response, integration of behavioral health alternatives, and enhanced public safety outcomes. With foundational assessments complete and internal coordination in progress, the City is well-positioned to transition from planning to phased implementation.

Now in Phase 3, with the police and fire departments meeting weekly to map interdepartmental dependencies, evaluating funding scenarios, and sequencing key upgrades to minimize disruption and maximize impact. The goal is to establish a clear, phased implementation plan spanning the next 5 to 10 years. Priority enhancements include:

Project 1: Enhance Staffing and Operations

The staffing enhancement project addresses critical operational challenges through the implementation of a Public Safety Dispatcher I (PSDI) position focused on call-taking and records management. This restructuring creates a more manageable career progression that improves immediate and long-term staff retention while maintaining service quality standards and serves as a backstop to a 65% vacancy rate that is yet to increase in the coming months.

The Continuity of Operations Plan (COOP) will ensure essential emergency services remain functional during staffing transitions or crises. These combined improvements work together to ensure sustainable staffing levels, reduce training pressure, and maintain essential emergency communications capabilities for our community.

Key Tasks:

- **Establish call taker position**
  Status: Approved by personnel board and implementation initiated.

- **Develop a dispatcher longevity plan**
  Status: Consultant kickoff complete; site visit completed. Deliverable expected late Summer 2025.
- **Design and implement COOP**
  Status: Initiated
- **Revise onboarding and training protocols; launch structured exit interviews**
  Status: In progress

Project 2: Advanced Dispatch Triage and Technology Integration

Implement protocol software that standardizes emergency dispatch that improves consistency, accuracy, and efficiency in handling emergency calls as well as allows for triaging. This has resulted in increased community confidence, reduced complaints, lower staff turnover, and enhanced dispatcher professionalism, reduced attrition, increased training success in 153 of the 200 largest US cities that develop a structured training approach, implementing exit interview protocols, and deploying AWS technology to handle administrative calls assists management in improving processes use it.

Key Tasks:

- **Implement AWS to route non-emergency/admin calls**
  Status: In progress following policy alignment; 30-day pilot upcoming.
- **Procure and implement ProQA protocol software**
  Status: Preparing materials to initiate next review phase.

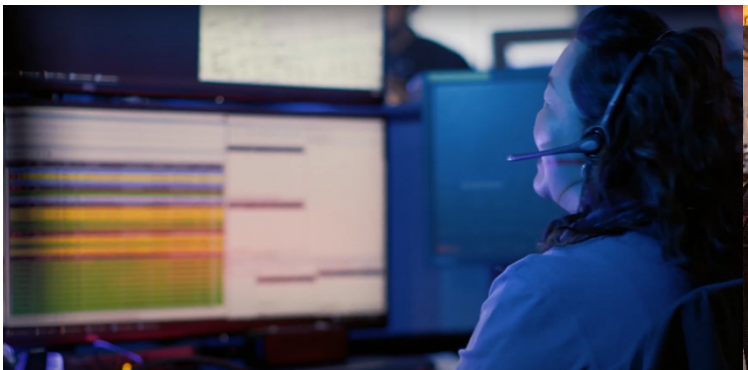
Project 3: Upgrade ECC Facilities

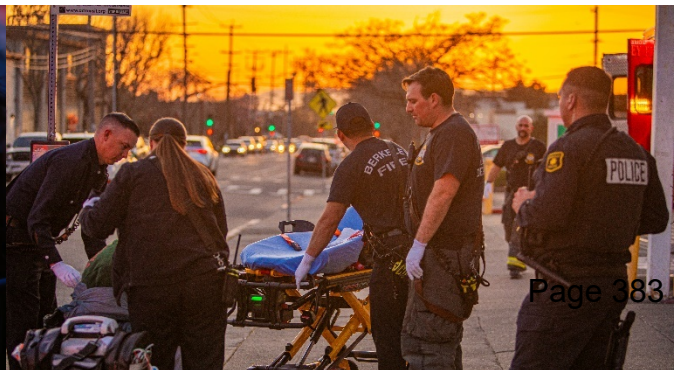
To support projected staffing and technology growth, the City is assessing expansion options for ECC workspace within the Public Safety Building. With the Fire Department relocating to the Gilman District, adjacent space may become available for retrofit and use—though funding and design considerations remain in early stages.

Key Tasks:

- **Review proposals to repair or replace dispatch consoles**
  Status: Quotes completed
- **Evaluate ECC space expansion scenarios**
  Status: Consultant presentation and budget **delivered**

As Phase 3 progresses, success will hinge on securing the necessary resources and making strategic, data-informed investments that ensure both immediate improvements and long-term system sustainability.





Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	Winter 2021 – Fall 2022	Completion of the RFP process and Stage One of the DNA.
Phase 2 (2022-2024)	Spring 2023	Completion of the Initial Needs Assessment.
	Spring 2024	Completion of the Assessment Validation Report.
	Spring 2024 – Fall 2024	Discussions with City stakeholders to decide on next steps for the DNA.
Phase 3 (2024-2026)	Fall 2024	Contract for ongoing consultant support related to DNA.
	Ongoing	Sequencing of ECC enhancements begins; focus on staffing, technology, and triage-based dispatch.

Considerations:

- **Strategic Investment Across Staffing, Infrastructure, and Funding:** Upgrading the Emergency Communications Center (ECC) will require coordinated action across multiple domains. Addressing the City's long-standing dispatcher vacancy rate—now exceeding 65%—is foundational, as staffing shortages limit implementation capacity and may trigger labor negotiations when protocols change. Simultaneously, the Public Safety Building's current space constraints pose a challenge to facility expansion. With the Fire Department's upcoming relocation to the Gilman District, adjacent space may become available for ECC use, though design and construction costs remain unfunded. Full implementation—including technology procurement, infrastructure upgrades, staffing, and operations—will require sustained funding. As the Police Department assumes lead oversight of the ECC, strategic resource alignment will be essential to advancing system-wide improvements that meet national standards and support alternative response models.
- **Fiscal Impacts:** The fiscal impact of addressing the ECC crisis in the City of Berkeley is significant but necessary to ensure public safety and operational stability. Persistent understaffing and outdated technology have forced the city to spend nearly $1 million annually on overtime, while high turnover and vacancies cost approximately $200,000 per lost dispatcher due to recruitment, training, and overtime leading to burnout. Delaying investments in staffing, facility upgrades, and technology not only drives up long-term costs—potentially reaching up to $1.3 million in immediate needs. Proactive investment will reduce additional ongoing overtime, recruitment, and liability costs, ultimately saving money compared to the escalating expenses and operational risks associated with continued vacancies and deferred upgrades.

Next Steps & Timeline:

- **Ongoing:** The City is partnering with a consultant to develop a phased, multi-year implementation roadmap that prioritizes ECC upgrades based on feasibility, operational readiness, and funding availability. Long-term success will require sustained investment,

staffing stability, and close coordination between the Police and Fire Departments to ensure that system enhancements are delivered effectively and equitably.

COMMUNITY INVESTMENTS

VIOLENCE PREVENTION

VIOLENCE PREVENTION AND YOUTH SERVICES

Department Lead: Health, Housing and Community Services Department

Status Update: ***Initial Implementation Complete, Activities In-Progress***

Overview:

As part of the City of Berkeley's Reimagining Public Safety initiative, the City continues to invest in community-rooted strategies to prevent youth violence and promote long-term wellbeing. In FY 2025, funding was provided to three key community-based organizations to support programming focused on mentorship, mental health, leadership development, and positive youth engagement. The funding supports trusted partners that have deep connections with Berkeley's youth and families, offering culturally responsive programs in safe, supportive environments. This section provides a summary of each organization's program goals and serves as a placeholder for updates on how FY 2025 funds were utilized.

Voices Against Violence (VAV) – McGee Avenue Baptist Church.
Led by Reverend Dr. Michael A. Smith and supported by Community Peace Ambassadors, the *Voices Against Violence* program works to interrupt cycles of violence and promote healing among high-risk youth in South and West Berkeley. The program provides mentoring, life-skills training, leadership development, and culturally affirming violence prevention workshops for middle and high school students. In FY 2025, the program continued to build trust with participants through healing-centered events and engagement with partner organizations like Live Free USA.

VAV FY2025 Activities:

- Partnered with Live Free USA, City of Berkeley Parks and Recreation, Berkeley Junior Jackets Football and cheer, along with vulnerable youth from South and West Berkeley in mentoring, violence prevention training, and interventions.
- Served 30 middle and high school youth through trainings in their violence prevention curriculum
- Engaged with vulnerable youth, young adults and families at-risk for gun or community violence through listening sessions and presentations, including:
- December 11, 2024 – 2 Community Peace Ambassadors presented to the VAV Mentoring Program to 32 middle and high school youth. Several youth in attendance shared how they had been impacted by recent gun violence and ongoing fights on school campuses and recreation centers.
- 2 Follow-up Sessions to the VAV Mentoring Program were conducted by the Community Peace Ambassadors in January and February 2025.

- Seven (7) Violence Prevention Training sessions conducted between December 2024 and March 2025 and additional sessions planned through the end of June 2025, led by Pastor Smith and joined by additional staff in the funded program. Sessions include addressing: (1) the emotional and financial costs of gun violence; (2) reflection on how violence has personally impacted young people's lives and the life of their communities; and (3) providing opportunities for expression of their thoughts and experiences through poetry, spoken word, art, and journaling.

VAV Youth Development

- ART PROJECTS: All of the participants in the program are now engaged in art projects that can support healing from the pain of violence in its many forms. Gun violence in particular is one of the projects that participants are proposing is a quilting project which will be youth lead and inspired by the most vulnerable young people in our community artists and community activist. This is an activity being worked on this year and will continue past June.
- URBAN GARDENING: All of the participants in the program are engaged in urban gardening as a strategy for healing, and environmental/food justice. It has been a therapeutic practice for the young people have helped maintain the garden at Grove Park and in planting the spring garden at McGee.
- COMMUNITY CLEAN-UP: As part of April Earth Day activities, VAV staff worked with youth participants to plant out the garden spaces at Grove Park as well as McGee Avenue Baptist Church while participating in a community clean-up in South Berkeley. The community clean-up concluded with a discussion of how blight, environmental injustice and food insecurity create conditions that may escalate feelings of trauma and even lead to apathy and violence in urban communities.

Berkeley Youth Alternatives (BYA).

BYA continues to serve as a critical resource for Berkeley's youth and families, offering year-round counseling services and summer enrichment programs. The *Summer Jam Day Camp* fosters social-emotional growth through arts, literacy, recreation, and expressive therapy. Meanwhile, BYA's *Counseling Center* provides individual and group therapy, case management, and support for transition-age youth navigating school, employment, or personal challenges.

Counseling

The BYA Counseling Program served a total of 84 clients, including both Berkeley and non-Berkeley residents. Of these, 58 clients are either residents of Berkeley or attend a Berkeley school. Among the 58 clients, the demographic breakdown is as follows: 5% are Asian, 43% are Black/African American, 9% are White, and 10% are White with Hispanic ethnicity. Additionally, 9% belong to combined race categories, and 24% are from other combined race categories that also include Hispanic ethnicity. In terms of the ages among these 58 counseling clients, 41% are aged 5-12, 36% are aged 13-17, 21% are aged 18-24, and 2% are aged 25-34. Overall, the clients participated in 1,450 individual counseling sessions and 299 group counseling sessions.

The counseling clients participated in weekly Boys' and Girls' group sessions, which provided a space for open discussions and helped participants learn coping techniques and strategies to manage stress. BYA's counselors collaborate with clients' Student Support Teams (SSTs) and Individualized Education Program (IEP) Case Managers to deliver school-based counseling and socio-emotional support during the school day. BYA's counselors maintained and strengthened their ongoing partnership with after-school teachers and staff, focusing on providing a combination of academic and socio-emotional support for counseling clients. This effort included regular meetings to identify participants' strengths and areas for development, ensuring a comprehensive approach to their growth and well-being. BYA's counselors also assisted with BYA's Food Distribution events to further support the community.

Summer Jam Day Camp

The next session of BYA's Summer Jam program will begin in June 2025, with an anticipated 30 participants. This year's program will offer a wide range of fun and enriching activities, including beach days, indoor games, art and activity centers, Creations dance classes, city walks, cooking classes with 18 Reasons, LEGO building, Social Lab, therapeutic and creative writing groups, group games like kickball, soccer, and dodgeball, pool days, art classes, sports activities, hikes at Tilden Park, therapy groups, and field trip days every Friday.

The final two weeks will focus on BYA's media program, Lights, Camera, Action. Each week will feature a themed field trip: a visit to Angel Island with a "Time Travelers" theme, a movie outing at Jack London Square with a "Hollywood" theme, a trip to Lake Chabot with a "Sports" theme, an excursion to LEGOLAND with a "LEGO" theme, a day at the Exploratorium with a "Science" theme, and visits to both the USS Hornet Museum and Scandia, both highlighting the "Lights, Camera, Action" theme.

Berkeley Junior Jackets Violence Prevention Program.

The Berkeley Junior Jackets, operating under the YLM Foundation, concluded their eighth season with meaningful progress across strategic goals, program impact, and financial stewardship (See Appendix B for Berkeley Junior Jackets FY 25 Report). Serving 148 youth—107 from Berkeley, the majority of whom are Black or African American—the program provided both football and cheerleading opportunities while advancing leadership development, mental wellness, and violence prevention. With $150,000 in City of Berkeley funding, they maintained equitable access by awarding scholarships to 75% of participants, provided coaches with stipends and training, and enhanced team culture through events like an annual banquet and quarterly staff meetings. The organization invested significantly in field rentals, game fees, and equipment to support a high-quality sports experience, while also delivering staff training and strategic capacity-building to reinforce infrastructure and sustainability.

The Junior Jackets met 12 goals spanning coaching, equity, transparency, and community engagement. Notable achievements included launching an operational strategic plan, tracking participation metrics, and expanding their impact through enriched youth development

experiences. Their standout "Girl Power, Boys to Men" summit was so well-received it catalyzed the launch of Berkeley's Leaders of Today & Tomorrow (BL2T)—a new, grant-funded initiative in partnership with the UC Berkeley Cameron Institute and Live Free USA. Backed by a $15,000 UC Chancellor's Grant, BL2T will integrate athletics, mentorship, and violence prevention to serve over 200 youth annually through monthly leadership tables and an expanded youth summit. Looking forward, the Junior Jackets are beginning conversations around securing a turfed, lined field to ensure safe, year-round access to high-quality athletic space for Berkeley's underserved youth—cementing their role as a key partner in the city's Reimagining Public Safety agenda and broader community wellness landscape.

The City will continue to work with all program partners to evaluate outcomes and align efforts with the broader Reimagining Public Safety goals. These updates will inform future investments and ensure that violence prevention efforts remain responsive, community-driven, and youth-centered. Program and financial reporting for FY 2026 will be reflected in the next status report cycle.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	**July 2022 – June 2024**	Funds allocated to CBOs for Fiscal Year 2023-2024. Impact reporting via RPS status updates.
Phase 3 (2024-2026)	**July 2024 – June 2026**	Funds allocated to CBOs for Fiscal Year 2025-2026. Impact reporting via RPS status updates.

Next Steps & Timelines:

- **Spring 2025 – Summer 2026:** The City will continue funding McGee Avenue Baptist Church, Berkeley Youth Alternatives, and the Berkeley Junior Jackets through Fiscal Year 2026. Program updates and outcomes will be reported through the Reimagining Public Safety status reports, ensuring transparency and accountability in tracking the effectiveness of these violence prevention and youth services initiatives.



GUN VIOLENCE INTERVENTION AND PREVENTION

Department Lead: City Manager's Office

Status Update: ***Initial Implementation Complete, Activities In-Progress***

Overview:

In Phase 2 of the Reimagining Public Safety initiative, the City of Berkeley allocated $2 million to address the growing impact of gun violence, resulting in the development and adoption of a four-pronged strategy: place-based interventions, direct engagement through custom notifications, street outreach, and robust social services. A key milestone was the completion of the Gun Violence Prevention (GVP) Report in Summer 2023, followed by the launch of an RFP in Spring 2024. By early Summer 2024, a contract was awarded to Live Free USA, subcontracting with the National Institute for Criminal Justice Reform (NICJR), with partnerships formed with McGee Avenue Baptist Church's Center for Food, Faith and Justice and Voices Against Violence, and the YLM Foundation also known as Berkeley Junior Jackets (See Appendix A for LIVE FREE USA Impact Report).

Entering Phase 3, the City initiated the soft launch of GVIPP with significant on-the-ground progress. LIVE FREE has staffed a CVI Field Coordinator and CVI Implementation Specialist, deployed a Street Outreach Team of two full time local community-based practitioners, in which three of them are providing life coaching. The street outreach and life coach training were provided by the National Institute for Criminal Justice Reform. Additionally, they have brought on, trained and compensated nine Credible Messengers—individuals with lived experience who are trusted within the community—to begin engagement efforts. Staff and partners have participated in foundational training to ensure alignment with evidence-based, trauma-informed practices. Currently, this program has launched initiatives and key partnerships across City departments, BPD, Berkeley CBO's, BUSD, the county juvenile detention center and Santa Rita jail. LIVE FREE has also provided subgrants and capacity building to local Berkeley CBOs.

Additionally, we have launched our focused deterrence strategy with NICJR guiding the process in partnership with the Berkeley Police Department and LIVE FREE. The GVPA, shooting review and custom notification kick-off trainings took place in Phase 2 and 3. The GVPA process is being completed by BPD with deep support and guidance from NICJR's data team. Once that is complete, we will have a clear series of risk factors and indicators for BPD and Live Free to work from in regards to who in the city is likely to be at the greatest risk for gun violence. We have now drafted our data sharing agreement which will now allow us to pilot the shooting reviews, coordination meetings, and custom notifications. This will greatly strengthen our efforts.

To foster coordination and shared ownership, we hosted two community town halls during the program design phase in late 2024, then launched a monthly Community Violence Intervention (CVI) Collaborative in February 2025 focused on priorities identified through these listening

sessions. These gatherings unite community-based organization leaders, advocates, and community members most impacted by violence to share resources, receive updates, and strengthen collaboration across the ecosystem. Additionally, regional coordination efforts facilitated by NICJR and LIVE FREE are aligning Berkeley's strategy with broader Bay Area violence prevention initiatives in partnership with Oakland, Richmond, Antioch, Vallejo, and San Francisco—connecting both city governments and community leadership on the ground.

The City is also actively pursuing new public and private grant opportunities to ensure the long-term sustainability of the program. These efforts, combined with ongoing implementation and evaluation activities, are designed to reduce gun violence and violence crime, mitigating conflicts, while building community capacity and trust in a durable, equity-driven framework.

Impact:
The first five months of 2025 have shown remarkable progress in community safety initiatives, with non-fatal shootings dropping from 3 incidents in early 2024 to zero this year—a 100% reduction. While fatal shootings remained at zero for both periods, incidents involving shots fired decreased by 50%, from 8 to 4 cases between January and May. These improvements build upon consistent communication and collaboration with the city partnership, schools, law enforcement, and community organizations.

The year-over-year comparison reveals even more significant gains: incidents involving shots fired dropped from 21 to 4 (an 81% reduction), while both non-fatal and fatal shootings were eliminated entirely in 2025 thus far. While these outcomes align with the timing of this program's expanded street outreach, life coaching, and crisis response efforts, it's important to recognize that the downward trend began prior to the program's full implementation. The partnership's approach remains focused on building long-term trust and relationships, and early signs point to its value in reinforcing and sustaining citywide safety efforts. Additionally, we've observed a reduction in school-based conflicts through collaboration with BUSD, though a formal MOU has not yet been established to support comprehensive data sharing and evaluation.

Notably, these local trends mirror a broader national shift. According to data aggregated from hundreds of U.S. jurisdictions, violent crime—including murder and shootings—has fallen significantly across the country in early 2025, continuing the downward trajectory that began in 2023. While it's important to interpret year-to-date data with caution, especially early in the year, the consistency of this trend across multiple sources—including the Real-Time Crime Index and FBI reporting—suggests that these declines are meaningful. Still, experts emphasize that such improvements are influenced by a complex set of local, regional, and national factors.

As we head into the summer months, we remain mindful of the seasonal risks for increased violence and are actively preparing to respond. Sustaining and building upon recent gains will require ongoing coordination, continued investment, and community-centered approaches and evaluation to better understand the program's role within the broader safety landscape.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 1 (2020-2022)	Spring/Summer 2022	Community Process and Budget Allocation.
Phase 2 (2022-2024)	Summer 2023	GVP Report complete. Assistant to the City Manager – Reimagining Public Safety Project Coordinator hired.
	January 2024	Comprehensive RPS update to City Council. Research and stakeholder engagement for next steps and RFP process.
	Summer 2024	Completion of the RFP process, contract finalized with Live Free USA, including subcontracting with NICJR, and partnerships established with McGee Avenue Baptist Church's Voices Against Violence and Berkeley Junior Jackets Violence Prevention efforts.
Phase 3 (2024-2026)	Fall 2024	Soft launch of the Gun Violence Intervention and Prevention program, including ongoing data collection, community engagement, and training.
	December 2024 – Ongoing	Implementation, data collection, CVI Collaborative meetings, regional coordination, and sustainability planning for funding.

Considerations:

- **Legal Compliance:** The program must operate within a strong legal framework that governs data privacy, public funding, and service delivery. Proactive collaboration with legal advisors will be critical to ensuring all program components—custom notifications, outreach, and service coordination—adhere to local, state, and federal laws while protecting individual rights.
- **Financial Sustainability and Strategic Growth:** To ensure long-term success, GVIPP must diversify its funding portfolio. While initial General Fund investments laid a strong foundation, sustained impact will require pursuing competitive grants and leveraging regional partnerships to expand services, build local capacity, and institutionalize successful practices.

Next Steps & Timeline:

- **Ongoing:** GVIPP will continue building momentum through a phased implementation strategy focused on impact, coordination, and sustainability. Immediate priorities include deepening community engagement through monthly CVI Collaborative meetings and refining intervention protocols. Training and capacity-building for staff and partners will continue to ensure alignment with trauma-informed, evidence-based practices. The City will also expand regional coordination through NICJR and pursue competitive public and private grant opportunities to secure long-term funding.

PUBLIC SAFETY/CRIME PREVENTION FOR WOMEN AND OLDER PERSONS

Department Lead: City Manager's Office

Status Update: ***Paused*** (funding deferred)

Overview:

The City Council adopted the recommendation on public safety and crime prevention for women in February 2024. The strategy includes a data-informed partnership with BPD to identify high-risk areas and times for escorts; a citywide safety forum focused on women and older persons; deployment of community ambassadors in commercial and residential areas; a safety escort program modeled after the 2003 Respect-BART initiative; and potential expansion of the Go-Go Grandparent ride-share program, pending budget approval.

In Spring 2024, staff presented early crime data to COSOW to help identify priority areas and shape a phased implementation strategy. A preliminary cost-benefit analysis of similar Bay Area programs informed the $250,000 cost estimate, but the funding was not approved in the FY 2025 AAO.

Staff are exploring alternative grant opportunities and assessing alignment with existing City programs. In parallel, they are analyzing local safety data to identify high-risk areas and times for women, informing a phased rollout. This is complemented by insights from the Reimagining Public Safety survey, ensuring the program remains grounded in lived experience and responsive to community needs.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	February 2024	Recommendation approved by City Council.
	March 2024	Preliminary research and data. Presentation to the Commission on the Status of Women. Staff conducted a preliminary cost-benefit analysis of comparable safety escort and ambassador models to estimate feasibility and refine the proposed $250,000 program budget.
	Spring 2024	Ongoing research and stakeholder engagement to refine the scope, timeline, and budget, leveraging grants, and prioritizing actions based on data-driven needs analysis.
Phase 3 (2024-2026)	Fall 2024	Staff continue exploring grant opportunities and aligning the initiative with existing public safety efforts until funds are available. Staff are analyzing local data and survey insights to identify high-priority locations and times for program rollout.

Next Steps & Timeline:

- **Spring 2025 – ongoing:** Pending funding availability, continue refining the program's scope, timeline, and budget through ongoing research and stakeholder engagement. Focus on leveraging grants and external funding opportunities, and prioritize actions based on a comprehensive needs analysis driven by data.

ALTERNATIVES TO SANCTIONS/FINES

HEARING OFFICER-ALTERNATIVES TO SANCTIONS/FINES

Department Lead: Public Works Department

Status Update: ***Paused*** (funding deferred)

Overview:

The City has explored non-punitive approaches to minor infractions by assessing the feasibility of expanding hearing officer resources. These resources are intended to offer restorative alternatives to traditional sanctions, such as referring individuals with low-level violations—including parking and administrative offenses—to community and social services. Under Phase 2, the City allocated $150,000 in FY 2024 to support this initiative. However, funding was deferred as staff prioritized alignment with the Fines & Fees Analysis. In Phase 3, progress remains contingent on the completion of the Fines & Fees recommendations and subsequent City Council direction. To ensure strategic alignment with long-term public safety and fiscal justice goals, staff have recommended shifting this initiative to Phase 4. This adjustment allows for coordinated planning and resource deployment once the analysis and policy recommendations are finalized.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	Council referred several Reimagining Tier 1 requests to the Annual Appropriations Ordinance process.
	January 2024	Funding for Expanding Hearing Officer Resources/Alternative to Sanctions/Fines deferred.
	May 2024	Staff recommended funding for the next bi-annual fiscal year, pending council direction on the Fines & Fees recommendations.
Phase 3 (2025-2026)	Fall 2024	Continued deferral of funding for Expanding Hearing Officer Resources/Alternatives to Sanctions/Fines to better align with broader public safety goals.

Next Steps & Timeline:

- **Fall 2024 – ongoing:** Given the deferral and reallocation of funds, staff recommend revisiting this item in Phase 4 for potential future funding and implementation, once the outcomes of the Fines & Fees Analysis and council direction are determined.

EXPAND DOWNTOWN STREETS TEAMS

Department Lead: Public Works Department

Status Update: ***Paused*** (funding deferred)

Overview:

As part of Phase 2 of the Reimagining Public Safety initiative, the City allocated $50,000 in FY 2024 to support an expansion of the Downtown Streets Team (DST) contract. This one-time funding, allowed the City to enhance DST's Clean Cities Program—encompassing litter removal, leaf sweeping, graffiti abatement, and poster removal in commercial districts—and begin scoping an expanded role for DST in the City's public safety ecosystem. In June 2023, Public Works executed a new contract with DST, leveraging the funds to formalize an expanded scope of work. The current contract continues to support neighborhood maintenance. In 2024, DST reported substantial impact in Berkeley through its service-based model:

- **3,895** hours volunteered
- **50** team members served
- **13** leads hired
- **100,745** gallons of debris were removed

This demonstrates DST's continued value in providing both environmental maintenance and meaningful pathways toward stability and employment for individuals experiencing homelessness or housing insecurity.

In Phase 3, the City conducted a comprehensive Fines and Fees Assessment, which evaluated alternatives to monetary penalties, including community service programs. The report concluded that community service is not a viable alternative at this time due to several key factors:

- **Equity and Accessibility Concerns:** The traditional community service model, often focused on manual labor, may not be appropriate or accessible for all individuals. Newer models—like those seen in Texas and New Mexico—offer broader service options (e.g., counseling, vocational training), but would require substantial redesign and investment to be feasible in Berkeley.
- **High Administrative and Supervision Costs:** Previous efforts in Berkeley to offer community service in lieu of fines were found to be financially unsustainable. The program required overtime to supervise participants, significantly increasing operational costs without a proportional benefit in compliance or revenue.
- **Lack of Programmatic Infrastructure:** The City currently lacks a staffed and centralized infrastructure to manage and verify a community service system. This gap creates concerns about implementation feasibility, consistency, and equity in administration.

Given these limitations—and in the context of ongoing revenue challenges and limited Measure P funding—Public Works is unable to utilize the originally allocated $50,000, as the funds were not

carried forward during the AAO process. As a result, the City is not pursuing a pilot community service referral program and will instead focus on sustaining existing DST services with available resources.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	June 2023	City Council referred several Reimagining Tier 1 requests to the Annual Appropriations Ordinance process.
	January 2024	Funding for the Transportation Fines & Fees Analysis was released.
	Summer 2024	Needs assessment and initial steps for fines and fees analysis.
Phase 3 (2025-2026)	Spring 2025	Fines and fees analysis complete.

Next Steps & Timeline:

- **Spring 2025 – ongoing:** Based on the findings of the Fines and Fees Assessment, which determined that a traditional community service referral program is not currently viable due to equity, cost, and infrastructure barriers, the City will not pursue this component of the original referral.



COMMUNITY MENTAL HEALTH, BEHAVIORAL, AND CRISIS RESPONSE

YOUTH MENTAL HEALTH

Department Lead: Health, Housing and Community Services Department

Status Update: ***Initial Implementation Complete, Activities In-Progress***

Overview:

As part of the City of Berkeley's Reimagining Public Safety initiative, Berkeley Unified School District (BUSD), in collaboration with the City's Mental Health Division, launched the Berkeley High School Wellness Center to address the growing need for school-based mental and behavioral health supports. Guided by a 2023 Mental Health Needs Assessment conducted by Resource Development Associates (RDA), the Center was designed to promote emotional resilience, prevent escalation of mental health crises, and strengthen the culture of care across the Berkeley High School campus.

The Center held a soft opening in Fall 2023, followed by a formal grand opening in December. Since then, it has served as a vital access point for students seeking support for a variety of concerns including academic stress, anxiety, grief, depression, and social-emotional challenges. While individual visits may vary, common themes among early Center usage include the need for low-barrier access to quiet space, the importance of peer validation and trusted adult connections, and increased demand for non-clinical coping tools. The Center also serves as a key referral hub for students in need of more acute services, with coordination support from the BHS Health Center and other campus-based programs.

The program is staffed by a full-time Mental Health & Wellbeing Coordinator, funded through a $350,000 investment over two years from the City of Berkeley's Reimagining Public Safety Initiative. In addition to the Wellbeing Coordination, the Center's staff includes two Restorative Justice Counselors and a Wellness Counselor. Although the Wellness Coordinator position experienced a personnel transition in 2024, the Center successfully maintained services with support from school and City partners. Additional infrastructure established in its first year includes the formation of a school-based Care Response Team, a Mental Health Handbook to guide staff protocols, and a student-led substance use survey to inform future programming.

Now completing in its second year, the Center is focusing on:

- Onboarding counseling department to data collection that complements the Wellness Center Work Plan
- Systematizing Mental Health reentries and safety plans; and

- Articulating and developing Tier 2 supports (targeted and group interventions), which are complemented by existing Tier 3 supports (intensive, individualized interventions) provided at the Health Center

BUSD plans to implement relevant components of the RDA Needs Assessment, further systematize counseling and wellness coordination at the Center, and conduct a self-assessment of the Center through a multi-tiered system of support (MTSS) lens to ensure that all students are being referred and served in the most efficient and effective way possible and that no students are falling through the cracks.

Data indicates that the Center is widely used by students. Between August - December 2024, the Center received 1,395 student visits from 425 unduplicated students. These figures are up from 1,120 student visits between January - May 2024 from 380 unduplicated students. For more impact information, please see the Mental Health & Wellbeing Coordinator Impact Report (March 2. 2025) in the Companion Appendix (See Appendix E for Mental Health & Wellbeing Coordinator Impact Report).

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Summer 2023	Soft opening of Wellness Center at Berkeley High School.
	Winter 2023	BHS Wellness Center Grand Opening.
	December 2023 – May 2024	1. Over 1,120 student visits by 380 individual students and implementation of key wellness supports. 2. Created mental health infrastructure for BHS: a. Established a Care Response Team (to support educators and staff deal with behavioral/emotional crises on campus). b. Developed a Mental Health Handbook to strengthen and systematize BHS response to MH issues on campus. c. Conducted a student substance abuse survey which will inform next steps.
Phase 3 (2024-2026)	Fall 2024 – March 2025	1. Over 1,395 student visits by 425 individual students. 2. Stronger collaboration with BHS Health Center and BHS Counseling Program. 3. Refinement of data indicators and collection.

Next Steps & Timeline:

- **Spring 2025 – ongoing:** The Wellness Center will continue refining its services based on student and staff feedback, aligning with RDA's recommendations. Priorities include securing FY 2025–2026 funding, expanding outreach, and adapting programming to emerging needs. Efforts are also underway to establish a long-term vision for the Center's role in campus mental health and well-being.

RESPITE FROM GENDER VIOLENCE

RESPITE FROM GENDER VIOLENCE

Department Lead: Health, Housing and Community Services Department

Status Update: ***Initial Gap-Analysis Complete, Activities In-Progress***

Overview:

As part of the City of Berkeley's Reimagining Public Safety (RPS) initiative, the Health, Housing, and Community Services Department (HHCS) conducted a gap-analysis to address domestic, intimate partner, and gender-based violence through a care-first, survivor-informed framework. This research aims to create accessible, trauma-informed, and non-carceral interventions that center the lived experiences of survivors, particularly those from historically marginalized communities. The following work below, provides an executive summary of the analysis conducted:

HHCS hired a Temporary Community Services Specialist II to coordinate this work and launched a community-driven needs assessment process. Outreach methods included direct engagement with survivors, service providers, shelter staff, youth advocates, and field outreach in encampments and transitional housing sites. HHCS also reviewed best practices from peer municipalities and national "Care First, Jails Last" initiatives, applying a four-part evaluative lens:

- **Harm Reduction:** Does this recommendation reduce the number of people who cycle through crisis & carceral systems? Does this recommendation reduce the harm and trauma caused by an abuser, as well as the trauma caused by the systems that sought to provide the survivor with respite?
- **Transformation:** Does this recommendation reinforce the status quo, or would its implementation meaningfully create new pathways/investments in public safety (crisis diversion & stabilization)? Does this recommendation support the healing and long-term positive change for everyone involved in or proximate to a violent relationship?
- **Political Feasibility:** Is this recommendation responsive to the needs and priorities of the Berkeley community?
- **Financial Feasibility:** Is the implementation of this recommendation financially possible, given current budgetary constraints?

This work led to the identification of seven ***draft*** recommendations designed to address gaps in Berkeley's response to gender violence:

1. **Restorative Justice & Circle Work** – Establish a pilot restorative justice program with trained community-based practitioners to provide healing pathways for survivors and those who have caused harm, outside of the traditional court system.
2. **Financial Stabilization & Independence** – Improve survivor access to coordinated job training, social services, and emergency financial supports to build long-term safety and independence.

3. **Language Access for Survivors of Violence** – Ensure information and resources are translated and available in plain language across Berkeley's most commonly spoken languages.
4. **Support for Emergency Shelter Beds** – Assess and expand emergency shelter capacity for survivors, prioritizing non-congregate options and culturally responsive care.
5. **Young People's Involvement in Community Violence Survey** – Engage youth through surveys and focus groups to better understand the impact of domestic and gender-based violence in their lives and communities.
6. **Trauma-Informed, Non-Carceral Crisis Response** – Strengthen coordination between BPD and the crisis teams for non-violent domestic disturbance calls, expanding trauma-informed care options.
7. **Law Enforcement Protocol on Occupational Survival Crimes** – Develop care-based alternatives to arrest for sex work-related interactions, particularly for LGBTQIA+ and BIPOC community members engaged in survival economies.

In overseeing a range of housing, physical and mental health services, HHCS identified that clients experiencing domestic, intimate partner and gender-based violence were accessing a range of city services -- beyond care offered specifically by domestic-violence focused CBOs.

HHCS is refining these recommendations through continued collaboration with city departments, commissions, and community partners (See Appendix F for Draft Recommendations presented to COSOW). In light of the City's current fiscal constraints and evolving federal grant priorities, HHCS will work with partners to identify priority recommendations and explore available resources and implementation opportunities.

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	August 2023	Temporary Community Services Specialist II hired to lead gender violence respite analysis.
	Fall 2023 – Fall 2024	Stakeholder engagement launched; best practice review conducted; draft policy recommendations developed with COSOW, Mental Health Commission, and City departments. HHCS engaged community members, clients, and service providers on priority policy areas in line with a "care-first" model of social service provision. Stakeholder input and feedback collected through one-on-one meetings with community leaders, community field outreach at encampments, shelters and service centers as well as via commission and community forum information reports.
Phase 3 (2024-2026)	Spring – Summer 2025	Recommendation refinement underway, including development of the City's Care First, Jails Last Policy. Recommendations are non-exhaustive and are a part of a phased process.

Next Steps & Timelines:

- **Spring 2025 – Ongoing:** HHCS will finalize the draft recommendations based on continued community engagement, commission feedback, and policy alignment and will incorporate them into the Care First, Jails Last Policy and staff report.

LANGUAGE EQUITY

LANGUAGE EQUITY

Department Lead: City Manager's Office

Status Update: ***Initial Implementation Complete***, ***Activities In-Progress***

Overview:

The City of Berkeley continues to advance language equity to ensure that public safety information is accessible to all residents. In Phase 2, the City Council allocated $15,000 to support the translation and publication of survivor-focused resources in multiple languages and plain language formats. Guided by Census data and public health analysis indicating that 4% of Berkeley households have limited English proficiency, staff initiated an interdepartmental effort—led by HHCS and the City Manager's Office—to identify and prioritize key materials for translation. The City began translating materials, such as SCU outreach materials, into Berkeley's most commonly spoken non-English languages. This includes the translation and upcoming launch of a domestic, intimate partner, and gender-based violence resource, as well as other public safety materials, into Spanish, Mandarin, Cantonese, Korean, Vietnamese, and Tagalog. Smaller print batches in other languages such as Arabic, Russian, Farsi, and Hindi will also be available upon request.

These efforts reflect a broader commitment to expanding language equity across City services. As part of Phase 3, staff will continue to explore new opportunities to build on this progress—including evaluating translation gaps, assessing community language access needs, and identifying additional materials that would benefit from translation (See Appendix H for Translated DV Brochure Samples).

Key Accomplishments and Next Steps:

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	Fall 2023 – Ongoing	Research and evaluation to identify resources available based on the needs of the community; coordination to identify usage for language equity funds.
	Spring – Summer 2024	Interdepartmental coordination began; translation of materials initiated.
Phase 3 (2024-2026)	Spring 2025	Launch of translated gender-based violence in top non-English languages.

Next Steps & Timeline:

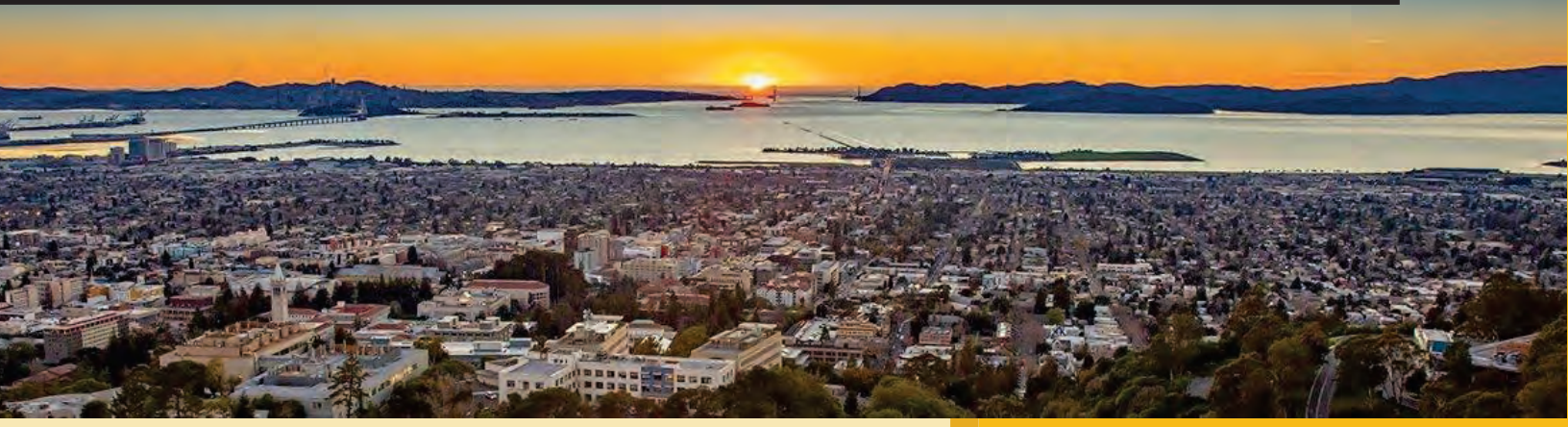
- **Spring 2025 – ongoing:** Complete translation and distribution of key public safety resources, including gender-based violence materials. Staff will continue identifying high-priority materials and explore expanded language access efforts in coordination with city departments.

Internal

APPENDIX

Please refer to the Reimagining Public Safety Status Update Summer 2025 Companion Appendix

REIMAGINING PUBLIC SAFETY

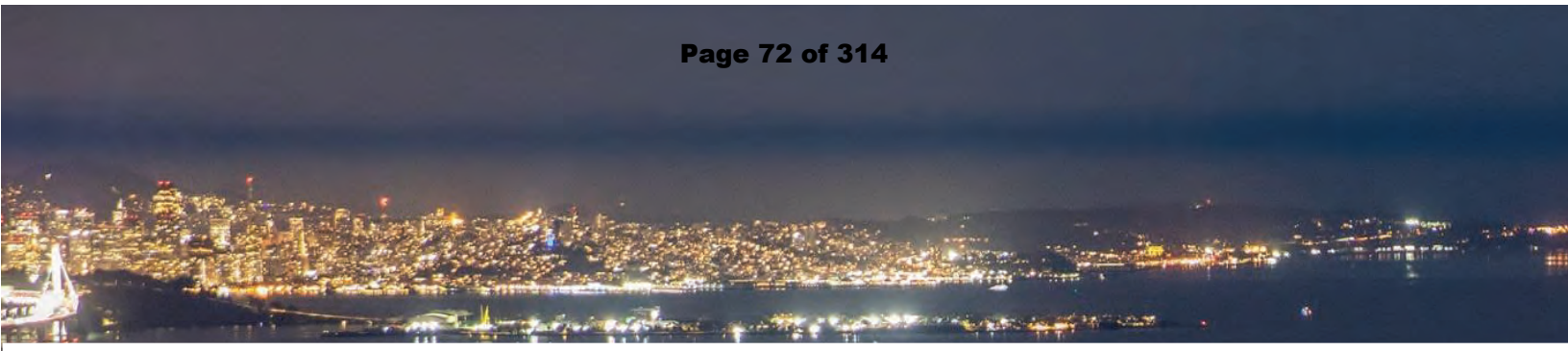


Status Update and Report Out

City Manager's Office

Summer 2025

COMPANION APPENDIX



Introduction

The companion appendix document for the Reimagining Public Safety Status Report serves a dual purpose. Firstly, it acts as an archival record, detailing the work conducted in Phase 1, Phase 2, and currently, Phase 3 of the initiative. Secondly, it aims to ensure transparency by supplying supporting documents relevant to the initiative's direct engagements. This includes details such as impact reports, presentations, contract numbers and scope of services for contractor role agreements, with the full contracts being accessible through public record requests. This document reflects the commitment to both accountability and due diligence in the ongoing process of redefining public safety measures.

Summer 2025 RPS Status Update
Appendix Legend

Appendix A	Live Free USA GVIPP Report
Appendix B	Berkeley Junior Jackets FY 2025 Report
Appendix C	Preliminary Fines & Fees Assessment
Appendix D	Specialized Care Unit Supporting Materials
Appendix E	Mental Health & Wellbeing Coordinator Impact Report
Appendix F	Domestic and Intimate Partner Violence Draft Recommendations
Appendix G	Fair & Impartial Policing (FIP) Supporting Materials
Appendix H	Translated Domestic Violence Brochure Samples

APPENDIX A

Live Free USA GVIPP Report

Reimagining Public Safety CBO Annual Report

GVIPP/Berkeley CVI Program, LIVE FREE California

Program Information

Program Calendar Link: Available through Live Free's website event page and internal scheduling system Mobilize: Berkeley CVI Collaborative Action Forums.

Program Description: The Berkeley Community Violence Intervention (BCVI) program is a comprehensive community-based initiative launched in July 2024 to prevent and reduce gun violence in Berkeley, California. The program employs evidence-based strategies including life coaching for high-risk individuals, crisis response and intervention, community outreach and engagement, school-based conflict mediation, and regional collaboration with neighboring jurisdictions.

This annual report includes information collected from July 2024 to May 2025.

Goals:

- Reduce fatal and non-fatal shootings in Berkeley
- Interrupt cycles of violence through community-based intervention
- Provide intensive life coaching and support services to high-risk individuals
- Build community capacity for violence prevention and healing
- Establish regional collaboration for cross-jurisdictional violence reduction

Target Audience:

- High-risk individuals aged 16-35 involved in or at risk of gun violence
- Families and community members affected by violence
- Students in Berkeley United School District experiencing conflict
- Community members in South and West Berkeley neighborhoods
- Regional networks spanning Berkeley, Oakland, and Richmond

Key Activities:

- 24/7 crisis response to shooting incidents and community conflicts
- Intensive life coaching sessions (2-3 times weekly with participants)
- School-based mediation and conflict resolution
- Community outreach and engagement events
- Pre-release services at Santa Rita Jail

- Regional coordination with Oakland DVP and Richmond ONS

Number of People Served | Individuals: 589+ across all program components

Breakdown by Age Group (June-December 2024):

- Children (Ages 0-10): 75 individuals (15 carried over, 60 new admissions)
- Youth (Ages 11-17): 105 individuals (35 carried over, 70 new admissions)
- Young Adults (Ages 18-24): 130 individuals (50 carried over, 80 new admissions)
- Parents/Legal Guardians: 65 individuals (25 carried over, 40 new admissions)
- Additional Family Members: 14 individuals (4 carried over, 10 new admissions)

Service Type Breakdown:

- Life Coaching Participants: 15+ individuals receiving ongoing intensive services (200+ total sessions conducted)
- Crisis Response: 12+ individuals directly engaged during shooting scene responses
- School Mediation: 75+ students and parents engaged in conflict resolution
- Community Outreach: 400+ community members reached through events and forums

Additional Metrics

Violence Reduction Outcomes (January-May 2025 vs. 2024):

- Fatal Shootings: 100% reduction (3 incidents in 2024 → 0 incidents in 2025)
- Non-Fatal Shootings: 100% reduction (3 incidents Jan-May 2024 → 0 incidents Jan-May 2025)
- Incidents with Shots Fired: 50% reduction (8 incidents Jan-May 2024 → 4 incidents Jan-May 2025)
- Year-over-year Shots Fired reduction: 81% (21 incidents 2024 → 4 incidents 2025 to date)

Crisis Response Metrics:

- 4 shooting scenes responded to (July - December 2024)
- 0 shooting scenes responded to (May 2025) - demonstrating significant improvement
- Multiple school crisis interventions across Berkeley High, B-Tech, Willard Middle, and Longfellow Middle
- Regional crisis support provided for Oakland and Richmond incidents affecting Berkeley residents

Community Engagement

Community Meetings and Events**:**

- 2 Major Community Forums: December 6, 2024 (in-person) and December 14, 2024 (virtual)
- Community Collaborative Sessions: Multiple sessions throughout the year including CVI Collaborative launch February 2025
- Neighborhood Block Parties: Participation in local community events for relationship building
- Faith and Community Events: Partnership with McGee Avenue Baptist Church including press events and harvest festivals, Voices against Violence and other community based events
- School Engagement: Regular presentations and interventions at BUSD middle and high schools

Attendance Numbers:

- December Community Forums: 100+ participants across both sessions
- Berkeley Jr. Jackets Summit: 200+ attendees with family engagement focus
- Harvest Festival events: 200+ community members reached
- School-based interventions: 75+ students and parents engaged
- Regional violence prevention showcase: Multi-agency collaboration event

Community Asset Mapping:

- Comprehensive mapping of South and West Berkeley resources and stakeholders
- Connection with 20+ community-based organizations
- Identification of credible messengers and community influencers
- Establishment of elder and community-led council concepts for shooting review processes

Workshops and Training Sessions

Number of Workshops Conducted: 4 training events plus ongoing capacity building

Training Events:

1. Life Coaching and Street Outreach Training (November 18-19, 2024)
    - 2-day intensive training facilitated by NICJR
    - 14 participants including BCVI staff, credible messengers, and community members

    - Curriculum covered evidence-based intervention strategies and trauma-informed care
2. Mental Health First Aid Training (March 2025)
    - All-day training for entire BCVI team
    - Focus on crisis response and trauma-informed care
    - Integration with ongoing service delivery protocols
3. Custom Notifications Training (March 20, 2025)
    - Collaborative training with BPD, Live Free, and City staff
    - NICJR-facilitated session on purpose and format of Custom Notifications
    - Planning for implementation protocols
4. Internal Life Coaching Model Training (ongoing)
    - Weekly internal training sessions on motivational interviewing
    - De-escalation strategies and crisis response techniques
    - Case conferencing and documentation protocols

Topics Covered:

- Evidence-based violence intervention strategies
- Life coaching and mentoring techniques
- Crisis response and de-escalation
- Trauma-informed care and mental health first aid
- Conflict mediation and restorative practices
- School engagement and family involvement strategies

Participant Feedback:

- Strong positive reception for hands-on, practical training approaches
- Request for ongoing technical assistance and refresher training
- Emphasis on value of peer learning and cross-agency collaboration
- Integration requests for BPD partnership building and role clarification

Partnerships and Collaborations

Primary Partners:

- National Institute for Criminal Justice Reform (NICJR): Technical assistance, training, and program design support for life coaching, street outreach and focused deterrence strategies
- Center for Food, Faith and Justice (CFFJ): Community engagement, street outreach and life coach management, and faith-based support through McGee Avenue Baptist Church

- City of Berkeley Departments: City Manager's Office, Berkeley Police Department, Health Housing and Community Services, GVIPP All Hands group and Reimagining Taskforce/GVIPP Steering Committee
- Oakland DVP (Violence Prevention): Regional coordination and case referrals
- Richmond Office of Neighborhood Safety (ONS): Regional coordination and case referrals

Community-Based Organization Partners (20+and creation of a Resource Guide):

- Berkeley Unified School District
- Berkeley Junior Jackets Football and Cheer
- Good Brotha Network
- Berkeley Faith and Justice Coalition
- Berkeley Black Ecumenical Ministerial Alliance (BBEMA)
- The Way Berkeley Christian Center
- Healthy Black Families
- Berkeley Community Hub
- Youth ALIVE
- Friends of Adeline
- Family Spirit Center
- Berkeley NAACP
- Green the Church
- Berkeley People's Alliance
- BOSS
- UC Berkeley

Regional and County Partners:

- Alameda County Probation (Youth Services Division and reducing youth violence coordination)
- Santa Rita Jail (pre-release services partnership)
- Alameda County Office of Violence Prevention
- Felton Institute Program (Vallejo and Antioch)
- San Francisco Violence Intervention Program (SFVIP)

Educational and Research Partners:

- University of Chicago CVI Leadership Academy
- Evidence-based program model implementation partnerships

Collaboration Impact:

- Seamless regional crisis response coordination

- Shared resource allocation and service delivery
- Joint training and capacity building initiatives
- Coordinated community engagement strategies
- Cross-jurisdictional information sharing for violence prevention

Success Stories and Testimonials

Individual Success Stories:

Case Study - Juvenile Justice Success: GP was referred to BCVI through the juvenile justice system while facing probation violations. Through intensive life coaching sessions conducted 2-3 times per week, family engagement support, and coordination with probation officers, GP successfully completed program requirements. On April 29, 2025, GP's juvenile probation case was dismissed - a significant milestone demonstrating the program's effectiveness in supporting youth through the legal system while addressing underlying risk factors.

Case Study - School Conflict Resolution: BCVI teams successfully intervened in a multi-school conflict involving Berkeley High and B-Tech students that had escalated. Through coordinated mediations involving students, families, and school administrators, the team prevented retaliatory violence and established ongoing agreements between the parties. Follow-up monitoring confirmed sustained conflict resolution with no further incidents.

Case Study - Regional Crisis De-escalation: When violence in Oakland threatened to spill over into Berkeley involving cross-jurisdictional networks, BCVI teams worked closely with Oakland DVP and Richmond ONS to provide coordinated crisis response. Through credible messenger engagement and family mediation, the team successfully prevented retaliatory violence while supporting affected families through crisis services.

Family Testimonials:

"The BCVI team was there for us when we needed them most. After [family member] was shot, they didn't just show up once - they stayed with us through the whole process. They helped us navigate everything from the hospital to the funeral planning, and they made sure we had the support we needed to heal as a family." - Family member supported through crisis response

"My son was heading down a really bad path, getting involved with the wrong people. The life coach from BCVI didn't judge him or lecture him - they met him where he was and helped him see that he had other choices. Now he's thinking about his future differently." - Parent of life coaching participant

Community Leader Testimonials:

"The BCVI program has brought something to Berkeley that we've been missing - real community-based intervention that works. When there's a crisis, we know we can call them and they'll be there. But more than that, they're building relationships and trust that prevent crises from happening in the first place." - Community organization leader

"What I appreciate about BCVI is that they understand this work has to be regional. Violence doesn't stop at city boundaries, and neither should our response. The coordination between Berkeley, Oakland, and Richmond has made all of our communities safer." - Regional partner organization

School Staff Testimonials:

"Having BCVI available when conflicts arise has been invaluable. They have the credibility and skills to de-escalate situations that might otherwise have led to suspensions, expulsions, or worse. They're helping us create a culture of resolution rather than punishment and retaliation." - Berkeley High School administrator

Credible Messenger Testimonials:

"Being part of the BCVI team has given me a way to use my own experiences to help young people avoid the mistakes I made. The training and support they provide helps me be more effective, and knowing I'm part of a larger team makes the work feel sustainable." - Community Peace Ambassador

Feedback and Surveys

Participant Satisfaction Ratings:

Life Coaching Participants (N=15):

- Overall satisfaction with services: 92% positive
- Feeling of safety and trust with life coach: 95% positive
- Perception of program helpfulness: 88% positive
- Likelihood to recommend to others: 90% positive

School-Based Intervention Feedback:

- Students: 78% reported improved understanding of conflict resolution
- Parents: 85% satisfaction with mediation process and outcomes
- School Staff: 92% found BCVI intervention helpful and effective

Community Partner Feedback:

- Collaboration effectiveness: 88% rated partnership as "very effective" or "extremely effective"
- Communication quality: 85% positive
- Mutual benefit: 90% agreement that partnership benefits both organizations
- Sustainability: 83% confidence in long-term partnership viability

Areas for Improvement (Based on Feedback):

Service Delivery Enhancement:

- Request for expanded evening and weekend availability
- Desire for more Spanish-language services and materials
- Interest in additional mental health and trauma counseling resources

Community Engagement Expansion:

- Expanded resources and capacity building for grassroots community
- Desire for neighborhood-specific engagement strategies
- Interest in youth-led programming and increased mentorship
- Request for enhanced family engagement programming

Regional Coordination Strengthening:

- Need for faster information sharing protocols during crisis situations
- Desire for joint training opportunities across jurisdictions
- Interest in shared resource development and funding strategies
- Request for standardized data collection and outcome measurement

Program Enhancement Suggestions:

- Integration of technology platforms for service delivery and communication
- Development of alumni network for program graduates
- Enhanced career development and employment services
- Expansion of pre-release services and reentry support

Implementation Timeline for Improvements:

- Immediate (0-3 months): Enhanced evening and weekend availability, strengthen communication protocols
- Short-term (3-6 months): Spanish-language materials, quarterly community forums

- Medium-term (6-12 months): Youth and adult leadership institute launch, alumni network development
- Long-term (12+ months): Technology platform integration, expanded reentry services

Feedback Collection Methods:

- Regular participant surveys
- CVI Collaborative meetings with community members and partners
- One-on-one feedback sessions with life coaching participants
- Community forum feedback interviews/surveys
- Partner organization feedback interviews/surveys
- School staff and administrator interviews/surveys
- Family member feedback collection during crisis response follow-up

The feedback collection is ongoing and integrated into program operations, ensuring continuous quality improvement and community-responsive service delivery.

APPENDIX B

Berkeley Junior Jackets FY 2025 Report

ANNUAL REPORT

View videos in Canva by scanning the QR Code:

PROGRAM DESCRIPTION

The Berkeley Junior Jackets is a nonprofit youth football and cheerleading organization based in Berkeley, California.

Established in 2017, it operates under the YLM Foundation and is sanctioned by NorCal American Youth Football (AYF).

The mission of the Berkeley Junior Jackets program is to provide a positive sports experience that includes leadership training, violence prevention, and activities that support participants' physical and mental well-being.

PROGRAM SNAPSHOT

Organization Name: YLM Foundation
Program Title: Berkeley Junior Jackets
Fiscal Year Covered: 2025

Contact Person & Title:
LynnMarie Reed, Co-Founder
Email: info@TheYLMFoundation.org

Program Calendar Link

PROGRAM SNAPSHOT

Football











PROGRAM SNAPSHOT

Cheer







SEASON 8 KPI'S & DEMOGRAPHICS

Young Lives Matter Foundation
ON THE FIELD OFF THE STREETS

- Berkeley Residents: 107
- Total Participants: 148

Ethnicity:

- Hispanic: 16
- Black/African American: 129
- Other: 3

SEASON 8 KPI'S DEMOGRAPHICS

- **Football**: 113
  - Boys: 111
  - Girls: 2
- **Age Breakdown:**
  - 6U: 22
  - 8U: 18
  - 10U: 20
  - 12U: 31
  - 14U: 22
- **Cheer**: 35
  - Boys: 0
  - Girls: 35
- **Competition Participation:**
  - D6: 1 (sideline)
  - D6: 13 (competition)
  - D10: 11 (competition)
  - D12: 10 (competition)



FINANCIAL SUMMARY

Budget Overview: Use of City Funds ($150,000)

	Amount Spent	Actual % of Total
Personnel		
Board Stipends	23,000.00	
Staff Stipends	4,167.00	
Coach Compensation	8,150.00	
Personnel Subtotal	**$35,317.00**	**23.54%**

	Amount Spent	Actual % of Total
Program Materials & Facilities		
Apparel (Uniforms, Gear)	2,555.00	
Equipment (e.g., balls, pads, etc.)	13,625.59	
Game Fees (league costs, refs, etc.)	33,490.57	
Field Rental	18,320.00	
Program Materials & Facilities Subtotal	**$67,991.16**	**45.33%**

FINANCIAL SUMMARY

Budget Overview:
Use of City Funds ($150,000)

	Amount Spent	Actual % of Total
Participant Support		
Youth Scholarships	8,000.00	
Events (banquet, retreats, family days)	28,188.95	
Participant Support Subtotal	**$36,188.95**	**24.13%**

	Amount Spent	Actual % of Total
Capacity Building & Professional Development		
Staff Training & Certification	1,728.71	
Strategic Planning & Capacity Building	974.18	
Capacity Building & Professional Development Subtotal	**$2,702.89**	**1.80%**



FINANCIAL SUMMARY

Budget Overview: Use of City Funds ($150,000)

	Amount Spent	Actual % of Total
Community Engagement Activities		
Community Engagement	**$6,718.79**	
Cheer Competition	28,215.23	
Community Engagement Activities Subtotal	**$34,934.02**	**23.29%**
Admin/Operations	**$7,800.00**	**5.20%**

GOALS

Goal 1: Ensure a Professional and Stable Coaching Team
Goal 2: Strengthen Coaching Capacity
Goal 3: Maintain Equitable Access to Youth Sports
Goal 4: Promote Team Culture and Staff Cohesion
Goal 5: Strengthen Organizational Infrastructure
Goal 6: Diversify Funding Streams
Goal 7: Deepen Community Engagement
Goal 8: Track Program Reach and Inclusion
Goal 9: Support Youth Development and Safety
Goal 10: Retain Skilled Staff and Volunteers
Goal 11: Report Progress and Maintain Transparency
Goal 12: Evaluate Program Impact Annually
Goal 13: Document and Share Long-Term Outcomes

GOAL 1:

Ensure a Professional and Stable Coaching Team

Objective 1.1: Compensate coaches with monthly stipends.

Milestone Achieved:
- Initiated monthly payments September 2024.

Measure:
- Verified stipend disbursement records
- Coach performance evaluation framework under development--plan is to implement next season

GOAL 2:

Strengthen Coaching Capacity

Objective 2.1: Implement biannual training for all coaches.

Milestone Achieved:
- Completed initial training sessions by December 2024.

Measure:
- Attendance logs and post-training evaluations when available

GOAL 3:

Maintain Equitable Access to Youth Sports

Objective 3.1: Offer low- or no-cost enrollment to all participants.

Milestone Achieved:
- Enrollment open each July–August.
- 75% of athletes, received financial scholarships

Measure:
- Enrollment documentation, number of youth served, and financial aid distribution.

GOAL 4:

Promote Team Culture and Staff Cohesion

Objective 4.1: Host annual and quarterly events to build community.

Milestone Achieved:
- Annual Banquet: December each year.
- Coaches' Dinner: June annually.
- Staff Meetings: Held quarterly.

Measure:
- Event plans and attendance logs.

GOAL 4:

Season 8 Annual Banquet





GOAL 5:

Strengthen Organizational Infrastructure

Objective 5.1: Develop and adopt a multi-year strategic operational plan.

Milestone Achieved:

- Strategic operational framework completed by January 2025, including:
  - Quarterly board meeting schedule
  - Annual Junior Jacket Day
  - Pre-season camp timelines
  - Leadership development and violence prevention programming
  - Completion of board training and orientation

Measure:

- Documented operational plan, board training materials, and calendar of key organizational activities.

GOAL 6:

Diversify Funding Streams

Objective 6.1: Implement a comprehensive fundraising strategy.

Milestone Achieved:

- Actively sought private foundation grant awards
- Received UC Chancellor's Grant for new BL2T Program.

Measure:

- Number of grants submitted, dollars raised, and events held.

GOAL 7:

Deepen Community Engagement

Objective 7.1: Enhance outreach to local stakeholders and boost volunteerism.

Milestone Achieved:

- Participated in key community events:
  - National Night Out
  - Harvest Fesitval
- Hosted signature events open to all Berkeley youth:
  - Jr. Jacket Day
  - Trunk or Treat
  - Toys for Tots

Measure:

- Feedback from YLM staff and families reflecting enthusiasm for continued involvement
- Planning underway for additional community-based events in future program years

GOAL 8:

Track Program Reach and Inclusion

Objective 8.1: Monitor and analyze participation and demographic trends.

Timeline:

- Quarterly updates.

Measure:

- Participation records and demographic reports.

GOAL 9:

Support Youth Development and Safety

Objective 9.1: Integrate enriching experiences, leadership development, and violence prevention programming.

Milestone Achieved::

- Hosted developmental outings and safe social activities, including:
  - Fishing trip for football players
  - NBA HBCU All-Star Game outing
  - Local boxing match experience
  - Swim party for cheerleaders
  - Joint skating party for football players, cheerleaders, coaches, and staff
- Launched youth leadership programs:
  - Girl Power and Boys to Men sessions held simultaneously for all Jr. Jacket youth

Measure:

- Participation logs, pictures, and videos of events

GOAL 10:

Retain Skilled Staff and Volunteers

Objective 10.1: Monitor and improve staff retention.

Milestone Achieved:

- Initiated milestone payments for completing pre- and post-season activities

Measure:

- Retention rates.

GOAL 9:

Girl Power & Boys to Men



GOAL 11:

Report Progress and Maintain Transparency

Objective 11.1: Submit bi-annual and annual reports aligned with Reimagining Public Safety program.

Reporting Dates:

- September 16, 2024 | Fall/Winter 2024 Update
- May 15, 2025 | Spring/Summer 2025 Update
- TBD | Fall/Winter 2025 Update
- TBD | Spring/Summer 2026 Update

Deliverables:

- Program updates, KPI's, and financial reports.

GOAL 12:

Evaluate Program Impact Annually

Objective 12.1: Conduct a comprehensive annual evaluation.

Measure:

- Year-end impact summary, and improvement recommendations based upon learning's documented in **Goal 13**.

GOAL 13:

Document and Share Long-Term Outcomes

Objective 13.1: Prepare a final report for the City Council at the end of the funding period.

Deliverables:

- Final impact report including lessons learned .

Lessons Learned:

- YLM needs more infrastrucutre in place to make things more cohesive

Upcoming Focus:

- Beginning conversations with sponsors for a turfed, lined football field can promote equity by expanding access to high-quality, safe athletic space—particularly for BIPOC and underserved youth.
- It creates a year-round, inclusive environment for sports, leadership programs, and community gatherings, affirming that all young people in Berkeley deserve investment, dignity, and opportunity.
- This space can also serve as a visible symbol of community pride and a platform for values-aligned partnerships that center racial and economic justice.



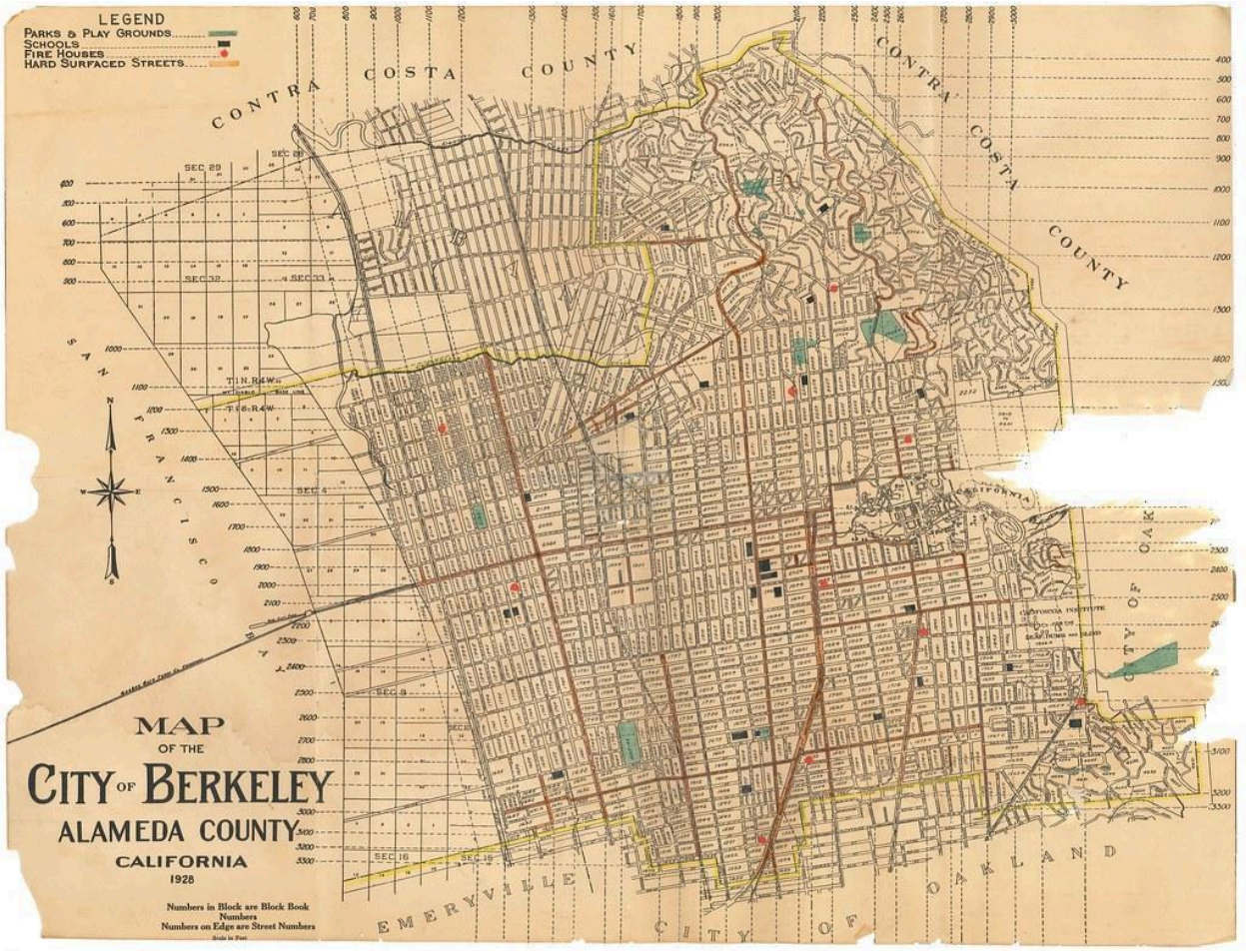
THANK YOU

APPENDIX C

Preliminary Fines & Fees Assessment

The Fines and Fees Report:

Advancing Equity in Berkeley, California



Daniel V. Muñoz MPP 2025

Goldman School of Public Policy

University of California Berkeley

This document was prepared for the City of Berkeley's Fines and Fees Steering Committee and the Berkeley City Council

The author conducted this study as part of the program of professional education at the Goldman School of Public Policy, University of California at Berkeley. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgments and conclusions are solely those of the author, and are not necessarily endorsed by the Goldman School of Public Policy, by the University of California, or by any other agency.

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Statement of Positionality

My engagement throughout this Capstone and Berkeley's Fines & Fees system is inseparable from my lived experience. I am a multi-racial Hispanic male who grew up—and, for much of my adult life, remained—in low-income circumstances, living paycheck-to-paycheck. I am formerly incarcerated and have personally carried the weight of punitive fines and fees that compounded economic insecurity for me and my family.

Having navigated the criminal legal system from the inside, I understand how cumulative financial penalties can trap people in cycles of debt, surveillance, and marginalization. This perspective grounds my insistence that policy proposals be evaluated not only for fiscal efficiency but also for their capacity to restore dignity, promote due process access, and reduce racial- and socio-economic disparities. Equity is not an abstract goal for me—it is a tangible necessity tied to survival and self-determination.

At the same time, I recognize that my proximity to the issue may introduce bias toward favoring reforms that reduce or eliminate fines altogether. To mitigate that bias, I rely on rigorous empirical evidence, dialogue with stakeholders of varied backgrounds, and transparent methodology. I strive to balance the urgency of lived experience with the discipline of data-driven public policy analysis.

Ultimately, my position in this project is both scholar-advocate and community voice. I leverage personal insight to spotlight systemic harms that might otherwise remain hidden, while committing to rigorous standards that make our recommendations credible to policymakers. My aim is to ensure that Berkeley's fines and fees framework advances fiscal responsibility *and* justice—so that no one's ability to meet basic needs is derailed by punitive costs.

Executive Summary

Introduction

Berkeley's multi-department fines and fees framework, while designed to meet diverse operational needs, has led to challenges around consistent communication, administrative efficiency, and equitable enforcement for low-income residents. In the first half of Fiscal Year 2025, parking citation volume rose by 12.9 percent while related revenues fell by 9.9 percent, indicating a growing disparity between enforcement actions and actual collections.[1] This gap highlights the limits of relying on punitive, lump-sum charges and underscores the need to realign the City's approach to promote both fiscal stability and equitable access for all residents.

[1] "Fiscal Year 2025 Mid-Year Budget Update." City Budget. City of Berkeley, March 25, 2025. https://berkeleyca.gov/sites/default/files/documents/2025-03-25%20Item%2011%20FY%202025%20Mid-Year%20Budget%20Update%20Report.pdf.

This report examines Berkeley's multilingual, multi-department fines and fees framework to identify opportunities for improving fiscal stability, administrative efficiency, and equitable access. It assesses how reliance on punitive, lump-sum penalties can exacerbate financial hardships for low-income residents and strain public trust, setting the stage for targeted reforms to realign policy with broader equity and transparency goals.

Criteria Used to Evaluate

This study evaluates six targeted interventions using a mixed-methods approach: mapping departmental fee schedules, analyzing budget and revenue data, conducting semi-structured interviews with staff from multiple City departments, and benchmarking against other Bay Area jurisdictions, such as San Francisco, Alameda, and Oakland, as well as other jurisdictions across the U.S.

To ensure a transparent and data-driven assessment of each reform, a criteria matrix was developed that quantifies their performance across five key dimensions. The study's criteria matrix assigns each proposed reform a score from 1 to 10 across each dimension—political feasibility, implementation cost, anticipated effectiveness, long-term sustainability, and potential externalities—to facilitate an objective, side-by-side comparison of policy options. By quantifying each recommendation against these standardized measures, the matrix highlights top-scoring interventions and illuminates trade-offs, enabling decision makers to prioritize actions that balance impact with practicality and equity.

Key Findings and Challenges

The disproportionate burden that fines and fees impose on low-income individuals and communities of color has been documented across California. A UCLA Summer Programs for Undergraduate Research (SPUR) study in 2021 found that nearly half of Californians with outstanding fines or fees were unable to pay other essential bills, with 40 percent skipping utilities and 37 percent missing grocery payments.[2] Concurrently, a 2023 analysis by the California Budget and Policy Center revealed that 63 percent of households earning under $35,000, 46 percent earning $35,000–$74,999, and 30 percent earning $75,000–$149,999 reported difficulty meeting basic expenses.[3] These findings illustrate how unexpected municipal charges can exacerbate financial fragility and erode trust in local governance.

Recognition of these harms has grown alongside broader public safety reforms. Berkeley's Reimagining Public Safety Task Force called for non-punitive interventions and restorative

[2] Denney, Jacob. "More Harm Than Good: Building a More Just Fine and Fee System in California," June 2021. https://www.spur.org/sites/default/files/2021-06/SPUR_More_Harm_Than_Good_0.pdf
[3] California Budget and Policy Center. "Millions of Californians Are Struggling to Make Ends Meet." Accessed April 13, 2025. https://calbudgetcenter.org/resources/millions-of-californians-are-struggling-to-make-ends-meet/.

approaches to reduce reliance on traditional enforcement,[4] while the City Council's Care First, Jails Last resolution shifted focus toward prevention and community-centered support.[5] Yet, without targeted reforms to the fines and fees framework, efforts to advance equity risk being strained by financial barriers that may contribute to financial hardship for vulnerable residents.

Although some City departments use informal, case-by-case discretion to extend deadlines, waive minor penalties, or guide residents through the fines and fees process, these accommodations depend on individual staff availability, lack clear, uniform procedures, and remain unevenly accessible, which can inadvertently reinforce inequities.

Recommendations

First, ***consolidating all fees, deadlines, and relief programs into a single, multilingual online resource page***—complemented by a council-adopted Master Fee Schedule—could vastly improve transparency and reduce administrative overhead. San Francisco, who publishes a biennial Master Fee Schedule, reports measurable increases in voluntary compliance and reductions in staff time spent responding to routine inquiries.[6] Also, embedding clear instructions and QR codes on physical notices can further guide residents to assistance at the point of citation.

Second, ***updating Berkeley Municipal Code section 14.40.100[7] to align with the ADA Amendments Act of 2008[8] and California Vehicle Code § 295.5[9]*** would broaden eligibility for disabled-parking placards to include individuals with blindness, cardiopulmonary conditions, or episodic impairments, and would allow caregivers to use placards when they are providing transportation to disabled persons. Harmonizing local law with federal and state definitions reduces legal risk and expands equitable access without substantive revenue loss.

Third, ***converting mandatory bicycle licensing under BMC 14.68 to a voluntary program*** removes a punitive requirement that discourages sustainable transportation and disproportionately penalizes second-hand bike owners who often lack sales documentation. State law under Cal. Veh. Code § 39002(a) prohibits enforcement against unlicensed bicycles,[10] and Berkeley's Climate Action Plan reported that sustainable modes—including cycling—accounted for 34 percent of trips in 2023, underscoring the

[4] "Reimagining Public Safety." Berkeley Task Force Report, March 2022. https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/TaskForceReport-2322-653pm2-8-2022.pdf.
[5] Jones, Monica. "Resolution to Adopt a City-Wide 'Care First, Jails Last' Policy," July 25, 2023. https://dev.berkeleyca.gov/sites/default/files/documents/2023-07-25%20Item%2031%20Resolution%20to%20Adopt%20a%20City-Wide.pdf.
[6] City and County of San Francisco Staff Interview. Financial Justice Project, 2025
[7] Berkeley Municipal Code, § 14.40.100 (1952).
[8] ADA Amendments Act of 2008, Pub. L. No. 110–325, Stat. 3553, 2559, § 8, 122 (2008). https://archive.ada.gov/nprm_adaaa/nprm_adaaa.htm.
[9] Legislature, Cal. "Cal. Vehicle Code § 295.5." Accessed April 18, 2025. https://california.public.law/codes/ca_veh_code_section_295.5.
[10] Registration and Licensing of Bicycles, Vehicle Code § 39002(a) (2023). https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?article=&chapter=&division=16.7.&lawCode=VEH&part=&title=.

importance of barrier-free bike access.[11] Forecasts project the global used bike market to grow from $47 billion in 2025 to $72.4 billion by 2035,[12] highlighting the need for accessible, voluntary registration.

Fourth, ***evaluating a centralized, end-to-end fines and fees management platform***—either by extending the City's existing Enterprise Resource Planning (ERP) software framework or deploying an end-to-end solution—could streamline workflows, eliminate tedious data entry, and enable real-time visibility into citation lifecycles. When taken a step further and complemented by Robotic Process Automation (RPA), which automates repetitive tasks in legacy systems, the combined technology reduces errors and frees staff for more strategic work.[13]

Fifth, ***extending Berkeley's Indigent Payment Plan***—currently limited to parking citations—to all eligible fines and fees would align obligations with residents' financial realities and bolster compliance. In San Francisco, their Ability-to-Pay model, which reduces the entry fee for payment plans by over 90 percent led to a 400 percent enrollment increase and nearly $160,000 in additional revenue within two months.[14]

Finally, ***embedding automatic installment plans as the default for every citation***—offering three- or four-month payment schedules at the point of ticket issuance—aligns fiscal obligations with household cash-flow patterns. Research shows that many households facing modest but unexpected expenses are more likely to maintain compliance when payments are spread over time.[15] One study of installment plans reported a 16:1 advantage in dollars collected compared to lump-sum enforcement, illustrating both revenue gains and administrative savings.[16]

Implementation Considerations

Implementation of these reforms will require phased investments, targeted staff training, and robust public outreach—particularly to limited-English-proficiency communities—to ensure broad awareness and uptake. While some benefits, such as increased compliance and streamlined operations, may emerge quickly, others—like cumulative revenue

[11] "Climate Action Plan and Resilience Update." Berkeley City Council, April 15, 2025. https://berkeleyca.gov/sites/default/files/documents/2025-04-15%20Item%2023%20Climate%20Action%20Plan%20and%20Resilience%20Update_0.pdf.
[12] "Used Bike Marketplace Size, Share & Forecast 2025 to 2035." Accessed April 20, 2025. https://www.futuremarketinsights.com/reports/sales-of-used-bikes-through-used-bike-marketplace.
[13] Digital Robots. "Benefits of Integrating RPA with ERP: Savings and Efficiency." Accessed April 24, 2025. https://www.digital-robots.com/en/news/beneficios-de-integrar-rpa-con-erp-ahorro-y-eficiencia.
[14] Rodriguez, Joe Fitzgerald. "City Says Reduced Fee for Parking Citation Payment Program Boosting Revenues." San Francisco Examiner, May 14, 2018. https://www.sfexaminer.com/news/city-says-reduced-fee-for-parking-citation-payment-program-boosting-revenues/article_520d8832-0300-5643-8267-3ad4c041176f.html.
[15] Hasler, Andrea, and Annamaria Lusardi. "Financial Fragility among Middle-Income Households: Evidence Beyond Asset Building." Working Paper. Global Financial Literacy Excellence Center: The George Washington University School of Business, March 4, 2019. https://gflec.org/wp-content/uploads/2019/04/Financial-Fragility-among-Middle-Income-Households-WP-2019-1-v2-3.pdf.
[16] "Payment Plans as a Compliance Tool: Best Practices For Florida Courts." Fines and Fees Justice Center, August 2019. https://finesandfeesjusticecenter.org/content/uploads/2020/05/Payment-Plans-Final-1.pdf.

stabilization—may appear over longer timeframes. Moreover, reforms touching county- or state-mandated fees will necessitate intergovernmental coordination.

Conclusion

The report proposes options to consolidate communication, update legal standards, review current mandates, leverage technology, and incorporate income-sensitive payment options to support a fines and fees system in Berkeley that promotes transparency, operational efficiency, and fiscal stability while advancing equity goals. A strategic, phased approach will enable the City to establish benchmarks, while building the foundation for more comprehensive, sustainable change.

Project Scope

This capstone undertakes a comprehensive review of Berkeley's system of municipal fines and fees to determine how current practices affect equity, fiscal stability, and administrative efficiency. The primary emphasis is on Berkeley-specific fines and fees structures and opportunities for local reform; however, it is important to note that some fines and regulations are governed by Alameda County ordinances or California state law, which are beyond the City's authority to modify.

This memorandum first maps the status quo: a decentralized network of department-specific schedules, payment portals, and appeal procedures that, despite generating large volumes of citations, often yield declining revenues and create or exacerbate burdens on economically vulnerable populations. In addition to reviewing municipal fee schedules, budget data, and comparative research, semi-structured interviews were conducted with staff from multiple departments, including the City Manager's Office, Planning and Development, Police Department, Parks, Recreation and Waterfront, Public Works, Finance, and the City Attorney's Office. These interviews provided critical insights that helped identify operational challenges and pinpoint areas where fines and fees reforms would be most impactful and administratively feasible.

Guided by a multi-criteria analytical framework that weighs political feasibility, cost, effectiveness, sustainability, and externalities, the scope extends beyond diagnosis to targeted reform design. Six principal interventions are developed: (1) a city-wide communication strategy and consolidated master fee schedule; (2) modernizing disability parking provisions to align with federal and state standards; (3) making bicycle registration voluntary; (4) unifying and simplifying the citation-appeals process; (5) offering automatic installment payment plans to everyone at the point of citation; and (6) expanding the Indigent Payment Plan model across the Berkeley Municipal Code (BMC).

The project further evaluates how automation, such as Robotic Process Automation software and Enterprise Resource Planning platforms, can reduce clerical workload,

improve accuracy, and ensure consistent rule application when administering payment plans.

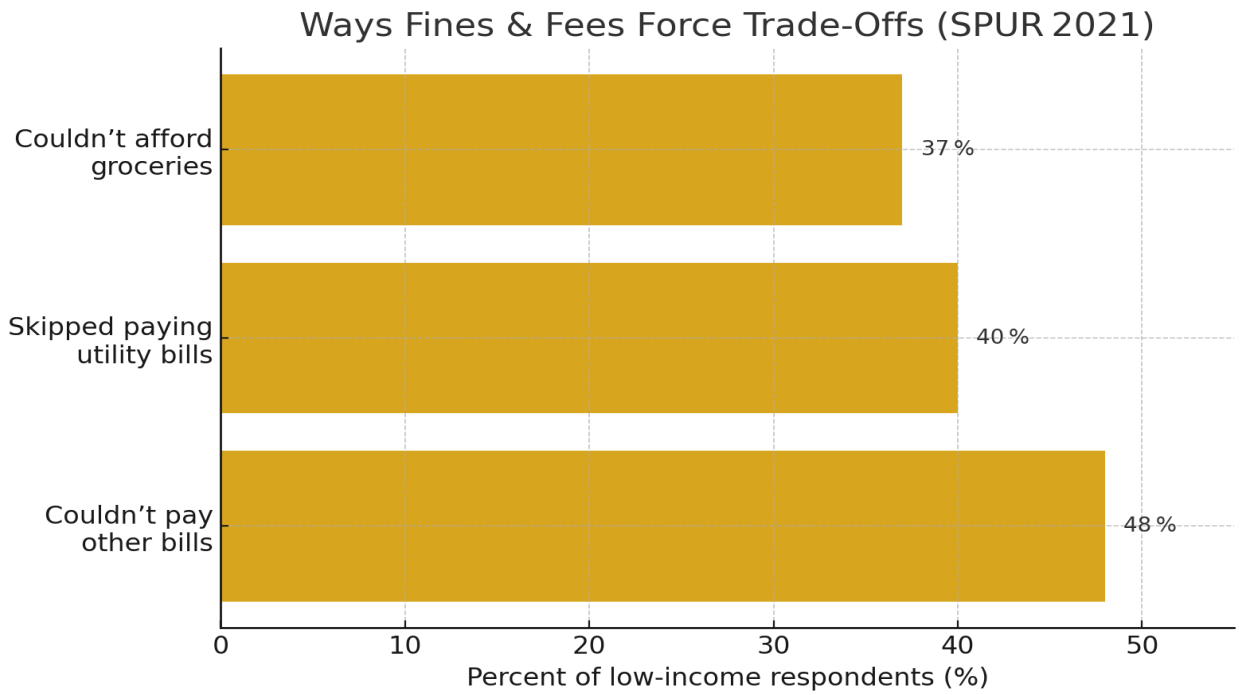
Overall, the scope encompasses problem analysis, stakeholder engagement, legal review, best-practice benchmarking, and the development of actionable policy and technology recommendations aimed at making Berkeley's fines and fees framework more equitable, transparent, and fiscally resilient.

Limitations

While this project employed a rigorous mixed-methods approach, several limitations should be noted. Access to comprehensive, granular data across departments and national partners was limited, which constrained the ability to perform a deeper quantitative analysis of fines and fees distribution and impacts. The timeline of the study also naturally limited the breadth of inquiry, including the opportunity to conduct direct interviews with low-income Berkeley residents most affected by municipal fines and fees. Additionally, while the project engaged multiple City departments and offices, further connections with additional departments could have strengthened the comprehensiveness of the findings. Future studies could build on this work by incorporating direct community engagement to further validate and refine recommendations. Additionally, some fines and regulations fall under Alameda County or California state authority, which places natural boundaries on the reforms that the City of Berkeley can independently implement. These factors should be considered when interpreting the findings and recommendations presented in this report.

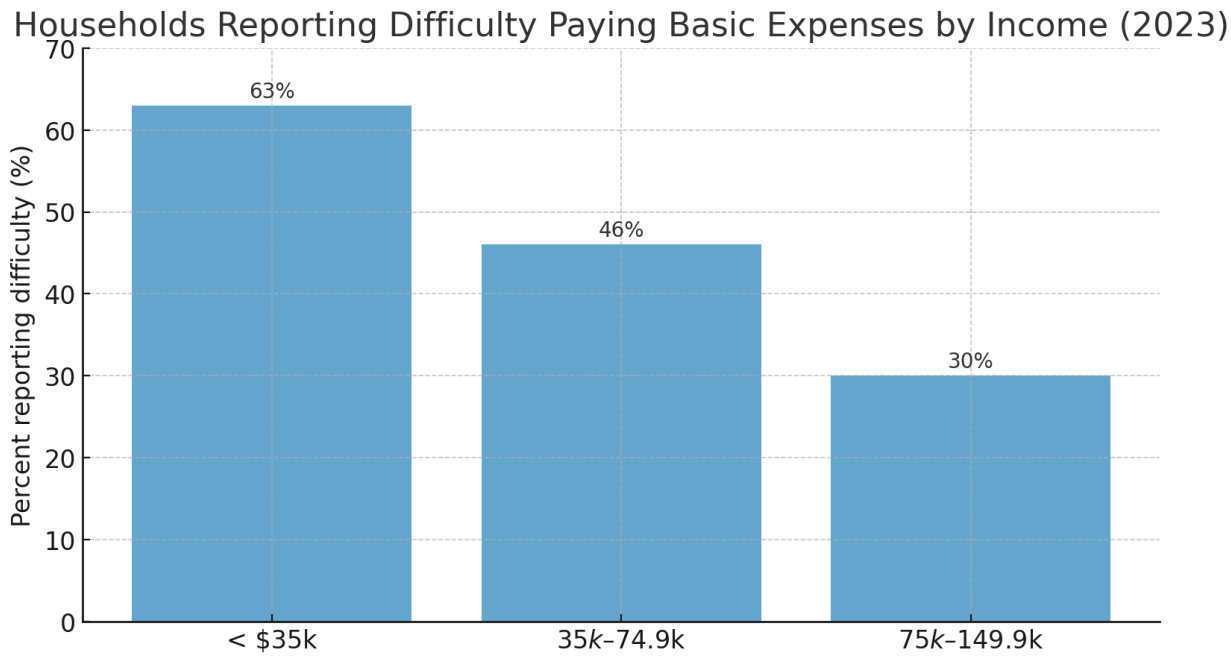
Background

The City of Berkeley imposes a range of fines and fees on individuals for various violations and services. Although intended to maintain public order and offset administrative costs, studies show that such charges may place a disproportionate burden on low-income residents. Research indicates that relatively minor fees can lead to substantial financial hardship, as individuals with limited resources may need to choose between paying fines and covering basic necessities such as food, rent, or utilities.



A report by SPUR in 2021 highlighted that fines and fees disproportionately harm low-income Californians, pushing many families into debt and impeding their ability to meet basic needs.[17] The report noted that 48 percent of individuals grappling with fines and/or fees could not pay their other monthly bills, 40 percent had to skip paying utility bills, and 37 percent could not afford groceries.[18] These findings underscore the significant burden that fines and fees can impose on low-income individuals, often leading to difficult choices between fulfilling legal obligations and meeting essential living expenses.

[17] Denney, Jacob. "More Harm Than Good: Building a More Just Fine and Fee System in California," June 2021. https://www.spur.org/sites/default/files/2021-06/SPUR_More_Harm_Than_Good_0.pdf
[18] Ibid.



Source: California Budget & Policy Center (2023) cite turn8file0

Data at the California Budget and Policy Center shows that in 2023, 63 percent of households making less than $35,000 per year, 46 percent making $35,000-$74,999, and 30 percent making $75,000-$149,999 per year, reported difficulty paying for basic expenses.[19] Households living paycheck-to-paycheck can be highly vulnerable to unanticipated expenses, as their budgets are already stretched thin by necessities like rent, food, and transportation. The lack of disposable income and emergency savings means that a significant portion of Californians, not just those who fall under the "low-income" threshold, are at risk of falling into deeper financial hardship with any unexpected cost.

Research suggests that fines and fees undermine efforts to alleviate poverty and strengthen social mobility by creating cumulative financial burdens that may contribute to financial hardship for vulnerable residents, ultimately perpetuating economic insecurity and reinforcing broader patterns of social and economic inequality. Recognizing these adverse impacts, policymakers and community advocates are increasingly calling for reforms to fine and fee structures, aiming for greater financial equity reflected in the City's municipal code.

Problem Statement

Across the United States, fines and fees related to minor offenses, court costs, and administrative penalties place a significant burden on individuals and families, particularly

[19] California Budget and Policy Center. "Millions of Californians Are Struggling to Make Ends Meet." Accessed April 13, 2025. https://calbudgetcenter.org/resources/millions-of-californians-are-struggling-to-make-ends-meet/.

in communities of color, disproportionately harming those with lower incomes.[20] In Berkeley, a city with more than 118,000 residents[21] and a federal poverty threshold of $15,650 per year in California[22], 17.7 percent of residents live below that mark, placing them at higher risk of hardship when faced with compounding municipal fines.[23] This dynamic can lead to spiraling debts and other consequences that can significantly impact those already struggling to meet basic needs.

The City of Berkeley recognizes the importance of addressing economic disparities and expanding opportunities that support financial and physical security for low-income individuals and families through accessible local government programs. Through the city's efforts to create a public safety system that prioritizes equity and care, this comprehensive re-evaluation stems from the need to address concerns about the disproportionate impact of punitive fines on low-income residents and communities of color, as highlighted in both the Reimagining Public Safety initiative and the Care First, Jails Last resolution.

The Care First, Jails Last resolution shifts public safety toward prevention, treatment, and community-based interventions rather than criminalization and incarceration.[24] The resolution also calls for financial investments in restorative justice and survivor support, guided by City Council and the Mental Health Commission. Reimagining Public Safety is a Berkeley led, council-mandated initiative and Task Force effort to develop a community centered safety paradigm that moves beyond traditional policing by repairing historical harm, advancing equity, and integrating non-police responders for mental health, substance use, and quality-of-life calls.[25] Grounded in extensive community engagement and interdisciplinary research, it seeks to foster restorative justice, enhance transparency, and invest in alternative public safety solutions—such as specialized care units, transportation reforms, and violence-prevention programs—to build lasting, inclusive well-being across every neighborhood.[26]

The disproportionate impact of fines and fees often exacerbates existing inequalities, placing additional barriers before residents who are already facing significant economic challenges. When fines and fees escalate due to an individual's inability to pay immediately, they can escalate into larger debts, which may affect credit scores, housing opportunities, and vehicle registration, among other impacts, which is crucial in order to be legally able to get to and from a place of employment. These cascading consequences create cycles of

[20] Firefly Advocates. "The Hidden Cost of Justice: Fines, Fees, and Their Impact on Communities of Color," February 14, 2025. https://www.fireflyadvocates.org/blog/the-hidden-cost-of-justice-fines-fees-and-their-impact-on-communities-of-color.
[21] "U.S. Census." Accessed April 5, 2025. https://www.census.gov/quickfacts/fact/table/berkeleycitycalifornia/PST045223.
[22] "2025 Poverty Guidelines: 48 Contiguous States (All States except Alaska and Hawaii)," n.d. https://aspe.hhs.gov/sites/default/files/documents/dd73d4f00d8a819d10b2fdb70d254f7b/detailed-guidelines-2025.pdf.
[23] "U.S. Census." Accessed March 24, 2025. https://data.census.gov/all?q=residents+below+the+federal+poverty+line+Berkeley+city,+California.
[24] Jones, Monica. "Resolution to Adopt a City-Wide 'Care First, Jails Last' Policy," n.d. https://dev.berkeleyca.gov/sites/default/files/documents/2023-07-25%20Item%2031%20Resolution%20to%20Adopt%20a%20City-Wide.pdf.
[25] "Reimagining Public Safety." Berkeley Task Force Report, March 2022. https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/TaskForceReport-2322-653pm2-8-2022.pdf.
[26] Ibid

debt that hinder economic mobility and deepen the very poverty such penalties may unintentionally exacerbate, despite intended regulatory purposes..

Research and experiences from other jurisdictions highlight viable alternatives to punitive approaches, emphasizing restorative practices and income-sensitive fine structures. Cities implementing tiered systems or income-based fee waivers have seen reduced financial burdens on marginalized communities without compromising the efficacy or intent behind fines as regulatory tools; effectively promoting compliance without imposing undue hardship.

In alignment with the values articulated in the Reimagining Public Safety initiative and the Care First, Jails Last approach, the City of Berkeley is uniquely positioned to put forth comprehensive reforms that not only mitigate economic disparities but also reinforce community trust in local governance. Engaging directly with impacted communities to understand lived experiences and soliciting input on equitable fine structures can help Berkeley craft policies that better reflect the city's commitment to fairness, justice, and inclusion. Ultimately, these reforms serve as integral components of a broader strategy to build safer, healthier, and more resilient communities, ensuring that local government actions consistently align with the principles of equity and compassion.

Methodology

This project employed a mixed-methods approach anchored in rigorous evidence analysis. The first phase combined documentary analysis—examining the BMC, department-level fee schedules, recent budget updates, and revenue reports—with 15 semi-structured interviews, including correspondence through numerous follow up emails with City staff across Parking Enforcement, Code Enforcement, Finance, the City Attorney's Office, and the Indigent Payment Plan program, as well as staff at San Francisco's Financial Justice Project and the Fines and Fees Justice Center.

These steps mapped the current fines and fees ecosystem, surfaced operational pain points, and recorded equity concerns from frontline perspectives. Concurrently, Berkeley was benchmarked against other jurisdictions, including, but not limited to, San Francisco, Alameda, Oakland, and extensive literature review to identify legally and administratively viable reform models. All findings were cross-checked for consistency and accuracy.

Each potential reform is measured by a multi-criteria decision matrix—political feasibility, cost, effectiveness, sustainability, and externalities—scored on a 1-10 scale to generate comparative rankings. Quantitative scores were paired with qualitative insights from interviews and existing evidence supported the prioritization of six recommendations measuring for equity, fiscal soundness, and administrative practicality. Iterative peer review and reconciliation of data discrepancies ensured internal validity, while continuous

stakeholder feedback helped to mitigate any potential bias and maintain fidelity to community needs throughout the project.

Analytical Framework

The preferred package of six recommendations:

1) publish a consolidated, multilingual Master Fee Schedule and plain-language portal
2) update BMC 14.40.100 to align disability-parking rules with federal and state standards
3) convert mandatory bicycle licensing in BMC 14.68 to a voluntary program
4) explore internal software options
5) extend the Indigent Payment Plan beyond parking tickets to all eligible fines and fees
6) Offer an installment payment option for every citation

It is important to note that the order of the recommendations reflects a strategic sequencing based on relative ease of implementation. Recommendations are prioritized beginning with actions that present lower operational barriers and fewer interdependencies, and progressing toward reforms that involve broader structural considerations, require additional coordination, or present higher complexity. This approach is intended to support a phased implementation process that maximizes early gains while preparing for more comprehensive changes over time.

When evaluating policy recommendations for fines and fees reform, we assess each option's viability. Using specific criteria, this framework promotes a balanced approach that considers political, economic, social, and practical implications. Each recommendation involves trade-offs that influence the effectiveness and sustainability of the policy. The following matrix summarizes the considerations of a set of policy alternatives that follow. Each criteria is based on a 1-10 score, with 10 being the best score. As it pertains to externalities, lower scores lean to more negative externalities, while higher scores lean to more positive externalities.

A. Political Feasibility - Will the policy gain the political support needed to be adopted?
B. Cost Effectiveness - Do the policy outcomes outweigh the cost?
C. Effectiveness - Will the policy achieve its intended goals?
D. Sustainability - Can the policy be maintained over the long-term?
E. Externalities - What are the unintended side-effects of the policy?

Criteria Matrix

Criteria	Status Quo	Develop Clear Comm Strategy	Amend BMC 14.40.100 Disabled Parking Rules	Amend BMC 14.68 Bicycle License And Registra-tion	Explore Internal Software Options	Indigent Payment Plan Extended to Other Areas of BMC	Automatic Payment Plans Available to Anyone	Community Service
Political Feasibility	8	9	7	7	7	5	4	4
Cost Effective-ness	3	9	8	7	6	8	8	5
Effective-ness	3	8	9	9	9	9	9	6
Sustain-ability	2	8	9	9	9	8	8	3
External-ities Low=Neg High=Pos	2	8	8	8	7	8	8	5
Total Score	15	42	41	40	38	38	37	23

Considerations:

Implementation Considerations

Following the evaluation of policy alternatives through the multi-criteria analytical framework, it is important to acknowledge key considerations that could impact the practical implementation of the recommendations. While the reforms identified offer clear opportunities to advance equity, fiscal stability, and operational efficiency within the City of Berkeley's fines and fees system, successful implementation will require careful navigation of administrative, fiscal, and structural realities inherent to municipal governance.

Several considerations are outlined below:

1) **Budgetary Constraints:** Although many proposed reforms, such as updates to the BMC and the development of a centralized communication strategy, are relatively low-cost, initiatives involving technological investments—such as integrating Enterprise Resource Planning (ERP) systems or Robotic Process Automation (RPA)—will require initial capital outlays. Given competing fiscal priorities across City departments, implementation may require phased funding strategies or pursuit of external grants to offset costs.
2) **Administrative Capacity and Workload:** Consolidating department-specific schedules into a Master Fee Schedule, modernizing appeals processes, and expanding payment plan access will necessitate significant interdepartmental coordination, updates to workflows, and staff training. In the short term, these reforms may increase administrative burdens before longer-term efficiencies are fully realized. The City would need to consider how to strategically allocate resources, project management support, and technical assistance during the transition period
3) **Public Awareness and Compliance:** The effectiveness of reforms such as automatic installment plans and expanded access to financial relief options depends heavily on robust public communication. Without intentional outreach—particularly to low-income and limited-English-speaking communities—improvements in system design may not immediately translate into higher compliance rates or improved user experience. A comprehensive education and engagement campaign would be necessary to ensure that impacted residents are aware of and able to access new programs.
4) **Timing of Fiscal Benefits:** Although many reforms are designed to strengthen Berkeley's fiscal resilience over time, cost savings and revenue stabilization may not be immediately apparent. As demonstrated in peer jurisdictions, there may be a lag between initial implementation and the realization of measurable fiscal outcomes. Berkeley should build this lag into its financial projections and maintain regular

monitoring—using key performance indicators such as plan enrollment rates and delinquency trends—to sustain internal support for continued funding.

5) **Jurisdictional and Legal Boundaries:** Certain fines and fees affecting Berkeley residents are governed by Alameda County ordinances or California state law, limiting the City's direct authority to enact reforms in those areas. Any recommendations pertaining to fines set outside the City's jurisdiction would require coordination with county or state entities to fully realize intended impacts.

Incorporating these considerations into a phased implementation plan—with defined milestones, dedicated resources, and ongoing stakeholder engagement—will enable Berkeley to establish a fines and fees system that is transparent, impartial, and financially sustainable.

Community Service Considerations

Additionally, community service in lieu of monetary fines has long been proposed by countless jurisdictions, including Berkeley, as an alternative for individuals unable to pay, but past implementations in Berkeley proved financially unsustainable. Police officials noted that the prior program, facilitated through an outside agency, required officers to work overtime in order to supervise participants, driving up costs without commensurate revenue or compliance gains.[27] Multiple Parking Enforcement Officers stated that, "the cost to run the program and where the money goes or doesn't go are factors"[28] and, "the cost was too high to pay officers the overtime required to staff a program like that."[29]

Other interview respondents nonetheless suggested an expanded community service model, pointing to recent legislative reforms in other states that broaden acceptable service activities beyond roadside cleanup, would be necessary if Berkeley was to revisit a program like this.[30] In Texas, for instance, courts under Article 45.049(c) of the Code of Criminal Procedure may grant credit for participation in addiction counseling, victim impact panels, or social service outreach—rather than strictly manual labor.[31] Likewise, New Mexico's 2023 amendment to Section 31-12-3 of its statutes explicitly allows community service credit "including enrollment in job training or an academic or vocational program or participation in social service or rehabilitation programs," offering a more flexible framework for fulfillment of court-ordered hours.[32]

[27] City of Berkeley Police Department Staff Interview, 2025.
[28] City of Berkeley Staff Interview. Parking Enforcement 2, 2025.
[29] City of Berkeley Staff Interview. Parking Enforcement, 2025.
[30] Policy and Research Director at Fines and Fees Justice Center, n.d.
[31] FindLaw. "Texas Code of Criminal Procedure - CRIM P Art. 45.049. Community Service in Satisfaction of Fine or Costs." Accessed April 23, 2025. https://codes.findlaw.com/tx/code-of-criminal-procedure/crim-ptx-crim-pro-art-45-049/.
[32] Justia Law. "2024 New Mexico Statutes :: Chapter 31 - Criminal Procedure :: Article 12 - Fines, Fees and Costs :: Section 31-12-3 - Paying Fines, Fees or Costs in Installments; Community Service Option." Accessed April 23, 2025. https://law.justia.com/codes/new-mexico/chapter-31/article-12/section-31-12-3/.

In light of these findings, a future community service alternative would need to incorporate a broader array of service options, while ensuring staffing and supervision costs are controlled to maintain both accessibility and fiscal responsibility.

Exemption Considerations

Exemptions to certain municipal fines and fees is an eventual objective; viewing them as a mechanism to advance equity and restorative public safety practices beyond strictly punitive measures. However, the City's current fiscal environment—marked by a tightly constrained general fund and recent mid-year revenue shortfalls[33] renders broad fee waivers infeasible at this time, as any reduction in revenue would deepen existing budgetary pressures and risk displacing critical services.

Under the present deficit state, allocating resources to cover foregone fine and fee revenues would require significant reallocation within an already balanced budget, making comprehensive exemptions in the near term, unfeasible. Once the City's finances recover—through the steady and sustained revenue streams the proposed reform in this report is intended to provide, it can revisit and phase in targeted exemptions that align with the City's long term equity goals, ensuring that financial capacity and policy intent advance in tandem.

Recommendations

Status Quo:

Current State of City of Berkeley's Fines and Fees

Berkeley assesses administrative fines and fees through a decentralized system in which multiple departments—such as Parking Enforcement, Code Enforcement, Planning and Development, Public Works, Parks and Recreation, Finance, and the City Attorney's Office—manage their own distinct schedules, billing systems, appeal procedures, and enforcement protocols. Parking citations, for example, operate under a separate framework from business license penalties or code violations, and each maintains its own payment forms and deadlines. An income-screened Indigent Payment Plan is available for parking citations, while most other fines require the assessed amount to be paid before an appeals hearing can be requested.

Information about fines and fees is dispersed across department-specific webpages and office counters, requiring residents—especially those with limited digital access or English

[33] "Fiscal Year 2025 Mid-Year Budget Update." City Budget. City of Berkeley, March 25, 2025. https://berkeleyca.gov/sites/default/files/documents/2025-03-25%20Item%2011%20FY%202025%20Mid-Year%20Budget%20Update%20Report.pdf.

proficiency—to contact several departments to determine the status of their citation, payment options, or eligibility for waivers. Staff have shared that some of the complaints from residents was their lack of knowledge that these programs exist.[34] Additionally, some third-party portals that handle payments lack translation capabilities, creating further access barriers. According to multiple staff interviews, this decentralization not only confuses residents but also increases clerical workload, as employees must repeatedly explain disparate procedures and policies[35] that could otherwise be unified under a central platform.

Currently, the City does not have a fully integrated case management system that spans departments. While some internal coordination tools are used for fiscal tracking and administrative operations, these tools do not track citations in real-time or automate installment plan management. Adjudication Staff shared that their department uses a citation management software that assists with their processes, but the software is exclusive to their department and does not crossover to other departments.[36] For the most part, City of Berkeley staff must rely on manual coordination and independent data entry, creating duplication of effort and inconsistent user experiences.

Current City Statute

Several provisions in the BMC further compound both operational inefficiencies and equity concerns. BMC § 14.68, which mandates annual bicycle licensing and registration,[37] is misaligned with California Vehicle Code § 39002(a), which prohibits municipalities from enforcing penalties for unlicensed bicycles.[38] In practice, this outdated requirement can confuse residents, especially youth and low-income individuals who acquire secondhand bikes without formal documentation. Staff are left to explain or enforce a law that is rarely applied consistently and may not be legally enforceable—creating administrative friction and exposing the City to reputational or legal risk without generating meaningful public benefit.

Similarly, BMC § 14.40.100, which restricts disability related parking waivers to individuals with specific physical impairments and requires that the disabled person be the vehicle's driver,[39] does not reflect current definitions under state law or the federal ADA.[40] This can limit access for individuals with blindness, respiratory illness, or cognitive impairments, and burden caregivers who assist disabled residents with transportation. Operationally, this has the potential to create ambiguity for enforcement staff and eligibility reviewers, who must reconcile local requirements with broader legal standards. From an equity standpoint, the

[34] City of Berkeley Staff Interview. Code Enforcement, 2025
[35] Ibid.
[36] City of Berkeley Staff Interview. Adjudication Staff, 2025.
[37] Berkeley Municipal Code § 14.68.020 (1976).
[38] Registration and Licensing of Bicycles, Vehicle Code § 39002(a) (2023). https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?article=&chapter=&division=16.7.&lawCode=VEH&part=&title=.
[39] Berkeley Municipal Code, § 14.40.100 (1952).
[40] ADA Amendments Act of 2008, Pub. L. No. 110–325, Stat. 3553, 2559, § 8, 122 (2008). https://archive.ada.gov/nprm_adaaa/nprm_adaaa.htm.

restrictive language can result in unnecessary financial or mobility barriers for disabled residents—undermining the City's broader commitments to accessibility and inclusion.

Departmental Practices and Informal Flexibility

While Berkeley's current fines and fees structure is decentralized, it is important to note that some departments have developed informal practices to support residents. Staff from Planning and Development, Parks and Recreation, and the Finance Department reported taking case-by-case approaches to extend deadlines, waive minor penalties, or explain procedures to individuals unfamiliar with the system.[41] [42] [43] These discretionary practices are rooted in a strong commitment to public service and, in some cases, help residents avoid deeper noncompliance.

However, such efforts remain dependent on individual staff availability, discretion, and a resident's ability to reach the right person. Without a codified, transparent process for requesting relief, these accommodations are not universally accessible and can inadvertently perpetuate inequity. The absence of clear, uniform rules also places pressure on staff to make judgment calls in the absence of policy guidance—adding to administrative workload and introducing the risk of inconsistent outcomes.

Research at the state level confirms that fines and fees disproportionately harm low-income communities and may cost more to administer and collect than they ultimately generate in revenue.[44]

Evaluation of the Status Quo Based on Criteria

Total Score: 15/50

Based on the criteria evaluation, the proposed approach received a score of 15 out of 50. On the positive side, it requires no new policy implementation, allowing the City to maintain short-term administrative continuity without the disruptions and learning curves associated with entirely new processes.

However, several significant drawbacks accompany this status quo. Rising default rates are placing increasing strain on both revenue collection and administrative capacity. Low-income residents continue to face inequitable outcomes, unable to afford large lump-sum payments or to navigate the City's decentralized system of fines and fees. Finally, by forgoing modern platforms, the City misses opportunities to reduce staff workload through automation, streamline communication with residents, and boost overall compliance.

[41] City of Berkeley City Staff Interview. City Planning, March 2025.
[42] City of Berkeley Staff Interview. Parks and Recreation, April 2025.
[43] City of Berkeley Staff Interview. Finance Department, 2025
[44] Denney, Jacob. "More Harm Than Good: Building a More Just Fine and Fee System in California," June 2021. https://www.spur.org/sites/default/files/2021-06/SPUR_More_Harm_Than_Good_0.pdf?utm_source=chatgpt.com.

Financial Implications

If Berkeley continues operating under its current structure, it is likely to face ongoing fiscal and operational strain. The City's Fiscal Year 2025 Mid-Year Budget Update revealed a 12.9 percent increase in parking citations during the first half of the year, but a simultaneous 9.9 percent drop in related revenue—indicating that enforcement alone is not producing proportional returns. Departments are required to maintain their own intake, appeals, and payment processes, preventing the City from realizing cost savings that could be achieved through automation, centralized intake, shared administrative tools, or payment plans.

Recommendation 1: Develop a Clear Fines and Fees Communication Strategy

Current State

The BMC, contains provisions that allow for flexibility or assistance in payment of some fines and fees; however, when these provisions are not clearly communicated, eligible residents may remain unaware that help exists as the fines and fees system can be difficult to navigate.[45] In its current state, the City of Berkeley has multiple sites and departments that receive and determine eligibility for payment plans or waivers.[46]

One of the most significant lessons learned through our research is the necessity of framing information in a manner easily understandable to diverse populations. Even when local laws or ordinances (such as sections of the BMC) allow for exemptions or alternative payment schedules, instructions are delivered in overly technical language or strewn across multiple websites.[47] [48] [49] [50] [51] [52] This places additional challenges on residents who may face barriers in navigating complex systems.[53]

Proposed Change

In line with the broader goals of this project, the development of a clear communication strategy has emerged as a pivotal first step toward ensuring that fines and fees do not compound or create punitive barriers for vulnerable individuals. Therefore, a primary component of the recommended communication strategy is the consolidation of vital

[45] "Targeted Fines and Fees Against Communities of Color Civil Rights & Constitutional Implications," September 2017. https://www.usccr.gov/files/pubs/docs/Statutory_Enforcement_Report2017.pdf.
[46] "Indigent Payment Plan for Parking Citations Application and Guidelines." City of Berkeley, n.d. https://berkeleyca.gov/sites/default/files/documents/Indigent-Payment-Plan-for-Parking-Citations-Application-and-Guidelines%202025.pdf.
[47] City of Berkeley Staff Interview. Parking Enforcement, 2025.
[48] City of Berkeley Staff Interview. Parking Enforcement 2, 2025.
[49] City of Berkeley Staff Interview. Finance Department, 2025
[50] City of Berkeley Staff Interview. Code Enforcement, 2025.
[51] City of Berkeley Staff Interview. Adjudication Staff, 2025.
[52] City of Berkeley Staff Interview. City Attorney's Office, 2025.
[53] Herd, Pamela, Donald Moynihan, and Amy Widman. "Identifying and Reducing Burdens in Administrative Processes," December 5, 2023. https://www.acus.gov/sites/default/files/documents/Identifying-and-Reducing-Burdens-in-Administrative-Processes-Final-Report-2023.12.05_2.pdf.

details—like eligibility for fee reductions, application procedures for indigent payment plans, and relevant deadlines—into a single, widely accessible platform, such as a dedicated city webpage, along with a Master Fees Schedule with a fines and fees guide that contains and describes all known fees associated with the various city departments across Berkeley, fully translated into the multiple languages commonly spoken by Berkeley residents.

Improving Access and Compliance

According to multiple City of Berkeley staff interviews, while an Indigent Payment Plan for parking citations[54] or low-income ambulance waivers are available in Berkeley, some individuals miss critical enrollment windows or remain unaware of their eligibility.[55] [56] This outcome likely stems from decentralized information, which is often scattered across department-specific websites and physical offices. Staff at the City of Berkeley Finance Office shared that only 120-140 parcels out of around 3000 each year are utilizing their low-income program as it relates to property taxes.[57]

Consolidating essential details about fines and fees into a single, user friendly platform can be vital for increasing awareness and compliance. Cities that centralize payment information and provide clearer instructions see a measurable rise in compliance and a decrease in overall default rates.[58] A centralized website, available in multiple languages, can outline steps for entering payment plans, applying for fee reductions, and understanding deadlines; all in plain language. Although the City's web portal allows for language translation, once users are directed to third-party payment pages, translation features may not persist, which could pose challenges for non-English speakers when entering sensitive payment information.

Neighboring jurisdictions demonstrate that consolidating every municipal charge in a single, council-adopted Master Fee Schedule (MFS) is both feasible and beneficial. San Francisco issues a combined "Master Fee Schedule & Fee Certification" with its biennial budget, listing licenses, service charges, fines, and the percentage of each fee's cost recovery.[59] Alameda publishes an annual MFS that incorporates Consumer Price Index adjustments and impact-fee studies,[60] while Oakland posts a searchable web page with the full PDF of its adopted MFS for each fiscal year, updated every July 1.[61]

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[54] "Indigent Payment Plan for Parking Citations Application and Guidelines." City of Berkeley, n.d. https://berkeleyca.gov/sites/default/files/documents/Indigent-Payment-Plan-for-Parking-Citations-Application-and-Guidelines%202025.pdf.
[55] City of Berkeley Staff Interview. Parking Enforcement, 2025.
[56] City of Berkeley Staff Interview. Finance Department, 2025
[57] Ibid.
[58] Hernandez, Pete. "Court E-Payments: External Service Providers, In-House Solutions and Beyond," n.d. https://www.ncsc.org/__data/assets/pdf_file/0021/15915/court-e-payments.pdf.
[59] Office of the Controller Budget and Analysis Division. "Combined Fees Certification & Master Fee Schedule FY 2024-25 & FY 2025-26," City and County of San Francisco, May 24, 2024. https://www.sf.gov/sites/default/files/2024-05/FY24-25%20Master%20Fee%20Schedule%20and%20Fees%20Certification.pdf.
[60] "Master Fee Schedule." City of Alameda, July 2024. https://www.alamedaca.gov/files/assets/public/v/1/finance/master-fee-schedule-fy-2024-25.pdf.
[61] City of Oakland. "City of Oakland Master Fee Schedules." Accessed April 17, 2025. https://www.oaklandca.gov/documents/city-of-oakland-master-fee-schedules.

These documents do more than aggregate numbers; they increase transparency for residents and businesses, reduce repetitive staff inquiries, and give policymakers a clear view of how closely each fee aligns with the cost of providing the service. The Government Finance Officers Association (GFOA) recommends that local governments "adopt formal policies regarding charges and fees," measure the full cost of each service, and house the results in a single document that is reviewed regularly.[62]

Berkeley, by contrast, posts fee schedules individually—Planning and Building updates appear in individual council items or departmental PDFs, Engineering fees live on separate forms, and Environmental Health fees are embedded in staff reports. Because the information is scattered across multiple webpages and file types, residents must hunt for the total cost of a permit or appeal, while staff spend extra time explaining where to look.

Public Trust and Clear and Consistent Communications

Another critical aspect is ensuring that any official notices, such as traffic citations or billing statements, link directly to resources. Something as simple as a QR code on the back of a parking ticket can direct an individual to a frequently asked questions (FAQ) page or a payment plan enrollment form. When individuals receive the information at the moment they need it—right when they open a ticket—it reduces confusion and can increase the likelihood of timely compliance.

Equally important is the equity dimension of clear communication. Providing instructions in multiple languages, offering large-print materials for visually impaired individuals, and furnishing straightforward, user-focused FAQs exhibits a commitment to equity.

Clarity and consistency also reduce administrative burdens and enhance public trust. Currently, citations and the Parking and Transportation website inform residents that their vehicles can be towed or booted strictly for unpaid citations.[63] [64] According to a Parking Enforcement staff interview, that penalty no longer aligns with current policy.[65] Updating official texts and website content to reflect actual practice not only preserves trust but also prevents repetitive queries and appeals. Parking Enforcement staff further explained that, although the city no longer tows for purely delinquent citations, a vehicle will be denied registration until a delinquent citation is paid, and subsequently, a vehicle recognized on the street without registration can be towed and impounded, incurring an additional set of fees.[66] Such discrepancies can cause confusion and may impact public confidence. A targeted and continuous communication campaign—one that clarifies actual policy—could resolve these conflicts, reduce confusion, and enhance compliance among residents.

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[62] "Establishing Government Charges and Fees." Accessed April 17, 2025. https://www.gfoa.org/materials/establishing-government-charges-and-fees?utm_source=chatgpt.com.
[63] "Notice of Parking Violation." City of Berkeley, n.d. https://drive.google.com/drive/folders/1w1DolG3cc4-sBhMBjMulkRhRVi-YscFy.
[64] "Paying Citations | Parking and Transportation." Accessed April 23, 2025. https://pt.berkeley.edu/citations/paying-citations.
[65] City of Berkeley Staff Interview. Parking Enforcement, 2025.
[66] City of Berkeley Staff Interview. Parking Enforcement 2, 2025.

Evaluation of Recommendation 1 based on Criteria

Total Score: 42/50

Based on the criteria evaluation, the proposal achieved a score of 42 out of 50. Consolidating all fines, fees, deadlines, and relief programs onto a single, plain-language webpage would provide significant administrative relief and improve accuracy: clerks would spend less time answering repetitive questions or correcting payment errors caused by misinformation. In addition, clear presentation of what individuals owe and how to apply for relief in multiple languages can foster higher voluntary compliance and build trust—payment rates tend to rise and public resentment diminishes when people understand their obligations and options.

Nevertheless, maintaining this streamlined schedule poses its own challenges. Keeping the webpage perfectly up to date will require ongoing inter-departmental coordination, and any lapses could quickly recreate confusion. Moreover, residents without reliable internet access or mobile data may still miss digital notices unless the City supplements the portal with documents sent in the mail and provided at public buildings, or includes QR codes directly on paper tickets.

Financial Implications

From a fiscal perspective, an informed public is more likely to seek relief rather than simply not pay. Cities can then avoid burdensome collection tactics that siphon resources away from more pressing community needs. When people understand their obligations, deadlines, and available financial assistance, they tend to comply more swiftly, lowering the administrative cost of follow-up actions and possible legal enforcement.[67]

When residents easily grasp what they owe, why they owe it, how to request relief, and where to go for assistance, they are less inclined to ignore or contest citations, thus saving time and resources for both the public and city officials.[68] This level of transparency fosters stronger, more respectful relationships between local government and its constituents. Consolidating relevant information, fostering partnerships with community organizations, and adopting a multilingual, multimodal outreach approach could help Berkeley lower default rates, sustain stable revenue, and prevent residents from incurring additional penalties.

[67] Johnson, Shanelle. “First Steps Toward More Equitable Fines and Fees Practices,” n.d. https://finesandfeesjusticecenter.org/content/uploads/2020/11/FFJC_Policy_Guidance_Ability_to_Pay_Payment_Plan_Community_Service_Final_2.pdf.
[68] “Online Infraction Adjudication and Ability-to-Pay Determinations.” Report to Legislature, n.d. https://courts.ca.gov/sites/default/files/courts/default/2024-08/2024_online-infraction-adjudication-and-ability-to-pay-determinations.pdf.

Recommendation 2: Amend BMC 14.40.100 to align with federal and state standards on disability parking standards and accommodations.

Current State

Berkeley's parking ordinance, 14.40.100 for disabled persons, still uses a 1950s statute that recognizes disability only when someone "has completely lost by paralysis the use of one or both feet or one or both legs, or who has had one or both feet or one or both legs amputated" and insists that the individual be the one behind the wheel.[69] In practice, that wording bars blind residents, people with cardiopulmonary disease, wheelchair users who cannot drive, and anyone whose disability is episodic or cognitive from enjoying the fee waiver that was meant to guarantee access. The text also clashes with national civil-rights law: Congress defines disability far more broadly as "a physical or mental impairment that substantially limits one or more major life activities," or a record or perception of such an impairment, and demands that the term be "construed broadly" after the ADA Amendments Act of 2008.[70] California codifies this broader view in Vehicle Code § 295.5, which adds blindness, severe lung and heart disease, and other mobility-impairing conditions to the list of qualifying disabilities.[71]

CA Department of Motor Vehicle Guidelines and Supportive Persons

Because Berkeley's ordinance also states that "the disabled person shall operate the motor vehicle themselves," a resident who cannot drive must either pay the meter or forgo the trip unless a costly alternative is arranged. State law and the Department of Motor Vehicles, by contrast, expressly allow a disabled-person placard to be "moved from one vehicle to another," which "makes them a good option for a caregiver who transports a disabled person."[72]

The local restriction translates into concrete barriers to daily life. If a blind resident's friend cannot legally use the placard while driving the resident to a doctor's appointment, the pair may have to pay curbside fees they cannot afford or resort to ADA paratransit. Paratransit is reliable but expensive and inflexible: federal rules permit providers to insist on next-day reservations and one-hour pick-up windows,[73] and fares may legally run up to twice the regular bus fare.[74] Diverting travelers onto vans inflates public costs while denying disabled residents the spontaneity and dignity enjoyed by nondisabled neighbors.

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[69] Berkeley Municipal Code, § 14.40.100 (1952).
[70] ADA Amendments Act of 2008, Pub. L. No. 110–325, Stat. 3553, 2559, § 8, 122 (2008). https://archive.ada.gov/nprm_adaaa/nprm_adaaa.htm.
[71] Legislature, Cal. "Cal. Vehicle Code § 295.5." Accessed April 18, 2025. https://california.public.law/codes/ca_veh_code_section_295.5.
[72] California DMV. "Disabled Person Parking Placards & Plates." Accessed April 18, 2025. https://www.dmv.ca.gov/portal/vehicle-registration/license-plates-decals-and-placards/disabled-person-parking-placards-plates/.
[73] "ADA Complementary Paratransit Requirements." Accessed April 18, 2025. https://www.nationalrtap.org/Toolkits/ADA-Toolkit/Service-Type-Requirements/ADA-Complementary-Paratransit-Requirements.
[74] Ibid.

This amendment can be accomplished almost immediately, aligning local law with federal and state standards, by substituting the following language: " 'Disabled person' means an individual who meets the definition of disability under 42 U.S.C. § 12102[75] or California Vehicle Code § 295.5.[76] The parking privilege applies when the disabled person is the driver or is present as a passenger in a vehicle operated by a support person." This single amendment harmonizes Berkeley's code with prevailing civil-rights norms, protects the City from discrimination claims, and immediately extends equitable parking access to blind individuals, dialysis patients, and many others whose impairments do not involve limb loss. Allowing family or friends to drive also reduces unnecessary reliance on paratransit, easing both public budgets and riders' pocketbooks, and it facilitates easier access to daily activities for disabled residents..

Evaluation of Recommendation 2 Based on Criteria

Total Score: 41/50

Based on the criteria evaluation, the proposal earned a score of 41 out of 50. By aligning Berkeley's local ordinances with both the ADA and the California Vehicle Code, the City would reduce its legal risk—shielding itself from potential discrimination suits and DOJ enforcement actions. At the same time, expanding eligibility for parking waivers enables blind or cardiopulmonary-impaired residents to travel with friends and family rather than rely on costly paratransit vans, advancing equity goals while relieving pressure on transit subsidies.

However, this approach carries some drawbacks. Meter revenue may decline modestly as a greater number of vehicles qualify for fee waivers, and parking enforcement officers will need to learn and apply a broader set of placard rules.

Financial Implications

Updating the section requires only an ordinance revision. Such a modest administrative step would modernize Berkeley's code, advance disability equity, and trim avoidable transportation costs—all while honoring the City's broader commitment to accessible public spaces.

[75] "42 USC 12102: Definition of Disability." Accessed April 18, 2025. https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section12102&num=0&edition=prelim
[76] Legislature, Cal. "Cal. Vehicle Code § 295.5." Accessed April 18, 2025. https://california.public.law/codes/ca_veh_code_section_295.5.

Recommendation 3: Amend BMC 14.68 that requires an individual to license and register their bicycles annually to be optional.

Current State

Berkeley's Municipal Code still makes it "unlawful for any person to operate or use a bicycle... which has not been licensed and registered."[77] Yet state law does not make this a requirement. California Vehicle Code § 39002(a) expressly says that when a city adopts a licensing ordinance it may not prohibit the operation of an unlicensed bicycle, confirming that any local program can be voluntary in practice.[78]

Proposed Change

Amending Chapter 14.68 so the words "shall license" become "may license," and deleting the fines that are currently associated with it, would bring Berkeley into alignment with this state standard while still allowing owners who want a theft-recovery sticker to obtain one.

Reinforcing Berkeley's Climate-friendly Mobility Efforts

Encouraging climate-friendly transportation like bicycling requires policies that remove barriers—not create penalties. Mandating bicycle registration, especially with fines for non-compliance, discourages participation and disproportionately affects those who rely on bikes as an affordable, green alternative to cars. Doing so aligns with the city's Climate and Action Plan[79] while fostering equity and encouraging broader adoption of zero-emission travel.

In 2023, Berkeley City Council reported 34 percent of trips taken in the city were made by sustainable modes of transportation; bicycles included.[80] With an ordinance revision, Berkeley can continue to promote sustainable mobility by eliminating punitive requirements and instead, offering a voluntary program that makes riding easier and more accessible for all.

Low-Income Options Carry Compliance Difficulties

Another compelling reason to make bicycle licensing voluntary in Berkeley is the significant burden it places on individuals who acquire their bikes second-hand—particularly youth and low-income residents who often rely on the used bike market for affordability. Under the current BMC, registrants are expected to provide documentation such as a sales receipt

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[77] Berkeley Municipal Code § 14.68.020 (1976).
[78] Registration and Licensing of Bicycles, Vehicle Code § 39002(a) (2023). https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?article=&chapter=&division=16.7.&lawCode=VEH&part=&title=.
[79] "Climate Action Plan and Resilience Update." Berkeley City Council, April 15, 2025. https://berkeleyca.gov/sites/default/files/documents/2025-04-15%20Item%2023%20Climate%20Action%20Plan%20and%20Resilience%20Update_0.pdf.
[80] Ibid.

or proof of ownership to complete registration. However, many used bikes are exchanged informally through garage sales, online marketplaces like Craigslist or Facebook, or given as hand-me-downs within families or communities. Second-hand global sales through bike marketplaces or private sellers are projected to grow from approximately $47 billion in 2025 to $72.4 billion by 2035, reflecting a 4.4% annual growth rate.[81] Many of these transactions do not come with formal receipts or serial number records, which would make it difficult—if not impossible—for the new owner to comply with the city's registration requirements.

Evaluation of Recommendation 3 Based on Criteria

Total Score: 40/50

Based on the criteria evaluation, the proposal received a score of 40 out of 50. By eliminating the mandatory bicycle licensing requirement, the City stands to gain significant climate and public-health benefits: removing this punitive barrier encourages more residents to cycle, directly supporting Berkeley's Climate Action targets. This change also promotes equity for youth and low-income riders, many of whom purchase second-hand bicycles without a sales receipt and currently face fines they cannot realistically contest.

On the other hand, the City would relinquish a modest theft-recovery tool—licensing stickers—that can aid in bicycle recovery unless an optional registry is promoted. Additionally, Berkeley would forgo a minor revenue stream generated by license fees.

Financial Implications

In Washington, Seattle's City Council reached this verdict decades ago. After police reported that keeping the program alive would cost at least $20,000-$25,000 (equal to over $127,000 in 2025)[82] a year while attracting fewer than half of riders, their City Council repealed its mandate outright in 1978, converting registration to a purely voluntary service, citing that it was unnecessary to keep a law in place that was never enforced.[83]

Recommendation 4: Establish a Centralized Platform for Fines and Fees Management

Current State

Berkeley currently relies on multiple internally hosted systems to handle different aspects of its municipal operations: an ERP system for human resources, payroll, and

[81] "Used Bike Marketplace Size, Share & Forecast 2025 to 2035." Accessed April 20, 2025. https://www.futuremarketinsights.com/reports/sales-of-used-bikes-through-used-bike-marketplace.
[82] DollarTimes. "Calculate the Value of $25,000 in 1978." Accessed April 28, 2025. https://www.dollartimes.com/inflation/inflation.php?amount=25000&year=1978.
[83] "Registering Bicycles - CityArchives | Seattle.Gov." Accessed April 20, 2025. https://www.seattle.gov/cityarchives/exhibits-and-education/seattle-voices/registering-bicycles.

disbursements;[84] a separate revenue-accounting application for incoming fines and fees;[85] and a back-end case-management system for parking citations appeals.[86] None of these platforms communicate directly to each other, requiring staff to manually export, transform, and consolidate data; often using spreadsheets.[87]

While the City may be utilizing specific software to coordinate specific internal processes, it may not be being used to its full potential. The City stands to benefit from a tool that can manage the full lifecycle of a fine or fee, from issuance to resolution, including user-facing functionality and automated workflows for payment plans. Significant consolidation and cross-communication of scalable and integrated administrative software would be instrumental in keeping structural inefficiencies from persisting.

Proposed Change

Berkeley can evaluate whether to consolidate and extend its current ERP framework end-to-end to cover both outgoing expenditures and incoming revenues across departments or to deploy a modern, integrated ERP solution capable of end-to-end automation that spans the full lifecycle of fines, fees, and related financial operations.

How Enterprise Resource Planning (ERP) Software Works

An ERP system is a modular suite that centralizes core business processes—finance, human capital management, procurement, and reporting—into a single, unified database, creating a "single source of truth."[88] By automating data flows between functional units, ERP reduces tedious data entry, enforces standardized workflows, and provides real-time visibility into organizational performance metrics.[89]

How Robotic Process Automation (RPA) Software Works

Robotic Process Automation employs software "bots" that watch user interactions with graphical interfaces and then replicate those actions—filling forms, extracting data, and moving information between systems—without direct API integration.[90] RPA excels at automating repetitive, rule-based tasks, lowering the barrier to automation when legacy systems lack programmable interfaces.[91]

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[84] "Contract 10549B Amendment:" City Manager: City of Berkeley, June 27, 2023. https://berkeleyca.gov/sites/default/files/documents/2023-06-27%20Item%2027%20Contract%2010549B%20Amendment%20Tyler.pdf?utm.
[85] Ibid.
[86] Passport, Inc. "Getting Started (OpsMan Web)." Accessed April 24, 2025. https://help.passportinc.com/support/solutions/articles/73000552729-getting-started-opsman-web-.
[87] City of Berkeley Staff Interview. Parking Enforcement, 2025.
[88] SAP. "What Is ERP? The Essential Guide." Accessed April 20, 2025. https://www.sap.com/products/erp/what-is-erp.html.
[89] Ibid.
[90] Lumenalta. "What Is Robotic Process Automation (RPA)," January 7, 2025. https://lumenalta.com/insights/what-is-robotic-process-automation-rpa.
[91] Ibid.

ERP and RPA Can Work Together

When paired, RPA can bridge gaps in an ERP environment by automating tasks before and after core ERP workflows—such as processing incoming citations from a back-end system or generating custom compliance reports—while ERP handles master data, accounting logic, and consolidated reporting. This combination further reduces manual handoffs and accelerates end-to-end transactions.[92]

Broader Opportunity

Having multiple software platforms can make compliance more difficult, create administrative inefficiencies, and hinder the City's ability to ensure equitable treatment across programs. A centralized ERP platform, potentially enhanced by RPA for legacy integrations, has the potential to promote transparency via consistent public dashboards, support fiscal responsibility through tighter budget controls, and lower equity barriers by automating internal processes among departments; thereby simplifying them, as well as residents' interactions with City payment portals.[93]

Insights from Department of Labor Website

The Department of Labor describes how RPA bots are used in unemployment cases; stating that when tasked with adjudication and fact-finding, RPA bots review employer-submitted fact-finding requests and automatically enter the claimant's separation reason into the benefits system.[94] Used similarly, this can be helpful to the Fines and Fees citation ecosystem by eliminating the need for repetitive manual input, reducing both errors and processing time. Additionally, bots can scan relevant databases to determine whether required documentation has been returned by claimants and if documents are missing, the bots automatically generate and send a "failure to respond" notice, ensuring that claimants are aware of what is needed and how to provide it.[95] These automations streamline the adjudication process while reinforcing accuracy and timeliness in case handling.

RPA bots can also be used to assemble and send appeals packets to the involved parties and to the designated Hearing Officer or Administrative Law Judge prior to the appeal hearing.[96] This task, which once consumed considerable staff time, is now completed swiftly and systematically. Further, bots extract key data elements such as the claimant's name and the appeal issue from the request and input them into the system for human validation. After review, the bots complete the docketing of the appeal and ensure all related documentation is included. They are also capable of navigating scheduling systems

[92] Digital Robots. "Benefits of Integrating RPA with ERP: Savings and Efficiency." Accessed April 24, 2025. https://www.digital-robots.com/en/news/beneficios-de-integrar-rpa-con-erp-ahorro-y-eficiencia.
[93] Ibid.
[94] Department of Labor. "Use Cases for Robotic Process Automation in UI Claims Processing." Accessed April 19, 2025. https://www.dol.gov/agencies/eta/ui-modernization/promising-practices/rpa-use-cases.
[95] Ibid.
[96] Department of Labor. "Use Cases for Robotic Process Automation in UI Claims Processing." Accessed April 19, 2025. https://www.dol.gov/agencies/eta/ui-modernization/promising-practices/rpa-use-cases.

to identify the availability of adjudicators, thereby assigning and scheduling hearings without manual intervention.[97]

States have reported processing time reductions of 70–80% due to bots handling high-volume, rule-based tasks with precision. The automation of such tasks enables staff to shift their attention to more complex, discretionary work that demands human judgment and insight. In doing so, RPA not only mitigates backlogs and reduces errors but also enhances job satisfaction among employees by relieving them of the burden of monotonous administrative work. These outcomes affirm that RPA is not merely a technological upgrade but a strategic tool for improving the capacity, equity, and responsiveness of public benefit systems. Supplementing Electronic Resource Planning with Robotic Process Automation could further enhance administrative feasibility, fiscal soundness, and transparency.

Investing in a modern fines and fees management platform could be critical to making payment plans universally available and to expanding the IPP in a fiscally sustainable, user-friendly way, simultaneously boosting employee satisfaction and relieving burnout and fatigue.

Peer jurisdictions, such as San Francisco, attest to improvements in administrative ease and data accuracy.

San Francisco's Financial Justice Project as a Model

One of the most illuminating local precedents is San Francisco's Financial Justice Project (FJP). Established to address the regressive nature of fines and fees, FJP demonstrated that lowering fines for low-income residents not only improves payment rates but also mitigates the harmful collateral consequences of unpaid debt.[98] [99] Their "MyCitations" income-based fine reductions underscore that expanding streamlined payment strategies can achieve both revenue stability and social equity.[100] This mirrors the observations of Berkeley's Indigent Payment Plan;[101] participants who can see a direct path to resolving their obligations without spiraling penalties are more likely to follow through and pay.[102]

Software Impact on San Francisco

As discussed, purpose-built ERP or platforms can replace time-consuming manual data-entry with a single, scalable system that processes every account according to

[97] Ibid.
[98] City and County of San Francisco Staff Interview. Financial Justice Project, 2025
[99] "Graduating Economic Sanctions According to Ability to Pay | Iowa Law Review - The University of Iowa." Accessed April 13, 2025. https://ilr.law.uiowa.edu/print/volume-103-issue-1/graduating-economic-sanctions-according-to-ability-to-pay.
[100] Byrne, Francine. Report to the Legislature: Online Infraction Adjudication and Ability-to-Pay Determinations (2023). https://jcc.legistar.com/View.ashx?M=F&ID=11695191&GUID=70B48C8A-FE60-48DB-8137-320B528E107D.
[101] City of Berkeley Staff Interview. Parking Enforcement, 2025.
[102] "Payment Plans as a Compliance Tool: Best Practices For Florida Courts." Fines and Fees Justice Center, August 2019. https://finesandfeesjusticecenter.org/content/uploads/2020/05/Payment-Plans-Final-1.pdf.

consistent rules. FJP has implemented specific ERP software and their Payment Plan staff, shared the following in an email:

> Our software handles the bulk of the heavy lifting and is essential to the efficacy of the payment plan administration. The way CSS [Impact] computes and administers the plans is great (and user friendly):
>
> - The system has the flexibility to set rules for the payment plan program parameters that can be specific to a type of debt; The system uses those rule settings to perform the math to calculate the payment installments and terms, and trigger other workflow logic to conduct outreach and identify outlier cases and apply rules for those situations, and progresses each of the plans through its life cycle with no need for human intervention.
> - The system can maintain all of the necessary documents related to the payment plan program (i.e., any financial documents needed to assess eligibility, the application and terms of agreement, critical communications), and set rule restrictions to ensure all plans are handled the same/treated equally
> - Manages the sustained outreach that helps facilitates compliance and helps increase the propensity for payment; We send out enrollment notices once the plans are set-up, a reminder notice 15 days before the due date, another reminder on the due date (if we have the email address or are approved to send text), a notice when they are in default to give an opportunity to cure, and notice when the plans are cancelled
> - Maintains the modern features of convenience, such as interfacing daily with the online payment page to provide clientele with information on the status of their plans, special messaging on the portal, and outreach through email or text messages
> - Provide reports for analysis that can be used to account for trends, change needs in the payment plan program rules, and provide a general status of how the program is performing

They go on to say:

> From my experience the software is absolutely essential to successfully administer and manage the payment plan program. The initial set-up costs can vary based on the complexity of the payment plan program, but in my experience it is worth the investment. It is much more cost effective over time, greatly reduces the administrative burden, greatly reduces the chance for human error or delays, and centralizes the data to a single scalable source vs maintaining multiple spreadsheets, and far easier to make changes as service programs evolve.[103]

[103] City and County of San Francisco Payment Plan Staff. Financial Justice Project, 2025.

When asked what effect the software had on the administrator, staff at the City and County of San Francisco assured that this software is intended to supplement the administrator's job as a tool for efficiency and accuracy, not a replacement.[104]

Evaluation of Recommendation 4 Based on Criteria

Total Score: 38/50

Based on the criteria evaluation, the proposal achieved a score of 38 out of 50. By consolidating Berkeley's fines and fees systems, the City would realize improved administrative efficiency and eliminate time-consuming processes. This streamlined approach would also enhance transparency for residence and provide them with accessible self-service options. In addition, it lays a strong foundation for future capabilities—such as advanced analytics, mobile engagement, and proactive compliance features—that can further strengthen the system over time.

However, these gains come with notable upfront challenges. Implementing a unified platform will demand a significant initial investment and careful transition planning across multiple departments. Furthermore, sustaining its benefits will require ongoing governance and coordination to uphold shared data standards and ensure that workflows remain aligned across the organization.

Financial Implications

With departments routinely resorting to spreadsheets for interim calculations and cross-program reconciliations, such manual processes can consume dozens of hours per month, diverting staff from higher-value tasks and slowing the City's responsiveness to emerging compliance or equity concerns.[105] The current decentralization not only increases maintenance costs for multiple software licenses and support contracts but also amplifies the risk of data entry errors and delays in critical decision-making.[106]

Public-sector studies put the ceiling for national annual savings from cognitive automation at up to $41 billion and 1.2 billion staff hours, with even "minimal" investments freeing 96 million hours and $3.3 billion a year.[107] Federal agencies have already eliminated more than 1.4 million staff hours of low-value work in their first five years of RPA use, redirecting capacity to mission-critical tasks.[108] State unemployment-insurance programs report 70-80 percent faster claim-handling and more than 300,000 staff hours saved after deploying

[104] City and County of San Francisco Staff Interview. Financial Justice Project, 2025
[105] Schwarz, Lisa. "ERP Automation Benefits and Trends." Oracle Net Suite, June 4, 2023. https://www.netsuite.com/portal/resource/articles/erp/erp-automation.shtml?utm.
[106] TechTarget. "An Explanation of SAP ERP," November 20, 2024. https://www.techtarget.com/whatis/video/An-explanation-of-SAP-ERP?utm.
[107] Deloitte Insights. "AI-Augmented Government." Accessed April 19, 2025. https://www2.deloitte.com/us/en/insights/focus/cognitive-technologies/artificial-intelligence-government.html
[108] Jacobs, Brian. "Intelligent Automation in the Federal Government: Key Factors for Success." *Macro Solutions* (blog), March 6, 2023. https://macrosolutions.com/intelligent-automation-in-the-federal-government-key-factors-for-success/.

bots to copy data and send notices.[109] These figures far outweigh typical licensing and integration fees, especially for cloud solutions that scale elastically.

Cost/Benefit

Low-code suites let non-technical staff drag-and-drop workflows; Los Angeles put up an emergency-rental-assistance app in two months, and New South Wales built a disaster-response hub in a single week, saving AUD $10.5 million and 30,000 work-hours.[110]

Implementing or refining a centralized ERP platform alone, or with complementary RPA capabilities will require interdepartmental coordination and potentially phased investments—similar to other technology projects undertaken by the City. However, modern ERP solutions have consistently delivered strong returns. Nucleus Research found that organizations recouped implementation investments in sixteen months on average and achieved over 200 percent return on investment (ROI), driven by the elimination of legacy system costs and efficiency gains.[111]

Additionally, ERP automation benefits such as reduced human labor, improved productivity, and lower error rates further free staff capacity for strategic work and accelerate revenue collection processes.[112] Over time, these savings can outweigh up-front costs, delivering a sustainable platform that underpins the City's equity, transparency, and fiscal-responsibility objectives.

Certain ERP software have the ability to centralize multiple processes and absorb and facilitate the use of additional software simultaneously. By centralizing and automating fines and fees across all municipal programs, Berkeley stands to achieve a more equitable, transparent, and cost-effective system, while laying the foundation for future enhancements such as advanced analytics and AI-driven customer support.

To achieve a centralized system, convening a dedicated cross-departmental strike team could drive timely coordination and bring the initiative across the finish line.

[109] Department of Labor. "Use Cases for Robotic Process Automation in UI Claims Processing." Accessed April 19, 2025. https://www.dol.gov/agencies/eta/ui-modernization/promising-practices/rpa-use-cases.
[110] Sturges, Kim Kaull. "3 Ways to Harness the Power of Low-Code in Government & Public Services." servicenow.com, n.d. https://www.servicenow.com/blogs/2024/power-low-code-government.
[111] Nucleus Research. "ERP Pays for Itself--Fast," December 16, 2019. https://nucleusresearch.com/research/single/erp-pays-for-itself-fast/.
[112] Schwarz, Lisa. "ERP Automation Benefits and Trends." Oracle Net Suite, June 4, 2023. https://www.netsuite.com/portal/resource/articles/erp/erp-automation.shtml?utm.

Recommendation 5: Expand the Indigent Payment Plan to Other Areas of the BMC

Current Framework

Currently, Berkeley's Indigent Payment Plan program offers to reduce a parking fine down to its original amount and set up an installment plan for qualifying residents, who qualify by proof of their enrollment in government assistance programs such as EBT or Medi-Cal. According to staff overseeing this initiative, compliance rates under this plan exceed those in regular enforcement.[113] This result hints to the relationship of compliance and the direct alignment of monthly payments with people's financial realities.

Proposed Change

Building on these findings, Berkeley can extend the Indigent Payment Plan beyond parking or specific code enforcement contexts to other parts of the BMC that involve fines and fees. Low-income residents often face collateral consequences—such as vehicle registration holds, towing risks, or even property liens—when they cannot pay large lump-sum fines.

Berkeley officials consistently acknowledged these inequities in interviews. Staff at Berkeley's Code Enforcement highlighted that compounding penalties disproportionately penalize vulnerable populations, creating additional layers of economic hardship for those least able to afford them.[114] Similarly, the National Consumer Law Center's 2022 report documents extensively how punitive municipal fines create harmful financial instability among already struggling residents.[115] Ultimately, once a household falls behind on one fine, additional fees or penalties usually accumulate, reducing the likelihood of eventual payment, subsequently harming the City's bottom line.

Financial Implications

With the numerous benefits and relief that payment plans provide, Ability-to-Pay models have been repeatedly underscored by other jurisdictions. For example, according to the San Francisco Municipal Transportation Agency, when they reduced their fee to enter a payment plan from $60 to $5, enrollment in the payment plan increased by 400 percent; resulting in an increase of nearly $160,000 in total revenue for the City in the first two months.[116]

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[113] City of Berkeley Staff Interview. Parking Enforcement 2, 2025.
[114] City of Berkeley Staff Interview. Code Enforcement, 2025.
[115] NCLC. "No Fresh Start 2022: Will States Let Debt Collectors Push Families Into Poverty as the Cost of Necessities Soars?" Accessed March 30, 2025. https://www.nclc.org/resources/no-fresh-start-2022-will-states-let-debt-collectors-push-families-into-poverty/.
[116] Rodriguez, Joe Fitzgerald. "City Says Reduced Fee for Parking Citation Payment Program Boosting Revenues." San Francisco Examiner, May 14, 2018. https://www.sfexaminer.com/news/city-says-reduced-fee-for-parking-citation-payment-program-boosting-revenues/article_520d8832-0300-5643-8267-3ad4c041176f.html.

Insights from the 2025 Mid-Year Budget Update

The City of Berkeley's Fiscal Year 2025 Mid-Year Budget Update notes that parking-ticket issuance grew by 12.9 percent during the first half of the fiscal year, yet parking-fine revenue fell by $320,386 (9.85 percent).[117] In the report, City staff attribute the revenue decline to a 2018 change in California law that prohibits towing solely for unpaid parking citations[118] however, outstanding citations can still block a vehicle's registration and cars driven without valid registration remain subject to towing, license suspensions, added fines or fees, and can impact insurance coverage.[119]

This analysis has uncovered another possible factor: higher default rates among residents who cannot afford lump-sum payments. A BMC-wide IPP could reverse such losses by transforming large, unrealistic obligations into affordable, enforceable ones.

Scaling the IPP across the BMC has the potential to stabilize municipal finances by converting high-risk debt into steady receipts, lighten administrative workloads by curtailing costly enforcement actions, and fulfill the City's equity mandate by shielding its most vulnerable residents from cascading penalties wherever fines and fees can impact low-income Berkeley residents. In doing so, Berkeley can align itself with a growing national movement that recognizes humane, data-driven policy on fines as both fiscally prudent and socially responsible.

Evaluation of Recommendation 5 Based on Criteria

Total Score: 38/50

Based on the criteria evaluation, the proposal earned a score of 38 out of 50. By extending the IPP, the policy would deliver robust equity gains, safeguarding the lowest-income households from cascading late fees. It also presents a demonstrated fiscal upside, as higher participation rates are likely to boost overall revenue collections.

However, some middle-income residents may perceive the policy as preferential unless it is paired with the universal installment option described in Recommendation 6. In addition, expanding the IPP would increase the burden on staff to verify public-benefit eligibility for a wider range of citation types—unless that workload is mitigated by the software upgrades proposed elsewhere in the Report.

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[117] Friedrichsen, Sharon, and Henry Oyekanmi. "Fiscal Year 2025 Mid-Year Budget Update." City Budget. City of Berkeley, March 25, 2025. https://berkeleyca.gov/sites/default/files/documents/2025-03-25%20Item%2011%20FY%202025%20Mid-Year%20Budget%20Update%20Report.pdf.

[118] Ibid.

[119] LegalClarity. "California Vehicle Code 465: Registration Rules and Penalties," December 27, 2024. https://legalclarity.org/california-vehicle-code-465-registration-rules-and-penalties/.

Recommendation 6: Explore Automatic Fines and Fees Payment Plans Available to Anyone

Current Framework

At present, Berkeley's installment options are restricted almost exclusively to its Indigent Payment Plan, which residents may access only if they can document enrollment in programs, such as CalFresh/EBT, Medi-Cal, or General Assistance.[120] All other citation recipients must either pay the full amount in a single lump sum or navigate ad-hoc appeals, leaving most households without a structured, affordable path to compliance.

Unfortunately, many residents who do not meet the public-assistance test still lack the liquidity to pay large fines at once and the risk of widespread non-payment is poised to grow. As highlighted earlier, 63 percent of California households earning under $35,000, 46 percent earning $35,000–$74,999, and even 30 percent earning $75,000–$149,999 reported difficulty meeting basic expenses.[121] When core living costs already strain the budgets of more than just low-income families, a sudden $75–$100 parking ticket—or a far larger code enforcement penalty—can quickly become unpayable, driving citation holders into default.

Proposed Change

Berkeley can strengthen both fiscal stability and procedural fairness by making installment-based payment plans the default option for every fine or fee assessed under the BMC. Offering three- or four-month schedules at the moment a citation is issued aligns payment obligations with ordinary household cash-flow patterns, fostering timely partial payments instead of sporadic lump-sum defaults. Embedding an *automatic* three- or four-installment option into every notice issued under the BMC therefore meets residents where they are financially, converting what is often perceived as a sudden shock into a series of manageable obligations.

Studies highlight how many individuals hesitate or delay payments if the amount is too large at once, while smaller scheduled payments can encourage individuals to budget more effectively and keep their accounts current.[122] Success stories from other jurisdictions bolster this approach. According to the Brennan Center for Justice's 2019 report, high fines frequently lead to non-payment, resulting in costly enforcement actions, including

[120] "Indigent Payment Plan for Parking Citations Application and Guidelines." City of Berkeley. Accessed March 23, 2025. https://berkeleyca.gov/sites/default/files/documents/Indigent-Payment-Plan-for-Parking-Citations-Application-and-Guidelines%202025.pdf.
[121] California Budget and Policy Center. "Millions of Californians Are Struggling to Make Ends Meet." Accessed April 13, 2025. https://calbudgetcenter.org/resources/millions-of-californians-are-struggling-to-make-ends-meet/.
[122] Hasler, Andrea, and Annamaria Lusardi. "Financial Fragility among Middle-Income Households: Evidence Beyond Asset Building." Working Paper. Global Financial Literacy Excellence Center: The George Washington University School of Business, March 4, 2019. https://gflec.org/wp-content/uploads/2019/04/Financial-Fragility-among-Middle-Income-Households-WP-2019-1-v2-3.pdf.

administrative expenses, collections procedures, and potential legal actions.[123] Conversely, reasonable fines aligned with individuals' ability to pay can provide more reliable revenue streams and minimize unnecessary expenditures associated with unpaid debts.

Research consistently shows that aligning fines with individuals' economic reality directly improves compliance rates,[124] [125] thereby boosting overall revenue and saving resources that would otherwise be spent on cumbersome enforcement actions.[126]

Berkeley's leadership on this issue would set an important precedent, demonstrating how local governments can cultivate a balanced, inclusive, and fiscally responsible enforcement framework. By adopting comprehensive installment options for all residents, Berkeley can strengthen both its fiscal health and its commitment to an equitable civic environment.

Comprehensive Social Impacts

Municipalities nationwide have reported significant benefits from implementing equitable fine and fee reforms similar to those proposed for Berkeley. Reforms around fines and fees in Las Vegas, for example, improved community relations, enhancing trust between local governments and constituents.[127] This outcome is critical, given the broader societal impacts associated with financial penalties, including diminished community trust, heightened socioeconomic disparities, and perpetuated cycles of poverty.

Financial Implications

Although Berkeley's Indigent Payment options focus on those with demonstrated low income, research indicates that payment plan options offered to all residents can lead to greater compliance and increased revenue, regardless of income. Empirical evidence from other jurisdictions underscores this financial logic. When Palm Beach County clerks placed misdemeanor and traffic defendants on installment plans at the first point of contact, 85 out of 200 cases made payments, generating $11,097 on $61,823 owed; non-plan cases saw just four payers and a meager $678 on $73,693 assigned.[128] The ratio—roughly 16:1 in favor of structured installments—speaks not only to willingness but to capacity: residents

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[123] Menendez, Matthew, Michael F. Crowley, Lauren-Brooke Eisen, and Noah Atchison. "The Steep Costs of Criminal Justice Fees and Fines | Brennan Center for Justice," November 21, 2019. https://finesandfeesjusticecenter.org/articles/the-steep-costs-of-criminal-justice-fees-and-fines-a-fiscal-analysis-of-three-states-and-ten-counties/.

[124] Harris, Alexes. *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. New York: Russell Sage Foundation, 2016. https://muse.jhu.edu/pub/207/monograph/book/45636.

[125] Obama Whitehouse Archives. "FINES, FEES, AND BAIL: Payments In the Criminal Justice System That Disproportionately Impact the Poor," December 2015. https://obamawhitehouse.archives.gov/sites/default/files/page/files/1215_cea_fine_fee_bail_issue_brief.pdf.

[126] Menendez, Matthew, Michael F. Crowley, Lauren-Brooke Eisen, and Noah Atchison. "The Steep Costs of Criminal Justice Fees and Fines | Brennan Center for Justice," November 21, 2019. https://finesandfeesjusticecenter.org/articles/the-steep-costs-of-criminal-justice-fees-and-fines-a-fiscal-analysis-of-three-states-and-ten-counties/.

[127] National League of Cities. "5 Lessons from NLC's Cities Addressing Fines and Fees Equitably Initiative," March 20, 2025. https://www.nlc.org/article/2025/03/20/5-lessons-from-nlcs-cities-addressing-fines-and-fees-equitably-initiative/.

[128] "Payment Plans as a Compliance Tool: Best Practices For Florida Courts." Fines and Fees Justice Center, August 2019. https://finesandfeesjusticecenter.org/content/uploads/2020/05/Payment-Plans-Final-1.pdf.

will comply when the obligation fits with a monthly budget cycle. By lowering barriers and placing people on payment plans immediately, the county has increased collections and reduced the number of cases that fall out of compliance.

As another example, in February 2017, the National Task Force on Fines, Fees and Bail Practices issued a bench card to help judges properly apply fees and fines. Later that year, Texas passed a law requiring courts to assess defendants' ability to pay earlier in the process, adjust financial penalties accordingly, limit warrants for noncompliance, and expand community service options—leading to a 7 percent increase in collections.[129]

Reducing Administrative Costs and Default Rates

One commonly overlooked advantage of providing installment plans is a reduction in administrative overhead. According to the Brennan Center for Justice's 2019 report, for every unpaid citation, the City has the potential to incur costs associated with collection; additional administrative paperwork, sending notices, and in some cases, court proceedings.[130] In some municipalities, resources consumed in pursuit of delinquent fines often exceeded the revenue gained. One New Mexico county, for example, spent $1.17 for every $1.00 collected in fines and fees, illustrating how enforcement and oversight expenses rapidly erode any revenue gain.[131] These costs mount as courts and their partners devote resources to paperwork, hearings, and other procedures to pursue unpaid obligations that frequently remain uncollected. Automatically implementing payment plans and shifting to an installment-based system would almost certainly cut any expenses related to collection efforts by turning potential defaulters into willing payers, while simultaneously preventing the City from funneling resources into endless attempts to collect from individuals who lack the immediate means to pay.

Evaluation of Recommendation 6 Based on Criteria

Total Score: 37/50

Based on the criteria evaluation, the proposal earned a score of 37 out of 50. By offering early payment plans, jurisdictions have realized higher net revenue and lower collection costs and have mitigated collateral harms, since timely partial payments prevent vehicle registration holds and other cascading penalties that accompany delinquency.

However, rolling out this approach depends on integrating new software into existing systems and ensuring staff are properly trained to use it.

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[129] "Fees and Fines: The Criminalization of Poverty." Accessed April 7, 2025. https://www.americanbar.org/groups/government_public/publications/public_lawyer_articles/fees-fines/.

[130] Menendez, Matthew, Michael F. Crowley, Lauren-Brooke Eisen, and Noah Atchison. "The Steep Costs of Criminal Justice Fees and Fines | Brennan Center for Justice," November 21, 2019. https://finesandfeesjusticecenter.org/articles/the-steep-costs-of-criminal-justice-fees-and-fines-a-fiscal-analysis-of-three-states-and-ten-counties/.

[131] Miller, Andrea L., and Nikole Hotchkiss. "Policy Reforms for Racial Justice: What Works for Fines and Fees." National Center for State Courts, December 2024. https://ncsc.contentdm.oclc.org/digital/collection/financial/id/293.

Conclusion

This report brings together key insights on Berkeley's fines and fees framework, while underscoring the prospective impact on the CIty's broader civic values. The analysis demonstrates that Berkeley's existing fines and fees system—characterized by decentralized departmental schedules, uneven informational access, and reliance on punitive lump-sum charges—has contributed to growing revenue shortfalls and imposed disproportionate burdens on financially vulnerable residents.

Employing a mixed-methods approach that combines document review, semi-structured staff interviews, budget analysis, and other jurisdiction benchmarking, this report developed a multi-criteria decision matrix to evaluate six targeted reforms. Each recommendation was assessed on political feasibility, cost, effectiveness, sustainability, and externalities, yielding clear prioritization; from low-barrier interventions, such as consolidating all fees into a single Master Fee Schedule; to more complex technology investments, such as centralized ERP and RPA; to expanding access to payment plans.

Early implementation phases should prioritize low-cost, high-impact actions while laying the groundwork for subsequent technology integrations and payment-plan expansions. . Collectively, these reforms promise to enhance transparency, promote equitable access, and stabilize long term revenues. A unified Master Fee Schedule and multilingual online resource page will streamline resident interactions and reduce clerical workload; updates to disability-parking and bicycle-registration ordinances will remove outdated requirements and align local law with state and federal standards; modernized software platforms will automate repetitive tasks, improve data accuracy, and free staff for higher-value work; and expanded income-sensitive and automatic installment payment options will convert high-risk debt into manageable obligations and bolster compliance.

Ultimately, regular reporting to the City Council and the Fines and Fees Steering Committee, including transparent updates on fiscal impacts, compliance metrics, and community feedback, will help maintain momentum and adaptability. By sequencing reforms to secure early administrative relief and building capacity for more complex changes, the City of Berkeley can progressively realize a fines and fees framework that balances fiscal responsibility with equitable access, operational efficiency, and public trust. Such an approach aligns with the City's broader "Care First, Jails Last" and "Reimagining Public Safety" initiatives, illustrating that reforms to fines and fees are not merely revenue tools but integral components of a more just and resilient local government framework.

Appendix I

Additional Sections of the Berkeley Municipal Code (BMC) for Staff to Consider for Inclusion in Payment Plan Eligibility

BMC Section	Description
6.04.080	Bathe, swim, wade in Aquatic Park
6.08.020	Going upon or using the wharf
6.24	Municipal Off-Street Parking Facilities (meters, pay-to-display)
6.32	Parks and Public Pathways—Use Restrictions
6.50.030	Prohibition on feeding wild animals on public property
12.32.050	Garbage collection and fees
12.32.060	Garbage collection and fees
12.36.070	Collecting recyclables from the curbside (aimed at low-income individuals)
12.40.040	Litter, Debris, and Noxious Plants
12.40.050	Litter, Debris, and Noxious Plants
12.40.060	Litter, Debris, and Noxious Plants
13.36.015	Creation of accessibility on commercial sidewalks—related restrictions
13.36.20	Obstructing entrance to or exit from public or private buildings
13.36.040	Obstructing City-owned planters and trees
13.52.040	Parking vehicle on private property
13.52.050	Parking vehicle on private property
13.52	Parking vehicle on private property (entire Chapter 13.52)
13.98.030	Placing graffiti as a nuisance—owner's obligation to have graffiti removed
13.98.040	Penalties if owner does not remove or show good-faith efforts to remove graffiti

16.04.010 Sidewalk repair requirements—property owner's duty to maintain public sidewalks

Appendix II

Public Safety Defined

Public Safety in the context of fines and fees reform refers to the deliberate use of financial penalties not simply as revenue tools or punitive measures, but as instruments for promoting equitable compliance and reinvesting in community wellbeing. A well designed system ensures that penalties deter harmful behavior without imposing disproportionate burdens on low-income residents or triggering secondary sanctions that can worsen economic instability. By providing transparent payment options, relief programs like installment plans and clear communication, municipalities foster voluntary compliance.

Moreover, reducing the administrative and enforcement resources tied up in pursuing delinquent fines frees up capacity to support upstream interventions, such as violence prevention, mental-health outreach, and social services, that address root causes of unsafe behavior. In this way, reforms to fines and fees serve both to uphold individual rights and to enhance collective safety by minimizing collateral harm and enabling proactive, preventive public safety strategies.

APPENDIX D

Specialized Care Unit Supporting Materials

April 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Re: Specialized Care Unit

Introduction
In an effort to best serve Berkeley residents needing mental health crisis support, the City is transitioning the services offered by the pilot Specialized Care Unit (SCU) project to Alameda County Behavioral Health Care Services. This transition, which is expected to be completed by late summer 2025, is made possible by significant changes to the state's policy landscape for mental and behavioral health mobile crisis programs.

Rationale
As of January 1, 2023, California counties were mandated to implement a new Medi-Cal Community-Based Mobile Crisis Intervention Services benefit. This new Medi-Cal benefit aligns closely with the SCU's goals:

- Crisis hotline via a single telephone number.
- Standardized dispatch and response procedures.
- Response for urban areas required within 60 minutes.
- Reduction of unnecessary emergency department and psychiatric inpatient hospitalizations.
- Minimization of unnecessary law enforcement involvement.
- Provision of multidisciplinary care, including EMTs, licensed clinicians, and peer support specialists. State requirement to serve all residents regardless of insurance or ability to pay.

In addition, several operational requirements for mobile crisis teams address several issues of concern by community stakeholders and are more feasibly implemented at the County level, including:

- 24/7 crisis hotline availability.
- Coordination with 988, 911, and other behavioral health providers for dispatch and on-site coordination.
- Coordination with emergency responders for transport to higher levels of care.
- Mandated 72-hour follow-up check-ins.

These requirements have proven challenging for the SCU to meet within its current funding and infrastructure. Currently, the County utilizes 911 for mobile crisis service contact and dispatch.

The County's existing system-wide coordination offers advantages for Berkeley residents, streamlining what would otherwise require extensive City-County coordination and infrastructure development to meet new Medi-Cal billing requirements. Moreover, the SCU's current contractor also provides behavioral health crisis services through Alameda County, facilitating a smoother transition and continuity of care for individuals receiving services.

Pilot Summary
The Specialized Care Unit (SCU) pilot project was launched as part of the City's Reimagining Public Safety initiative to attempt to create a model for providing non-police responses for people having mental health crises and substance use emergencies. While the SCU has been operational since September 5, 2023, significant structural challenges have raised concerns about its sustainability. Key issues include:

- Staffing shortages;
- Hours of operation;
- Long response times;
- Lack of long-term funding;
- Calls are not routed through 911; and
- Unmet community expectations related to support for people who are homeless

Issues with the SCU are exacerbated by the pilot design. An evaluation by Research Development Associates (RDA) is underway that is expected to confirm systemic design flaws that hinder the SCU's long-term viability.

One example under the current structure is response times. With only one team, if a call for assistance comes in when the SCU is working on a different call, it could take several hours to respond. Stakeholders have been clear that this does not meet the expectations of the community.

Additionally, community concerns, operational inefficiencies, and strained relationships with key stakeholders due to misaligned performance expectations have further complicated implementation.

Moving forward, the City will work diligently to support the transition of the SCU to the County, collaborating with stakeholders to address unmet expectations, and ensuring continued service availability for Berkeley residents.

SCU Financial Sustainability Planning
The SCU was initially funded by a combination of one-time ARPA funds, a state grant and Mental Health Service Act funding. Short-term funding creates great difficulty in sustaining a long-term program, which is one of the reasons the city is working to ensure that the service will continue to be available by transitioning it to the Alameda County. Ongoing Medi-Cal funding can be secured for the SCU if it is part of County services.

Since the SCU's original design and initial launch in 2023, the California policy landscape for mental and behavioral health mobile crisis programs has undergone significant changes. State efforts to enhance mental health crisis response have been integrated into new state requirements for counties under the CalAIM initiative (California Advancing & Innovating Medi-Cal). The mobile crisis services provided by the SCU pilot are now a Medi-Cal entitlement, with Alameda County Behavioral Health responsible for ensuring service availability to all county residents, including those in Berkeley. City staff have consulted with County Behavioral Health Officials, who fully support this determination. The County is currently developing ten teams to meet the mandated 60-minute response time for mobile crisis services throughout the county.

Program Needs & Financial Constraints
Total one-time funding of $5.3 million for the two-year SCU Pilot project has been provided by three funding streams summarized below.

- $536,500 from the Crisis Care Mobile Units (CCMU) program grant from the California Department of Healthcare Services (DHCS) which expires on June 30, 2025. This grant will be fully expended.
- $68,000 from the Behavioral Health Service Act, referred to as Mental Health Services Act funding prior to voter approval of Proposition 1. This funding will be fully expended.
- $4,750,000 from The American Rescue Plan Act (ARPA) grant, which must be spent by December 31, 2026.

There is no reoccurring funding for the pilot once the resources listed above have been exhausted. Preliminary findings from the evaluation of the SCU that is currently underway indicate a substantial need for program infrastructure expansion, an increase in the number of teams, the need for standardized policies and protocols, upgrading the data system, and enhancing collaboration with Alameda County Behavioral Health's continuum of care including City emergency responders. There is also an urgent need to improve staff retention, potentially through program expansion with additional mobile teams, dedicated call-takers, and hazard pay or shift differentials for overnight and weekend shifts.

Given the City of Berkeley's limited resources and the discontinuation of current state and federal funding sources, the city is collaborating closely with Alameda County to ensure the continuity of mobile crisis services mandated under Cal-AIM reform.

Transition Planning
Next steps to facilitate the transition include:

- Sharing evaluation findings with all stakeholders and Alameda County Behavioral Health to inform their program design and evaluation.
- Clarifying cost projections for the SCU Pilot as the program transitions to the County.
- Continuing proactive collaboration with the County and Bonita House to support the transition.
- Promoting the continued availability of SCU services throughout the transition.
- Facilitating coordination between Alameda County Behavioral Health, Berkeley Police, Fire, Mental Health Departments, and other stakeholders.
- The City will monitor service delivery quality, participate in stakeholder convenings, and ensure alignment with Reimagining Public Safety goals, even after Alameda County assumes operational responsibility.
- Developing community and stakeholder communication plans.

While the County assumes primary responsibility for much of the transition, the City of Berkeley will be actively engaged in ensuring uninterrupted service delivery to Berkeley residents. In addition, in line with the Reimaging Public Safety initiative, the City's Health, Housing and Community Services Department will use the evaluation results to guide the development, and implementation of alternatives to arrest and incarceration for individuals with behavioral health issues. While service delivery is transitioning, the City remains committed to investing in non-police crisis response solutions that uphold the principles of equity, care, and public safety. Additional updates will be as the timeline is solidified and communication plans are clear.

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Berkeley Specialized Care Unit

Retrospective Evaluation 2025

RDA CONSULTING

CITY OF BERKELEY

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- Appendix:
  - *Evaluation Plan: SCU Program Data Application Matrix*
  - *Program Data Indicators: Descriptions and Limitations*



SCU Background & Overview

Origins

2020-2021

The City of Berkeley contracted RDA to conduct a feasibility study for a Berkeley behavioral health crisis response team that does not rely on law enforcement. The feasibility study informed the implementation of the *Specialized Care Unit (SCU).*

City Investment

The City of Berkeley allocated $4.5 million total from American Rescue Plan Act (ARPA) funding* and the Crisis Care Mobile Units (CCMU) grant+ for the implementation of the SCU pilot program.

The City of Berkeley purchased and leased equipment for the SCU, including vehicles, IT equipment, medical supplies, and more



Specialized Care Unit

** ARPA funds were a subaward from the Coronavirus State and Local Fiscal Recovery Funds*

+ a grant program administered through the California Department of Health Care Services (DHCS)

SCU Scope of Services

The City of Berkeley contracted with Bonita House to provide SCU services from January 1, 2023 through May 31, 2025.

- Crisis counseling, de-escalation, and violence prevention
- Substance use harm reduction
- Mobile transport
- Outreach and relationship-building with community members
- Resource connection, referrals, and warm handoffs
- Identify and refer participants to higher levels of crisis support



Specialized Care Unit



Evaluation Introduction & Overview

Evaluation Purpose

The City of Berkeley contracted with RDA to conduct a retrospective evaluation ***to assess the implementation, preliminary impacts, and lessons learned from the first year and a half of the SCU pilot program.*** The evaluation was designed to explore overall strengths and areas for improvement based on program implementation and client outcomes to understand the opportunities and needs related to pilot expansion and sustainability.

In this way, ***the evaluation offers transparency and accountability to stakeholders,*** while providing an opportunity for the City of Berkeley ***to understand how its investments promote access to specialized, behavioral health crisis services for city constituents.***

Evaluation Objectives

RDA collected and analyzed primary and secondary data to support the City of Berkeley to evaluate the first year of the pilot program. The **three primary objectives** that guided the evaluation include:

- **Quality Improvement:** Identify opportunities for the SCU to improve services and adapt implementation.
- **Assessing Results:** Assess the degree to which the SCU is achieving goals and making a positive impact in the community.
- **Sustainability Planning:** Provide recommendations to inform the City's strategic planning for future crisis services, including SCU expansion and sustainability.

Guiding Questions

Quality Improvement

How is the SCU being implemented?

1. How are core components of the SCU model being implemented?
2. What have been successes in implementing the SCU?
3. What have been challenges in implementing the SCU?
4. What are successes of integrating SCU into an existing emergency ecosystem and continuum of care?
5. What are challenges of integrating SCU into an existing emergency ecosystem and continuum of care?

Assessing Results

What impact did the SCU have?

6. Who was engaged by the SCU?
7. What are the presenting needs of clients and callers?
8. What services were provided by the SCU?
9. What are immediate outcomes (intended and unintended) for clients?
10. To what extent is the SCU providing quality services?



Methodology

Data Collection & Limitations

*From October through December 2025, 29 organizations were contacted and invited to participate.

Data Sources

FIVE Interviews and Focus Groups with SCU Teams, SCU Leadership, HHCS Program Administrators, and Emergency Responders

SIX Interviews* with City & Local Service Providers

ONE Online Community Survey

NINE *Quarterly CCMU Grant Reports*

Programmatic data from the SCU's Electronic Data System

Interviews & Focus Groups

Interviews and Focus Groups provided an opportunity for local service providers to share first-hand perspectives on SCU implementation and impacts

Participants were asked about ***program implementation successes & challenges***:

- Experiences across planning, ramp up, service delivery, and team expansion
- Operations and staffing
- System integration and coordination with emergency responders
- Outreach and relationship building with service providers and community members

Participants were asked about ***SCU's outcomes and impacts***:

- Client needs
- Perceived impacts on clients & community
- Quality of services
- Sustainability
- Additional resources needed
- Structural changes needed

Limitations
Interviews & Focus Groups

- Local service provider availability and participation in interviews was low, ***limiting sample size***
- The stakeholders included in the interviews and focus groups ***may not be representative*** of all local service providers or Berkeley community members
- Primary data collection ***did not include people who have received SCU services*** due to HIPAA protections
- The evaluation team was ***unable to conduct intercept interviews*** with community stakeholders at local service sites due to ethic concerns and project constraints

Community Survey

The community survey provided an opportunity for the broader public to share perspectives on SCU implementation and impacts. The survey also enabled evaluators to assess the extent of community awareness about SCU services.

The community survey asked questions about ***program implementation & awareness***:

- Familiarity with SCU
- Requesting services & needs
- Experiences with the phone & field-based teams
- Overall satisfaction with services
- Perceived value or importance of the SCU model
- Likelihood to call again or recommend the SCU to others
- Recommendations

The community survey used a variety of question styles, including Likert scale, multiple choice, checkboxes for 'select all that apply,' and open-ended responses

The survey was made available for three weeks from February 24, 2025 – March 16, 2025 and was promoted by the City of Berkeley

The survey received 233 of total responses

Limitations
Community Survey

- The community survey received 233 responses and may be ***not be representative*** of all Berkeley community members
- Community survey results are ***not generalizable*** to all Berkeley community members
- We present the number of observations (N) for each set of data presented in this report because ***respondents did not answer every question*** on the survey. Therefore, responses to survey questions have varying levels of generalizability to all survey respondents and questions with lower response rates will be more affected by outliers or skewed compared to questions with higher response rates.

Quarterly CCMU Grant Reports

As part of the CCMU grant funding, Bonita House submitted quarterly grant reports, which allowed evaluators to track program adaptations and implementation over time.

Information and data included in the quarterly reports provide insight about ***implementation challenges & resolutions***:

- Planning and coordination efforts
- Staffing changes, team make-up
- Service availability
- Trainings
- Infrastructure investments (equipment, communications, trainings, call taking and dispatch, marketing)
- Public outreach and marketing

Evaluators reviewed 9 grant reports covering the pilot program period from April 1, 2022 – September 30, 2024.

No grant reports were submitted for January-March 2023 and therefore were not part of the evaluation.

Limitations
Quarterly CCMU Grant Reports

- A grant report for ***one quarter was not part of this study*** (January-March 2023).
- Open-ended responses in grant reports provide a ***limited window into each area of inquiry*** due to word/character constraints for responses, biases or lack of information from respondents, changes in who is writing the report over time, and other limitations inherent to grant reporting.

SCU Program Data

The SCU team gathered service data independently. This data provides a direct look at the services delivered and clients served, as recorded by the program.

- Data is collected in a custom application that allows users to enter information throughout the duration of an incident.
- The application does not include ESO data collected from the EMT
- Basic data collection started on program roll out (September 1, 2023)
- The application was implemented on January 14, 2024 and additional data elements were added over time
- For a list of indicators included in evaluation analysis, please refer to the Appendix

- 1753 records were included in the dataset shared with evaluators. Data was cleaned to remove duplicate records (42) and errors in ID number that prevented matching (5).
- In total, there were 1706 records included in the analysis, including:
  - Phone call only
  - Phone with an in-person response
  - In-person response only
- For any indicators that were updated or changed in January 2024, data elements were recategorized when appropriate or are labeled in each chart when not possible.

Limitations
SCU Program Data

- ***Data collection in an emergency response environment, and in a new program, is inherently challenging*** and will have some degree of inconsistency or incompleteness.
- ***SCU did not have data collection protocols*** *and data may not have always been collected consistently.*
  - *An index of all indicators and related inconsistencies is included in the Appendix*
- Collecting client demographics in a crisis response environment is challenging and ***demographic data should be interpreted with discretion***.
- Due to the evaluation's timeline, ***data was only available for part of December 2024***. However, the partial-month's data is presented here to provide as much program data as possible.
- ***Many indicators were not collected prior to January, 2024,*** including Response Priority, Service Disposition, and Primary Service. For each data point analyzed, ***we present the total number of incidents included (N) in a calculation.***
- Data for ***some indicators were left blank***; blank responses are included in the report, as appropriate
- Narrative data is not included in this analysis. ***Some conclusions cannot be drawn because additional context*** would be required. Two examples include:
  - *A phone call with "Response not required" could indicate a successful phone de-escalation or could indicate the call was not appropriate for the SCU*
  - *"Police assistance" could indicate the SCU team called for police assistance or that police were already on scene when they arrived, and usage could vary by team member*



Summary of Findings

Summary of Findings

Implementation

1. The SCU launched and increased service provision, averaging 339 contacts per quarter between FY24 Q2 and FY25 Q2
2. Survey respondents have basic knowledge of the SCU and how to contact the program
3. For calls answered and receiving an in-person response, the median time for the SCU to arrive on scene after the call was created in 2024 was 18.7 minutes
4. While core components of the SCU model were successfully implemented, the program faced significant barriers that prevented full implementation
5. HHCS program administrators, SCU leadership, and SCU staff adapted the program and processes to mitigate barriers to implementation
6. SCU team members experienced significant challenges that may explain hiring and retention challenges
7. Stakeholders remain unclear about the SCU's full scope of services, and the program lacks distinct protocols

Summary of Findings

Impact

8. When the SCU responded in person, the team was able to provide services in about half of scenarios
9. The SCU provided in-person responses to more unhoused/unsheltered community members than housed community members
10. Incomplete demographic data for the race and/or ethnicity of clients prevents drawing meaningful conclusions
11. The SCU delivered a range of services that represent the core needs the program was designed to meet
12. Callers reached out to the SCU for a variety of scenarios and may have most often called when they were community bystanders
13. Among survey respondents, caller satisfaction and stakeholder perception of service quality varies
14. Police were involved in one in eight in-person responses and many community members expressed disappointment in this level of involvement
15. Only a small fraction of in-person responses resulted in an involuntary hold (5150/5585)
16. In-person responses with police assistance resulted in an involuntary hold (5150/5585) more frequently than responses without police assistance

Summary of Findings

Stakeholder Suggestions for Improvement

A. Stakeholders want continued and increased investment in the SCU program to promote safety, quality, and sustainability

B. Community stakeholders, SCU staff, and emergency responders desire improved clarity and consistency of communication strategies

C. Community stakeholders, SCU staff, and emergency responders expressed a need for improved response coordination



Key Findings

How is the SCU being implemented?

#1

Slide 1 of 2

The SCU launched and increased service provision, averaging 339 contacts per quarter between FY24 Q2 and FY25 Q2

After contracting and procurement, program ramp up was relatively quick. Staffing and hours of service availability steadily increased over time.

	Total SCU mobile teams	Total Staff *field & administrative*	Hours of Operation
FY24 – Q1	**2**	**7**	**Sun – Wed** **6am – 4pm** *40 hours/week* ↓ **Sun – Sat** **20 – 24 hours/day** *Variable* *avg. 152 hours/week*
FY24 – Q2	**2**	**10.5**	
FY24 – Q3	**3**	**20**	
FY24 – Q4	**5**	**19**	
FY25 – Q1	**5**	**24**	

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Source: Grant Reports

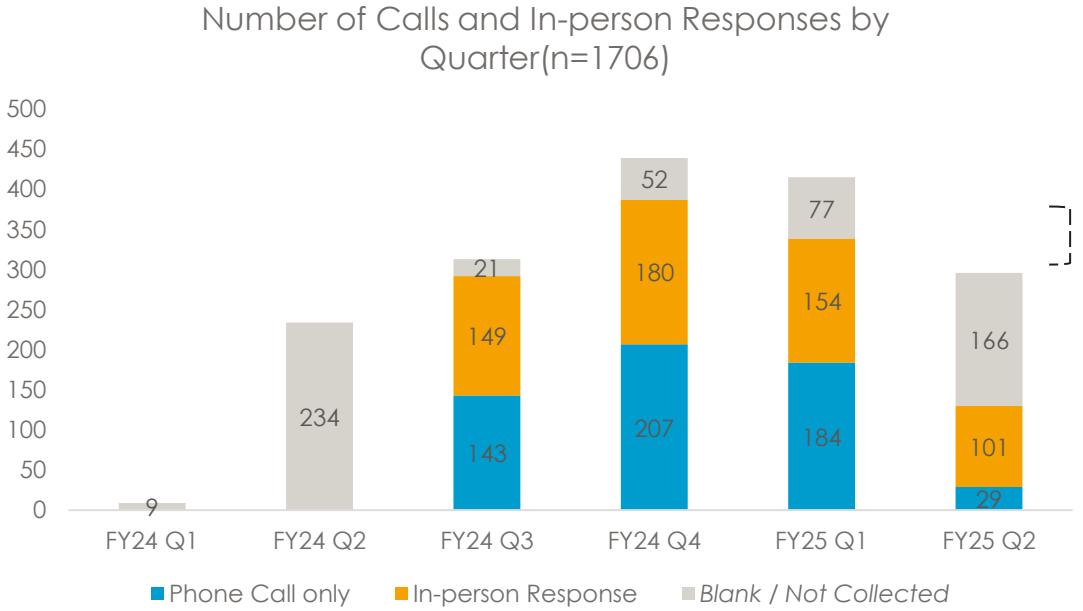
FYs refer to the City of Berkeley's Fiscal Year calendar

#1

Slide 2 of 2

The SCU launched and increased service provision, averaging 339 contacts per quarter between FY24 Q2 and FY25 Q2

The SCU answered more than 1,700 phone calls and recorded 584 total in-person responses in it's first 18 months



Note: Two weeks of missing data

Notes:
FYs refer to the City of Berkeley's Fiscal Year calendar
At the time of this evaluation, complete FY25 Q2 data was not available;
FY24 Q1 and FY24 Q2 data does not differentiate between a call only and in-person response.

Source: SCU Program Data

#2

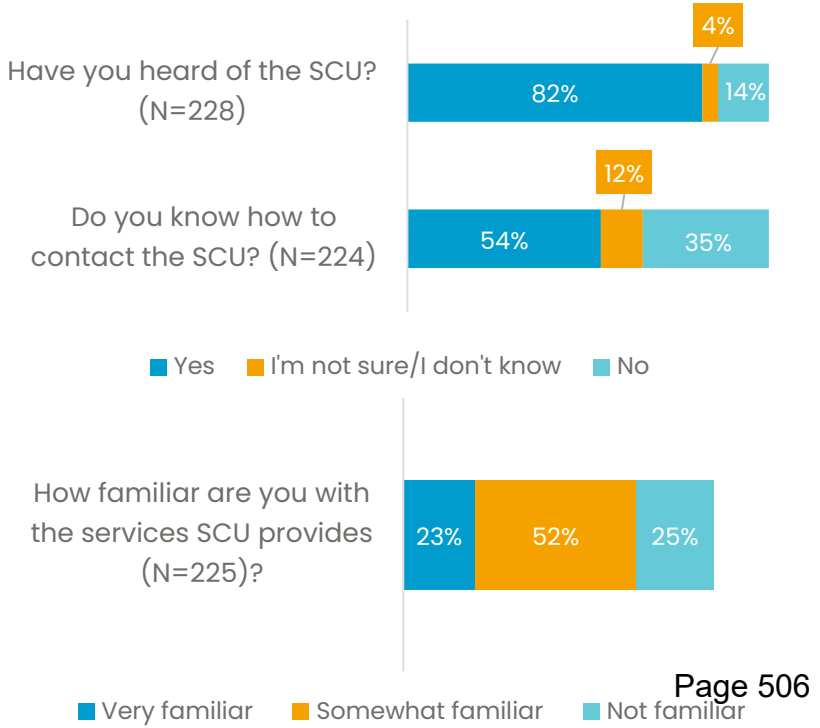
Slide 1 of 1

Survey respondents have basic knowledge of the SCU and how to contact the program*

**Note: The survey sample is not representative nor generalizable to Berkeley community members more broadly and therefore overall community awareness was not able to be evaluated*

The majority of survey participants have heard of the SCU (82%, n=186) and slightly more than half know how to contact them (54%, n=120)

The majority of survey participants are either "very familiar" or "somewhat familiar" with the SCU's scope of services (75%, n=169)



Source: Community Survey

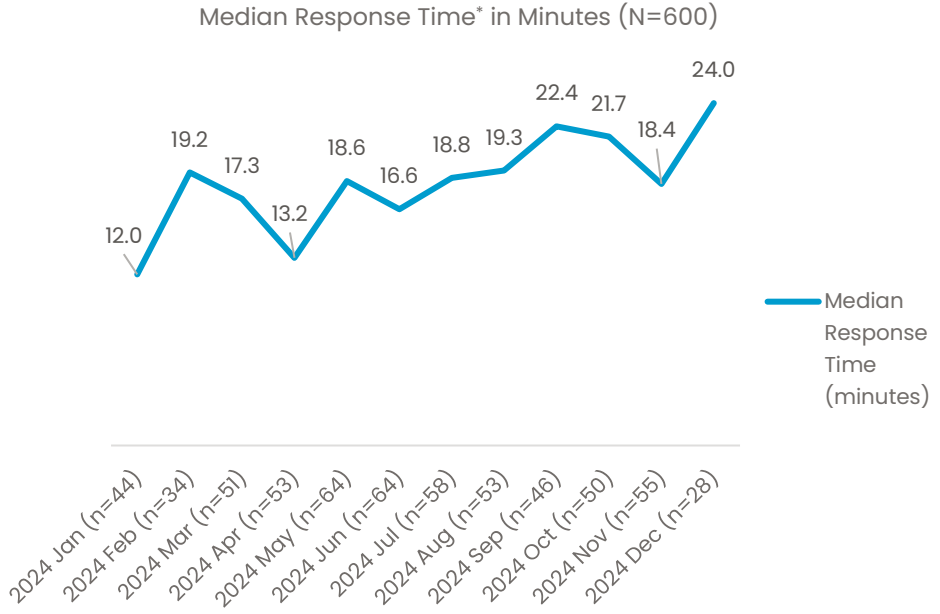
#3

Slide 1 of 1

For calls answered and receiving an in-person response, the median time for the SCU to arrive on scene after the call was created in 2024 was 18.7 minutes

In 2024⁺, the median response time was 18.7 minutes with a low of 12.0 minutes in January (n=44) and a high of 24.0 minutes in December (n=28)

⁺*Inconsistencies in how/whether the mobile teams updated their "Status" may affect data accuracy. Response time data should be interpreted with discretion.*



**The SCU electronic database automatically creates a time stamp when the call is created and when the SCU team updates their "Status" to "On Scene." RDA calculated the difference between these two times for each data entry*

Source: SCU Program Data

#4
Slide 1 of 2

While core components of the SCU model were successfully implemented, the program faced significant barriers that prevented full implementation

Program design components *successfully* implemented

- Mobile teams include an EMT, a licensed mental health clinician, and peer support specialist
- Program received 3 vans by Q2 2024
- Program operates an independent 10-digit phone number
- Team provides transport for clients
- Staff trained with other crisis programs and completed "Crisis Training Academy"*
    - *Key topics*: *Trauma-informed care, crisis response and assessing risk, De-escalation, cultural competency, and harm reduction*

Source: Focus Groups, Interviews, and Grant Reports

#4
Slide 2 of 2

While core components of the SCU model were successfully implemented, the program faced significant barriers that prevented full implementation

Program design components facing *barriers* to implementation

- **3-person team** (licensed mental health clinician, EMT, and peer):
  - Hiring delays and turnover over the first 9 months of service resulted in periods of staffing gaps
  - Program data includes many incident records in which a team responded with only 2 out of 3 team members
- **Medical support capabilities:**
  - Legal and administrative barriers slowed access to basic medical supplies
- **24/7 service availability**:
  - Hiring and turnover challenges resulted in a gradual ramp-up of service availability and hindered 24/7 in—person and phone availability
- **Ability to place involuntary holds** independently of other emergency services:
  - During periods of staffing gaps for the clinician role, EMT/Peer teams could not place holds and needed to involve BPD.
- **Ability to transport** independently of other emergency services:
  - Legal barriers resulted in a delay in the SCU's ability to transport clients
- **Integration into 911 Dispatch**:
  - Unforeseen legal and administrative barriers made integration infeasible
  - The separate 10-digit phone number remains the only method of contact.
  - SCU calls to 911 have equal priority to general community member calls to 911

Source: Focus Groups, Interviews, and Grant Reports

#5

Slide 1 of 1

HHCS program administrators, SCU leadership, and SCU staff adapted the program and processes to mitigate barriers to implementation

*"Having [the Director] come in was huge. We didn't have policies and protocols and **now that [policies and protocols have] been implemented, it's been pretty smooth.**"*

– SCU Staff Focus Group Participant, 2024

*"**[The fact that SCU] can transport 5150 patients to a hospital is a huge deal…it's a huge hurdle we overcame. We got there through [coordinating conversations]**…we had a couple of meetings with the county [for] writing up the procedure, for when someone can be a 5150 transport not in an ambulance."*

- HHCS Program Administrator Interview Participant, 2024

*"In my experience, police have been pretty good working with our team. Sure, there was an adjustment period…**we are starting to gain more rapport with [police].**"*

– SCU Staff Focus Group Participant, 2024

#6

Slide 1 of 1

SCU team members experienced significant challenges that may explain hiring and retention challenges

- Lack of dedicated leadership and established protocols negatively impacted the team with limited
  - Sense of **support**
  - **Guidance** for ambiguous situations
  - **Preparation** for making 'judgement calls' in scenarios with different needs, services, and types of calls
- High stress environment was not reflected in compensation, which created a sense of **risk without recognition**
- Pressure and inability to address community calls for non-SCU services (e.g., homelessness services)
- High rates of turnover create a continual process of training new staff, which results in **less experienced team members in the field**

> *"I would say the pay and the structure. When you start at any company, you start with training, a booklet [that covers] topics…**We are running similar 911 calls without any training**."*
>
> *– SCU Staff Focus Group Participant, 2024*

#7

Slide 1 of 1

Stakeholders remain unclear about the SCU's full scope of services, and the program lacks distinct protocols

"I can't recall their full scope of their work…setting expectations is important."

– Local Service Provider Interview Participant, 2024

"We don't have a checklist per se [for phone assessments]…we do ask if there is an overarching mental health concern…We also screen for safety. ***The things we don't respond to usually [are] physically unsafe for us or the clients, potentially hazardous, medical emergency***…"

- SCU Staff Focus Group Participant, 2024

"I received conflicting information about ***whether the SCU would provide transportation to a crisis unit*** or not. It would be helpful for them to share information about their services to the public."

- Community Survey Participant, 2025

"[911 paramedics] need to know what [the SCU] can respond to, and what kind of calls…We want more established protocol and services, a clearly defined mission [from the SCU]."

– Emergency Responder Focus Group Participant, 2024

Source: Community Survey, Focus Groups, Interviews

Key Findings

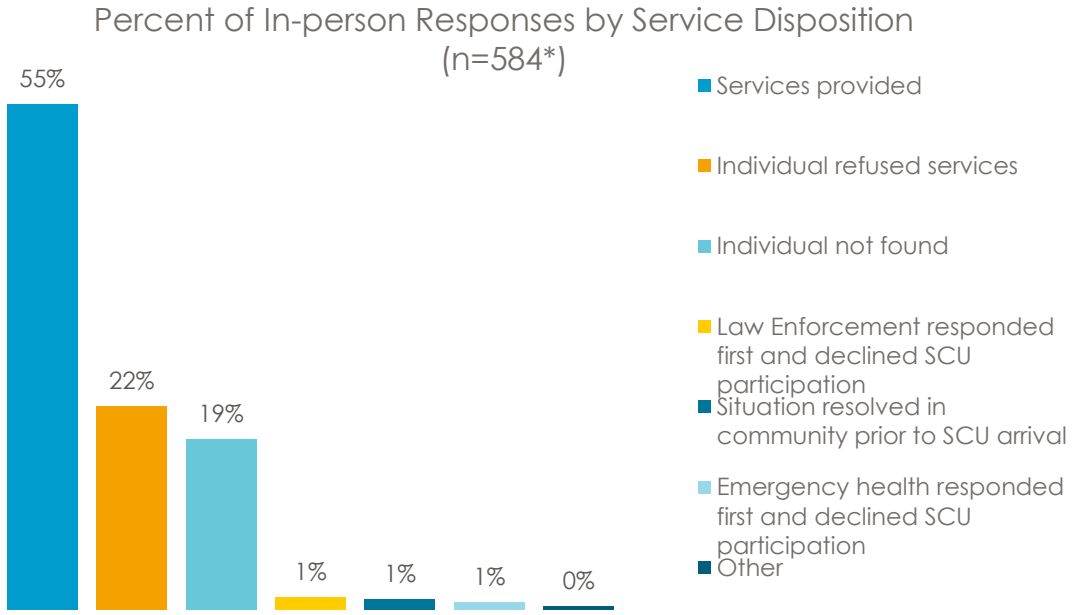
What impact did the SCU have?

#8

Slide 1 of 1

When the SCU responded in person, the team was able to provide services in about half of scenarios

SCU provided on-site services for 55% (n=323) of in-person responses. When the SCU did not provide services, this was most frequently because the individual declined (22%, n=130) or the SCU was unable to locate them (19%, n=109).



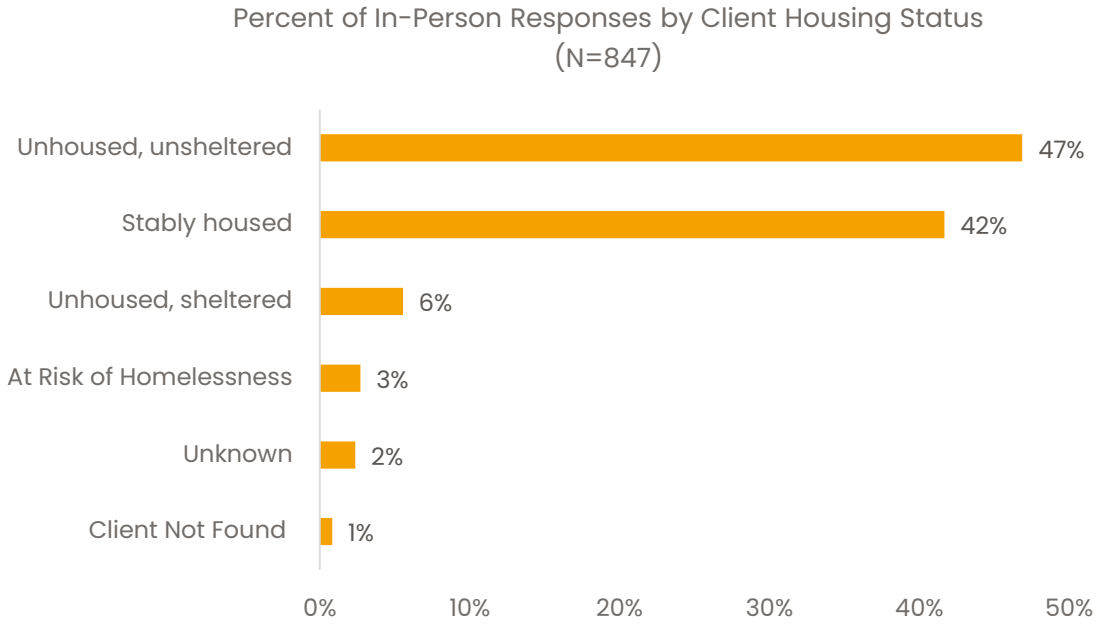
**Data excludes 563 incidents for which that was a phone call only response; an additional 559 incidents are excluded because there was no Service Disposition recorded.*

Source: SCU Program Data

#9
Slide 1 of 1

The SCU provided in-person responses to more unhoused/unsheltered community members than housed community members

The SCU served 26% more unhoused clients (sheltered and unsheltered, n=444) compared to stably housed clients (n=353).



Source: SCU Program Data

#10

Slide 1 of 2

Incomplete demographic data for the race and/or ethnicity of clients prevents drawing meaningful conclusions

Out of 1706 calls for service, Client Race was listed for one-third of records (37%, n= 627).

- ***Collecting demographic data, especially race/ethnicity data, in a crisis environment is inherently challenging***. In addition to the SCU, local providers in Emergency and Crisis Services settings have also reported this challenge.
- Additionally, due to the lack of established data collection protocols for demographics, ***the records with race/ethnicity data are have limited validity and reliability.***

- For these reasons, ***conclusions cannot be drawn*** about the meaning of these data.

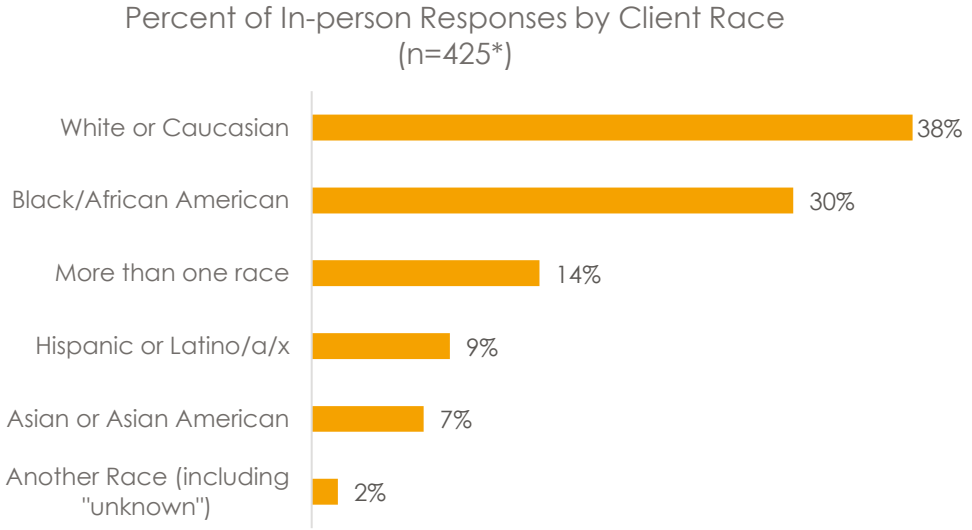
Source: SCU Program Data, Focus Groups

#10

Slide 1 of 2

Incomplete demographic data for the race and/or ethnicity of clients prevents drawing meaningful conclusions

- A large majority of people that the SCU engaged identified as either White (39%, n=246) or Black/African American (33%, n=205).
- Service data is disproportionately high for Black/African American residents and disproportionately low for Asian or Asian American residents compared to Berkeley's Census data.



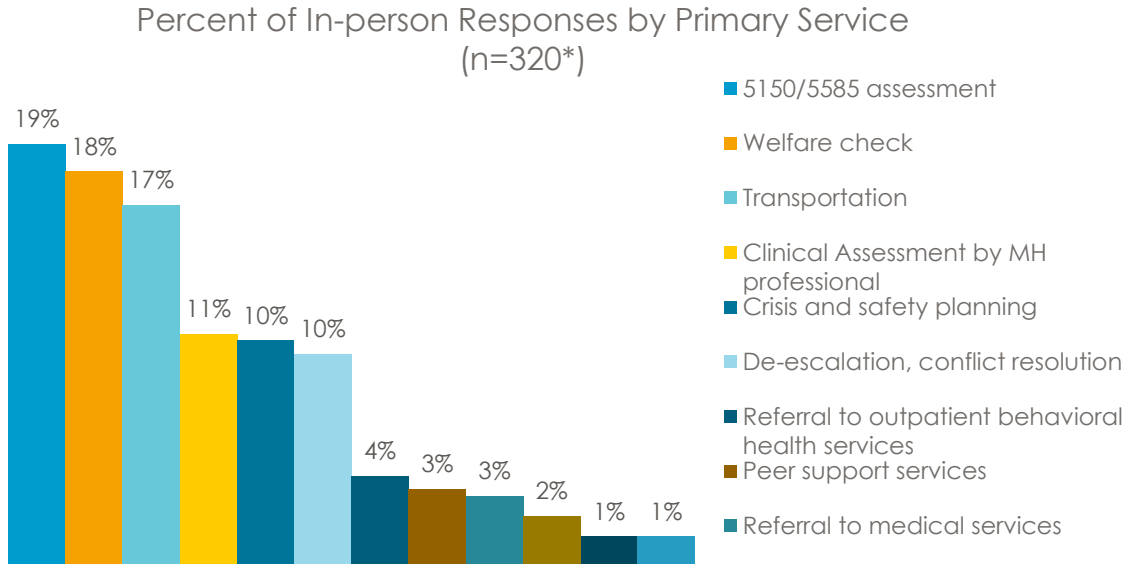
*Race was collected for a total of 627 incidents. Of those, this chart excludes 202 for which Service Disposition was blank.

Source: SCU Program Data

#11

Slide 1 of 3

The SCU delivered a range of services that represent the core needs the program was designed to meet



*This chart includes only in-person responses where services were delivered. Of those, 3 records were excluded because they did not record a Primary Service.

Source: SCU Program Data

Among in-person responses, the most frequent services provided included 5150/5585 assessments (19%, n=62), welfare checks (18%, n=58), and transportation (16%, n=53). These varied service offerings align to different specializations.

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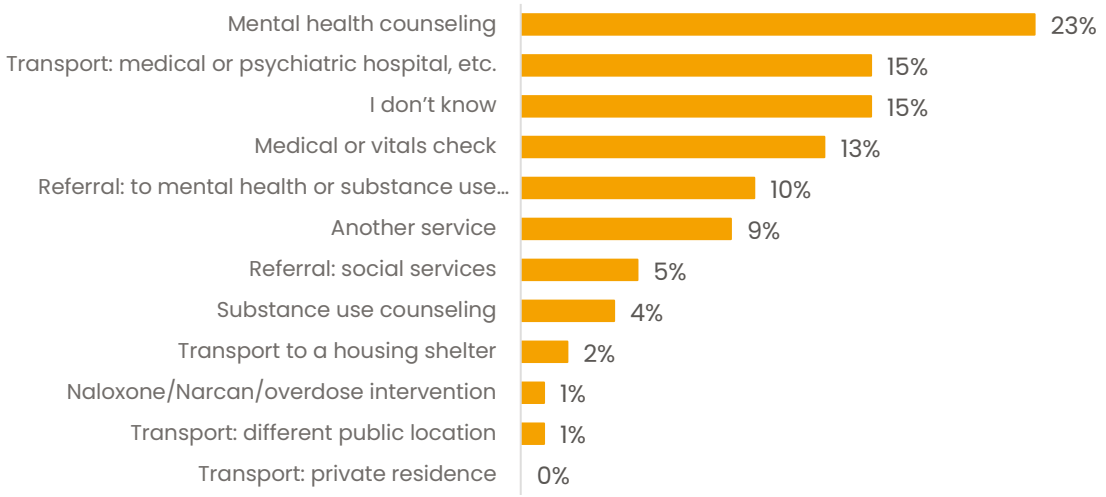
#11

Slide 2 of 3

The SCU delivered a range of services that represent the core needs the program was designed to meet

Survey respondents reported that the SCU most frequently provided mental health counseling (23%, n=22), transport to a medical or psychiatric hospital (15%, n=15) , or a medical check or vitals check (13%, n=13). Survey respondents also commonly did not know which on-scene services were provided (15%, n=15)

Which of the following services were provided in person [select all that apply] (N=97)*?



**Only survey respondents who answered "Yes" to the question "Did the Specialized Care Unit send a team to respond in person?" could answer this question*

Source: Community survey

#11

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The SCU delivered a range of services that represent the core needs the program was designed to meet

"The SCU is great for people with SMI who are triggered by police. ***My son has had many, many negative experiences with police. So having a crisis response team without police is easier and less traumatizing*** *for the person with SMI."*

- Community Survey Participant, 2025

"From a clinical background [the team structure is] super helpful…For example, with someone for a panic attack, my EMT will be able to decipher between a panic attack and heart attack and then I can help with coping skills and breathing skills, and then the Peer can come in and say "I have had one too, you're going to be okay".

- SCU team member, 2024

*"I'm a local business owner and on a few occasions I called [The SCU] for homeless people that were causing disturbances…****SCU was immediately helpful and soon arrived and engaged the people in need in a positive professional way*** *and took them in the van to help them further…."*

- Community Survey Participant, 2025

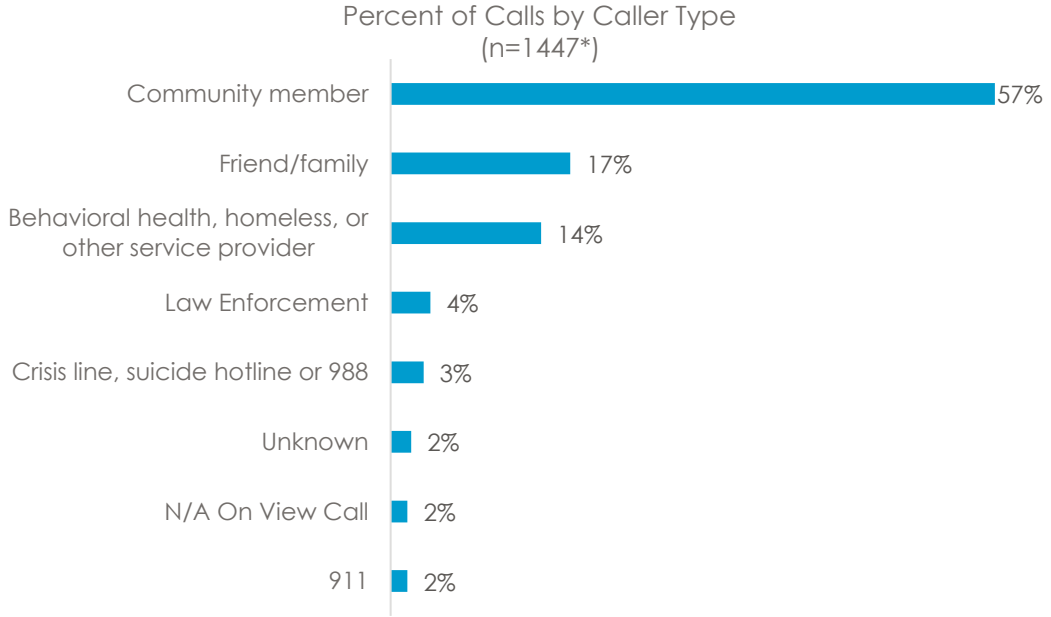
Source: Community survey and SCU staff Focus Groups

#12

Slide 1 of 2

Callers reached out to the SCU for a variety of scenarios and may have most often called when they were community bystanders

According to SCU program data, most callers were community members (57%, n=824), which includes calls for oneself or as a bystander. Fewer callers were friend or family (17%) or service providers (14%)



*this chart excludes 259 incidents for which no Caller Type was recorded, the majority of which (246) occurred prior to this indicator being added to data

Source: SCU Program Data

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Callers reached out to the SCU for a variety of scenarios and may have most often called when they were community bystanders

Among survey respondents, a minority reached out to the SCU for support for themselves or a friend or family member.

This suggests that many callers reached out for support as a bystander.

Survey respondents **most often called** the SCU when:

- Worried about someone experiencing a mental health challenge (26%, n=48)
- Someone experiencing homelessness may have needed assistance or social services (19%, n=36)
- Someone was causing a disturbance in the community (19%, n=35)

Survey respondents **less frequently called** the SCU when:

- Needing help with a mental health issue for self, a friend, or a family member (13%, n=25)
- An individual was threatening or violent (11%, n=20)

Survey respondents **rarely called** the SCU when:

- They were referred to the SCU (5%, n=10)
- Needing help with a substance use issue for self, a friend, or a family member (3%, n=6)

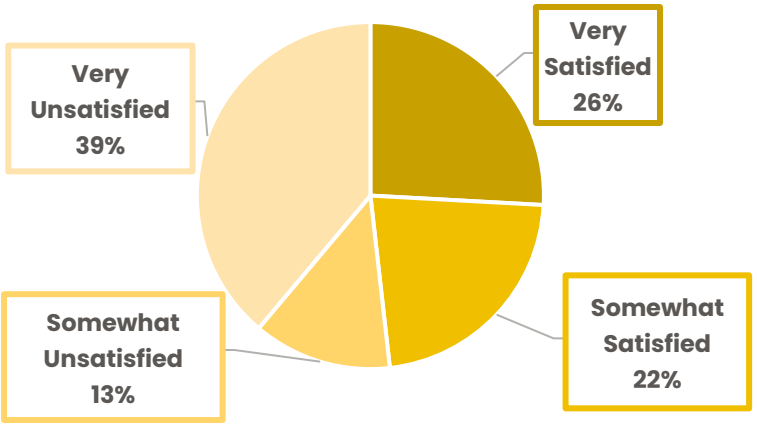
Source: SCU Program Data

#13

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Among survey respondents, caller satisfaction and stakeholder perception of service quality varies

How satisfied were you with your response over the phone (N=85)?



- Having a phone call or voicemail *unanswered* is strongly correlated with "Very Unsatisfied" survey responses. On the other hand, "Very Satisfied" survey responses are strongly correlated with having a phone call answered. **Survey data indicates limited phone service availability may contribute to dissatisfaction.**
- Nearly two-thirds of survey respondents spoke with someone over the phone, though they reported a range of satisfaction levels, **indicating mixed experiences with the phone line.**

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Source: Community Survey

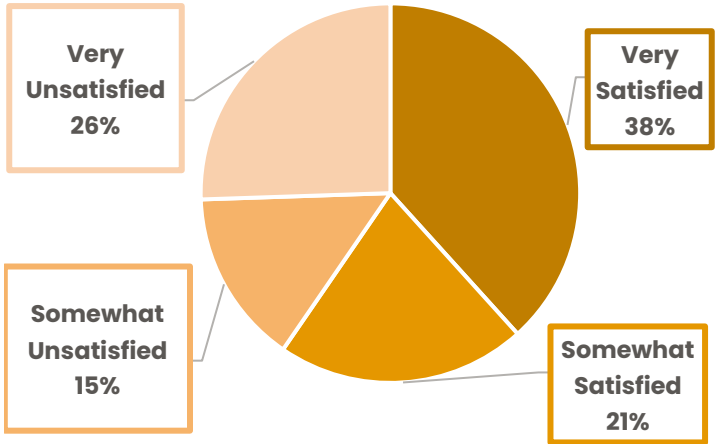
#13

Slide 2 of 3

Among survey respondents, caller satisfaction and stakeholder perception of service quality varies

More than half of survey respondents were very or somewhat satisfied with the SCU's in-person response (60%, n=28)

How satisfied were you with your response in person? (N=47)



Source: Community Survey

#13

Slide 3 of 3

Among survey respondents, caller satisfaction and stakeholder perception of service quality varies

Positive Experiences

"The team was very ***responsive, attentive and thorough*** when I've called for my clients experiencing mental health crisis…***Much needed specialists***"

– Community Survey Respondent, 2025

"I called because a man took up residence on the lower stoop of the steps to my apartment. The [SCU] ***team arrived about 15 minutes later***…They treated the man with kindness and respect, gave him [information], and ***resolved the immediate situation***."

– Community Survey Respondent, 2025

"I'm a local business owner and on a few occasions, I called [the SCU]… they were immediately helpful and soon arrived and engaged the people in need in a ***positive and professional*** way…I can't say enough how ***invaluable*** their help was…"

- Community Survey Respondent, 2025

Negative Experiences

"SCU is extremely difficult to reach, and they are ***unable to respond to calls in a timely manner***."

– Community Survey Respondent, 2025

"Some staff members were more helpful and knowledgeable, and ***others weren't helpful*** or told me that I should only call when my family member is experiencing severe mental health symptoms."

- Community Survey Respondent, 2025

"On one occasion, the SCU ***refused to provide assistance*** on a subject and advised a subject was "uncooperative" because he was covered in feces. When SCU believes they can't help someone (which is often), they call police and then leave the scene. SCU is not equipped to handle mental health situations."

- Community Survey Respondent, 2025

Source: Community Survey

#14

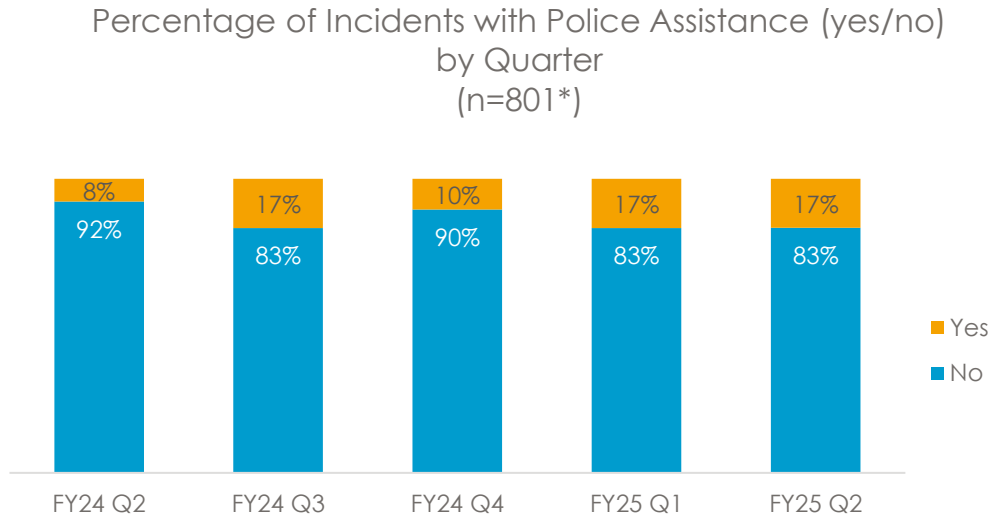
Slide 1 of 2

Police were involved in one in eight in-person responses and many community members expressed disappointment in this level of involvement

Police were involved in 13% of in-person responses overall (n=105), ranging from 8% to 17% per quarter

This is a binary indicator*, therefore data does not include context for why or how police were involved

**Data is entered as a "yes" or "no" or blank*



*This chart excludes 563 calls for which no dispatch was required and 333 additional calls for which Police Assistance was blank or not collected
Note: In FY24 Q2, incidents are not differentiated by phone call only vs in-person response; however, for remaining time periods, data shown is in-person response only.

Source: SCU Program Data

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Slide 2 of 2

Police were involved in 13% of total in-person responses and many community members expressed disappointment in this level of involvement

"They were courteous and capable and kind and able to diffuse my brother's reactivity, not trigger his paranoia. It helped that they are not uniformed/badged. [They helped him] get through his catatonia to help him voluntarily access care for himself."

- Community Survey Respondent, 2025

Survey respondents highly value the SCU framework as a mental health & substance use crisis response team without the involvement of police

"I'm so glad to have a service to call that is not 911 for people on the street who appear to be in trouble but not necessarily an immediate threat to themselves or others."

- Community Survey Respondent, 2025

"SCU staff are unable to handle the majority of calls that are given to them. [They] route the calls to the police department because they are "unable or unwilling" to respond without police."

– *Community Survey Respondent, 2025*

Many community members expected that the program would never or almost never interact with police and were disappointed that police were sometimes on the scene

"I've found that the SCU is consistently requesting a police presence or assistance for calls they are receiving. While requesting police services I have found that SCU is not well prepared with the information necessary.

- Community Survey Respondent, 2025

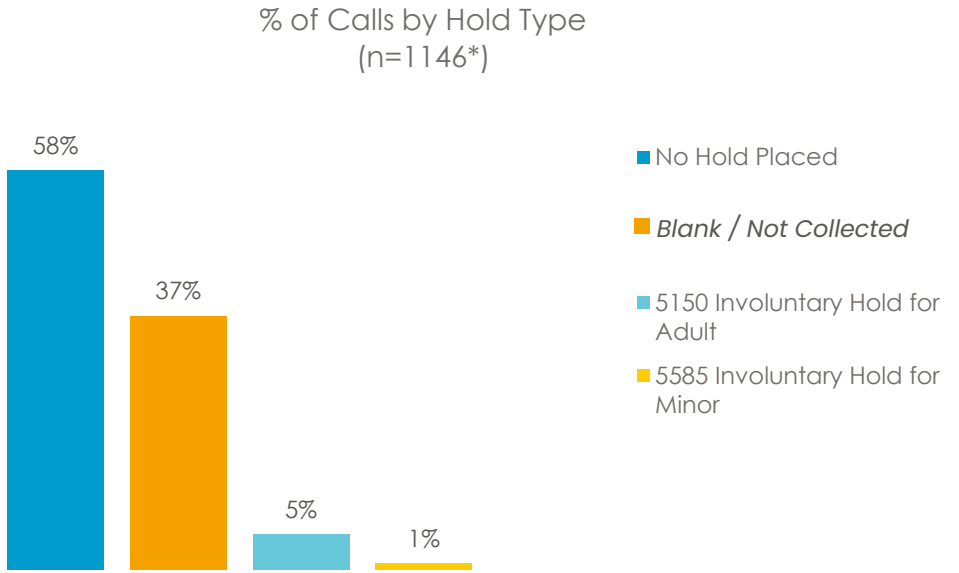
Source: Community Survey

#15

Slide 1 of 1

Only a small fraction of in-person responses resulted in an involuntary hold (5150/5585)

For in-person responses, 6% resulted in an involuntary hold



*This chart excludes 560 calls that did not result in an in-person response.

Source: SCU Program Data

#16

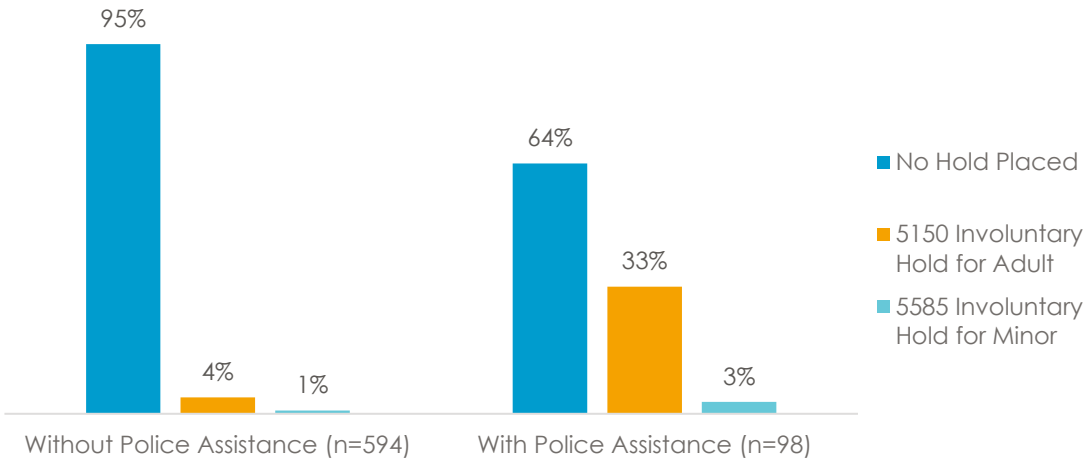
Slide 1 of 1

In-person responses with police assistance resulted in an involuntary hold (5150/5585) more frequently than responses without police assistance

Involuntary holds (5150/5585) were placed in one-third (66%, n=35) of in-person responses with police assistance.

This could be partially attributed to inconsistency in SCU staffing and the inability, at times, of SCU teams to place holds independently

Percent of In-person Responses that resulted in a Hold, Without Police Assistance and With Police Assistance (n=692*)



*This chart excludes 566 calls that did not result in a dispatch, 252 calls for which Hold Type is blank or not collected, and 199 calls for which Police Assistance was not collected

Source: SCU Program Data



Key Findings

Stakeholder Suggestions

A. Stakeholders want continued and increased investment in the SCU program to promote safety, quality, and sustainability

"Staff need to be compensated fairly and have the resources and support they need to meet the expectations set. In my experience, programs like this are under funded and under resourced. ***I'd like to see a real commitment and investment in programs like this."***

-Community Survey Respondent, 2024

"I think programs and services like this need time, good funding, and care to develop."

- Community Survey Respondent, 2024

Stakeholders and SCU staff alike want to see:

- Increased pay
- Shift differentials & hazard pay
- Training and professional development opportunities
- Radios and other field resources

"Having radios would be huge. Most crisis teams that are connected to dispatch are connected through radios…***There are situations where things can turn dangerous…"***

– SCU Staff Focus Group Participant, 2024

"We are trained but not getting hazard pay, [but] pay would be huge…We can't provide quality care if I'm worried for my safety."

– SCU Staff Focus Group Participant, 2024

Source: Community Survey, Focus Groups, Interviews

B. Community stakeholders, SCU staff, and emergency responders desire improved clarity and consistency of communication strategies

Stakeholders are aligned in wanting the SCU to define a clear mission and scope of services so they know when and how to work with the SCU

Stakeholders expressed public outreach could provide important information for stakeholders and want to see the SCU:

- Continue building community awareness about the SCU as a crisis response option
- Communicate and publicize the purpose and roles of the SCU, including for which types of emergencies they will respond
- Publicly share program data, including number of calls, response times, services provided

Source: Community Survey, Focus Groups, Interviews

C. Community stakeholders, SCU staff, and emergency responders expressed a need for improved response coordination

Stakeholders suggested:

- Improve SCU's coordination and relationship with other emergency responders such as 911, Berkeley Police, and Berkeley Fire
- Establish clear protocols for when SCU responds, refers to other emergency responders, and places involuntary holds (5150/5585)

*"**[The SCU needs] more operator training, better coordination** between SCU and other emergency services**, and community outreach to better communicate what the service currently offers** and to hear what the community is still looking for in the service."*

-Community Survey Respondent, 2024

*"On the basic level, the SCU has a valid purpose, but it was designed to be completely stand alone from the BPD…**The frustration is designing a process that excludes us but can't operate without us…Having it designed so separate creates more unknowns**."*

– Emergency Responder Focus Group Participant, 2024

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Source: Community Survey, Focus Groups, Interviews



Conclusions

Summary of Conclusions

1. The SCU provided meaningful phone and in-person services to Berkeley community members
2. Program adaptations successfully addressed many challenging legal and administrative barriers.
3. Barriers to hiring, training, and retaining key personnel have been at the root of many implementation challenges and negative stakeholder experiences
4. Lack of clarity about the SCU's scope of services and lack of documented protocols limited the program's ability to most effectively respond to scenarios intended for the SCU.
5. Underestimation of the need for SCU to engage other emergency response services prevented effective coordination of care
6. Insufficient structural investment and inadequate time for the pilot contributed to incomplete implementation

The SCU provided meaningful phone and in-person services to Berkeley community members

- The SCU provided ***services aligned with the program model's focus on mental health and substance use crisis services***, including involuntary holds (5150/5585) and clinical assessments, welfare checks, crisis and safety planning, and de-escalation (among others).
- ***In-person response time was relatively short***, an essential implementation outcome for a mobile crisis response program.
- Phone services were important for community survey respondents, many of whom ***reported satisfaction when their call to the SCU was answered***.
- ***The program steadily increased the number of mobile teams and hours of operation across the first 12 months*** of implementation, effectively expanding service availability to reach more community members. Despite barriers, ***service increases demonstrate promise for sustainable service delivery***.

2
1 of 1

Program adaptations successfully addressed many challenging legal and administrative barriers.

- ***Early delays in procuring vans for mobile teams did not delay overall service delivery.*** Eventually, collaboration between HHCS and the Public Works Department led to van procurement in Q4-FY24.
- Although staffing barriers constrained phone service availability, the ***team adapted to setup a voicemail and return calls*** within their operating hours.
- ***Organizational leadership*** across HHCS Program Administrator, the SCU administrator, and several other City of Berkeley Departments, ***collaborated closely in the early months of the program to address legal requirements*** that prevented the SCU teams from providing transport and placing 5150/5585 holds.
- Collaboration proved effective as ***when the SCU teams were staffed with the required licensed personnel, they could provide transport and conduct 5150/5585 assessments***. 5150/5585 assessments and transport were two of the three most frequent services offered, available to roughly 1 in 5 clients, and were commonly reported by survey respondents.

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1 of 1

Barriers to hiring, training, and retaining key personnel have been at the root of many implementation challenges and negative stakeholder experiences

- Turnover of key personnel within the City of Berkeley and Bonita House created ***inconsistent leadership and limited support for coordination, which could have improved essential structural conditions*** benefitting the SCU pilot program.
- The ***unfilled role of the Program Manager*** presented a gap in capacity for creating protocols and addressing the types of support that field staff needed.
- Inconsistent staffing of the SCU service delivery teams across the first year of service resulted in ***periods where teams were operating without one of the three key roles*** (i.e. operating without an EMT, Clinician, or Peer Support Specialist at different periods of time), preventing the team from transporting clients, conducting 5150 assessments, or other key services.
- High rates of ***turnover required constant training of new staff***, resulting in teams being insufficiently trained before providing field-based services.
- Cumulatively, these challenges created an environment that felt unsupportive at times and may have contributed to ***burnout, overall creating a cyclical and compounding effect on retention and training challenges.***
- These ***challenges directly affected in-person and phone service delivery***, which contributed to community stakeholders' negative experiences and perceptions of the SCU program.

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Lack of clarity about the SCU's scope of services and lack of documented protocols limited the program's ability to most effectively respond to scenarios intended for the SCU.*

The SCU pilot program as a whole (including SCU leadership and HHCS program administrators) experienced ***implementation barriers that effectively shifted the program's scope of services either temporarily or permanently***, such as whether the team could transport independently or place involuntary holds (5150/5585).

These shifting requirements created an inconsistent service experience that contributed to stakeholder confusion and made establishing and following protocols even more challenging.

Community Members: The lack of documented protocols as well as external factors (e.g., community members' individual desires) together influenced community members' confusion about the SCU's scope of services. This confusion likely contributed significantly to many outcomes noted in findings, such as calls for scenarios not appropriate for an SCU response.

Community Service Providers: Behavioral health professionals and other local service providers often expressed that they did not have clear expectations for SCU services and, therefore, chose *not* to refer community members to the SCU, limiting potential response opportunities.

Emergency Responders: The lack of protocols and lack of coordination with other departments and agencies, especially emergency responders, created an inconsistent service experience and exacerbated confusion about the SCU's scope and service delivery model. This especially impacted whether and how BPD responded and the public perception of the SCU model.

**Throughout the evaluation's qualitative data collection, community survey respondents, local service providers, and emergency responders expressed a similar lack of understanding and confusion about the SCU's intended scope of services.*

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1 of 2

Lack of clarity about the SCU's scope of services and lack of documented protocols limited the program's ability to most effectively respond to scenarios intended for the SCU.*

- ***Clear, written protocols are not sufficient*** to provide guidance to SCU team members to effectively navigate a variety of in-person and phone scenarios, thereby affecting appropriateness and quality of services.
- As a result of having insufficient protocols for call taking and in-person service delivery, the ***SCU staff experienced incidents that felt risky or beyond their scope.***
- The SCU team model includes an EMT, a Peer, and a Clinician so that the program can address a variety of client needs during a behavioral health crisis. Without sufficient staffing or training, ***the full complement of services could not always be provided***, which also may have affected the appropriateness and quality of care in some incidents, including use of involuntary holds (5150/5585) or calling for BPD assistance.
- The SCU team ***did not have clear guidance on how and where to divert and refer callers and clients*** to receive more appropriate resources.
- ***Callers and stakeholders experienced inconsistencies*** when they called the program and either could not reach a live call taker or were told that the scenario did not warrant an SCU response.
- ***Stakeholders perceived that SCU's engagement of BPD was inconsistent***.

**Throughout the evaluation's qualitative data collection, community survey respondents, local service providers, and emergency responders expressed a similar lack of understanding and confusion about the SCU's intended scope of services.*

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1 of 1

Underestimation of the need for SCU to engage other emergency response services prevented effective coordination of care

- Stakeholders across the board (SCU staff, community survey respondents, local service providers, and emergency responders) expressed a ***common perception that, based on the design of the SCU, BPD would never be involved in SCU responses***.
- There were many circumstances that required coordination or collaboration with BPD. However, ***SCU staff and other emergency responders did not have established relationships and did not form shared protocols*** for collaboration and communication, especially when multiple teams arrived in-person.
- The lack of coordination and challenging engagement during in-person responses ***has weakened trust between 911 emergency responders and SCU teams***.
- Community survey respondents expressed ***disappointment*** in the involvement of BPD and other social service providers expressed ***confusion and distrust*** about whether and to what extent the SCU might involve BPD.

Insufficient structural investment and inadequate time for the pilot contributed to incomplete implementation

Delivering Behavioral Health crisis services without the involvement of law enforcement is a relatively new model of care in the United States and is entirely new to the City of Berkeley. Significant resources (in time, money, and personnel) are required to shift long-held cultural beliefs as well as infrastructure required to effectively operate in a crisis environment.

Unanticipated challenges slowed down the ramp up of services, and in some cases entirely preventing implementation of anticipated service components, including:

- 24/7 phone service availability
- 24/7 in-person mobile service availability
- 3-person teams
- 911 Dispatch or 988 Dispatch

Additionally, the program did not have sufficient resources to scale to a size that would have improved the program's capacity to provide care. The limited capacity to provide crisis response services negatively impacted efforts to build community trust and awareness.

Furthermore, the ability to evaluate the SCU pilot is limited by the short timeframe of implementation. The pilot ***would have benefited from additional time to improve implementation and improve data collection practices*** so that the evaluation could more accurately understand service delivery and client outcomes.



Recommendations

Summary of Recommendations

- Address the program's staffing needs
- Develop and communicate protocols for service delivery
- Improve relationship building efforts across the emergency and behavioral health continuum of care
- Improve data collection practices for improved data quality
- Increase public awareness efforts to address barriers to service utilization
- Address financial and structural needs to implement recommendations and expand the program
- Provide sufficient system-level investment to transition the SCU from a pilot to a long-term program

Address the program's staffing needs

Addressing the program's needs around hiring, training, and retention of key personnel is necessary for implementing other recommendations resulting from the evaluation.

- **Hire a program manager** to provide critical program development, oversight, and training to support field-based teams
- **Review and improve training**, integrating past staff feedback, to ensure teams are prepared to deliver consistent, quality services
- Develop and implement a detailed, **consistent assessment and triage tool** for phone calls
- Review and **improve compensation structure** (e.g. hazard pay)
- Increase the number of field-based teams to **provide 24/7 services** and the ability to **respond to more simultaneous calls**
- Increase capacity for **24/7 phone response** and telephonic service delivery

Develop and communicate protocols for service delivery

Develop and communicate clear, consistent protocols for service delivery that address the challenges raised by the SCU team and other stakeholders.

- Phone intake and assessment process and assigned roles
- Decision-making criteria for sending an in-person response and determining response priority
- Decision-making criteria and processes for referring a caller to other emergency or social services
- Coordinating care with other emergency responders who are also on scene

Improve relationship building efforts across the emergency and behavioral health continuum of care

Address existing challenges in coordination of care with emergency response teams including 911, BPD, Fire, and EMS:

- Resume regular collaborative meetings with all emergency response providers to ensure consistent communication
- Collaboratively develop protocols and Standard Operating Procedures (SOPs) related to coordination of care in on-scene responses
- Seek opportunities for collaborative training, such as having SCU EMTs complete training with the Fire Department

Address existing challenges in collaboration with other local behavioral health and social service providers:

- Host a forum for local providers to hear from the SCU about program updates and development and answer questions
- Conduct (or continue) resource mapping to establish a working list of providers who may refer clients to the SCU, or to whom SCU may refer
- Develop a newsletter, webpage, or other communication tool for sharing updates with providers

Improve data collection practices for improved data quality

Establish clear definitions for data indicators where they are lacking, based on documented protocols.

- Distinguish between response priority categories and establish goal response times for each priority level
- Determine a data collection process for client demographics (i.e. self reported or observed)

Add data indicators and/or fields that will improve continuous quality improvement and evaluation of program impact:

- Add Caller Type that distinguishes callers who are seeking support for themselves
- In addition to 'primary service', add multiple choice for all services provided per contact
- Add an indicator for when the SCU responds to a voicemail
- Clarify dispositions for 'phone call only' to include reasons if no response is required (such as 'not within scope') or successful de-escalation telephonic services were provided
- Add multiple indicators for police assistance to differentiate if SCU called BPD, both arrived on scene separately, or if BPD called SCU

Improve data collection practices to reduce missing information, especially for key indicators. The following indicators had high frequencies of "blanks":

- Phone call only, in person responses
- Hold type
- Assignment status, updated status
- Transport destination
- Transport reasons

Increase public awareness efforts to address barriers to service utilization

Expand and augment community outreach and communications plans to address common misperceptions that pose barriers to accessing SCU services. Public awareness efforts could improve the SCU's ability to provide program-aligned services, by addressing:

- Existing misperceptions about the role of the SCU, including the types of scenarios best suited for an SCU response
- Confusion and expectations regarding capacity and service availability *(i.e. clarify when and how community members can reach the SCU and what they can expect from a response or voicemail)*
- Concerns or lack of awareness regarding the program's sustainability if/when the program structure and operational/administration structure changes over time

Address financial and structural needs to implement recommendations and expand the program

Together, findings from the retrospective evaluation and the preceding recommendations indicate a substantial need for expanding program infrastructure if the pilot is to be sustained long-term. Such expansions will require increased funding and a sustained funding source for the foreseeable future. These investments would not only increase program capacity but overall address the root of implementation challenges to effectively deliver consistent, appropriate, and quality services.

Financial & Structural Considerations for Sustainability

- **Exhausted one-time grant funding:** The current SCU funding sources—the Crisis Care Mobile Units (CCMU) program and the American Rescue Plan Act (ARPA)—were one-time grant programs. These funds have now been fully exhausted, leaving the SCU program without a dedicated funding source beyond June 30, 2025.
- **Limited future grant funding:** Mental Health Services Act (MHSA) funding has been used in many localities to pilot similar mobile crisis programs; however, MHSA will be discontinued and will transition to BHSA, which likely will not provide funding for SCU-like programs.
- **City of Berkeley budget:** City leaders have assessed the City's budget projections and anticipated deficits, determining it cannot reasonably sustain the SCU services or provide the system-level program investments for expanding program infrastructure.
- **New statewide funding & integration opportunities:** The Department of Healthcare Services (DHCS) has invested in improving community access to mental health crisis services through a new Medi-Cal benefit that requires behavioral health delivery systems to establish mobile crisis teams similar to the SCU's pilot model. The benefit would not only generate program revenue through billing Medi-Cal for services but also requires system-level investments that would address many structural barriers experienced by the SCU pilot.

Provide sufficient system-level investment to transition the SCU from a pilot to a long-term program

Expanding program infrastructure requires not only increased funding for service delivery but also investments that address structural barriers beyond the service delivery level. Findings from the retrospective evaluation indicate that the pilot period was insufficient to develop the SCU model into an integrated component of the city-wide ecosystem of crisis services and continuum of care. However, leveraging the DHCS opportunity to implementing the SCU as a Medi-Cal entitlement is likely *the most effective option* for transitioning the pilot to a sustainable, long-term program. In addition to funding considerations, implementation is underway across behavioral health systems across CA counties, including in Alameda County. The City of Berkeley would benefit from leveraging the efforts and investments already underway in Alameda County.

Alameda County will be developing and enhancing infrastructure to address requirements of BHIN* 23-025, requirements that may address many of the barriers that have proved most challenging for the City of Berkeley to overcome during the SCU pilot, including (but not limited to):

- Coordination with 988 and 911
- Prioritization of a crisis response option that does not rely on law enforcement
- Provision of 24/7 crisis hotline services
- Utilizing a multidisciplinary team
- Ensuring 72-hour follow-up

The following sustainability options were also considered but were deemed to be less effective possibilities. In general, the following two funding options used by other jurisdictions would likely not address the pilot's structural challenges identified to date:

1. Funding the SCU through a new sales tax
2. Implementing the SCU through the City of Berkeley Mental Health Division (MHD)

*The Behavioral Health Information Notice (BHIN) No. 23-025 can be found by clicking this hyperlink



Evaluation Team Background

RDA Consulting

About RDA

Established in Oakland, CA in 1984

Employee-owned social purpose corporation



Support agencies, providers, and systems across the public safety net to better serve structurally-marginalized populations



Research and collaborate to respond to complex challenges at system, organization, and program levels

Evaluation Team

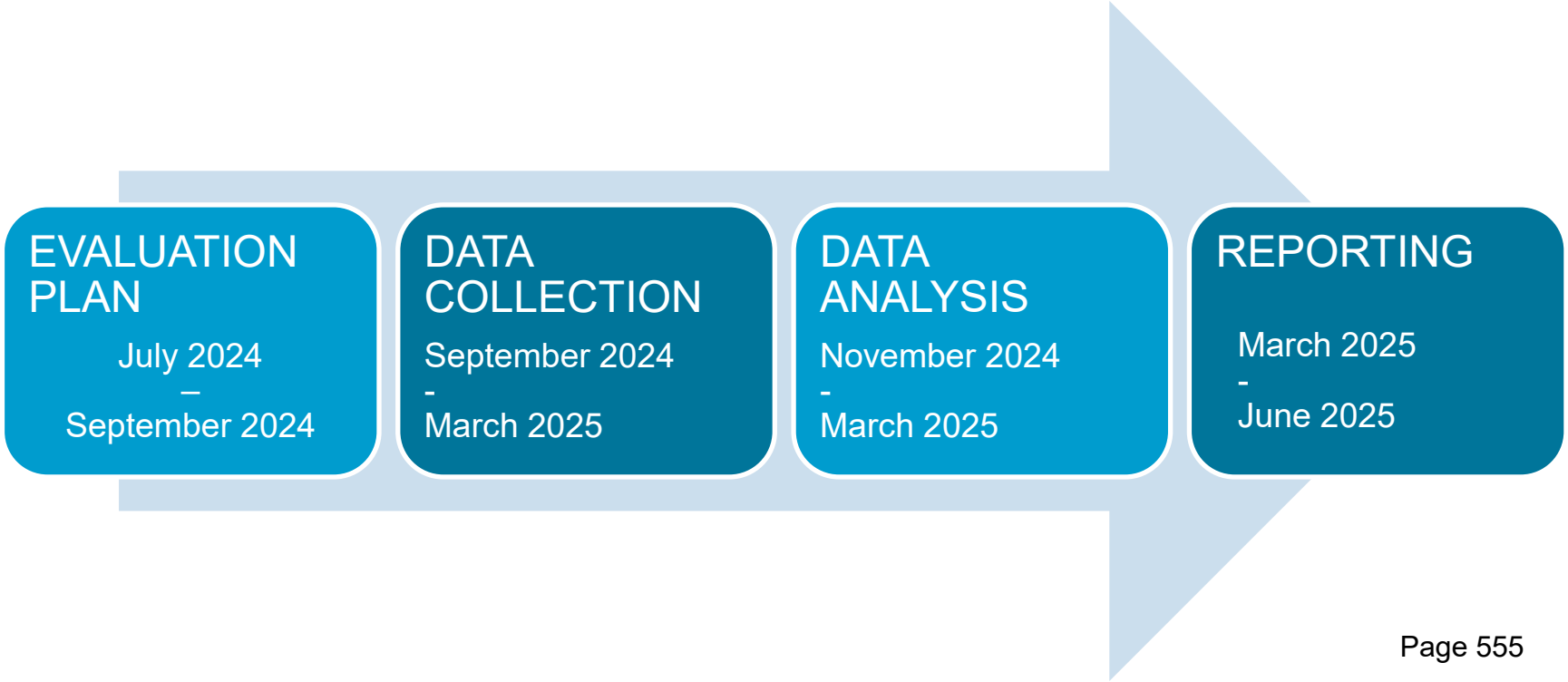








Evaluation Phases



Researcher Statement

RDA has provided a variety of consulting services to Berkeley Health, Housing, and Community Services (HHCS) since the Reimagining Public Safety initiative was launched. These services focused on the city's crisis behavioral health response. Specifically, with the SCU, the continuity of RDA's involvement has provided evaluators familiarity with the program and context but also may shape researchers' biases. The evaluation team offers this overview in a spirit of transparency, as well as to provide interested stakeholders a central point of access to this collection of related, yet distinct, reports.



SCU Landscape Assessment & Program Design ***2020 – 2021***	As part of the larger effort to Reimagine Public Safety, the City of Berkeley contracted with RDA to conduct a feasibility study for a Specialized Care Unit (SCU), an alternative mental health and substance use crisis response model that does not involve law enforcement. This effort included robust engagement with City of Berkeley staff and a community SCU Stakeholder Committee in addition to a landscape assessment of similar programs and broad community engagement with Berkeley residents. RDA produced a final report with 25 recommendations for the City of Berkeley. • Crisis Response Models Report (publicly available) • Mental Health Crisis Response Services and Stakeholder Perspective Report (publicly available) • Specialized Care Unit Crisis Response Recommendations (publicly available)
911 Computer Aided Dispatch (CAD) Assessment ***2023 – 2025***	The City of Berkeley contracted with RDA to conduct an analysis of the City's 911 CAD data to build upon the City Auditor's 2021 data analysis. The City provided direction for RDA to review CAD data for standardized data collection and assess responses and outcomes of police engagement in mental health, substance use, and/or homelessness-related calls. In this effort RDA engaged key City of Berkeley personnel across HHCS, the 911 Communications Center, Berkeley Police Department, and the Auditor's Office. RDA produced a final report with key findings and recommendations related to CAD data and assessing behavioral health emergencies in Berkeley. Note: This assessment is not directly related to the SCU; SCU data was not a component of the analysis nor was the efficacy of BPD/SCU coordination assessed. While RDA's work with the SCU has focused on models for behavioral health crisis response without the use of law enforcement, this effort was specifically focused on law enforcement's response to behavioral health crises. • *Not yet publicly available (will be made available on the Reimagining Public Safety Task Force webpage)*

SCU Retrospective Evaluation ***2024 – 2025***	The City of Berkeley HHCS contracted with RDA to conduct a retrospective evaluation of the first 14 months of the SCU pilot program, adapting a mixed-methods appraoch best suited to the pilot's stage of implementation. The evaluation aimed to understand the overall strengths and opportunities for improvement based on program implementation and client outcomes by collecting and analyzing primary and secondary data. These evaluation activities supported RDA and HHCS to collaboratively identify recommendations for future expansion and sustainability of the SCU.
	• *Will be made available on the Reimagining Public Safety Task Force webpage*
SCU Financial & Sustainability Planning ***2025***	The City of Berkeley HHCS contracted with RDA to assess the feasibility of and options for SCU expansion and sustainability based on learnings from the retrospective evaluation. RDA conducted secondary research and benchmarking interviews to identify and assess potential funding opportunities. Since the initial launch of SCU services in 2023, the California policy landscape for mental health and behavioral health mobile crisis programs has shifted significantly. RDA identified three main opportunities for sustaining the SCU, with the two most promising opportunities taking advantage of the statewide CalAIM initiative (California Advancing & Innovating Medi-Cal) and Proposition 1 Behavioral Health Services Act (BHSA), including a new Medi-Cal benefit that requires behavioral health delivery systems to establish mobile crisis teams with similar scopes as the SCU. Information about the landscape of mental health crisis funding and relevant financing opportunities were presented in a memo to HHCS.
	• *Not publicly available: RDA's financial memo to City of Berkeley leadership* • City Manager's memo to City Council



Appendix

Evaluation Plan: SCU Program Data Application Matrix

As part of the evaluation planning process, RDA reviewed the data elements available in the SCU electronic database. These data elements were reviewed for applicability to the evaluation questions. Once program data was received, RDA used the application matrix to prioritize analysis based on data availability and quality.

Individual data (Call Intake Screen - Phone)	
Data being collected	**Data use/analysis options**
Caller Name	
Caller Type	**#/% of callers by caller type**
	crosstab: primary reason for call
	crosstab: is the client suicidal?
	crosstab: dispatch (yes/no)
Zip Code	**#/% of zip codes within COB represented**
	zip codes represented mapped
	crosstab: response times
What is the primary reason for the call?	**# of calls by primary reason**
	crosstab: response times
What is the caller reporting?	qualitative analysis (narrative field)
Is the client suicidal?	**#/% of callers by suicidality**
	crosstab: primary service
	crosstab: service disposition
	crosstab: response times
	crosstab: holds placed
Response Priority	**#/% of calls by priority level**
	crosstab: response times

Data entered for team - (Assign Unit to Call)	
Data being collected	**Data use/analysis options**
Unit No	
Clinician Assigned	
EMT Assigned	
Peer Support Assigned	
Assignment Status	
Update Status (button)	

Individual data collected or verified ON SCENE (Call Documentation form)	
Data being collected	**Data use/analysis options**
Client Name	
Does the client have an alternate contact such as family or friends where they could be reached?	
Patient DOB	# of calls by client age
	# of dispatched responses by client age
Race	# of calls by client race
	# of dispatched responses by client race
Gender	# of calls by client gender
	# of dispatched responses by client gender
Was the evaluation conducted at a K-12 school?	#/% of evaluations conducted at K-12 school
Did Police assist with this call?	#/% of calls with Police assistance
Is the Client Homeless?	#/% of clients by housing status
Client Street Address	(# of repeat contacts by Address)
Client Apt or Unit No	(# of repeat contacts by Address)
Are you transporting the client anywhere?	
Why are you transporting the client?	
Where are you transporting the client? (drop-down selection)	
Where are you transporting the client? (narrative description)	
Hold Type	# of holds by hold type
Previous Behavioral Health	
Please describe (pervious Behavioral Health...services?)	
Service Disposition	#/% of contacts by service disposition
Primary Service	#/% of contacts by primary service
Please describe the events that occurred on the scene	

Time-stamped data captured	
Data being collected	**Data use/analysis options**
Status	avg response time (time between En Route to On Scene)

Data collected for an "On Scene Call"	
Data being collected	**Data use/analysis options**
Unit Number	(Service delivery by unit)
Clinician	(Service delivery by Clinician)
EMT	(Service delivery by EMT)
Peer Support	(Service delivery by PSS)

Program Data Indicators: Descriptions and Limitations (slide 1 of 4)

Indicator	Date added	Description	Notes & Limitations
Incident Number	Sept 1, 2023	Unique ID number for each incident (this includes all recorded SCU responses, whether phone call only, phone call + in-person response, or in-person response only)	
Created (timestamp)	Sept 1, 2023	Date and time when the call record was generated for each call; RDA grouped calls by quarter using this indicator.	
Caller Type	Jan 14, 2024	Categorical indicator to describe the caller. Categories include: •911 •Behavioral health, homeless, or other service provider •Community Member •Crisis line, suicide hotline, or 988 •Friend/family •Law Enforcement •N/A On View Call •Unknown	
Police Assisted	Sept 1, 2023	Categorical indicator for whether BPD was involved in a response. Categories include: •Yes •No •No Response Required (automatically applied if the call did not lead to an in-person response) •Not Collected	We do not have context regarding *why* BPD may have been involved in various incidents. We are unable to distinguish between events in which the SCU team may have contacted BPD for support from events in which BPD and SCU both independently arrived on scene (or any other circumstance).

Program Data Indicators: Descriptions and Limitations (slide 2 of 4)

Indicator	Date added	Description	Notes & Limitations
Service Disposition	Jan 14, 2024	Categorical indicator for whether in-person services for delivered. Categories include: •Emergency health responded first and declined SCU participation •Individual not found •Individual refused services •Law Enforcement responded first and declined SCU participation •No Response Required (automatically applied if the call did not lead to an in-person response) •Not collected •Other •Services provided •Situation resolved in community prior to SCU arrival	The category of "No Response Required" includes all incidents that resulted in a phone call only. We do not have context regarding *why* an in-person response did not occur. These incidents may include, for instance, both calls that were successfully de-escalated over the phone, and calls that were outside of the scope of SCU services and referred to other emergency responders or service providers.
Primary Service	Jan 14, 2024	Categorical indicator providing the type of service that was delivered in person (can only select one). Categories include: •5150/5585 Assessment •Clinical assessment by MH professional •Crisis and safety planning •De-escalation, conflict resolution •No Response Required (automatically applied if the call did not lead to an in-person response) •Not Collected •Other •Peer support services •Referral to medical services •Referral to outpatient behavioral health services •Support for family/friends •Transportation •Triage/screening onsite •Welfare check	Given that this field only allows for one selection, we are unable to identify all services delivered for each encounter. Analysis for specific services provided is therefore a likely underestimate and only captures the service the team selected as "primary".

Program Data Indicators: Descriptions and Limitations (slide 3 of 4)

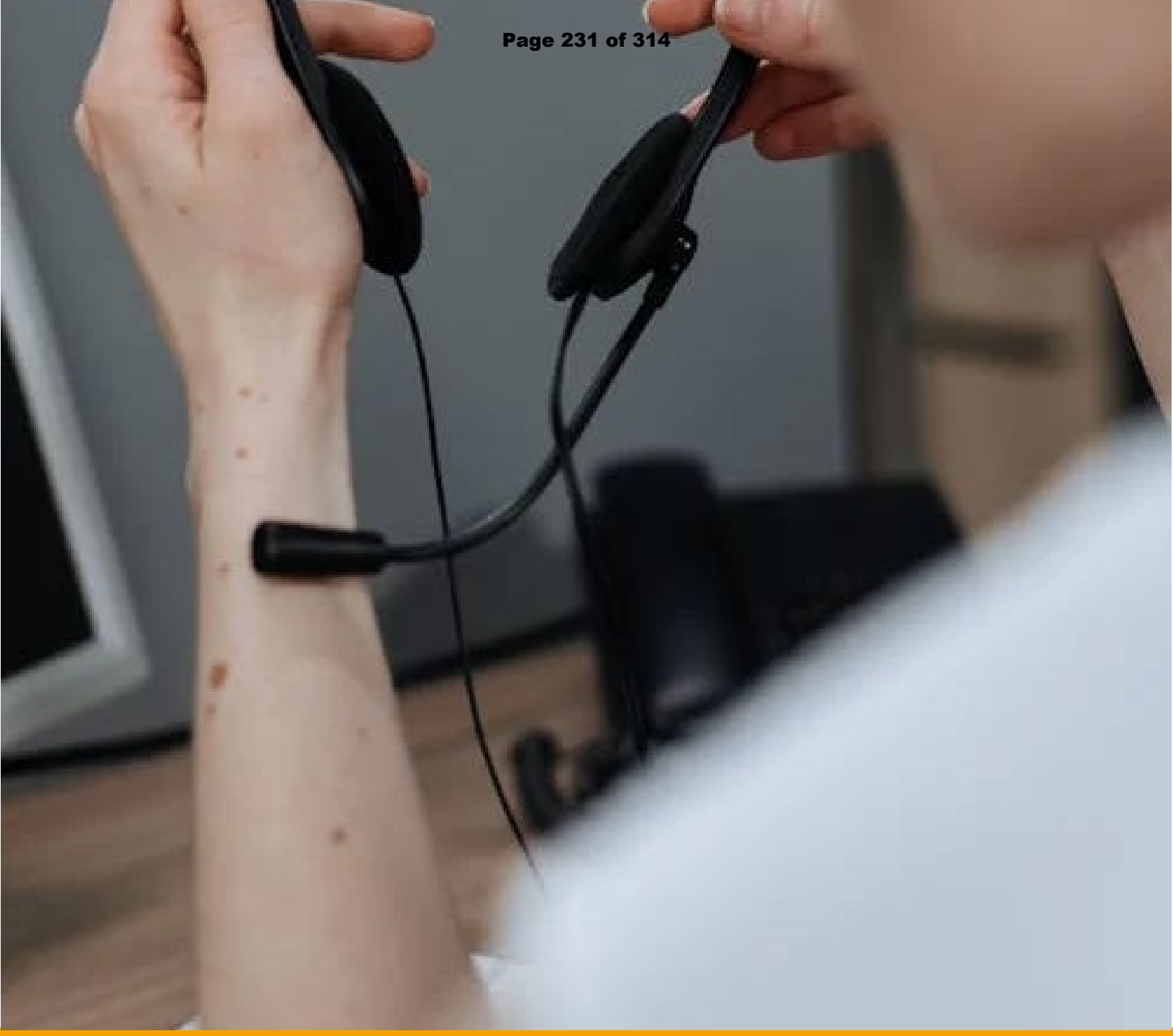
Indicator	Date added	Description	Notes & Limitations
Transport	Jan 14, 2024	Categorical indicator for whether the SCU or another emergency responder transported the client. Categories include: •Not transported •Transported by Berkeley Fire •Transported by Berkeley PD •Transported by EMS •Transported by SCU •Yes	Prior to Jan 2024, this indicator only allowed for "Yes" or "No". "No" responses were combined with "Not transported" for analysis, while "Yes" responses were retained separately.
Hold Type	Sept 1, 2023	Categorical indicator for whether an involuntary hold (5150/5585) was placed. Categories include: •5150 Involuntary Hold for Adult •5585 Involuntary Hold for Minor •No Hold Placed •No Response Required (automatically applied if the call did not lead to an in-person response)	
Housing Status	Sept 1, 2023	Categorical indicator for the client's current housing status. Categories include: •At Risk of Homelessness •Client Not Found •No Response Required (automatically applied if the call did not lead to an in-person response) •Not Collected •Stably Housed •Unhoused, sheltered •Unhoused, unsheltered •Unknown	

Program Data Indicators: Descriptions and Limitations (slide 4 of 4)

Indicator	Date added	Description	Notes & Limitations
Gender	Sept 1, 2023	Categorical indicator for the gender of the client. Categories include: •Female •Male •No Response Required (automatically applied if the call did not lead to an in-person response) •Non-binary •Not Collected •Other	It is not known how client gender was determined for data collection purposes, as the SCU did not at the time of evaluation have data collection protocols. We are therefore unable to assume the accuracy of this indicator.
Race	Sept 1, 2023	Categorical indicator for the race of the client. RDA grouped some categories with small numbers of incidents to mask data for privacy reasons. Categories include: •Another Race (including "unknown") •Asian or Asian American •Black/African American •Hispanic or Latino/a/x •More than one race •No Contact •No Response Required (automatically applied if the call did not lead to an in-person response) •(automatically applied if the call did not lead to an in-person response) •Not Collected •White or Caucasian	It is not known how client race was determined for data collection purposes, as the SCU did not at the time of evaluation have data collection protocols. We are therefore unable to assume the accuracy of this indicator.

Acknowledgements

Thank you to the SCU Steering Committee, service providers, community partners, and all community members that participated in this evaluation. Your feedback and insight were invaluable!



CAD Assessment

Mental Health and Homelessness Emergency Response in Berkeley

RDA CONSULTING | 40 YEARS of Systems Change

CITY OF BERKELEY

CAD Assessment

Mental Health and Homelessness Response in Berkeley

This report was developed by RDA Consulting
under contract with the City of Berkeley

RDA Consulting, 2023 - 2025

RDA CONSULTING | 40 YEARS of Systems Change

CITY OF BERKELEY

Executive Summary

In 2023, the City of Berkeley contracted with RDA to conduct an analysis of the City's 911 Computer Aided Dispatch (CAD) data to build upon the City Auditor's 2021 data analysis.[1] The City provided direction for RDA to assess CAD data for standardized narrative language and behavioral health protocols during call taking, as well as assessing responses and outcomes of police engagement in mental health, substance use, and/or homelessness-related calls. Based on the data available in CAD, RDA identified four guiding questions:

1. How often do Berkeley police officers engage with incidents related to mental health and/or homelessness?
2. What are the characteristics and results of mental health and/or homelessness incidents and police interactions?
3. To what extent do current Berkeley Police Department (BPD) responses to mental health and/or homelessness incidents meet the needs of the Berkeley community?
4. What characteristics of mental health and/or homelessness incidents in CAD can inform SCU operations?

Based on events entered in CAD, RDA's methodology uses call types and narrative key terms to define categories of Homelessness Incidents and Mental Health Incidents. Our methodology also uses two categories of dispositions to compare the results of events that may have mental health characteristics and/or conclude with formal legal documentation. There are several limitations of CAD that limit the analysis of the data for mental health, substance use, and/or homelessness-related calls; these limitations are in large part due to the purpose for which CAD is designed (to assess and document potential penal code violations, crimes, and/or risks to public safety) and the inherent challenges of documentation in a crisis response environment.

Despite these limitations, RDA highlights a variety of data that may illuminate the characteristics of BPD's response to mental health and/or homelessness-related emergencies. RDA also presents conclusions and recommendations to inform the City's planning of behavioral health and homelessness services that meet the needs of community members without relying on law enforcement to address social and health needs.

[1]Berkeley City Auditor. (2021, April 22). *Data analysis of the City of Berkeley's police response*. https://berkeleyca.gov/sites/default/files/documents/2021-05-11%20Item%2029%20Audit%20Report%20%20Data%20Analysis.pdf

Conclusions related to the nature of CAD & data shared with RDA

- CAD is insufficient to fully assess the outcomes of BPD's response to behavioral health and homelessness-related crises and the resulting impacts on community members.
- CAD is not designed to assess or document needs and outcomes related to mental health, substance use, and/or homelessness. CAD, primarily, is set up to assess for and dispatch in response to criminal activity.
- CAD does not document the use of behavioral health procedures, protocols, or de-escalation techniques used during call taking or dispatched response.
- CAD data is insufficient to assess for structural police, fire, and/or EMS issues that disproportionately impact vulnerable, diverse, and structurally oppressed peoples.[2]
- CAD data cannot be used to assess the reduction in risks of injury and death by police.

Conclusions related to the guiding evaluation questions

- On average, community members called 911 for approximately 2,000 Mental Health or Homelessness-related crisis events annually throughout 2015-2023, demonstrating a consistent and predictable volume of requests for service.
- The BPD Communications Center categorizes more mental health-related calls under penal code violation call types and as Welfare Checks than as Mental Illness or Suicide and assigns high rates of Paper Dispositions for Mental Health Incidents, suggesting that people experiencing mental health crises may be responded to as a criminal concern rather than mental health concern.
- People living in or near encampments may be differentially affected by 911 calls for service and BPD responses.
- There is insufficient data available in CAD to identify impacts on specific identity groups or on substance users, which prevents assessment for equity of service provision.
- The vast majority of Mental Health Incidents are responded to *without* a mental health specialist.
- BPD response times for Mental Health Incidents have been increasing in recent years.

[2] The scope of RDA's analysis was limited to Police response and did not include Fire or EMS issues.

- Mental Health Incidents seem to be distinct from Homelessness Incidents. The frequency and consistency of unique as well as co-occurring Mental Health and Homelessness Incidents allows for informed predictions for the allocation of resources to meet these needs.
- An analysis of Mental Health Incidents and Mental Health Dispositions by day of week and hour of day may be useful to inform mental health crisis response programs and planning.

Recommendations

1. Use mental health services and crisis response data – not CAD - when assessing the volume and characteristics of mental health, substance use, and/or homelessness needs.
2. Use the presented data on frequency and consistency of Mental Health Incidents in CAD as a baseline when planning for resource provision and capacity of mental health specialists, planning for increased volume of these services over time.
3. Address homelessness-related crisis needs through homeless service specialists rather than law enforcement.
4. Identify opportunities to improve coordination between emergency responders, community-based behavioral health providers, and emergency behavioral health specialists.

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Introduction & Project Objectives

Origins of the Reimagining Public Safety Initiative

The Berkeley City Council launched the Reimagining Public Safety Initiative in May 2020, a wide-reaching process to reimagine safety in the City of Berkeley. This initiative was brought about, in part, by elected officials in response to the murder of George Floyd and growing local and national public attention to police violence, racial disparities in policing, and other public health concerns in the criminal justice system at large. The Reimagining Public Safety Final Report and Implementation Plan[3] additionally outlines history of police violence and mistreatment of communities of color, individuals experiencing mental illness, and other marginalized communities within the City of Berkeley specifically. Both the Reimagining Public Safety Final Report and Implementation Plan and the George Floyd Community Safety Act, [4] approved by City Council in July 2020, directed the City Manager to pursue reforms to limit the Berkeley Police Department's (BPD) scope of work to "primarily violent and criminal matters," in part by investing in alternative programs to respond to other community needs.

The George Floyd Community Safety Act also called for the City Auditor to perform an analysis of the City's 911 Computer Aided Dispatch (CAD) system to understand calls for service and police responses to emergency events. The Auditor's Report indicated there is not sufficient data to quantify the number of events that involved homelessness and/or mental health and thereby could not fully describe how, when, and to what extent BPD interacts with the community in these instances.[5]

CAD Analysis: Scope & Guiding Questions

In 2023, the City of Berkeley contracted with RDA to build upon the Auditor's work and conduct an analysis of the City's 911 CAD data to assess calls for service, dispatch, and on-scene response for incidents involving mental health, substance use, and/or homelessness. The City

[3]City of Berkeley. 2022, March 3. *Reimagining Public Safety: Final Report and Implementation Plan.* https://berkeleyca.gov/sites/default/files/documents/BerkeleyReport_030722.pdf
[4]Bartlett, Ben, Councilmember District 3, City of Berkeley. 2020, June 16. *Safety for all: The George Floyd Community Safety Act – Budget request to hire a consultant to perform police call and response data analysis.* https://berkeleyca.gov/sites/default/files/documents/2020-07-14%20Item%2018a%20Safety%20for%20All%20The%20George%20Floyd.pdf
[5] Berkeley City Auditor. (2021, April 22). *Data analysis of the City of Berkeley's police response.* https://berkeleyca.gov/sites/default/files/documents/2021-05-11%20Item%2029%20Audit%20Report%20%20Data%20Analysis.pdf

Council's budget referral[6] identified several key areas of inquiry for the CAD analysis that could support the City in identifying opportunities to reduce BPD's scope to primarily violent and criminal matters:

- Standardization of language in narrative descriptions[7]
- Use of behavioral health procedures, protocols, and mental health crisis de-escalation techniques during call taking[8]
- Ability of the dispatched first responders to provide appropriate levels of care
- Structural police, fire, and/or EMS issues that disproportionately impact diverse and structurally oppressed people
- Reduction in risks of injury and death by police by diverting calls away from police and towards alternative, specialized behavioral health and homelessness crisis responders

Following an initial review of CAD data, we determined which data were available to best contribute to Council's key areas of inquiry and which were not feasible. After conversations with the Communications Center, a review of the Auditor's Report, and a review of the literature regarding policing and mental health, we identified guiding questions that can shed further light on opportunities for reimagining public safety:

1. How often do Berkeley police officers engage with incidents related to mental health and/or homelessness?
2. What are the characteristics and results of mental health and/or homelessness incidents and police interactions?
3. To what extent do current BPD responses to mental health and/or homelessness incidents meet the needs of the Berkeley community?
4. What characteristics of mental health and/or homelessness incidents in CAD can inform SCU operations?

[6]*Kate Harrison, Vice Mayor, City of Berkeley. 2024, May 24. Budget Referral: Fund Behavioral Health, Crisis Response, and Crisis-related Services Needs and Capacity Assessments.* *https://records.cityofberkeley.info/PublicAccess/api/Document/AUkeXomzlQAVf7Uc9lUq4QA7qlJhipNqGVRbjOoBLPpLke42Q8%C3%81Jzb5pZX8F5wbWY2hD5o857R83ET%C3%81z5eWDaks%3D/*

[7] RDA did not have access to raw narrative data and therefore could not assess the general use, and specifically the standardization of, narrative language.

[8] The scope of RDA's analysis did not include a review of procedures and protocols used during call taking. This would reasonably require extensive observations and documentation review by trained clinicians.

While we identified additional guiding questions during preliminary phases of the project, CAD did not have sufficient data to respond to every area of possible inquiry. The questions included above are only those which could be explored using available data.

Of note, the City Council's budget referral requests a CAD analysis on for *"incidents involving mental health, substance use, and/or homelessness,"* however, due to data limitations, RDA was not able to reliably identify data in CAD that could indicate substance use. Therefore, we refer to mental health and/or homelessness and not to substance use or 'behavioral health' when discussing the analyses and data in this report.

Data Sources & Methodology

Data Collection

BPD uses multiple data systems and makes some of this data publicly available on the Police Transparency Hub.[9] RDA consulted with the Berkeley Health, Housing, and Community Services Department as well as BPD to identify the sources most appropriate for our CAD analysis. We provide here the qualitative and quantitative data sources and elements considered and the process for obtaining the final data included in our analysis:

City of Berkeley Open Data: RDA submitted data requests to BPD on July 31, 2023 and was directed to use the CAD Open Data Portal. From July 2023 – November 2023, RDA reviewed and conducted preliminary analyses on several sets of available data in the City of Berkeley Open Data Portal[10] and Police Transparency Hub,[11] including Calls for Service, RIPA[12] Stop Data, Use of Force, and Monthly Arrests. During this time, RDA had regular communication with BPD about the codebook, interpretations, and data limitations.

Meetings and Observations with Key Informants: In November 2023 through January 2024 RDA sought additional context and information about the CAD system and BPD's data collection processes. RDA met with the City's Auditor about the previous methodology and to

[9] Berkeley Police Department. (n.d.). *Berkeley Police Transparency Hub.* https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/
[10] City of Berkeley. (2024). *City of Berkeley Open Data.* https://data.cityofberkeley.info/
[11] Berkeley Police Department. (n.d.). *Berkeley Police Transparency Hub.* https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/
[12] Racial and Identity Profiling Act (RIPA)

address CAD-specific questions. RDA also conducted on-site observations in the Communications Center, interviewed call takers and dispatchers, and participated in a ride-along with BPD.

Aggregated CAD Data Reports: RDA and the Berkeley Health, Housing, and Community Services Department determined that the data provided through the CAD Open Data Portal was insufficient to build upon the Auditor's Report and complete the objectives of the City Council's budget referral. From February 2024 through May 2024, RDA and BPD went through an iterative process of sharing and refining CAD data analyses. This process included the following:

- RDA requested raw CAD data. BPD determined that risks for Personally Identifiable Information (PII) were too high to share data without redactions and that it would not be feasible to systematically redact all PII before sharing raw data. Therefore, RDA and BPD agreed that BPD would produce data reports rather than provide raw data.
- RDA collaborated with BPD to obtain aggregate statistics for unduplicated events from the emergency and non-emergency lines routed to BPD (but not Fire or EMS). RDA's data request included instructions on the fields and inclusion/exclusion criteria for preparing the raw data to share. RDA based these inclusion/exclusion criteria on the Auditor's Methodology, such as relevant call types and narrative key terms. BPD analysts aggregated the data and provided RDA with the tables from the data request.
- The CAD data variables presented in this report include: *year and quarter for summed events; a selection of events with predetermined mental health and homelessness criteria; events with Mental Health Dispositions, Paper Dispositions, and a predetermined 'other' category; events with dispatched officers and dispatched MCT; 25th, 50th, and 75th percentile dispatch times for calls; census block groups for events with predetermined mental health and homelessness criteria; days of the week and hours of the day for responses to events with predetermined mental health and homelessness criteria.*

CAD Processes & Components

Based on our meetings and observations during data collection, the Berkeley Communications Center and CAD processes have not had substantive changes from 2021 to 2023, so we rely generally on the 2021 Auditor's Report for procedural descriptions of CAD.

The Auditor's Report provides a detailed organizational description and chart for the Berkeley Police Department and Communications Center, process for responding to calls, and descriptions of CAD components, such as call type classifications. The Report identifies several

different sources from which calls are initiated: the Non-Emergency Line, Officer-Initiated Calls, Emergency Line, and an "Other" category inclusive of alarms, Voice Over Internet Protocol, and other less common sources. From 2015-2019, approximately 67% of Mental Health or Medical Related Calls were from the Non-Emergency Line. Another 30% of the Medical or Mental Health calls came through the Emergency Line and 3% percent were Officer-Initiated.[13]

CAD Process Description

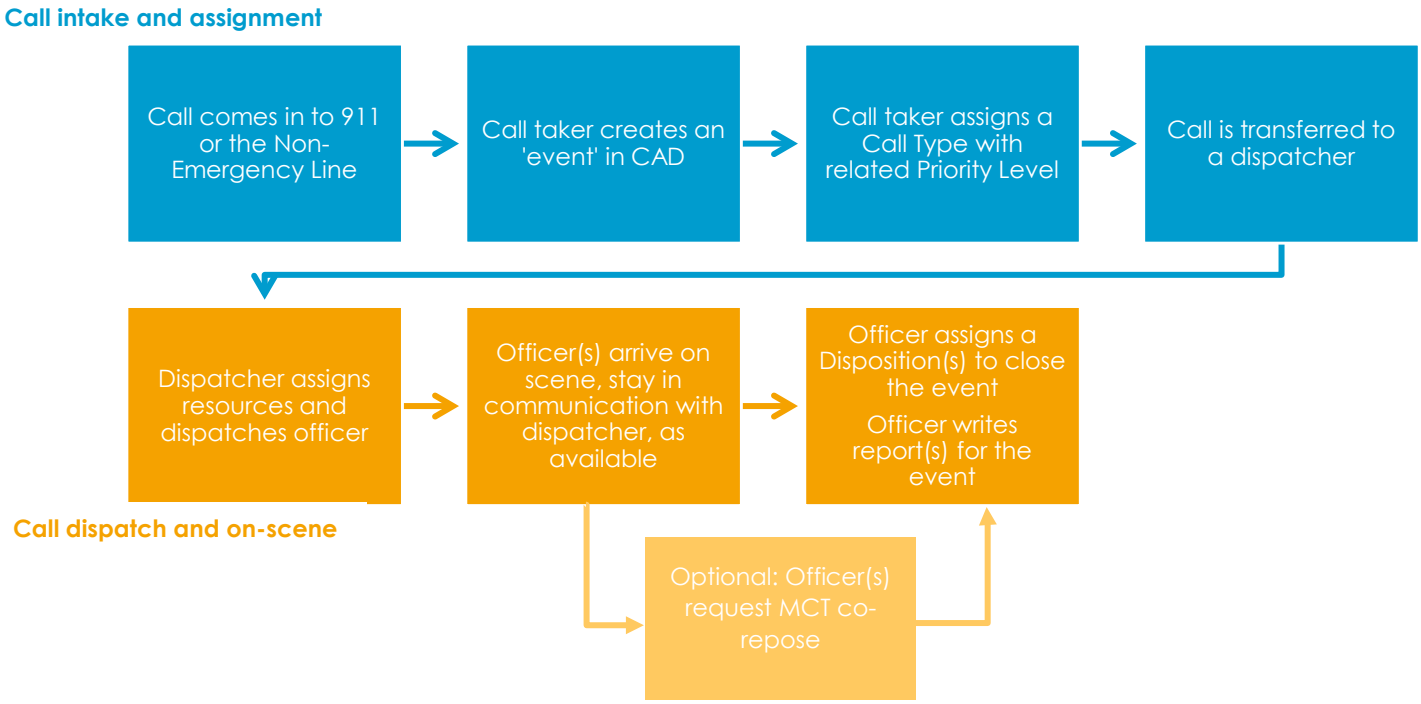
After a call is made, the Call Taker creates an event, collects information from the source, assigns a call type, and sends the call to the dispatcher. The dispatcher assigns a call priority and dispatches personnel to the scene. Notably, dispatch and officers can contact the Mobile Crisis Team (MCT) at the point of dispatch or once officers have arrived on scene if dispatchers or officers identify a need for mental health support.[14] While officers are engaged with the incident, the dispatcher continues updating the record based on communication with the primary officer assigned, which takes the form of a narrative or transcript-like entry. Alternatively, officers may update the narrative record themselves in the event that there are multiple incidents occurring simultaneously and the dispatcher is recording notes for another call. After the incident has concluded, officers and dispatch must assign event dispositions to close the call record; more than one disposition can be assigned for a single event. Event dispositions refer to the way an event concluded. Though there are up to 21 potential dispositions, the dispositions most commonly used are: Paper Disposition, MDT[15] Narrative Only, Mental Health Disposition, and Homelessness Disposition. Of note, neither Mental Health nor Homelessness Dispositions describe or refer to specific actions taken by police on the scene. Instead, they reflect the officer's assessment of the nature of events that led to the call and, subsequently, the interaction with BPD. This process is summarized in Figure 1, below.

[13] Berkeley City Auditor. (2021, April 22). *Data analysis of the City of Berkeley's police response*. https://berkeleyca.gov/sites/default/files/documents/2021-05-11%20Item%2029%20Audit%20Report%20%20Data%20Analysis.pdf

[14] MCT is Mental Health Division program within the City's Department of Health, Housing, and Community Services. It is designed to provide mental health support for calls including (but not limited to) evaluation for psychiatric hospitalization and mental health support after a death. MCT is only deployed after other emergency services (i.e. fire or police) have ensured safety at the scene.

[15] MDT stands for Mobile Data Terminal

Figure 1: CAD Process Overview of Incoming Calls with Dispatched Officers



One of the primary purposes of CAD is to direct police response; as such, most call types are based on penal codes, used to signify a potential crime related to the call. This orientation toward criminal activity becomes a limitation for analyses of CAD data intended for purposes for which CAD was not designed, such as assessing for mental health needs, assessing the quality of service provision, or making recommendations for the delivery of social services. Similarly, CAD was not designed as a tool for public transparency. This is essential context when reviewing CAD data to answer questions about mental health needs or to make recommendations about data collection protocols, as CAD must fulfill its penal purpose.

CAD Data: Inclusion Criteria

To assess mental health-related 911 calls, RDA created inclusion criteria to identify events that are potentially related to mental health and/or homelessness crises. The inclusion criteria are aligned with much of the methodology in the Auditor's Report.

Call Type

RDA used the Auditor's recommended procedure of aggregating 3 call types into a category called "Mental Health Call Types". These call types are assigned by the Call Taker during the 'pre-scene' period. Only one call type can be assigned to a call. Throughout this report, when we refer to "Mental Health Call Types" we are referring to:

- Suicide
- Mental Illness
- Welfare Check

Narrative Key Terms

Additionally, throughout the pre-scene and on-scene periods of the response process, the dispatcher may make notes about the unfolding incident and conversation with police officers. It is important to note that dispatchers can only record notes if they are in contact with an on-scene officer and/or are not assigned to another call, and that dispatchers do not hear or record what officers communicate to each other on their radios. As a result, narrative notes are inconsistently recorded and with a highly variable degree of detail. For this analysis, the notes or transcripts were analyzed using a Key Terms search. RDA used the Auditor's key terms to create two categories:

- "Mental Health", including key terms such as "crazy," "mania," and "psych*"[16]
- "Homelessness", including key terms such as "encampment," "unhoused," and "vagrant"[17]

Disposition

One or more dispositions are assigned to close an event. For this analysis, we used the following dispositions and categories:

- Mental Health: *An existing category in CAD that BPD uses to capture a subjective determination of mental health need, a psychiatric evaluation, or an involuntary*

[16] Please see Appendix A for complete list of mental health narrative key terms
[17] Please see Appendix A for complete list of homelessness narrative key terms

psychiatric hold (i.e. "5150); we use this as an indicator of a relevant mental health event.

- Homelessness: *A recently adopted category in CAD, with usage beginning in the second quarter of 2021; due to the low rates of utilization of this disposition code, it is generally not used in this analysis.*
- Paper:[18] *An existing category in CAD that indicates the incident ends with a formally documented Case Report, which could include an infraction, a citation, or an arrest, among others; RDA understands this disposition to represent a formal legal documentation that may pose the risk of criminalizing the involved individual(s).*[19]
- Other: *We consolidated the remaining dispositions into this category.*[20]

Key Terminology for CAD Analysis

Throughout this report, we will use the following phrases to clarify how a CAD event is categorized based on our methodology:

- **Event**: An entry in CAD, which includes all data input from call taker, dispatcher, on-scene officer, and automatically generated data (e.g., dispatch time)
- **Homelessness Incident:** An event that includes a Homelessness Key Term, regardless of whether the event also includes mental health data elements
- **Mental Health Call Type:** An event that has one of the call types in our Mental Health Call Type category
- **Mental Health Incident:**[21] An event that has a Mental Health Call Type and/or Mental Health Key Terms
- **Mental Health Disposition:** An event that has been assigned a Mental Health Disposition, regardless of other disposition(s) assigned

[18] RDA was not provided access to these documents, and therefore the additional details about paper dispositions cannot be determined.
[19] The Auditor's Report provided an example, on page 23, that speaks to how even a case report without a formal infraction, citation, or arrest can still have a legal system impact on the individual: "An event like a robbery, for example, could result in no arrest during the event, but lead to an arrest several days later. That arrest would be recorded in the Law Enforcement Records Management System," not CAD.
[20] Of the remaining 18 dispositions, "MDT Narrative Only" was the most commonly used, and it is a disposition that indicates no formal documentation or paperwork took place, such as if an officer was not able to find the person or determined that no crime was committed. The other 17 dispositions were rarely used and are not relevant to the primary goals of this study.
[21] Note that RDA's definition for the purposes of this report is slightly different from the Auditor's Report definition, which also included any event to which MCT was dispatched. RDA did not have access to MCT dispatch data and therefore excluded that criterion.

Limitations

Although our study had a variety of areas of inquiry, the full scope of what RDA could assess was limited based on 1) the type of data that CAD captures and how the data fields are structured, 2) differences in the type of data collected between CAD, RIPA/Stop data, and Law Enforcement Records Management System (LERMS), and 3) data that was or was not made available to RDA. Overall, these data limitations hampered our ability to draw conclusions about the details of CAD events.

Limitations due to the structure of CAD

After conversations with BPD and other subject matter experts, RDA concluded that the structure of CAD, understandably, limits BPD's ability to consistently or reliably capture all the characteristics of an event, which poses limitations to RDA's ability to fully and accurately interpret that event. The following limitations of CAD are relevant to the purpose of this study:

- Call types are assigned largely based on the **subjective interpretation** of events of both the caller (in terms of their description of the purpose of their call) and the call taker before officers arrive on scene.
- Call types are assigned at the beginning of an incident. However, **incidents frequently evolve but call types do not capture shifts** in the nature or understanding of the incident over time (nor is there another mechanism to capture these updates).
- **Narrative details are not always captured**, and when captured, are inconsistent. There are not currently standards for the use of specific terms in order to appropriately group or categorize call records that contain similar narrative content.
- **Dispositions are very broad** and provide limited information regarding the outcomes of an incident.

Limitations across BPD datasets

Additionally, there are many characteristics and descriptions that stakeholders want but CAD does not have fields for collecting. For example, the Racial and Identity Profiling Act (RIPA) requires data to be collected on a suspected person's race or gender, presence of a weapon, actions taken (e.g., handcuffed, curbside detention, search of person), or result of a stop (e.g., citation, involuntary psychiatric hold, custodial arrest without a warrant). BPD collects these data for officer-initiated stop data in a dataset known as "RIPA/Stop." Moreover, although a primary intent of the Council's budget referral for this analysis including assessing the outcomes of interactions between police and community members after mental health, substance use, and/or homelessness-related crises, CAD outcomes/disposition data is minimal. Notably, once a case report documented as a Paper Disposition in CAD is verified, it is

documented in the LERMS database. Neither RIPA/Stop data nor LERMS data are linked to events in CAD and therefore could not be included in our analysis.

Limitations of available data

Finally, the study faces limitations based on the CAD data provided to RDA, which did not include raw narrative data,[22] whether the incident was initiated by an officer, whether a caller was calling for themselves or for a third party, or details on outcomes for events.

Analytical Framework

RDA builds on the Auditor Report's methodology to measure the volume of potential mental health or homeless crisis events that could be diverted to behavioral health and homelessness specialists. Our analytical framework, as described in this section, was intended to develop a nuanced picture of the interaction between BPD and community members during mental health and homelessness crises to explore our guiding questions. Our analytical framework also helps us to understand the methodological limitations of this analysis, highlighting where current emergency response procedures do not—and cannot—collect the necessary data to understand the demand for urgent mental health services in Berkeley.

The methodology used by RDA and the Auditor categorized events in CAD as "Mental Health Incidents" based on the call type assignment, the key terms in the narrative, and the disposition. These three criteria are highly influenced by the language used by multiple different parties interacting with a crisis event at different points in time. Specifically:

- **Call type assignment** is determined, in part, by the language used by the call source as well as the interpretation and assessment of the call taker. The call type assignment also requires that the call taker determines whether there is a crime taking place; if so, a penal code violation would supersede a mental health categorization.
- The **key terms** used within the narrative notes are indicative of the language used by the caller, the interpretations made by the call taker or dispatcher, and/or the dispatched officers' description of events taking place. The use of notetaking is also highly dependent on a dispatcher's capacity at the time of the incident as they may be managing multiple incidents at one time and not able to record notes for each event.
- The use of **"Mental Health Disposition"** or **"Homelessness Disposition"** also indicates whether an officer on scene assesses the characteristics of the event to be related to

[22] Due to the sensitive nature of CAD events, including events that may have open investigations, the City of Berkeley determined these data should not be provided to RDA.

mental health or homelessness. Because multiple dispositions can be assigned to one event, an officer can assign a Mental Health or Homelessness Disposition to events that also have a Paper Disposition (i.e., a case report) or an "MDT Narrative Only" Disposition (i.e., no formalized documentation or outcome). In our analytical framework, we understand a Paper Disposition indicates formal legal documentation upon conclusion of an incident and may potentially have a criminalizing effect resulting from the encounter.

Each of these opportunities for categorizing a call in CAD acts as filters for whether it is included in our analysis based on how each event is categorized in real time and based on which feature is an inclusion criterion (call type, key terms, and/or disposition).

Interpretation and Considerations

Our framework is influenced by the available literature that depicts the public health problems known to arise in the context of interactions between police and individuals experiencing mental illness or homelessness. In particular, we acknowledge that research has shown that, at a national level, individuals with mental illness experience violence and are killed by police at higher rates than those without mental illness.[23] Additionally, public health literature documents dramatic racial disparities at the national level, including that Black Americans are five times as likely to be severely injured or killed by a police officer than White Americans.[24] While data regarding outcomes of police interactions with mental illness is limited, the literature outlines patterns of institutionalization and escalation of crises that are counter to models of appropriate care.[25] Additionally, the common practice of calling 911 for "wellness checks" for individuals with mental illness has been questioned for its appropriateness and ethics.[26] As we examine CAD data with these systemic trends in mind, we distinguish between outcomes without formal legal documentation ("MDT Narrative" and/or "Mental Health" Dispositions without other dispositions) and those with formal legal documentation ("Paper" Disposition) that may have legal consequences for the individual(s) engaged by police.

[23] Saleh, A.Z., Appelbaum, P.S., Liu, X., Stroup, T.S., Wall, M. (2018, April 21). *Deaths of People with mental illness during interactions with law enforcement*. https://www.sciencedirect.com/science/article/abs/pii/S0160252717301954

[24] Spolum, M.M., Lopez, W.D., Watkins, D.C., Fleming, P.J. (2023, January 25). *Police Violence: Reducing the harms of policing through public health-informed alternative response programs.* https://ajph.aphapublications.org/doi/10.2105/AJPH.2022.307107

[25] ibid.

[26] Vitiello, E., Moseley, D.D. (2021, April 23). *Navigating Care from afar: Ethical considerations for police welfare checks.* https://psychiatryonline.org/doi/full/10.1176/appi.ps.202000732

It is possible that some events are categorized in ways that seem contradictory, such as an event that has a Mental Health Call Type categorization and the use of Mental Health Key Terms but no Mental Health Disposition, or vice versa. This type of data inconsistency is expected, to an extent, in crisis service delivery.

Ultimately, the interpretation of events in CAD can vary significantly, especially given the infinite number of different scenarios that could underly any CAD event. For example, bystanders, especially those who are not mental health professionals, may use a variety of inaccurate terms when describing a distressing situation. Alternatively, someone may call 911 in an effort to assert control over public space about what is deemed 'socially acceptable' behavior. Or, a caller may use mental health language while effectively downplaying the gravity of an event taking place. Each of these scenarios would be filtered into our analysis based on an assigned Mental Health Call Type or use of Mental Health or Homelessness Key Terms. However, if officers arrive on scene and assess someone's behavior as threatening or violent, they may not record the disposition as Mental Health Disposition; if they document a case report, they would assign a Paper Disposition. Other times, the officer may determine there were mental health characteristics at play and assign a Mental Health Disposition, even if it was not assigned a Call Type at the outset. Each of these scenarios would also affect whether the event would be filtered into our analysis based on assigned disposition.

Researchers and readers may individually hold different beliefs on who has the most appropriate gauge of the potential for an incident to be related to mental health (the caller, the call taker, the dispatcher, the dispatched police officers, or external researchers). Ultimately, the data used throughout this report reflect subjective impressions from community members, call takers, dispatchers, and police officers and these impressions may reflect a wide variety of views about mental health, homelessness, and emergency response systems. Although the events may be filtered into the analysis based on shared categories, a definitive conclusion cannot be made about the true nature of the events.

Given these considerations, we present a selection of CAD data that we deemed most informative for understanding the landscape of police response to mental health and homelessness crises. We understand these data may be helpful in describing trends of how community members and BPD interact with mental health and homelessness as well as some characteristics of BPD's response to mental health crises. While we believe that mental health, substance use, and/or homelessness-related crises deserve care from a specialized provider, we cannot definitively conclude which service provider is best equipped to respond to each event in the presented data. Finally, we do not conclude that these estimates represent the totality of mental health, substance use, or homelessness crisis events in Berkeley.

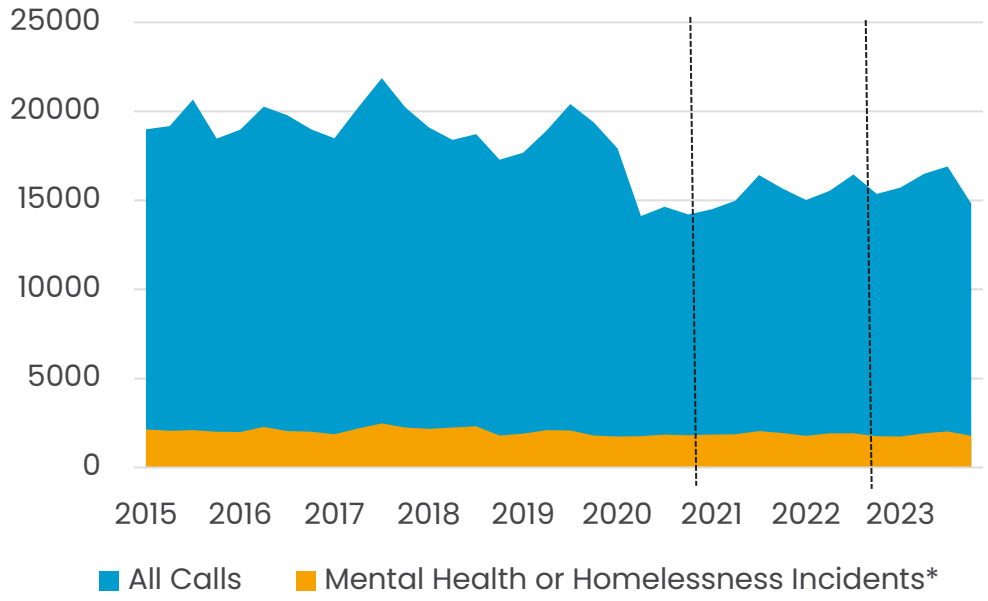
Findings

I. Volume of Mental Health and Homelessness Incidents in Berkeley 911 CAD
II. Characteristics of Mental Health and Homelessness Incidents
III. Co-Response Rates & Response Times
IV. Outcomes of Police Interactions with Mental Health and Homelessness Incidents

I. Volume of Mental Health and Homelessness Incidents in Berkeley 911 CAD

While this report focuses on CAD events that indicate a mental health or homelessness component, it is important to consider these events in the broader context of CAD. ***Mental Health or Homelessness Incidents are a small fraction of the total calls made to the non-emergency and 911 lines to which police respond***. Figure 2 provides a high-level overview of volume in CAD for emergency and non-emergency events routed to BPD from 2015 – 2023 as well as the proportion of these calls that are specifically Mental Health or Homelessness Incidents.

Figure 2: Mental Health or Homelessness Incidents* as a Proportion of Total Call Volume (CAD, 2015-2023)



**Mental Health or Homelessness Incidents include an event that has any feature from our categories of interest: Mental Health Call Type, Mental Health Key Terms, and/or Homelessness Key Terms*

Data Highlights

All Calls

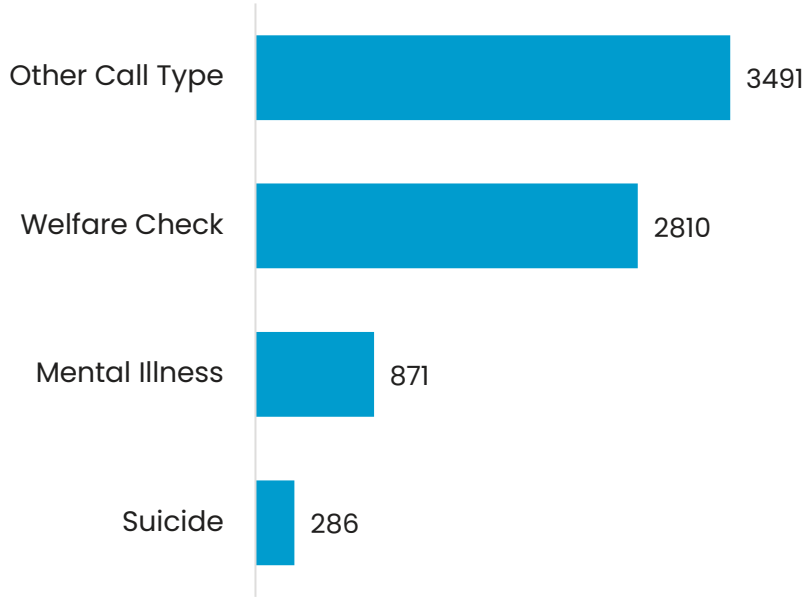
- Average: 17,636 calls
- Lowest call volume: 14,129 *(Jan-Mar 2020)*
- Highest call volume: 21,868 *(July-Se pt 2017)*
- Substantial drop in call volume since the onset of shelter-in-place in 2020 (average 19% decrease)

Mental Health or Homelessness Incidents

- Average: 1,986 calls
- Lowest call volume: 1,741 *(Jan-Mar 2020)*
- Highest call volume: 2,476 *(July-Sept 2017)*
- Slight drop in call volume since the onset of shelter-in-place in 2020 (average 11% decrease)

As demonstrated in Figure 2, ***despite total call volume fluctuating over time, the volume of Mental Health and Homelessness Incidents (combined) remain relatively consistent.*** Specifically, at the onset of the COVID-19 pandemic in 2020, while overall call volume decreased substantially, Mental Health or Homelessness Incidents decreased only slightly. From 2015-2019 Mental Health or Homelessness Incidents ranged from 9% to 12% of total call volume whereas from 2020-2023 Mental Health or Homelessness Incidents ranged from 10% to 13% of total call volume.

Figure 3: Mental Health Incidents* by Call Type (CAD, 2023)



**Mental Health Incidents include any event that has a Mental Health Call Type and/or Mental Health Key Terms*

Data Highlights

As shown in Figure 3, there were more "Other Call Types" (those with a penal code call type and Mental Health key terms) than Mental Health Call Types.

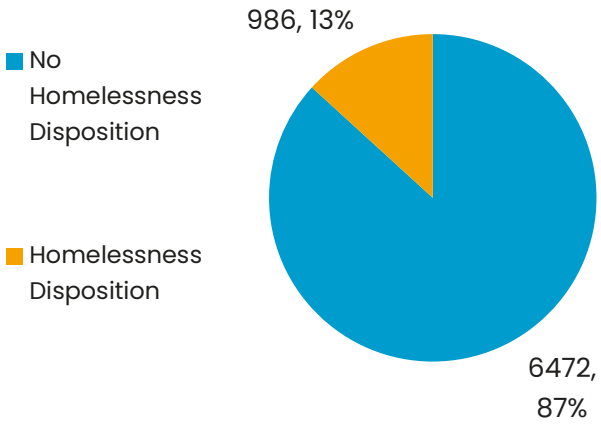
Key Takeaways

While ***a quarterly average of almost 2,000 calls demonstrates substantial community need for crisis services for Mental Health and Homelessness Incidents***, these calls represent a relatively small proportion of the total calls for service received by BPD. Figure 3 suggests that many Mental Health Incidents may not be identified by call takers as mental health related, but rather, are identified by officers once they arrive on the scene (indicated by the use of key terms). This makes sense given the structure of CAD and the focus on identifying penal code violations or suspicion of crimes, which emphasizes why CAD is not an effective system for capturing communitywide mental health need or appropriateness of the 911 response. Ultimately, our methodology has identified thousands of Mental Health Incidents that are not identifiable based on CAD call types alone, suggesting that ***the overall community need is likely higher than the numbers presented***. Notably, the ***volume of Mental Health or Homelessness Incidents is consistent and predictable and should inform the City's decisions for allocating necessary resources*** for behavioral health and homelessness emergency response without the involvement of law enforcement.

II. Characteristics of Mental Health and Homelessness Incidents

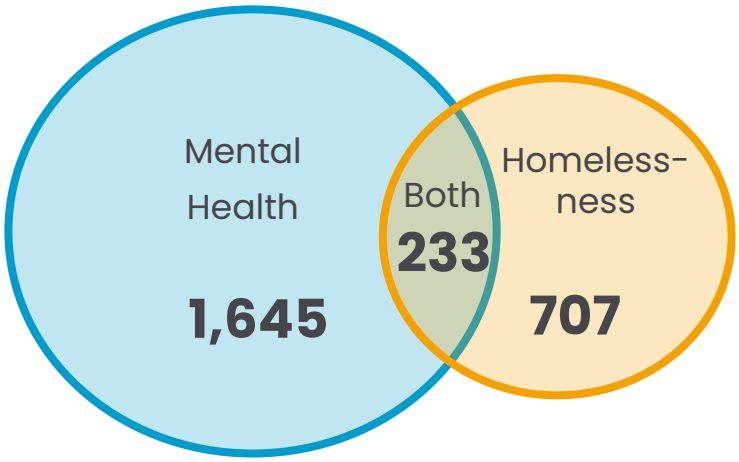
Now, we consider the characteristics of the events that make up the Mental Health or Homelessness Incidents previously displayed in Figure 2. To do so, we must consider the degree to which mental health calls and homelessness calls are interrelated or distinct. As demonstrated in Figure 2, the volume of combined Mental Health or Homelessness Incidents has remained consistent over time. We examined whether this trend was true for Mental Health Incidents alone (i.e. that did not include Homelessness Key Terms) and Homelessness Incidents alone (i.e. that did not include a Mental Health Call Type or Mental Health Key Terms) and found that ***the volume of Mental Health Incidents and Homelessness Incidents each are also consistent*** throughout 2015-2023. As such, we will use a simple average as a reliable example to explore the relationships between these two types of calls.

Figure 4. Dispositions of Mental Health Incidents* (CAD, 2023)



**Mental Health Incidents include any event that has a Mental Health Call Type and/or Mental Health Key Terms*

Figure 5: Quarterly Averages of Mental Health Incidents and Homelessness Incidents* (CAD, 2023)



**Mental Health Incidents (in blue circle) include any event that has a Mental Health Call Type and/or Mental Health Key Terms. Homelessness Incidents (in orange circle) include any event with a Homelessness Key Term, regardless of whether it includes mental health data elements.*

Data Highlights

Figure 4

Only 13% of Mental Health Incidents result in a Homelessness Disposition.

Figure 5

From 2021-2023, there were more incidents primarily concerned with mental health (1,645, 64%) than incidents primarily concerned with homelessness (707, 27%). ***The overlap of incidents concerning both homelessness and mental health is small*** (233, 9%). Note that 88% of Mental Health Incidents have only mental health indicators, while 12% of Mental Health Incidents have both mental health and homelessness indicators. Meanwhile, 75% percent of Homelessness Incidents have only homelessness indicators while a substantial proportion of Homelessness Incidents include both mental health and homelessness indicators (25%).

Key Takeaways

The overlap between Homelessness Incidents and Mental Health Incidents is relatively small (Figure 4) and few Mental Health Incidents result in Homelessness Dispositions (Figure 5). Therefore, we conclude that ***often, mental health crises do not include homelessness characteristics.*** Rather, there may be distinct mental health crisis events, homelessness-related crisis events, and events that have both mental health and homelessness components.

Considering the consistency of these unique events, it is important that the emergency response framework can provide services tailored to each type of crisis. ***The predictability of mental health, homelessness, and overlapping crisis calls should allow the City of Berkeley to plan how to allocate resources to provide resources for each of these unique needs within Berkeley.***

III. Co-Response Rates & Response Times

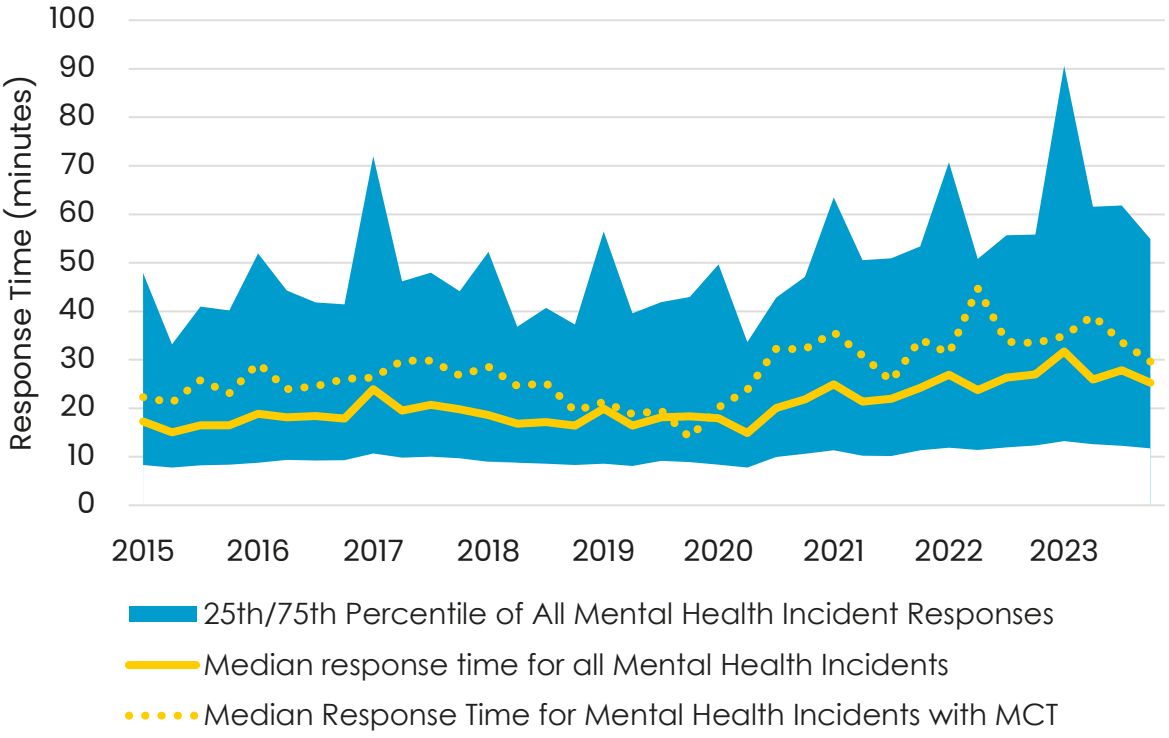
Berkeley's Mobile Crisis Team (MCT) is a co-response model that pairs a licensed mental health clinician with a BPD officer to provide services in the event of a mental health crisis. As such, we anticipate that in the event of an identified mental health crisis, dispatchers would call for a co-response from MCT whenever possible. However, primarily due to staffing shortages, ***in the past six quarters MCT has been dispatched to fewer than 5% of Mental Health Incidents***, a substantial decrease since its peak of being dispatched to 16% of Mental Health Incidents.

To further understand the characteristics of BPD response to Mental Health Incidents, we examined both MCT response rates as well as the response time[27] between when an event is created and BPD arrives on scene. We examined response times for all Mental Health Incidents, both with and without MCT co-response. We also discuss how call-typing may affect response times for Mental Health Incidents.

It is important to note that we did not have access to all CAD data and therefore could not assess BPD response time for all calls. Instead, our analysis only presents responses times for Mental Health Incidents. The Berkeley Police Department Annual Report provides data from not only CAD but also stop data, use of force data, and data on response times across priority levels.[28]

[27] RDA did not have access to data on dispatch time, which is the length of time between when a call is received and when a call is assigned to officers for dispatch. Instead, RDA had access to response time data, which is relevant in describing the experience of responses to crisis events for callers.
[28] Berkeley Police Department. (2024, March 12). *2023 Berkeley Police Department Annual Report*. https://berkeleyca.gov/sites/default/files/documents/2024-03-12%20Item%2001%20WORKSESSION%20%202023%20Berkeley%20Police%20Department%20Annual%20Report.pdf

Figure 6: Median Response Times for Mental Health Incidents*, by Quarter (CAD, 2015-2023)



**Mental Health Incidents include an event that have a Mental Health Call Type and/or Mental Health Key Terms*

Data Highlights

Figure 6

Response time varies throughout the year for Mental Health Incidents. The interquartile range, in blue, shows the response times for the middle half (25th-75th percentile) of all calls; it also shows that one-quarter of all calls fall below that range and one-quarter of calls fall above it. ***Since 2015, the median response times (after call is assigned to officers) for Mental Health Incidents has been increasing, for Incidents with or without MCT*** (also shown in Table 1), which may be due to staffing levels in the City.

The 25th percentile of response times for Mental Health Incidents are relatively consistent across quarters while the 75th percentile of response times are more variable across quarters.

Table 1: 25th, 50th, and 75th Quartile Response Times for Mental Health Incidents*, by Quarter (CAD 2015, 2019, 2023)

Year and Quarter	25th Percentile Response Time (min)		Median Response Time (min)		75th Percentile Response Time (min)	
	All	**MCT**	**All**	**MCT**	**All**	**MCT**
2015 Q1	8	12	17	22	48	56
2019 Q1	9	9	20	21	56	53
2023 Q1	13	20	32	35	91	66

**Mental Health Incidents include an event that have a Mental Health Call Type and/or Mental Health Key Terms*

Data Highlights

Table 1

From January-March of 2023, half of all calls were responded to within 13-91 minutes, as shown in the 25th to 75th percentile range shown in Table 1 and the blue interquartile range in Figure 6. In that same three-month period, one quarter of calls during the first quarter of 2023 had a response time of less than 13 minutes and one quarter of calls had a response time of more than 91 minutes. Response times are longer than quarter 1 of 2019 and those response times are longer than quarter 1 of 2015, demonstrating an increasing trend of longer response times.

Key Takeaways

Together, these data demonstrate two clear points: ***1) MCT, a co-response team of mental health specialists, is rarely dispatched; and 2) The response time when BPD responds to Mental Health Incidents is increasing over time.***

Furthermore, we conducted a regression analysis to estimate the impact of short-term call volume fluctuations on median response time for Mental Health Incidents while controlling for seasonal effects, location, and historical response times.[29] We do not find evidence that short-term fluctuations in total call volume produce longer median response times for BPD responses to Mental Health Incidents with and without MCT. This should not be interpreted as finding statistically significant evidence that short-term increases in call volume are not related to median response times for Mental Health Incidents.

Based on BPD protocols, Priority Level 1 calls must be prioritized over Priority Level 2 calls. It is also important, therefore, to understand that the assigned call type for an event affects the assigned priority level, which affects the expected dispatch time, which in turn affects the response time of a dispatched officer(s). According to CAD data, 70% Mental Health Call Types (Welfare Check, Mental Illness, and Suicide) are assigned Priority Level 2. Additionally, a substantial number of mental health-related incidents are assigned "Other" Call Types (Figure 2). Events that are deemed to not pose a risk of violence or urgent need for BPD response and instead are assigned a non-Mental Health Call of Priority Level 2 or higher will consequently have a longer response time than Priority Level 1 call types.[30] As a result, ***events where mental health characteristics are present during a low-priority penal code violation are at risk of receiving a longer response time than may be appropriate for a mental health crisis.***

Given that the volume of Mental Health Incidents is consistent over time (Figure 2), it appears that resources have not been allocated to provide mental health specialists to co-respond with BPD during Mental Health Incidents. ***While BPD's priority level structure may lead to more violent or dangerous calls receiving the highest priority, it is important that mental health related crisis events are identified and dispatched in a way that also allows for a timely response by the specialists best equipped to provide quality care.***

[29] We also do not evaluate the relationship between response times for mental health related events in CAD and other types of calls for service.
[30] In the 2023 Annual Report, BPD reported a median response time of 7 minutes for Priority Level 1 calls and 18 minutes for Priority Level 2 calls.

IV. Outcomes of Police Interactions with Mental Health and Homelessness Incidents

When an incident is closed in the CAD system, at least one disposition must be entered to document the outcome of the event. Dispositions are determined by the officer on scene and entered by either the officer or the dispatcher. For a Mental Health Disposition, we do not know whether the event resulted in an involuntary psychiatric hold ("5150"), de-escalation, referral to mental health services, or some other outcome. Additionally, we are unable to know the type of documentation for any given event with a Paper Disposition, such as whether there was a citation, an arrest, or other form of case report.

We assume in this analysis that if appropriate mental health services are delivered in the event of a mental health crisis (e.g. suicidality de-escalation and referral to services), Paper Dispositions would be rare, and Mental Health Dispositions or "MDT Narrative Only" dispositions would be most common.

Table 2, below, presents a ratio of the frequency with which Mental Health Incidents result in a Paper Disposition with the frequency with which they result in a Mental Health Disposition to compare these occurrences. Incidents are presented by the individual call type to further explore the relationship between call type and disposition, including Welfare Check, Mental Illness, Suicide, and "Other" Call Type (an incident that had a non-Mental Health Call Type but had a Mental Health Key Term(s)).

Following these comparisons, two maps are presented to further explore the relationship between call type and disposition by geography. Geography is one way to understand characteristics of where incidents occur as well as to consider potentially disparate impacts on specific neighborhoods and/or public spaces.

Table 2: Ratios of Paper Dispositions to Mental Health Dispositions (X:1) for Mental Health Incidents*, by Call Type (CAD, 2023)

Call Type	Ratio of Paper to Mental Health Dispositions	Paper Dispositions	Mental Health Dispositions
Welfare Check	4.71:1	2484	527
Other Call Type	2.44:1	2489	1022
Mentally Ill	1.96:1	724	370
Suicide	.83:1	164	197

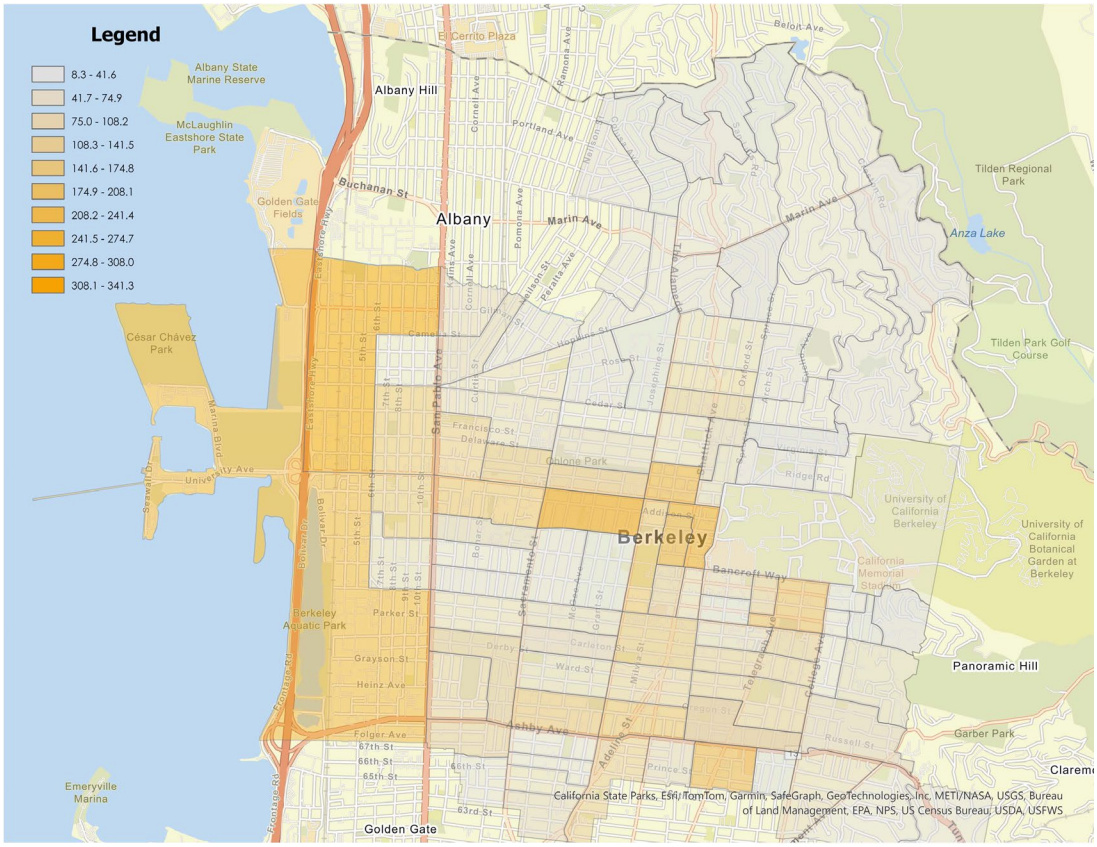
**Mental Health Incidents include an event that have a Mental Health Call Type and/or Mental Health Key Terms*

Data Highlights

Table 2

Ratios of dispositions help to compare the relative frequency of each disposition for a specific call type. ***Three of four categories of Mental Health Incidents are more likely to result in Paper Dispositions than Mental Health Dispositions.*** For Mental Health Incidents that were assigned the Welfare Check call type in 2023, a Paper Disposition was assigned almost five times as frequently as the Mental Health Disposition (ratio of 4.71 to 1). This means that when a request for service was called in to 911 and the call taker assigned the Welfare Check call type, it ended in formal legal documentation five times as often as not. Similarly, for "Other Call Types" (identified through the key term search), a Paper Disposition was assigned almost two-and-a-half times as often as a Mental Health Disposition (ratio of 2.44 to 1). Even Mental Health Incidents with the call type "Mental Illness" received a Paper Disposition twice as frequently as a Mental Health Disposition (ratio of 1.96 to 1). Only those Mental Health Incidents assigned the Suicide call type received a Paper Disposition less frequently than a Mental Health Disposition, though the frequency is nearly equal.

Map 1: Rates of Mental Health Call Types by Census Block Group (CAD, 2023)



See Appendix C for a high-resolution image of Map 1

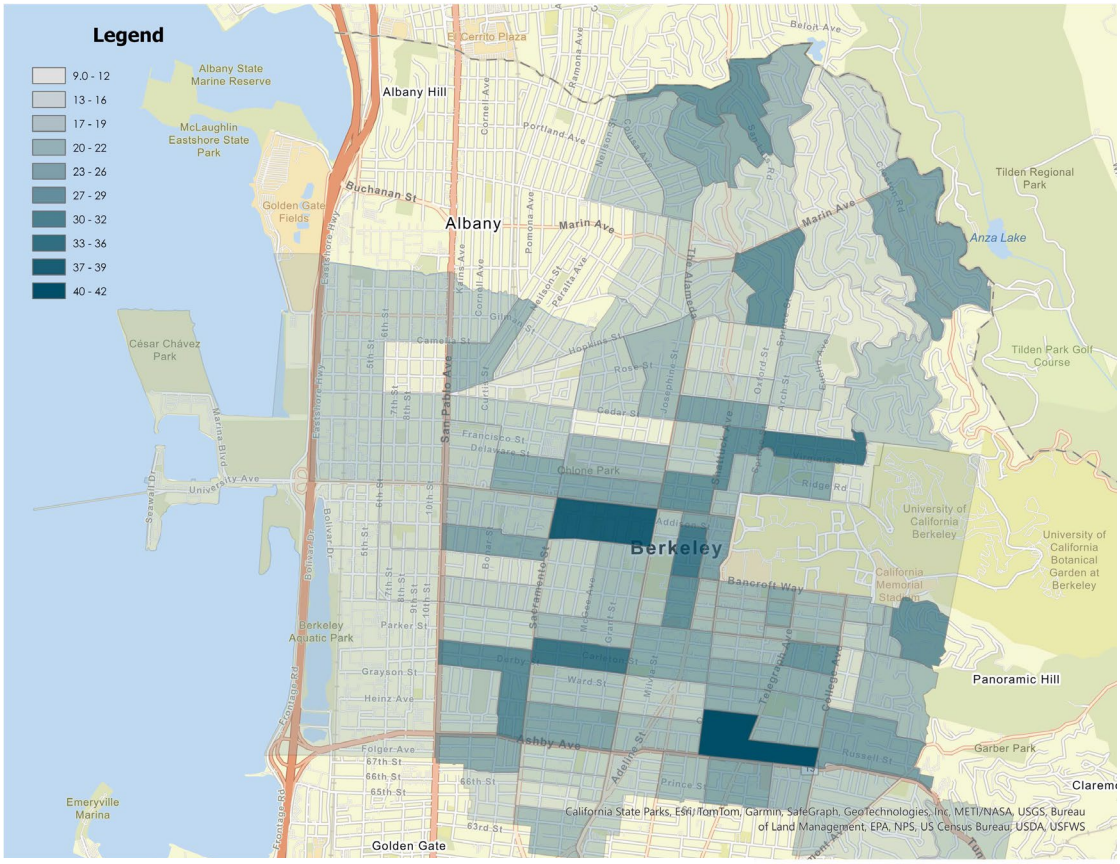
Data Highlights

Map 1

Map 1 and Map 2 (below) show aggregate coordinates of events in census block groups; census block groups are commonly used geographical statistical units that can contain anywhere from 600 to 3,000 people.

Map 1 shows the average rates of Mental Health Call Types for 2023. According to Map 1, ***Mental Health Call Types are concentrated in public spheres (darker orange),*** such as along Interstate 580 and industrial areas of West Berkeley, the Berkeley Marina and Cesar Chavez Park, University Avenue, and Shattuck Avenue and Downtown Berkeley.

Map 2: Proportion of Mental Health Dispositions for Mental Health Call Types by Census Block Group (CAD, 2023)



See Appendix C for a high-resolution image of Map 1

Data Highlights

Map 2

Map 2 also shows aggregate coordinates of events in census block groups; census block groups are commonly used geographical statistical units that can contain anywhere from 600 to 3,000 people.

Map 2 shows the proportion of Mental Health Call Types that also have a Mental Health Disposition. Considering both maps, ***there are many block groups with high rates of Mental Health Incidents (Map 1, dark orange) but a low proportion of Mental Health Dispositions (Map 2, light blue).***

Key Takeaways

The limitations of CAD data pose challenges to interpreting the characteristics and/or results of BPD interactions during Mental Health Incidents. First, it cannot be definitively concluded the extent to which calls are accurately identified as mental health-related. It also cannot be determined using CAD data how each event unfolded after the call type was assigned, which prevents us from understanding the context that led to the assigned disposition(s) or results(s) for BPD's response. We understand that events, generally, vary greatly in whether or how they can be safely de-escalated without law enforcement. Moreover, because the disposition categories are broad and do not describe health outcomes for each event, CAD does not allow for assessing service delivery. Without additional information about the outcomes within any given Mental Health Disposition or the specific reports written for any given Paper Disposition, we cannot assess whether individuals are disproportionately impacted by legal outcomes. Overall, with the type of data that CAD is designed to collect during an initial call throughout the duration of the event and the ultimate disposition, ***we cannot know the extent of the legal impact on individuals resulting from interactions with BPD during potential mental health-related emergencies.***

Despite the limitations and uncertainties, the data do illuminate a variety of characteristics of the outcomes of police interactions during potentially mental health or homelessness-related crises. For one, the rate of frequency with which Paper Dispositions are assigned shows that even calls not associated with penal codes (i.e., those assigned a Mental Health Call Type) are resulting in formal documentation (i.e., case reports) more often than they are being categorized as a mental health event at the point an officer assigns the disposition(s). It is possible that some of the documented Mental Health Incidents also involved a threat to public safety or a potential crime, and therefore, police response assigning a Paper Disposition for an arrest or citation was appropriate. However, it seems unlikely that 89% of Welfare Checks and 83% of Mental Illness call types required formal legal documentation (e.g., for arrests, citations, or for deceased persons), especially given that 71% of "Other" Call Types (i.e., with a prioritized penal code violation) that included a Mental Health Key Term required formal legal documentation. ***Overall, the number of paper dispositions across documented Mental Health Incidents demonstrate some risk (though the exact level of that risk is uncertain)***

that individuals experiencing a mental health emergency may become involved in the criminal legal system, which research shows is detrimental to mental health.[31]

Together, Table 2, Map 1, and Map 2 ***may indicate differences in how different parties involved in CAD data collection interpret and describe incidents*** (the caller, call taker, dispatcher, and/or on-scene officer). This difference across parties may contribute to whether an event is categorized with one of our Mental Health Call Types and/or assigned a Mental Health Disposition. For this reason, the data pose challenges to drawing definitive conclusions about the nature and experiences of a call and BPD response.

The fact that Mental Health Dispositions are often not concentrated where Mental Health Call Types are concentrated geographically also emphasizes the potential difference in how parties interpret and respond to events as well as CAD's limitations. In Map 1, some of the locations with high Mental Health Incidents are, anecdotally, areas with high concentrations of unhoused community members or encampments. Yet, recall that only 12% of Mental Health Incidents also use Homelessness Key Terms (Figure 5). Meanwhile, these regions in Map 2 have low proportions of Mental Health Dispositions. If someone calls 911 reporting a mental health concern, which is then assigned a Mental Health Call Type by the call taker, but the responding officer does not assign a Mental Health Disposition, then we may conclude that the caller incorrectly identified a mental health need or that the police officer incorrectly did *not* identify a mental health need. Considering these two scenarios, ***these data provide some indication that unhoused people may be differentially affected by people calling 911 and by BPD's response.***

[31] Quant, K.R., and Jones, A. (2021, May 13). *Research roundup: Incarceration can cause lasting damage to mental health.* https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/

Conclusions

A. Conclusions related to the nature of CAD & data shared with RDA
B. Conclusions related to the guiding evaluation questions

A. Conclusions related to the nature of CAD & data shared with RDA

CAD is an important tool used by the Berkeley Communications Center and BPD to respond to calls that come into 911 or the non-emergency phone number and is not a tool designed for behavioral health response and service delivery. However, the scope of this analysis and the areas of inquiry[32] directed RDA to use CAD data specifically for assessing mental health, substance use, and/or homelessness related incidents within CAD. Therefore, the limitations of CAD described throughout this report are in large part due to the intended focus of this analysis.

[32] As defined in the City Council's budget referral, the assessment was intended to explore narrative notetaking, dispatch procedures and protocols, and several individual-level outcomes. However, the way CAD is structured does not allow for exploration of most of these indicators or data.

CAD is insufficient to fully assess the outcomes of BPD's response to behavioral health and homelessness-related crises and the resulting impacts on community members.

CAD is not designed to assess or document needs and outcomes related to mental health, substance use, and/or homelessness. CAD, primarily, is set up to assess for and dispatch in response to criminal activity. This creates a structure in which Mental Health Incidents may be responded to in a manner that risks escalation or produce responses that risk criminalizing mental health needs. Additionally, the structure of CAD may pose a risk for Mental Health Incidents being assigned Priority Levels that receive longer response times. As CAD is currently structured, dispositions only reliably document the presence of a case report ("Paper Disposition") without any additional information on the type of case report. Meanwhile, even if the officer(s) used the Mental Health Disposition, this disposition does not distinguish between officers initiating involuntary psychiatric holds ("5150") versus generally assessing the presence of mental health need, nor does it document provision of mental health services or resources. Without a substantial restructuring of the CAD system, it is unlikely that BPD will be able to assess for and respond to mental health crises or to monitor quality of service delivery. Moreover, CAD is not equipped to document the nature or outcomes of responses to these types of crises. As a result, there is no way to utilize CAD data to fully or reliably assess the impact BPD had on an individual during a mental health or homelessness-related crisis event.

CAD does not document the use of behavioral health procedures, protocols, or de-escalation techniques used during call taking or dispatched response. Although these protocols may exist, it is not feasible to assess call-taking procedures using CAD. Assessing call-routing and response procedures would require extensive observations and documentation review by trained clinicians; even then, CAD does not collect substantial narrative data. For this reason, an analysis of CAD data is not a sufficient method for identifying calls that could go to a behavioral health response team nor to plan call-routing procedures for integrating a new team into 911.

CAD data is insufficient to assess for structural police, fire, and/or EMS issues that disproportionately impact vulnerable, diverse, and structurally oppressed peoples.[33] CAD data is insufficient for assessing disparate impacts because it does not reliably capture data

[33] The scope of RDA's analysis was limited to Police response and did not include Fire or EMS issues.

on individuals' demographics, such as race/ethnicity or gender presentation, nor does CAD capture individuals' housing status. Therefore, it is not possible to utilize CAD for assessing inequitable impacts of police response in the community.

CAD data cannot be used to assess the reduction in risks of injury and death by police. CAD data does not capture injury or death that occur during interactions between BPD and community members. The Paper Disposition does not provide detail about the different forms of documentation that result from dispatched responses, whether they include detainment in handcuffs, use of physical force by police, drawing or exhibiting a police firearm, or other outcomes that characterize risks of "injury or death." BPD does, however, publish data on the Berkeley Police Transparency website,[34] including Use of Force[35] and RIPA/Stop data.[36]

[34] https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/
[35] https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/use-of-force
[36] https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/stop-data

B. Conclusions related to the guiding evaluation questions

Despite limitations, CAD data illuminate a variety of details that can inform program and service planning for alternative response programs aimed at meeting community needs for mental health, substance use, and/or homelessness-related crisis events. The conclusions that follow are structured according to our guiding questions, exploring how the data and key takeaways offer insight and perspectives about the characteristics of interactions with the BPD Communications Center and police officers in the context of mental health and homelessness-related crises.

It is important to keep in the mind that "Mental Health Incidents" is a category we created to analyze CAD data for this analysis and is subject to the limitations described throughout this report and the conclusions detailed in section A, above.

1. How often do Berkeley police officers engage with incidents related to mental health and/or homelessness?

On average, community members called 911 for approximately 2,000 Mental Health or Homelessness-related crisis events annually throughout 2015-2023, demonstrating a consistent and predictable volume of requests for service.

Although we believe CAD data provides an underestimate of the extent of behavioral health and homelessness needs of community members, the volume of CAD Mental Health Incidents is consistent across time, despite overall CAD call volume decreasing after 2020. From 2015-2023, community members called 911 for an average of 1,986 Mental Health Incidents, ranging from a high of 2,476 calls in Quarter 3 of 2017 and a low of 1,741 calls in Quarter 1 of 2020.

2. What are the characteristics and results of mental health and/or homelessness incidents and police interactions?

The BPD Communications Center categorizes more mental health-related calls under penal code violation call types and as Welfare Checks than as Mental Illness or Suicide and assigns high rates of Paper Dispositions for Mental Health Incidents, suggesting that people experiencing mental health crises may be responded to as a criminal concern rather than mental health concern.

In 2023, the BPD Communications Center assigned call types related to penal code violations to at least 3,491 events that included narrative notes aligned to Mental Health Key Terms; in our analysis, these events were classified as "Other" Call Types. The BPD Communications Center also assigned Welfare Checks to 2,810 events. Among these two categories of Call Types, Paper Dispositions were assigned 2.4 times more frequently than Mental Health Dispositions for the "Other" Call Types and 4.7 times more frequently for Welfare Checks. Given that a) CAD is structured to prioritize penal code violations, b) in most cases, Mental Health Incidents are *not* initially categorized as such by 911 call takers (who are interpreting the information provided by callers), and c) the high proportion of Paper Dispositions assigned to Mental health Incidents, the data suggests that Mental Health Incidents may often be treated as legal or criminal matters.

The patterns of Mental Health Call Type assignment, use of Mental Health Key Terms, and Mental Health Disposition assignment may indicate differences how community members, call takers, dispatchers, and police officers interpret mental health needs (both as distinct groups but also as individuals within those groups).

Overall, the challenges inherent in identifying mental health crises during 911 calls and the frequency of legal documentation for individuals during mental health crises underscore the need for mental health crisis de-escalation before and after dispatch as well as a response by mental health specialists during potentially mental-health related crises.

People living in or near encampments may be differentially affected by 911 calls for service and BPD responses.

Although Mental Health Call Types are highly concentrated in areas where encampments may commonly be established, Mental Health Dispositions are not concentrated in those areas. This could indicate that community members calling 911 are not accurately identifying a mental health need in these areas or that the responding police officers are not correctly identifying mental health need. Regardless, people living in or near these areas may be experiencing increased police engagement as a result of 911 calls.

There is insufficient data available in CAD to identify impacts on specific identity groups or on substance users, which prevents assessment for equity of service provision.

CAD does not collect information on the identities of individuals calling into 911 or being responded to by BPD, such as race/ethnicity, language, LGBTQIA+, gender presentation, housing status, or other demographic characteristics of communities disproportionately impacted by police violence or incarceration.[37] Collecting data on demographics is a challenge in most, if not all, crisis response contexts, and is not unique to BPD. Moreover, there is no way to reliably use CAD data to identify volume of substance use-related crises, neither to assess the characteristics of such calls or resulting dispositions. As a result, we were unable to explore whether there are disparate impacts of police response on structurally marginalized people in the context of mental health, substance use, and/or homelessness related crises.

[37] Note: While we mapped data to census geographical units, the patterns demonstrated by the maps alongside conversations with Berkeley Police Department showed that large public spaces and commercial areas could be an important source of CAD crisis events. Because census data relies on residential data collection, we did not relate any call characteristics to census demographics. There is reason to believe callers may not reside in the Block Groups calls are originating from.

3. To what extent do current BPD responses to mental health and/or homelessness incidents meet the needs of the Berkeley community?

The vast majority of Mental Health Incidents are responded to *without* a mental health specialist.

MCT does not have the staffing levels to be regularly included for a co-response for the majority of events assigned a Mental Health Call Type, which does not meet community needs for a mental health specialist response during mental health emergencies.

BPD response times for Mental Health Incidents have been increasing in recent years.

The median response time to Mental Health Incidents in January-March of 2023 was 32 minutes, with half of all calls receiving a response time within 13-91 minutes in that same quarter. This pattern persists despite most Mental Health Call Types occurring in public areas.

4. What characteristics of mental health and/or homelessness incidents in CAD can inform mental health emergency response operations?

Mental Health Incidents seem to be distinct from Homelessness Incidents. The frequency and consistency of unique as well as co-occurring Mental Health and Homelessness Incidents allows for informed predictions for the allocation of resources to meet these needs.

Considering that the volume of Mental Health Incidents and Homelessness Incidents are each relatively consistent throughout 2015-2023, the data can inform an approximate baseline of the resources required to sustain and expand mental health and homelessness services. Given the alarming rates at which individuals with mental illness are incarcerated in the United States, a public health approach would aim to limit incarceration and legal system involvement as much as possible for community members experiencing mental health crises. It is therefore worthwhile to continue investing in alternative models that utilize evidence-based practices for de-escalation of suicidality and other mental health emergencies, as well as for assessment and treatment crises related to both mental health and/or homelessness.

An analysis of Mental Health Incidents and Mental Health Dispositions by day of week and hour of day may be useful to inform mental health crisis response programs and planning.

Mental Health Incidents are more common from Monday through Friday compared to the weekends. On the other hand, Mental Health Dispositions have a more consistent daily volume, though they are slightly more common Friday through Sunday compared to the rest of the week. These data may represent different patterns of caller behaviors on weekdays versus weekends, different patterns of officer behaviors on weekdays versus weekends, or different patterns of crisis events between weekdays and weekends. Bearing in mind the potential different interpretations of mental health related crises and the limitations of CAD, the data presented in Appendix B may be useful to planning mental health crisis response services.


Recommendations

Recommendations

The data presented in this report may help the City of Berkeley provide behavioral health and homelessness services that meet the needs of community members without relying on law enforcement to address social service and health needs. These recommendations were derived from the conclusions by identifying key areas of intersection and overlap and were discussed with City staff from multiple departments to identify the utility and feasibility of recommendations.

Recommendation #1

Use mental health services and crisis response data – not CAD - when assessing the volume and characteristics of mental health, substance use, and/or homelessness needs.

There are substantial limitations to the data collected in CAD that preclude it from being the sole source of information to assess the community's mental health needs. These limitations, exacerbated by the nature of the quickly evolving crisis response environment, mean that there are too many potential interpretations of CAD data to be able to use CAD for a behavioral health landscape assessment. Nor are specific behavioral health characteristics identifiable through CAD data.

Improving CAD to a degree that would make such an assessment feasible with this system alone (e.g., updates to call types and call type assignment practices, narrative notetaking protocols, disposition assignment), would require substantial City resources. Additionally, once those improvements were made, it would take time – likely several years – before those changes would be reflected in the data. Moreover, some limitations cannot be addressed, such as different interpretations between callers, dispatchers, and police officers of what constitutes a mental health related event.

Additionally, if changes were made to Dispatch's call-taking or call-routing procedures but police were still the only available response team for those calls, then the adoption of new protocols would likely be low and/or inconsistent. CAD was designed for dispatching police and documenting potential penal code violations and is serving that purpose, so there is limited utility in changing call-taking procedures if there is not a different response option for those calls (e.g. a behavioral health crisis specialist). In contrast, service data from behavioral health specialists could likely provide more details on the characteristics of behavioral health events with the opportunity to continuously refine data collection and service provision according to evidence-based behavioral health and crisis response practices.

Recommendation #2

Use the presented CAD data on frequency and consistency of Mental Health Incidents as a baseline when planning for resource provision and capacity of mental health specialists, while anticipating an increase in volume of these services over time.

Berkeley community members call 911 for mental health and homelessness-related crises at a relatively consistent volume year after year. However, more mental health-related calls are categorized and responded to as penal code violations rather than Welfare Checks, Mental Illness, or Suicide. Furthermore, Mental Health Incidents experience long response times and high rates of formal legal documentation, which, statistically speaking, presents risk of police violence, mistreatment, and criminalization of structurally marginalized groups and individuals, including those experiencing mental illness.

The relative consistency in call volume provides some predictability for planning alternative response programs, at least as a baseline level of predictable service volume. The City of Berkeley can use the following estimates to plan for mental health emergency services:

- **Annual average of 1,986 calls**, approximately 5 calls per day
- **Annual call volume ranging from 1,741 to 2,476 calls**, approximately 4-7 calls per day
- **Provide daily services** given there is no noticeable trend by day of the week
- **Provide 24-hour service** with potentially fewer teams from 1:00-6:00am when call volume trends lower

Planning around this initial baseline for services and planning to sustain such services over time may provide a more reliable way to meet City Council's goals of providing mental health, substance use, and homelessness specialists during emergencies without the use of law enforcement.

Recommendation #3

Address homelessness-related crisis needs through homeless service specialists rather than law enforcement.

The overlap between Homelessness Incidents and Mental Health Incidents appears relatively limited, suggesting that mental health crises do not often include homelessness characteristics. Instead, to address the needs of unhoused community members, the City of Berkeley should ensure sufficient homelessness-related services are available. This would support emergency responders and behavioral health specialists to focus their response on mental health and substance use crises.

Recommendation #4

Identify opportunities to improve coordination between emergency responders, community-based behavioral health providers, and emergency behavioral health specialists.

The findings of this CAD analysis suggest a need for a clear and consistent process to provide coordinated care by behavioral health specialists for behavioral health-related crises. There is sufficient CAD data to indicate formal legal documentation is a frequent and predominant outcome for Mental Health Incidents. Relatedly, MCT are rarely dispatched for a co-response with BPD and there is no existing mechanism to dispatch other behavioral health specialists to 911 calls without law enforcement.

Incidents that are low-priority penal code violations and have characteristics of mental health crises are at risk of receiving a lower response time than the crisis may require. Given that BPD has finite resources to respond to high-priority calls, it is important that dedicated mental health and substance use specialists are available to respond to mental health crisis calls where a penal code violation is not, or should not be, the primary concern.

In addition to formal and informal Standard Operating Procedures within BPD, there continues to be a need for addressing the mental health and behavioral health needs for community members who are high utilizers of emergency services. Such coordination may contribute to reducing the disparate impacts of law enforcement engagement on mental health consumers.

Appendix

V. Appendix A: Narrative Key Terms
VI. Appendix B: Data to Inform Emergency Response Operations
VII. Appendix C: High Resolution Map 1 & Map 2

Appendix A: Narrative Key Terms

RDA used the same list of key terms for the narrative search as the Auditor's Report.[38]

Mental Health Key Terms	
1056	Mania
5150	manic
sees things	mct
antipsychotic	medication meds
anxiety	mental
bacs	mh
bipolar	mobile crisis
bmh	nervous
bonita house	breakdown
breakdown	paranoi
case manager	peer support
counsel	pharmacist
crazy	psych
crisis	ptsd
deliri	residential care
deluded	schizo
delusion	seeing things
dementia	self harm
depress	self talk
disorder	social worker
dissociat	suicid
dual diagnosis	talking to self
first break	talk to self
hallucinat	therap
hear voices	trauma
hearing voices	treatment
hears voices	unable to talk
ideation	warm line
john george	warmline

Homelessness Key Terms	
bacs	harrison house
bfhp	homeless
camped out	homeless outreach
person down	housing status
berkeley covid	living on the street
respite	nomad
berkeley drop in	obstructing sidewalk
center	shelter
berkeley community	sleeper
resource center	street outreach
women's daytime	tent
drop-in center	transitional housing
fred finch turning	unhoused
point	pathways
berkeley food and	vagrant
housing project	no address
dorothy day	no residence
encamp	undomicilized
encampment	coordinated entry

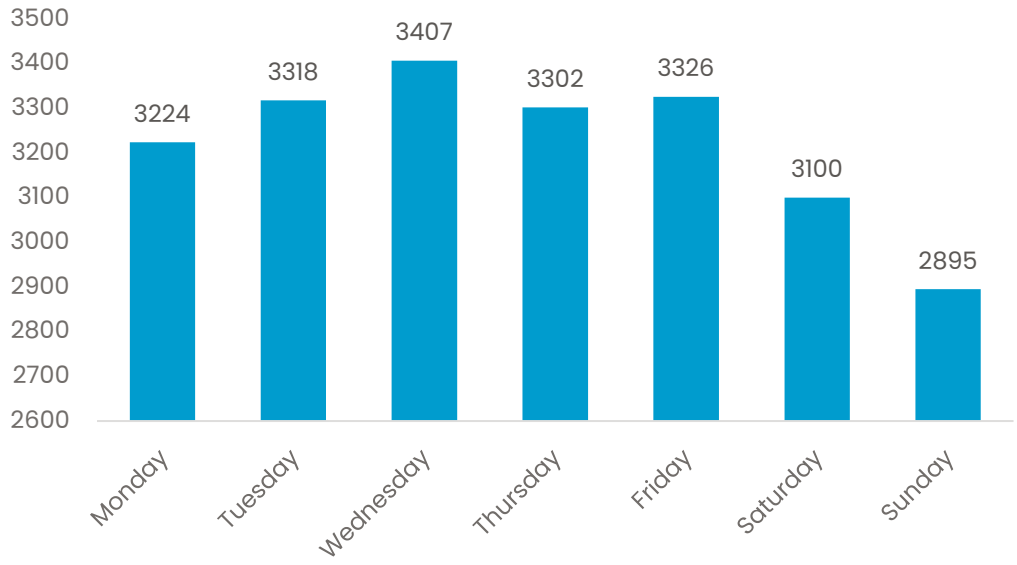
[38] Berkeley City Auditor. (2021, April 22). *Data analysis of the City of Berkeley's police response.* https://berkeleyca.gov/sites/default/files/documents/2021-05-11%20Item%2029%20Audit%20Report%20%20Data%20Analysis.pdf

Appendix B: Data to inform emergency response operations

One of the guiding questions for the CAD analysis was to assess characteristics of mental health, substance use, and/or homelessness incidents in CAD that could be useful for informing behavioral health emergency services. Such an assessment of CAD data could contribute to the Reimagining Public Safety Initiative's goal of reducing BPD's scope of work to "primarily violent and criminal matters."

In this appendix, we present the frequency of Mental Health Incidents by day of week (Figure 7), Mental Health Dispositions by day of week (Figure 8), Mental Health Incidents by hours (Figure 9), and Mental Health Dispositions by hour (Figure 10).

Figure 7: Mental Health Incidents* by Day of Week (CAD, 2021-2023)



**Mental Health Incidents include an event that have a Mental Health Call Type and/or Mental Health Key Terms*

Figure 8: Mental Health Dispositions by Day of Week (CAD, 2021-2023)

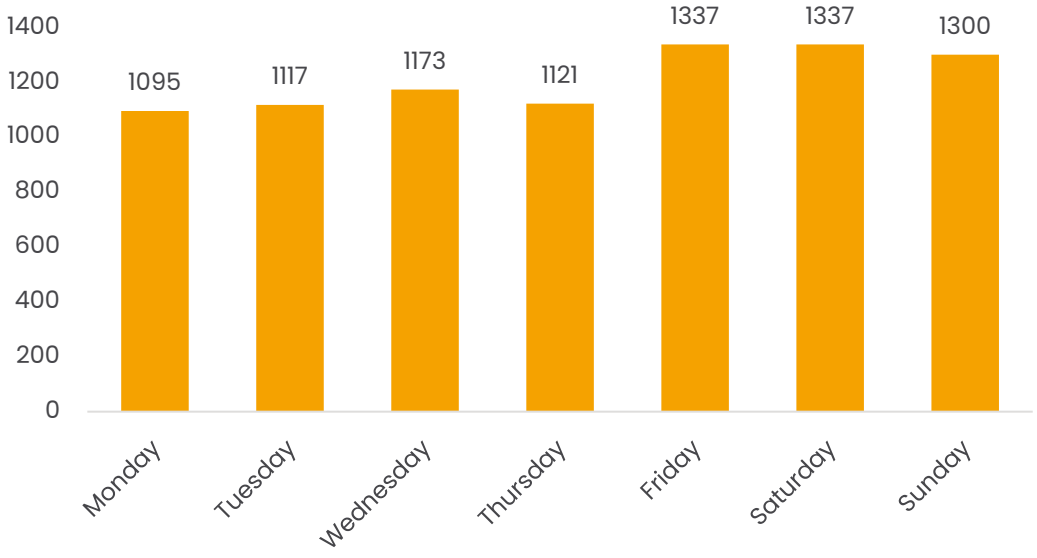
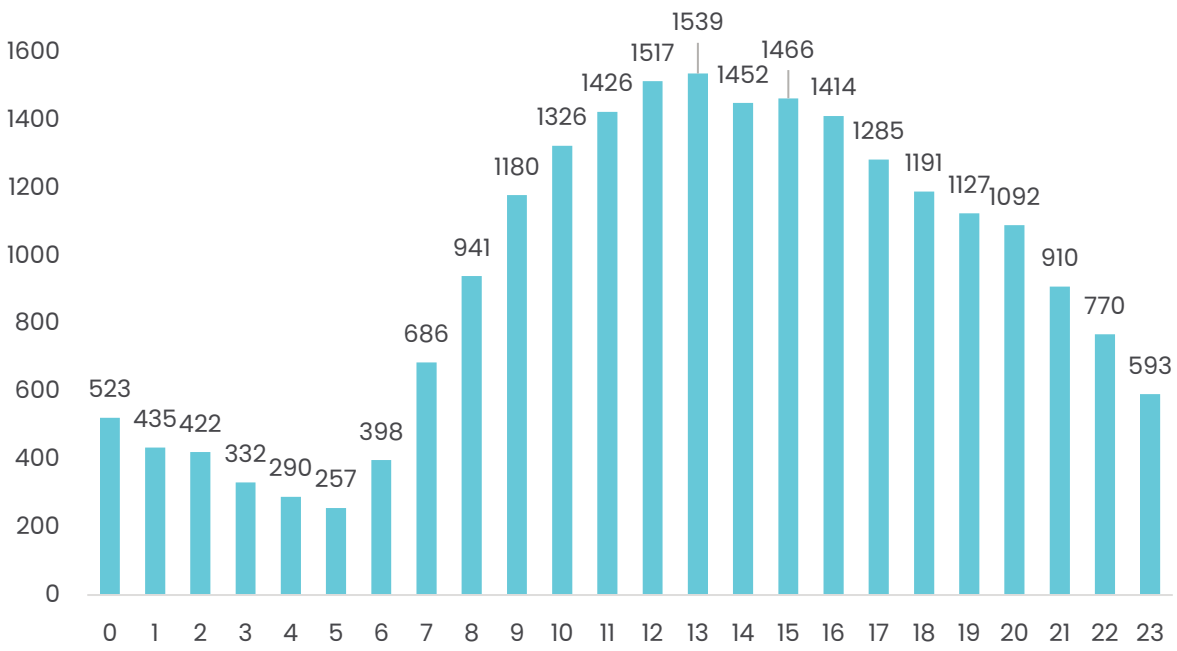
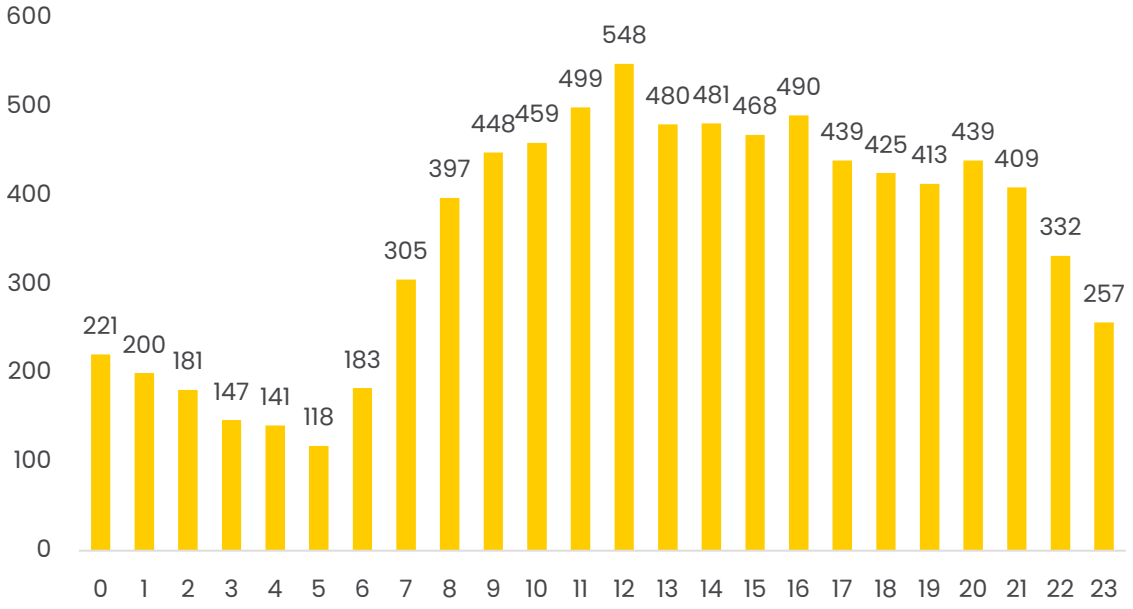


Figure 9: Mental Health Incidents* by Hour of Day (CAD, 2021-2023)

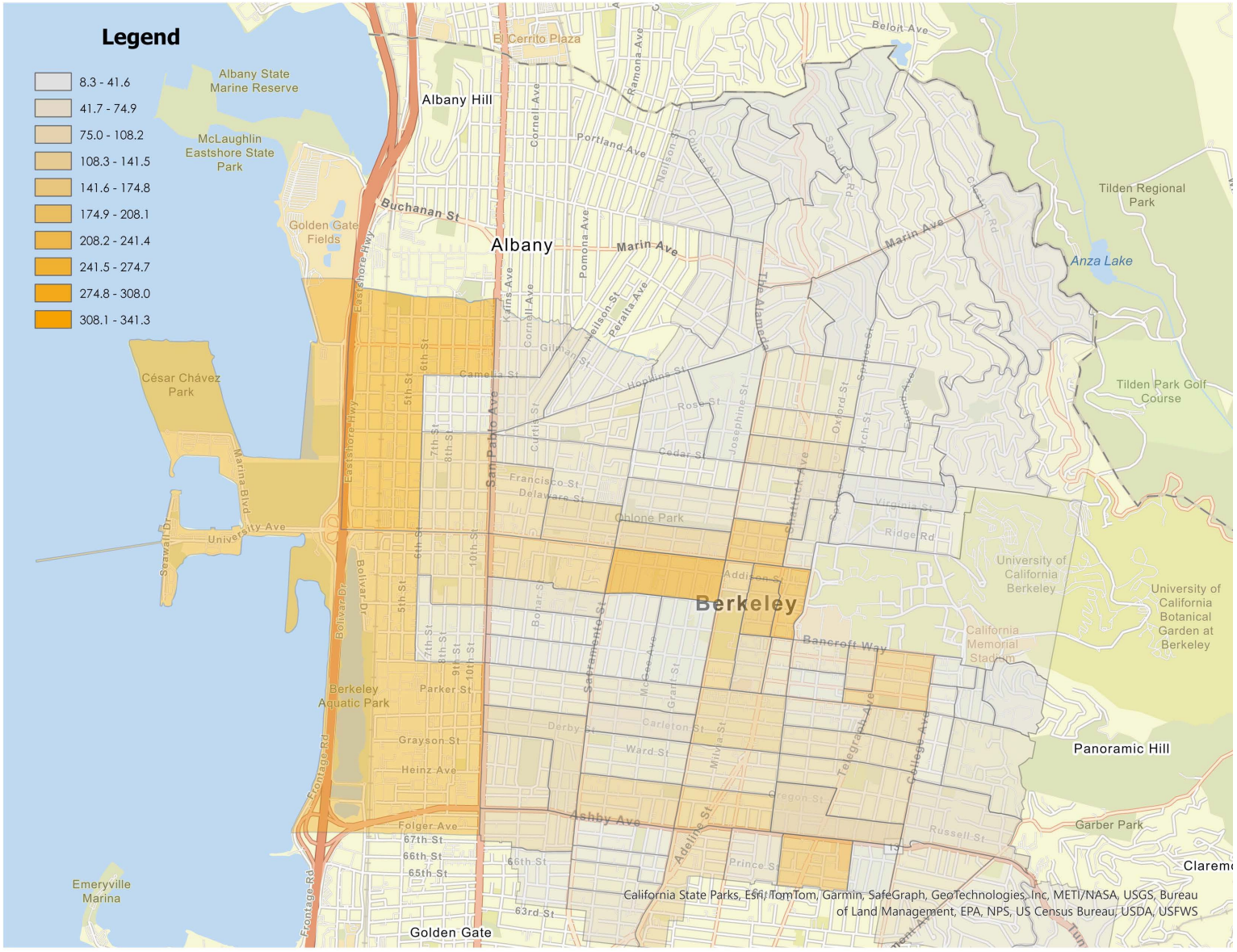


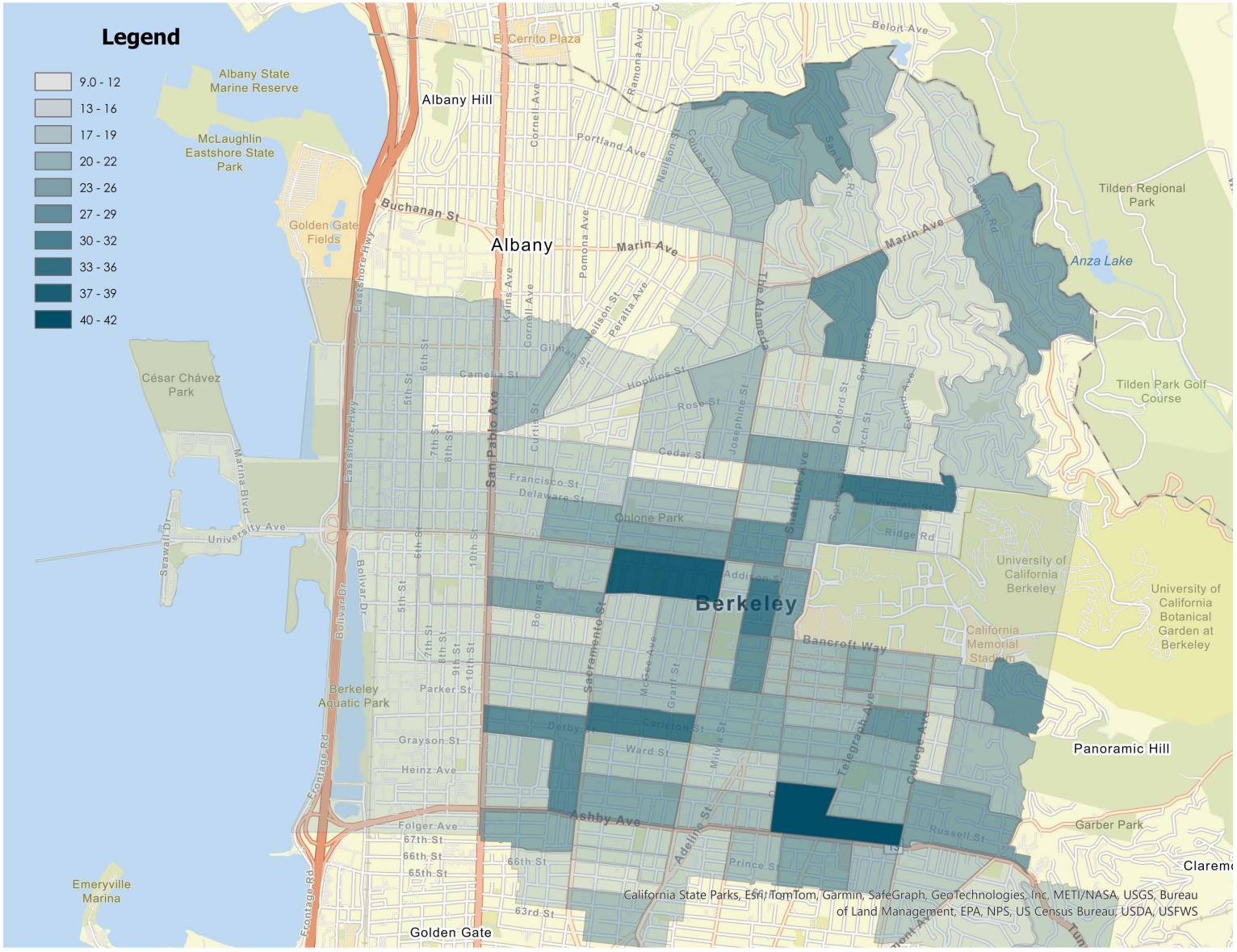
**Mental Health Incidents include an event that have a Mental Health Call Type and/or Mental Health Key Terms*

Figure 10: Mental Health Dispositions by Hour of Day (CAD, 2021-2023)



Appendix C: High Resolution Map 1 & Map 2

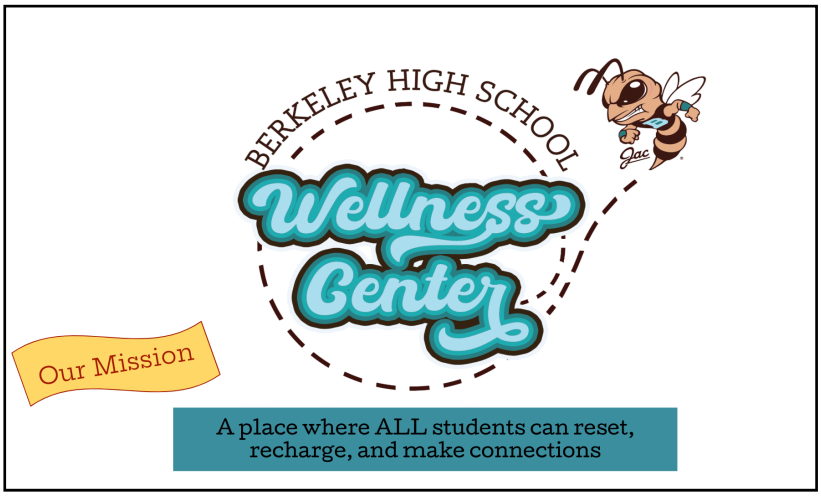

Legend
8.3 - 41.6
41.7 - 74.9
75.0 - 108.2
108.3 - 141.5
141.6 - 174.8
174.9 - 208.1
208.2 - 241.4
241.5 - 274.7
274.8 - 308.0
308.1 - 341.3
Albany State Marine Reserve
McLaughlin Eastshore State Park
Golden Gate Fields
César Chávez Park
Albany Hill
El Cerrito Plaza
Albany
Berkeley
Berkeley Aquatic Park
Emeryville Marina
Golden Gate
Tilden Regional Park
Anza Lake
Tilden Park Golf Course
University of California Berkeley
University of California Botanical Garden at Berkeley
California Memorial Stadium
Panoramic Hill
Garber Park
Claremont
Ohlone Park
Buchanan St
Marin Ave
Portland Ave
Beloit Ave
Ramona Ave
Cornell Ave
Pomona Ave
Kains Ave
Neilson St
Peralta Ave
The Alameda
Gilman St
Hopkins St
Camelia St
Rose St
Cedar St
Josephine St
Oxford St
Spruce St
Arch St
Euclid Ave
Ridge Rd
Addison St
Bancroft Way
Dwight Way
Channing Way
Haste St
Virginia St
San Pablo Ave
Eastshore Hwy
Curtis St
Bolar St
Sacramento St
McGee Ave
Grant St
Milvia St
Telegraph Ave
College Ave
Adeline St
Shattuck Ave
Marina Blvd
University Ave
Seawall Dr
Bolivar Dr
Frontage Rd
Parker St
Grayson St
Heinz Ave
Folger Ave
Ward St
Carleton St
Derby St
Ashby Ave
Russell St
Prince St
Oregon St
67th St
66th St
65th St
63rd St
5th St
6th St
7th St
8th St
9th St
10th St
California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS


Legend
9.0 - 12
13 - 16
17 - 19
20 - 22
23 - 26
27 - 29
30 - 32
33 - 36
37 - 39
40 - 42
Albany State Marine Reserve
McLaughlin Eastshore State Park
Golden Gate Fields
César Chávez Park
Albany Hill
Albany
Berkeley
El Cerrito Plaza
Beloit Ave
Ramona Ave
Cornell Ave
Portland Ave
Neilson St
Colusa Ave
Buchanan St
Pomona Ave
Marin Ave
Kains Ave
Peralta Ave
The Alameda
Tilden Regional Park
Anza Lake
Clarem
Tilden Park Golf Course
Eastshore Hwy
Gilman St
Camellia St
Hopkins St
Rose St
Cedar St
Josephine St
Oxford St
Arch St
Euclid Ave
San Pablo Ave
Curtis St
6th St
5th St
7th St
8th St
Francisco St
Delaware St
Chlone Park
Ridge Rd
Addison St
Shattuck Ave
Marina Blvd
University Ave
Seawall Dr
Bolivar Dr
10th St
9th St
Bonar St
Sacramento St
McGee Ave
Grant St
Bancroft Way
University of California Berkeley
California Memorial Stadium
University of California Botanical Garden at Berkeley
Berkeley Aquatic Park
Parker St
Derby St
Carleton St
Ward St
Milvia St
Telegraph Ave
College Ave
Panoramic Hill
Grayson St
Heinz Ave
Frontage Rd
Ashby Ave
Folger Ave
67th St
66th St
65th St
Adeline St
Prince St
Russell St
Garber Park
Emeryville Marina
63rd St
Golden Gate
California State Parks, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

APPENDIX E

Mental Health & Wellbeing Coordinator Impact Report

Mental Health & Wellbeing Coordinator



Mental Health & Wellbeing Coordinator

The City of Berkeley's $350,000, two year investment, in student mental health and wellbeing has provided Berkeley High School (BHS) with an essential administrator that made the concept of a Wellness Center at Berkeley High School a viable option. BHS opened a Wellness Center in December of 2023. This role enables BHS, to fulfill a common goal with the City of Berkeley, to reduce the stigma and barriers associated with student access to mental health support. We know that if students have access to on campus support, they are more likely to connect to staff, providers, and services that can help.

The MHW Coordinator is housed in the Wellness Center. This role works in concert with the site administration and other stakeholders to implement infrastructure for students to access a continuum of support for socio-emotional and mental health needs. Students and staff previously navigated these dimensions of wellness alone, without a school based hub that connected them to an accessible system of care.

The MHW Coordinator implements processes and practices that make supports and resources accessible for any/all 3200 Berkeley High School students. Students with 504 plans or Individualized Education Plans (IEPs) represent 36% of student visitors (Fall '24 monthly average). Our drop-in data indicates that focal groups of underrepresented students are accessing the Wellness Center. Fall semester, 53.5% of visitors identified a Black or Latino.

PRIORITY 1
LOWER AFFECTIVE FILTER

PRIORITY 2
IMPROVE SELF AWARENESS, MANAGEMENT, CONNECTION

PRIORITY 3
INCREASE STUDENTS' WELLNESS EDUCATION

Areas of Focus



Psycho Education
Counselor Training

Parent Education

Prof. Dev. Sessions



Tiered Support
Care Response

Safety Plans

Coord. of Services Team



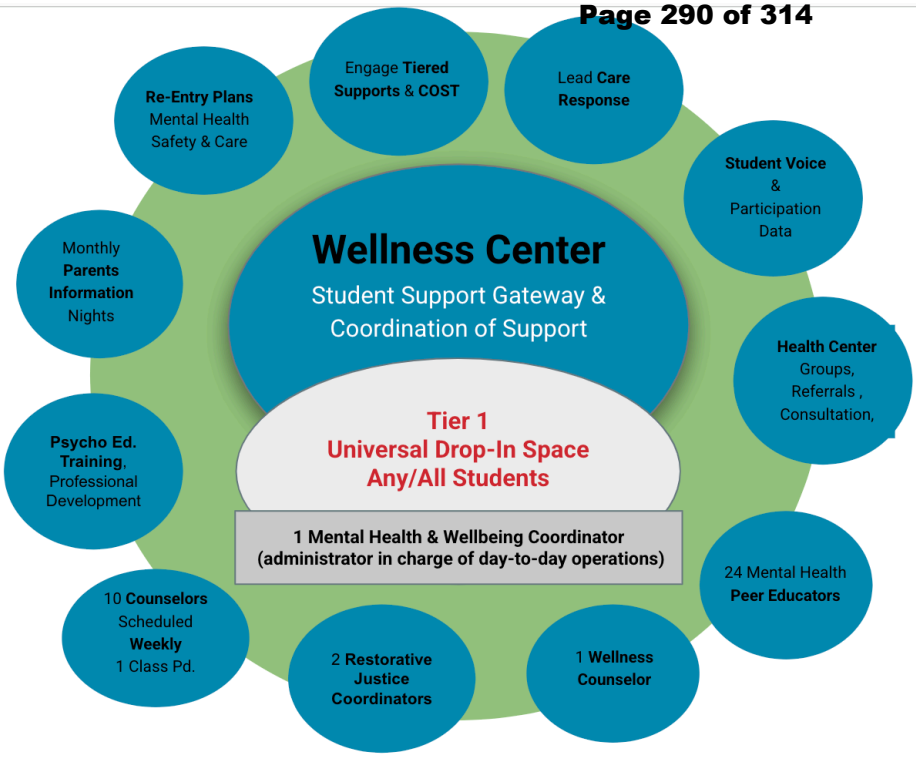
Student Services
Universal Drop-In

MH Peer Educators

Brief Interventions

Health Center Referrals

Tier 2 Group Space



Response to Student Need

Quick Facts '24-'25

28 Care Responses
August-February

8 Family/Student Re-Entries
following mental health hospitalization

54 student referrals
to tiered supports for 4+ times visitors

- Brief Intervention w/School Counselor
- SSTs, COST, 504s,
- Niroga Mindfulness
- Health Center
- Rest. Justice
- IEP

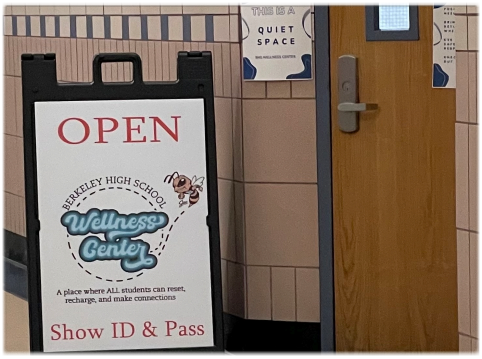
Wellness Center priorities keep us centered on intended student outcomes. We want students to develop healthy coping strategies to deal with stress, anxiety, life altering events, and to navigate interpersonal relationships.

Implementation Plan

Year 1	2023-24 Design & Open Wellness Center	• Needs Assessment Alignment, BUSD & BHS Aligned Goals • Wellness Center Staffing and Schedule • Data Collection, Professional Development, Calibration
Year 2	2024-25 Data Analysis & Staff Collaboration	• Onboard counseling department to data collection that compliments Wellness Center work plan • Systematize Mental Health Reentries and safety plans • Articulate Tier 2, 3 supports, including brief interventions
Year 3	2025-26 CYBHI Service Reimbursement & School Counseling Services	• Implement fee schedule reimbursement • Onboard Wellness Coach, expand counselor and classroom wellness practices • Incorporate updated site & district continuous improvement goals and action plan items to work plan
Year 4	2026-27 Review Continuum of Care Completion & Program Assessment	• RDA Needs Assessment items should be implemented • Counseling & Wellness coordination of services should be systematized and site action plan items should be in progress or operationalized • Multi Tiered System of Support site self assessment

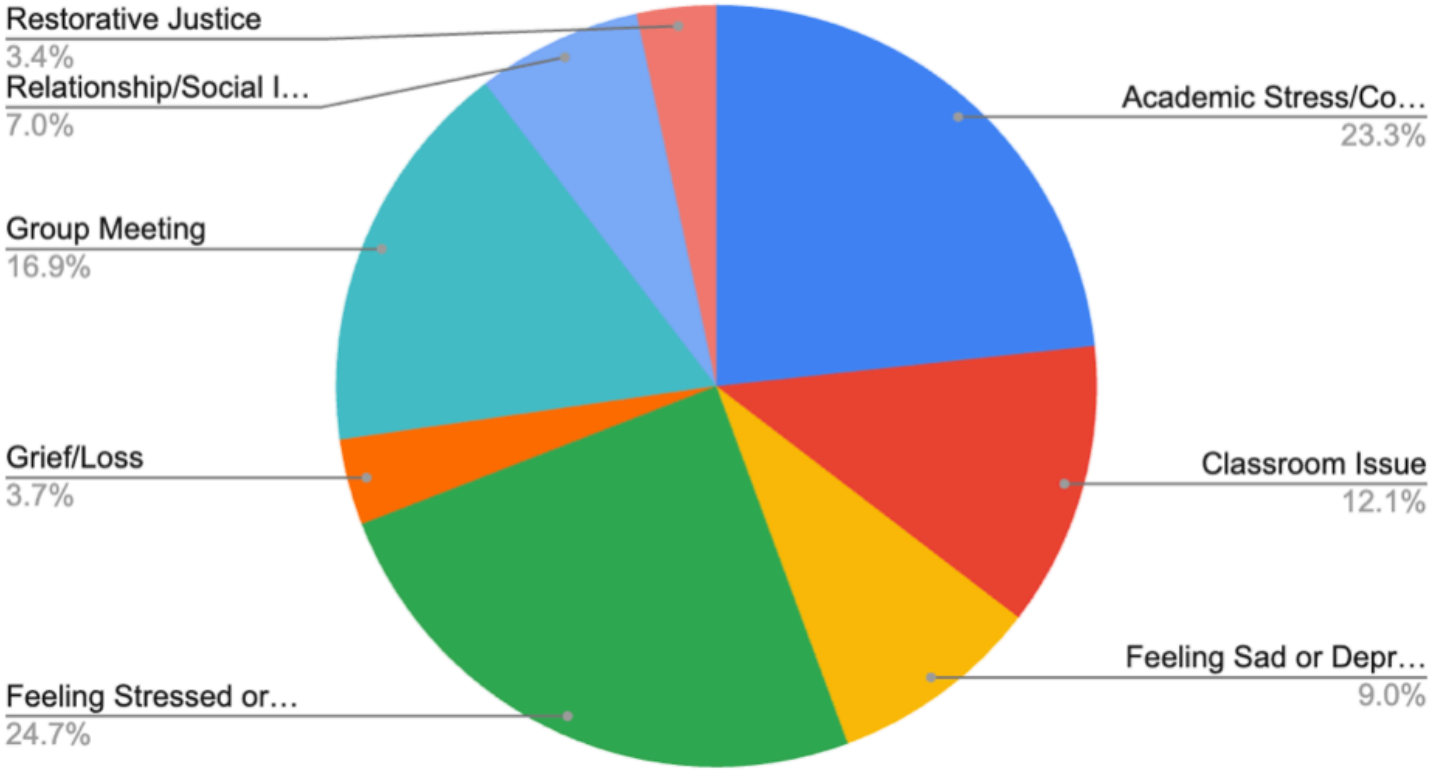
Student Drop-In Data

Spring '24: 1st Semester WC Open Drop-In	# STU
Total Student Contacts: Jan. - May 2024	1120
Unduplicated Contacts: Jan. - May 2024	380
Fall '24: 2nd Semester WC Open Drop-In	**# STU**
Total Student Contacts: Aug. - Dec. 2024	1395
Unduplicated Contacts: Aug. - Dec. 2024	425



Hours: 8:40am - 3:25pm
Monday-Friday

Student Screener Captures Reason for Drop-In Visit



% Activity Selected	Student Selected Activity Type	Who or What (Fall '24)
50.6%	Sit & Calm	Self-regulate, take break, that could be sitting calmly or utilizing the various quiet corners and cubbies
34.3%	Check-In w/Staff	Restorative Justice Staff, Wellness Counselor, School Counselors, Niroga
6.5%	Journal, coloring	Ind. student books, community coloring table
4.5%	Arts/Crafts/Sensory Activity	theraputty, kinetic sand, etc.
4.2%	Peer Check-In	Mental Health Peer Educator

The Mental Health & Wellbeing Coordinator works across teams and with all stakeholders to establish a systemwide Community of Care.



BERKELEY HIGH ALUM WELLNESS CTR. DESIGN TEAM



CURRENT WELLNESS CENTER STAFF



BHS MENTAL HEALTH PEER EDUCATORS COHORT 1, 2023-24

Acknowledgments

The work of the Mental Health & Wellbeing Coordinator is only possible thanks to the tenacity and advocacy of a group of students, now Class of 2022 alumni (Ginger, Lily, Eva, Haley, and Mary) who rallied support among the City of Berkeley city council members to address the unmet mental health needs among students.

The city's substantial investment was entrusted to BUSD to implement infrastructure, tiered & differentiated supports, and mental health crisis prevention at Berkeley High School. We work to provide all students with access to trained, caring adults and safe spaces. Special thanks to leaders in Berkeley Department of Health, Housing and Community Services (HHCS), and our Health Center partners.

New Accessible Resources

Counseling & Wellness Webpage

Monthly Parent Ed Topics

Connecting Beyond Conflict: Effective Communication Strategies

Understanding Attachment Theory: Building Stronger Connections w/Your Child

Peer Mental Health Educators

Wellness Wednesdays

46 Classroom Presentations = 1k students w/Mental Health education

Suicide Prevention Videos

#1:Black Mental Health

#2: Breaking the Silence (2nd place)

#3: Echoes of Hope: A Journey Through Darkness (Honorable Mention)

APPENDIX F

Domestic and Intimate Partner Violence Draft Recommendations

AGENDA

Mayor Adena Ishii: Vacant	**Rashi Kersarwani**: Vacant	**Terry Taplin**: Vacant
Ben Bartlett: Kameka Goodwin	**Igor Tregub** Shirley Posey	**Shoshana O'Keefe** Kera Binns
Brent Blackaby: Chair-Carole Marasovic	**Cecilia Lunaparra**: Keyanna Ortiz-Cedeno	**Mark Humbert** Vacant

All items are for discussion and possible action.

1. Roll Call.
2. Reading of Land Acknowledgment.
3. Public Comments for Items not on the Agenda.
4. Approval of the Agenda. Discussion and Possible Action.
5. Approval of the November 20, 2024 minutes. Discussion and Possible Action.
6. Review and Approval of 2025 Calendar for Commission on the Status of Women Meetings. Discussion and Possible Action.
7. Chair Report. Discussion Only.
8. In-depth Discussion of Domestic Violence/Gender-Based Violence Recommendations. Discussion and Possible Action.
9. Further development of work plan. Discussion and possible action.
10. Adjourn

ADA Disclaimer "This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least five

business days before the meeting date. Please refrain from wearing scented products to this meeting.”

Communications Disclaimer
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SB 343 Disclaimer
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the City Manager’s Office located at 2180 Milvia Street, 5th Floor.

Commission Contact Information
Okeya Vance-Dozier, Secretary
Commission on the Status of Women
2180 Milvia Street, 5th Floor, Berkeley, CA 94704
510/981-7239 (Office)
510/529-5376 (Cell)
Ovance-dozier@berkeleyca.gov (email)

Commission on the Status of Women
Regular Meeting – November 20, 2024
DRAFT- MINUTES

The meeting convened at 7:03pm with Chairperson Marasovic presiding.

ROLL CALL

Present: Posey, Binns, Marasovic
Absent:
Leave of Absence: Goodwin, Ortiz-Cedeno

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Comments from the Public

- Public attendance: 0
- Public comments: 0

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Action Items:

Item # 1:
Approval of Agenda. Discussion and Possible Action.

M/S/C: Binns, Marasovic
Ayes: Posey, Binns, Marasovic
Absent: Ortiz-Cedeno, Goodwin
Leave of Absence:

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Item # 2:
Approval of the Minutes from September 18, 2024 COSOW Meeting. Discussion and Possible Action.

M/S/C: Binns, Posey
Ayes: Posey, Binns, Marasovic
Absent: Ortiz-Cedeno, Goodwin
Abstain:
Leave of Absence:

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Item # 3:
Empowering East Bay Girls: Trends, Needs, and Opportunities for Partnership
Presentation from Julayne Virgil, CEO of Girls Inc of Alameda County. Discussion, no action taken.

M/S/C:
Ayes:
Absent:
Leave of Absence:

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Item # 4:
Tour of Bridget House
Tour Date: December 5, 2024 @ 1pm.

M/S/C:
Ayes:
Absent:
Leave of Absence:

//////////////////

Item # 5:
Discussion and Possible Letter to Council on Staff Recommendation on Domestic Violence/Gender-Based Violence. Discussion and Possible Action.
Motion to submit a letter to Council regarding the staff recommendations on DV and gender-based violence.

M/S/C: Binns, Posey
Ayes: Posey, Binns, Marasovic
Absent: Ortiz-Cedeno, Goodwin
Leave of Absence:

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Item # 6:
Vice-Chair Election. Discussion and Possible Action.
Motion made by Commissioner Marasovic to Elect Commissioner Binns as Vice-Chair for the Commission on the Status of Women which was seconded by Commissioner Posey.

M/S/C: Marasovic, Posey
Ayes: Posey, Binns, Marasovic
Absent: Ortiz-Cedeno, Goodwin

Leave of Absence:

Item # 5:
Work Plan. Discussion and Possible Action.
No Action Taken.

M/S/C:
Ayes:
Absent:
Leave of Absence:

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The meeting was adjourned at 9:04pm

Respectfully Submitted,

Okeya Vance-Dozier, Secretary
Commission on the Status of Women

Commission on the Status of Women
Draft 2025 Meeting Schedule

1. Wednesday, January 15, 2025 at 7pm- Special Meeting
2. Wednesday, February 19, 2025 at 7pm
3. Wednesday, March 19, 2025 at 7pm
4. Wednesday, April 16, 2025 at 7pm
5. Wednesday, May 21, 2025 at 7pm
6. Wednesday, June 18, 2025 at 7pm
7. Wednesday, July 16, 2025 at 7pm
8. Wednesday, September 17, 2025 at 7pm
9. Wednesday, October 15, 2025 at 7pm
10. Wednesday, November 19, 2025 at 7pm

City of Berkeley | Department of Health, Housing and Community Services

October 2024 Status Update: Domestic, Intimate Partner and Gender-Based Violence

Thid document provides an informational progress report for the Commission on the Status of Women, with regard to the City of Berkeley's Domestic, Intimate Partner and Gender-Based Violence work. This status update serves as a follow-up item to the Department of Health House and Community Service's presentation in April. The recommendations below reflect the feedback shared in the context of that April COSOW meeting, and other follow-up conversations. Sasha Gayle-Schneider, a representative from the HHCS Office of the Director team, would welcome hearing from you to set up a one-on-one conversation for more in-depth feedback and recommendation review.

The Department of Health Housing and Community Services is conducting a rigorous process to engage community members, clients, and service providers on priority policy areas in line with a "care-first" model of social service provision. Stakeholder input and feedback is collected through continued community-based surveying, one-on-one meetings with community leaders, community field outreach at encampments, shelters and service centers as well as via commission and community forum information reports. Additionally, HHCS conducted a review of best practices in the field of non-carceral social policy, building upon the work and legacy of working groups nation-wide who have sought to implement similar Care First Jails Last initiatives. HHCS then used evaluative criteria to measure the efficacy and feasibility of various interventions. Criteria include:

1) Harm Reduction: Does this recommendation reduce the number of people who cycle through crisis & carceral systems? Does this recommendation reduce the harm and trauma caused by those systems, to the individual?
2) Transformation: Does this recommendation reinforce the status quo, or would its implementation meaningfully create new pathways/investments in public safety (crisis diversion & stabilization)? Does this recommendation support the healing and long-term positive change for everyone involved in an incidence of violence?
3) Political Feasibility: Is this recommendation responsive to the needs and priorities of the Berkeley community?
4) Financial Feasibility: Is the implementation of this recommendation financially possible, given budgetary constraints?

HHCS has completed a rigorous best practice research review, will continue to gather crucial community feedback, and has identified the following interventions:

- Recommendation 1: Restorative Justice & Circle Work
- Recommendation 2: Financial Stabilization & Independence
- Recommendation 3: Language Access for Survivors of Violence
- Recommendation 4: Support for Emergency Shelter Beds for Survivors of Violence
- Recommendation 5: Young People's Involvement in Community Violence Survey
- Recommendation 6: Trauma-Informed, Non-Carceral Crisis Response
- Recommendation 7: Law Enforcement Protocol Responding to Occupational Survival Crimes

Recommendation 1: Restorative Justice & Circle Work

Needs Assessment

In the City of Berkeley, survivors of violence have few pathways to seek justice, most of which currently involve the court system or other carceral means. The Alameda County Court System offers survivors of inter-personal violence can access a public defender and a court-appointed representative from the Victim & Witness Services Division. This representative can provide the survivor with restitution support, crisis intervention, court escort, employer intervention and witness relocation. They cannot, however, facilitate a healing or justice-seeking process outside of a court or carceral system.

The Department of Health, Housing and Community Services (HHCS) are surveying members of the public who self-identify as having survived incidence of violence, on their social service support system experiences, needs, preferences and priorities.

HHCS has also conducted a review of Restorative Justice best practices, utilized by other municipalities. Studies show that incarceration does not produce behavioral transformation amongst those who have perpetrated acts of harm, nor does it support long-term safety, security and justice for the survivor. Restorative Justice (RJ) circles offer a different pathway forward – one in which the person(s) who have survived the harm and the person(s) who have committed an act of violence are both cared for, healing and seeking justice in the context of their community setting.

Project Proposal

Establish an effective restorative justice program, crisis mediation and violence prevention program to mediate within a community, multiple individuals, or family system. The City of Berkeley hopes to secure funding for a two-year pilot, sub-contracting with a local Community Based Organization (CBO) to deliver Restorative Justice services to COB residents. The drafted scope of work for this project includes:

- 2 FTE for a 2-year pilot contract. Peer educators with a Transformative Justice background and/or social workers who will be trained on the job. RJ Practitioners are not case managers, clinicians, therapists or court advocates.
- RJ Practitioners facilitate a conflict mediation process outside of the court system and can refer to others who can support the survivor in getting other safety/financial need met.
- RJ practitioners will work closely with Berkeley Mental Health, the Specialized Care Unit, Berkeley Police Department and Community-Based Organizations across the city to triage referrals.
- All survivors of inter-personal, domestic, intimate partner, or gender-based violence can connect with an RJ practitioner through referral process and request a circle/mediation process.
- Mediation circles can be facilitated instead of or in addition to a simultaneous court process – should the survivor also wish to pursue legal action in response to the harm.

Current Progress and Next Steps

The City Manager's Office and HHCS are exploring State and Federal grant opportunities with contracted partner, California Consultants, which is providing support with all projects related to the Reimagining Public Safety initiative.

Recommendation 2: Financial Stabilization & Independence

Needs Assessment

Through conversations with front-line service providers, Case Managers at local Community-Based Organizations, the Commission on the Status of Women, and HHCS leadership, stakeholders concur that there is a need for greater coordinated care across the City of Berkeley. Job training programs are among the areas most in-need of further coordination, as many residents are under-employed or unable to get connected to adequate opportunities that would support long-term financial security. When community members receive job training and connection to meaningful, community-based employment opportunities, one's access to greater financial security, housing opportunity and other social securities grow in abundance.

Project Proposal

HHCS proposes coordinating services amongst pre-existing and funded employment programs, case management services, and build relationship with employment programs for people who identify as survivors of domestic, intimate partner or gender-based violence – specifically LGBQ+, TGI and/or cisgender women. Social service agencies will utilize tax credits, stipends, vouchers (housing, transit or otherwise), motel conversions and/or cash benefit programs to address the costs incurred when cisgender women, LGBQ+ people and TGI people seeking safety away from abusive or violent relationships.

Current Progress and Next Steps

HHCS currently supports a number of under-utilized job training programs. Additionally, HHCS is developing a social service directory to better connect Berkeley residents to service providers, case managers, and relevant City of Berkeley resources. This directory, anticipated completion in early 2025, will list organizations phone numbers, website, where to access services in-person, and a brief description of the services offered. The social service directory categories include but are not limited to the following:

- Case Management & Support Navigating Benefits/Social Services
- Crisis Response
- Disability Rights & Advocacy
- Domestic, Gender-Based and Intimate Partner Violence Resources
- Job Training & Financial Stabilization Programs
- Harm Reduction & Substance Use
- Housing & Shelter
- Legal & Advocacy Assistance
- Immigration, Identification Documents & Translation Services
- LGBTQ+ Services
- Medical & Dental
- Mental Health
- Police Misconduct
- Shelter & Housing
- Youth & Family Services

Recommendation 3: Language Access for Survivors of Violence

Needs Assessment

In *Phase 2* of the Reimagining Public Safety initiative, the City Council allocated $15,000 to support the publication of resources for survivors of violence in plain language and multiple languages, both in print and digital formats. This funding is aimed at enhancing accessibility, ensuring that critical information and support services are available to all community members, including those with limited English proficiency and low literacy levels. This effort is in line with the recommendations from the Reimagining Public Safety Task Force Report and informed by Census Data analyzed by an Epidemiologist from the Public Health Officer's Unit.

Project Proposal

HHCS and the City Manager's Office are working in tandem to produce a comprehensive public resource document for survivors of domestic, intimate partner and gender-based violence. The resource document will be published in the top five most popular languages used by monolingual residents of the City of Berkeley and will be available in a variety of public spaces (libraries, social service centers, etc.).

Current Progress and Next Steps

The team aims to complete the translation and publication of victim resources by the end of the calendar year. As the initiative enters Phase 3, the DEI Officer will explore further projects to enhance language equity. This will support the expansion of resource translation, focusing on critical areas identified for sustainable and inclusive growth.

Recommendation 4: Support for Emergency Shelters

Needs Assessment

This intervention was made by Berkeley's Commission on the Status of Women (COSOW), requesting a rigorous needs assessment and review of the current emergency shelter services available for women, families, transgender, nonbinary and intersex people. COSOW members noted the need for increased bed capacity and accessible non-congregate shelters for Berkeley residence. HHCS partners with local shelters, whose staff and client base are comprised of survivors of violence and/or regularly support survivors in navigated domestic violence-specific resources.

Project Proposal

Phase 1: Conduct qualitative review of current service offerings and needs assessment of shelter quality of care, non-congregate bed capacity for survivors of domestic, intimate partner and gender-based violence.

Phase 2: Report on community survey learnings and integrate feedback into Berkeley's pre-existing 24/7 shelter programs, emphasizing short/medium term housing stabilization options, for survivors of domestic violence.

Current Progress and Next Steps

HHCS will continue to work with key community stakeholders including but not limited to Community Based Organizations leading the provision of Berkeley's shelter services, members of the Commission on the Status of Women, the Housing and Community Services division, as well as other community leaders in service provider settings, to establish a project scope and survey format.

Recommendation 5: Young People's Involvement in Community Violence Survey

Needs Assessment

Various organizational representatives and members of the Commission on the Status of Women identified a clear need to include young people (Transition Aged Youth 18-25 & high school aged Berkeley residents).

Project Proposal

The Office of the Director is working with a variety of Community-Based Organizations to scope a rigorous and thoughtful survey focused on domestic, intimate partner and gender-based violence related experiences people aged 14-18, and 18-25 may have in their lives and homes.

Current Progress and Next Steps

The City of Berkeley is building relationship with leadership from the UC Berkeley Tang Center Behavioral Health division and Berkeley High School's Mental Health Services program. These relationships, in addition to those with community leaders, will inform the project scope, feasibility and survey format and questions.

Recommendation 6: Trauma-Informed Non-Carceral Crisis Response

Needs Assessment

In their original recommendation reports for the Specialized Care Unit pilot project, Resource Development Associates identified the need for a non-police mobile response team to respond to selective, non-violent domestic disturbance calls for service. In tandem, Leadership from Berkeley Police Department, the Specialized Care Unit and the Department of Health, Housing and Community Services have identified a need to solidify such a policy, which already functions as standard operating protocol within BPD.

Project Proposal

This exploratory recommendation follows the best practice recommendations authored by the Los Angeles County Alternatives to Incarceration working group. Solidify pre-existing standard operating protocol within BPD: when BPD responds to a domestic disturbance call for service, and officers on site have determined their law enforcement presence is no longer needed, BPD can contact the Specialized Care Unit to support all parties on site in accessing post-crisis care. In doing so, the Berkeley's crisis response service network expands, diversifies and strengthens the City's ability to respond to low-level calls for service with appropriate, trauma-informed resources.

Current Progress and Next Steps

Leaders from the Specialized Care Unit (SCU) and Berkeley Police Department are standardizing a decision tree and protocol to responding to low-level, non-violence domestic disturbance calls. The Department of Health, Housing and Community Services will provide additional crisis scene management training to frontline SCU staff, as a part of the City's commitment to community safety and continuous improvements to quality of care.

Recommendation 7: Law Enforcement Protocol Responding to Occupational Survival Crimes

Needs Assessment

Sex work is currently criminalized and highly stigmatized in the United States. Individuals who engage in sex work as a means of survival are exposed to high levels of harassment, isolation, violence, housing and financial instability. "Sex worker" is a term to refer to people who work in all aspects of the sex trades, indoor and street-based, legal and criminalized, and can include people who trade sex for money as well as safety, drugs, hormones, and other survival needs such as food, shelter, clothing, or immigration status/documentation. Existing laws that criminalize sex work often prevent workers from reporting violence, rather than understand this work to be among many areas of survival-based professions – with participating workers deserving of protection and trauma-informed social services. (Excerpts from INCITE! website)

Project Proposal

Reassess law enforcement practices and policies on arrests/bookings for sex work, especially given the racial disparities with respect to Black women. Prioritize pre-arrest diversion of cisgender women, LGBQ+ people and TGI people engaged in sex work with connection to job training and placement programs and peer outreach workers who can offer voluntary harm reduction services. This exploratory recommendation follows the best practice recommendations authored by the Los Angeles County Alternatives to Incarceration working group.

Current Progress and Next Steps

BPD and HHCS will collaborate, drafting updated protocols for consideration, to support a Care-First approach to sex work-related interactions with law enforcement officers.

APPENDIX G

Fair & Impartial Policing (FIP) Update Supporting Materials

From: Chief Jen Louis, Berkeley Police Department
Co-signed by: Chair Josh Cayetano, Police Accountability Board
Date: May 5, 2025
To: Berkeley City Council Public Safety Policy Committee
Subject: Fair & Impartial Policing (FIP) — Final Status and Recommendation

The work of Mayor Arreguin's Fair and Impartial Policing (FIP) Task Force represents a significant commitment by the City of Berkeley to foster greater trust, equity, and accountability in policing within our community. In 2021, following the foundational work of FIP Task Force, the Berkeley City Council approved a comprehensive package encompassing 14 key recommendations designed to achieve these goals. We are pleased to report that over the past four years the Berkeley Police Department (BPD) has implemented the council-approved FIP recommendations. This process involved regular quarterly updates from BPD and concluded with a thorough review by the Police Accountability Board (PAB). Furthermore, all related datasets now appear on the Transparency Hub, giving the PAB, Council, and the community continuous access to data for effective oversight.

Qualified Positive Recommendation

BPD and PAB jointly **request the Public Safety Policy Committee make a qualified positive recommendation** of the PAB's item for the following policy areas already incorporated into day-to-day operations:

PAB Recommendation	Refined Action
1. Three-prong approach	Maintain the current traffic safety approach, which has led to a measurable decline in equipment-based stops and improved equity in stop outcomes across demographic groups
2. Evidence-based stops	Require evidence-based stops that meet reasonable-suspicion standards and rely on precision-policing data.
3. Enhanced implicit bias training	Continue to prioritize ABLE, KIND and CIT training for departmental personnel.
4. Early Intervention System (EIS)	Finish deploying the Benchmark Analytics Early Intervention System within the calendar year and prioritize revising BPD Policy 1041, Early Warning System.
8. Business cards	Continue issuing business cards that list commendation and complaint options.
9. Resources on police-civilian encounters	Continue to post links to ACLU guidance on police-civilian interactions through existing city webpages.
(To council) **3. Require BPD to report biannually**	Include in BPD's Annual Report a data-driven analysis of traffic enforcement, including moving and equipment violations. This analysis will support departmental reporting on collision data and serve as a measure of effectiveness, in line with BPD's commitment to ensuring our enforcement efforts are fair and impartial.

Additional Points

- **Transparency is permanent.** Stop and search metrics refresh daily online via the Department's Transparency Hub without staff intervention, providing timely transparency. As such, additional written updates through this process are no longer necessary.
- **Enforcement focus:** Guided by Fair and Impartial Policing principles and data analysis, BPD's enforcement efforts increasingly prioritize actions directly addressing public safety needs. The PAB's charter-defined oversight responsibilities play a key role in ensuring this focus remains consistent and equitable.
- **Collaboration continues.** BPD and PAB maintain regular communication and operate within the collaborative framework established by the City Charter. Either party may initiate dialogue on emerging or ongoing issues. With the conclusion of the FIP implementation reporting, no additional standing reporting cycle is proposed at this time; however, routine collaboration between the parties will continue as part of standard practice.

Closing the FIP Task-Force Item

The core principles of fair and impartial policing have been fundamentally integrated into the Department's ongoing policies, training, and operational practices. These practices reflect a sustained, department-wide commitment to equity and accountability. Given this progress, and in recognition of the collaborative work already achieved, we jointly recommend that the PSPC make a qualified positive recommendation on the PAB-endorsed items, issue negative recommendations on the remaining proposals, and advise the City Council to formally close the FIP item as a concluded policy initiative.

Thank you for the opportunity to streamline this material for Council review and consideration.

Respectfully

J Louis

Chief Jennifer Louis
Berkeley Police Department

Joshua Cayetano

Joshua Cayetano, Chair
Police Accountability Board

BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE
SPECIAL MEETING MINUTES

Thursday, May 8, 2025
12:30 PM

Cypress Room – 2180 Milvia Street, 1st Floor, Berkeley, CA 94704

Committee Members:

Councilmembers Rashi Kesarwani, Shoshana O'Keefe, and Brent Blackaby
Alternate: Mayor Adena Ishii

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

Use this URL https://cityofberkeley-info.zoomgov.com/j/1612176798 to access the meeting remotely. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 161 217 6798.** To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

MINUTES

Roll Call 12:31 p.m.

Present: Kesarwani, O'Keefe, Blackaby

Absent: None

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - March 24, 2025
Action: M/S/C (Kesarwani/Blackaby) to approve the March 24, 2025 minutes.
Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Police Accountability Board Report: Fair and Impartial Policing Implementation
(Item contains supplemental material)
From: Police Accountability Board
Referred: January 27, 2025
Due: June 16, 2025
Recommendation: Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:
Recommendations to the Berkeley Police Department
1. Three-prong approach.
a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted.
b. Primary Collision Factors: This prong should specify the mode of the party at fault.
c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report.
d. Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and

fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.
e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach's impact on reducing racial disparities in traffic stops.
2. Evidence-based definition for stops of criminal suspects:
a. Establish an evidence-based definition for stops of criminal suspects.
b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects.
3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias.
4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality.
5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation.
6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them.
7. Profiling by proxy: Future BPD updates should specify what instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service.
8. Business cards: Ensure that business cards are distributed as mandated by the Council directive.
9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

Recommendations to the Police Accountability Board
1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training.
2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.
Recommendations to the Berkeley City Council
1. Establish metrics to assess the success of implementing FIP directives. Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives.
2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented.
3. Require BPD to report biannually on:
a. Traffic stops by each prong of their 3-prong framework and by race within each prong.
b. Stop, search, and arrest data by probation/parole status and race.
c. Calls for service by the race of the reporter and reportee.
Financial Implications: See report
Contact: Hansel Aguilar, Commission Secretary, (510) 981-4950

Action: 1 speaker. M/S/C (Blackaby/Kesarwani) to send item to City Council with a qualified positive recommendation highlighting the refined actions agreed upon by PAB and BPD as captured in their joint letter, and to close the Fair and Impartial Policing (FIP) Task Force referral from the February 23, 2021 City Council meeting, with the understanding that the specific recommendations in that referral have been completed, although work on fair and impartial policing will continue.
Vote: All Ayes.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

3. Discussion Item: Update on the Five-Year Infrastructure Plan and how it factors in with reduction of traffic violence
From: Councilmember Tregub
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Items for Future Agendas

- Discussion Item: Potential funding mechanisms for financing EMBER program implementation

Action: M/S/C (Blackaby/O'Keefe) to add future agenda item
Vote: All Ayes

Adjournment

Action: M/S/C (Kesarwani /O'Keefe) to adjourn the meeting
Vote: All Ayes

Adjourned at 12:53 p.m.

I hereby certify that the foregoing is a true and correct record of the Public Safety Committee meeting held on May 8, 2025.

_____
Wendy Sorensen, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.

APPENDIX H

Translated Domestic Violence Brochure Samples

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Office of the City Manager

INFORMATION CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Restaurant Inspection Audit Status Report

INTRODUCTION

On July 10, 2024, the City Auditor submitted an audit report[1] on the status of Restaurant Inspections to the City Council, including recommendations to improve the overall delivery of services for the food safety inspection program. This is the second status report updating the City Council on the implementation of those recommendations.

CURRENT SITUATION AND ITS EFFECTS

The audit included nine recommendations. As of the writing of this report:

- One recommendation has been fully implemented.
- Six recommendations are partly implemented.
- One recommendation has not yet been started.
- One recommendation has been changed from started to not yet started based on the Auditor's assessment of the removal of the Open Data Portal.

Recommendations currently tracked as "partly implemented" require further development and implementation of revised policies and procedures, integration of new staff hires, and the implementation of technological solutions, such as the planned upgrade to the Accela database.

The Environmental Health Division (EHD) experienced significant backlogs in meeting inspection frequencies during the COVID-19 Pandemic. EHD has been working hard to fill vacancies and is now approaching pre-pandemic staffing levels, with four food inspectors and a supervisor who started in February 2025. This will enable EHD to perform required inspections in a timely manner.

[1] Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets https://berkeleyca.gov/sites/default/files/documents/Berkeley_Restaurant_Inspections_-_Chronically_Understaffed_Program_Did_Not_Meet_Targets.pdf

For a detailed table of audit report recommendations, corrective action plans, and implementation progress, please see Attachment 1. The next status report to Council is anticipated in Fall 2026.

BACKGROUND

Local Health Jurisdictions are responsible for determining the frequency of inspections based on the needs of the community and available resources. In 2015, EHD transitioned to a risk-based food inspection process, following the guidelines established by the Federal Food and Drug Administration's (FDA) Voluntary National Retail Food Regulatory Program Standards. This program categorizes permitted food facilities (restaurants, grocery markets, schools, bars, etc.) based on the complexity of food handling and populations served, assigning them to one of four "Risk Categories" (RC-1 to RC-4). Each RC designation dictates the minimum number of annual inspections a facility receives. During the early stages of the COVID-19 Pandemic EHD staff were reassigned to assist with the pandemic. In addition, EHD faced staffing shortages due to promotions to other departments, prolonged staff illnesses, and hiring freezes in FY2021 and FY2022. Once the hiring freeze was lifted, EHD experienced additional budgetary challenges and a limited pool of qualified applicants for vacant supervisor and inspector positions, a statewide issue for jurisdictions providing environmental health services. Unfortunately, during this time the City's food inspection policies were not adjusted resulting in audit findings of delinquent inspections.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects associated with the subject of this report.

POSSIBLE FUTURE ACTION

On September 24, 2024, the Council made a budget referral to the November 2024 budget process of $100,000 for the City Manager to engage an independent consultant to conduct an analysis of the current structure of the Environmental Health Food Inspection Program and provide recommendations for alternative models, staffing levels, and increased use of technology to improve customer service. To date, this referral has not been included in final budget proposals.

In addition, EHD is currently undergoing a division-wide fee study, as fees have not been analyzed in over ten years. This study will also evaluate current staffing needs to determine adequacy for the food safety inspection program and other departmental responsibilities, including vector control, noise complaints, stormwater inspections, swimming pools and spas, retail tobacco, and body art. Fee recommendations will be brought to Council Fall 2025.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

HHCS is in the final stages of completing a comprehensive fee study for the Environmental Health Division. Once the study is complete, a recommendation will be brought to Council for consideration.

CONTACT PERSON
Scott Gilman, Director, Health, Housing, and Community Services (510) 981-5400

Attachments:
1: Audit Findings, Recommendations and Status Updates

Audit Title: Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets					
Issue Date: July 10, 2024					
Finding	**Recommendation**		**Department**	**Last period: status**	**Current status update**
The Division was significantly behind on inspections in 2023, increasing health risk.	1.1	Develop a plan to improve coverage of routine inspections throughout the City, which may require the Division to prioritize health and safety duties over other responsibilities. As part of this process: (a) Evaluate inspection targets to determine if current inspection frequencies are achievable, or establish different temporary targets to adapt to periods of understaffing. (b) Establish a baseline of inspection coverage for all permitted food facilities in the City and prioritize inspection of facilities with high risk and very high risk designations that were not inspected in 2023.	HHCS	Started.	**Implemented.** The Division developed new policies that include revised inspection targets for periods of short staffing and a baseline of at least one inspection per year. According to the Division, all high and very high risk facilities that were not inspected in 2023 have now been inspected.
The Division was significantly behind on inspections in 2023, increasing health risk.	1.2	Develop a plan to ensure timely response to complaints involving alleged foodborne illness, which may require the Division to prioritize health and safety duties over other responsibilities.	HHCS	Started.	**Partly implemented.** The Division has updated its internal policies to include guidance for responding to complaints of alleged foodborne illness in districts assigned to vacant positions. To mark the recommendation implemented, we would like to see a more detailed plan that explains how the Division will ensure complaints are inspected in a timely fashion.
The Division did not track spending and left critical positions vacant.	2.1	Work with the Budget Office to track how the food inspection program revenues are used.	HHCS	Partly implemented.	**Partly implemented.** The Division set up revenue and expenditure codes for the food inspection program. They will begin to be in use on July 1, 2025. We will assess the implementation of this recommendation during the next follow up cycle, or when a report is available.
The Division did not track spending and left critical positions vacant.	2.2	Take the following steps to fill positions and assess program staffing: (a) Open recruitment for the supervisor position. (b) If the recruitments for the supervisor and food inspector positions do not yield qualified candidates, work with the Human Resources Department (HR) to develop targeted recruitments for the inspector and supervisor roles. This may include conducting an analysis of compensation or other factors that affect recruitment. (c) Develop a trainee program to build a pipeline into the Division's inspector positions. (d) Work with HR as needed to identify staffing resources needed to meet inspection targets.	HHCS	Partly implemented.	**Partly implemented.** The Division hired an inspector in October 2024 and a supervisor in February 2025. The Division plans to pursue a training program in the future once staffing levels are stable. To implement this recommendation, we would like an update on the staffing resources needed to meet inspection targets and plans to develop a training program.
The Division did not track spending and left critical positions vacant.	2.3	Make the following updates to the inspection data: (a) Add a risk designation to all food facilities in the Envision database. (b) Correct the date of last inspection in the Envision software that inspectors use during inspections, or develop a workaround to ensure inspectors have an accurate list of facilities prioritized by last inspection date. (c) Develop a process to regularly verify that the Envision database includes all food facilities that should be permitted and inspected.	HHCS	Partly implemented.	**Partly implemented.** The Division has added a risk designation for all food facilities in the Envision database. The Division issued an RFP for a third-party vendor to facilitate and manage the transition of data from the old database to a new database, which according to the Division will improve data accuracy. To implement this recommendation, we would like to see evidence that the new database can produce an accurate list of facilities prioritized by the last inspection date. We would also like to see a written procedure that details how the Division will ensure that the database is complete with all food facilities that should be permitted and inspected.
The Division did not track spending and left critical positions vacant.	2.4	Work with the Department of Information Technology (IT) to develop list of database functionalities and/or data points needed to help meet the Division's targets and produce reports. If the current database cannot provide this functionality, document the limitations of the current database and include these requirements in the future request for proposals for a new database.	HHCS	Started.	**Partly implemented.** The Division issued an RFP for a third-party vendor to facilitate and manage the transition of data from the old database to a new database. To implement this recommendation, we will assess whether the new database contains data points needed to help meet the Division's targets and produce reports.

The Division did not track spending and left critical positions vacant.	2.5	Identify performance metrics and report them to the public at least annually.	HHCS	Started.	**Partly implemented.** The Division is undergoing Results Based Accountability training and is in the process of developing and identifying performance metrics for the Food Safety and Inspection program. These performance metrics have not yet been finalized or reported publicly.
Public information about food safety was limited.	3.1	Work with Department of Information Technology (IT) to update the online system for sharing information on food inspections. As part of this process: (a) Develop internal guidance informed by state code that details what information the Division will share with the public online and defines responsibility for managing the data. (b) Make inspection history available online for all permitted food facilities in Berkeley. This could include sharing a copy of the most recent inspection report.	HHCS	Started.	**Not started.** The Division removed the information about food inspections that was previously provided on the City's Open Data Portal. The Division will be upgrading its database system and plans to incorporate online features for easy public access to food facility inspection results, including state requirements for voluntary online posting of inspection results.
Public information about food safety was limited.	3.2	Develop a plan to implement placarding in Berkeley once staffing levels are stable. As part of this process: (a) Assess resources needed to implement placarding. (b) Consider adding elements such as community engagement for designing and implementing evidence-based, equitable placarding.	HHCS	Not Started.	**Not started.**

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Office of the City Manager

INFORMATION CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Landmark Preservation Ordinance Notice of Decision: 2009 Tenth Street/#LMSAP2025-0003

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that "a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting."

CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject Structure of Merit property. This action is subject to a 15-day appeal period, which began on July 8, 2025, the day after the notice was mailed.

BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to review any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by July 22, 2025. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS
Landmark designation and discretionary alteration reviews by staff and LPC provide opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION
The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no known fiscal impacts associated with this action.

CONTACT PERSON
Boshi Fu, Assistant Planner, Planning and Development, 510-981-7544

Attachments:
1: Notice of Decision – #LMSAP2025-0003/2009 Tenth Street

LANDMARKS PRESERVATION COMMISSION

Notice of Decision

DATE OF BOARD DECISION: June 5, 2025
DATE NOTICE MAILED: July 7, 2025
APPEAL PERIOD EXPIRATION: July 22, 2025
EFFECTIVE DATE (Barring Appeal or Certification): July 23, 2025[1]

2009 Tenth Street – The West Berkeley YMCA

Structural Alteration Permit #LMSAP2025-0003 to replace windows, remove and replace deteriorated exterior stucco, and replace existing awnings in-kind, at the south portion of a Structure of Merit property.

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the Structural Alteration Permit request.

- **Applicant** Claire Jung & Vadim Mishchuk, Sidell Pakravan Architects
  2445 Sixth Street
  Berkeley, CA

- **Property Owner** Young Men's Christian Association of the East Bay
  2330 Broadway
  Oakland, CA

ZONING DISTRICT: Multiple-Family Residential District (R-3)

ENVIRONMENTAL REVIEW STATUS: The project is categorically exempt from further environmental review in accordance with CEQA Guidelines Section 15331 for *Historical Resource Restoration/Rehabilitation.*

The application materials for this project is available online at:

1 Pursuant to BMC Chapter 3.24, the City Council may "certify" any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 14-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2025-0003
2009 Tenth Street
Mailed: July 7, 2025

https://berkeleyca.gov/construction-development/land-use-development/zoning-projects or
https://permits.cityofberkeley.info/CitizenAccess/Default.aspx

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FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 7-0-0-1

YES: ENCHILL, FINACOM, LEUSCHNER, HALL-MONTGOMERY, ORBUCH, PLESE, SCHWARTZ

NO: NONE

ABSTAIN: NONE

ABSENT: CRANDALL

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):
To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
   a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
   a. The basic fee for persons other than the applicant is $1,500. This fee may be reduced to $500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
   b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is $500, which may not be reduced.
   c. The fee for all appeals by Applicants is $6,000.

3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

LANDMARKS PRESERVATION COMMISSION
NOTICE OF DECISION
#LMSAP2025-0003
2009 Tenth Street
Mailed: July 7, 2025

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Boshi Fu, at (510) 981-7544 or bfu@berkeleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings and Conditions
2. Project Plans

ATTEST: _____
Anne Hersch, Secretary
Landmarks Preservation Commission

cc: City Clerk
Claire Jung & Vadim Mishchuk, Sidell Pakravan Architects, 2445 Sixth St, Berkeley, CA
Young Men's Christian Association of the East Bay, 2330 Broadway, Oakland, CA

Attachment 1, Part 2

Findings and Conditions

2009 Tenth Street (West Berkeley YMCA)

Structural Alteration Permit (#LMSAP2025-0003) to replace windows, remove and replace deteriorated exterior stucco, and replace existing awnings in-kind, at the south portion of a Structure of Merit property.

FINDINGS REQUIRED UNDER CEQA

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15331 of the CEQA Guidelines ("Historic Resource Restoration/Rehabilitation").

FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR'S STANDARDS

Regarding the Secretary of the Interior's Standards (SOI) for Rehabilitation (36 CFR Part 67), the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

   Evidence: The proposed project does not involve a change of use. The building will continue to serve its community-serving function.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

   Evidence: The project involves limited exterior alterations, including replacement of non-original vinyl windows, deteriorated stucco, and entry awnings. The massing, raised vertical panels, and façade rhythm will remain unchanged. All new materials will match the existing conditions in appearance and placement, ensuring that the architectural character of the property is preserved.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken

   Evidence: The project will not propose any conjectural features or create any false sense of history. New windows and awnings will be compatible with the existing design.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved:

   Evidence: No prior alterations have acquired significance in their own right, therefore, no such features will be affected.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

   Evidence: The project will preserve character-defining features, including the original raised vertical panels, and the three large windows on the left side of the front façade, which will not be in the scope of this project. Stucco replacement is limited to deteriorated areas and will be applied to match the original in texture and color. The distinctive visual appearance and façade that define the building's Art Deco character will be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

   Evidence: The stucco replacement is in-kind, along the south and east façade, while all character-defining raised vertical panels will remain intact. No original historic features will be removed unless required by deterioration and no missing features are proposed to be reconstructed.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

   Evidence: No chemical or physical treatments are proposed. Standard conditions of approval for a Structural Alteration Permit will require any potential chemical or physical treatments to be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

   Evidence: The project does not have the potential to affect any archaeological resources because the project does not require any excavation or ground disturbance.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

   Evidence: The new windows and replacement awnings are compatible in scale, proportion, and placement with the existing windows and awnings. While the windows will be constructed of new materials (fiberglass and finished in bronze), they will match the

existing openings and profiles. The awnings will be replaced in the same locations with comparable size and appearance. The project does not destroy historic materials or relationships and will preserve the architectural character of the structure as viewed from the street and surrounding area.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

    Evidence: All proposed work is surface-level and does not alter the building's structural form or massing. The replacement windows and awnings will be installed within existing openings and attachment points, and no invasive construction is proposed. If these alterations were removed in the future, the essential form, proportions, and architectural character of the historic building and its setting would remain intact and unimpaired.

FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE

1. As required by Section 3.24.260 of the Landmarks Preservation Ordinance, the Commission finds that the proposed work is appropriate for and consistent with the purposes of the Ordinance, and will preserve the characteristics and features specified in the designation for this property. Specifically:

   A. For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.

      Evidence: N/A; The West Berkeley YMCA is not a City of Berkeley landmark and this finding is therefore not relevant or applicable to this Structural Alteration Permit.

   B. For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.

      Evidence: N/A; The West Berkeley YMCA is not located within a designated City of Berkeley historic district. Therefore, this finding is not applicable to this Structural Alteration Permit.

   C. For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.

      Evidence: The West Berkeley YMCA was designated as a Structure of Merit in 1992 for its status as a fine example of the Art Deco style, part of the architectural legacy of Walter H. Ratcliff, Jr., and contributes to the neighborhood through its street-facing presence and historic role as a community-serving facility constructed with funds raised through neighborhood conscription.

      The proposed work does not alter the building's form, massing, or character-defining architectural features, including its vertical plaster reliefs and symmetrical Art Deco composition. Deteriorated stucco will be replaced in-kind, non-original windows will be replaced with compatible units, and awnings will be replaced in the same size and location. No original or character-defining materials will be removed. Because the architectural features and the building's cultural identity will be preserved, the project will not adversely affect the attributes that designated this as a Structure of Merit.

Exhibit A

Conditions of Approval
JUNE 5, 2025

I. General Administrative Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Project Approval**. This Structural Alteration Permit approval is for 2009 Tenth Street, as substantially shown and described on the project plans dated April 24, 2025, except as required to be modified by conditions herein and plans as presented to the Landmarks Preservation Commission on June 5, 2025 ("Approval Date."). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required bythe conditions herein for approval by the City.	City of Berkeley	On-Going	Land Use Planning
2.	**Approval Limited to Proposed Project.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	**Compliance Required.** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.	City of Berkeley	On-Going	Land Use Planning
4.	**Conformance to Approved Plans.** All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.	City of Berkeley BMC Section 23.404.060. B.4	On-Going	Land Use Planning
6.	**Permit Revocation.** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Landmarks Preservation Commission (LPC), or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
8.	**Exercise and Expiration of Permits** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property. B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun. C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification). D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C) "Time Limits"	On-Going	Land Use Planning
9.	**Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees	City of Berkeley	On-Going	Land Use Planning

I. General Administrative Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
	and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.			

II. At Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	**Conditions of Approval on Building Permit Plan Submittal** **Structural Alteration Permit.** The Conditions of Approval for this Structural Alteration Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Structural Alteration Permit, under the title 'Structural Alteration Permit Conditions.'	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
2.	**Project Liaison.** The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:** ☐ **Project Liaison** _____ Name Phone #	City of Berkeley	At the Time of Building Permit Submittal	Building & Safety/Land Use Planning
3.	**Construction and Demolition Diversion.** The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	At Building Permit Submittal	Building & Safety Division

III. During Construction A. Building & Safety Division		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1	**Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.	City of Berkeley	During Construction	Building & Safety
2.	**Construction Hours- Exceptions**. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.	City of Berkeley	During Construction	Building & Safety
3.	**Construction / No Parking Permits**. Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.	City of Berkeley	During Construction	Building & Safety

IV. During Construction B. During Construction: Public Works		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Site Debris.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.	City of Berkeley	During Construction	Public Works

2.	**Street & Sidewalk Damages.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.	City of Berkeley	During Construction	Public Works
3.	**Underground Utilities.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction	City of Berkeley	During Construction	Public Works
4.	**Hauling of Debris.** Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.	City of Berkeley	During Construction	Public Works

V. Structural Alteration Permit Conditions		Regulation Source	Timing/ Implementation	Enforcement/Monitoring
1.	**Repair and replacement of character-defining features**. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old or historic feature in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.	City of Berkeley	On-Going	Land Use Planning
2.	**Chemical Treatments.** With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible.	City of Berkeley	On-Going	Land Use Planning
3.	**Equipment.** Any above ground or roof equipment, such as transformer(s), utilities, fire apparatus, air conditioning units, compressors, etc. shall be shown to scale on the	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning

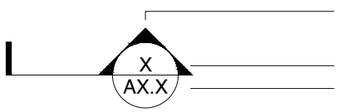
	architectural drawings of the building permit set of drawings in both plan and elevation, in order to determine if additional screening and SAP may be required.			
4.	**Glass.** All glass is assumed to be clear glass. Any proposed glass that is not clear glass, shall be indicated on all drawings, and shall be reviewed for approval by staff.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
5.	**Exterior Lighting.** Exterior lighting shall be downcast and not cause glare on the public right-of-way and abutting parcels.	City of Berkeley	On-Going	Land Use Planning
6.	**Landscaping.** The applicant shall provide irrigation for all landscaped areas. This shall be called out on Landscape building permit drawings.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
7.	**Window Recessing (added by the LPC).** Replacement windows on the west (front) façade, including the wrap-around window at the southwest corner of the second story, shall be recessed to match the depth of the existing window units.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
8.	**Entry Awnings (added by the LPC).** All replacement awnings shall be installed in-kind, matching the existing awnings in material, dimensions, and appearance.	City of Berkeley	At the Time of Building Permit Submittal	Land Use Planning
9.	**Other Permits.** The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.	City of Berkeley	On-Going	Land Use Planning

PROJECT DATA

BUILDING ADDRESS	2009 TENTH ST BERKELEY, CA 94702	
PROJECT DESCRIPTION	REPLASTERING (E) EXTERIOR WALLS FOR WATERPROOFING IMPROVEMENT, WINDOW REPLACEMENT	
APN **PARCEL ID**	56-1978-19 056 197801900	
ZONING	R-3	
SETBACKS	FRONT: REAR: SIDES:	15'-0" 15'-0" 4'-0"
LOT AREA		13,500 SF
BLDG FOOTPRINT	(E) PRIMARY:	7,200 SF (NO CHANGE)
FLOOR AREA	(E) SECOND LEVEL (E) FIRST LEVEL (E) TOTAL	7,200 SF 7,200 SF 14,400 SF (NO CHANGE)
LOT COVERAGE	MAX ALLOWABLE: EXISTING:	45% 53.3% (NO CHANGE)
MAX HEIGHT	MAX ALLOWABLE: EXISTING:	N/A 28'-6" (NO CHANGE)
OCCUPANCY	E	
CONSTRUCTION TYPE	V-B	
FIRE ZONE	1	

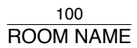
SYMBOLS

BUILDING / WALL SECTION



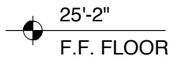
VIEW DIRECTION
DRAWING NUMBER
SHEET NUMBER

ROOM TAGS



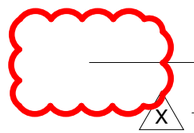
ROOM NUMBER
ROOM NAME

CONTROL POINT



HIEGHT
LEVEL NAME

REVISION CLOUDS



AREA OF REVISION
REVISION MARKER

PROJECT DIRECTORY

OWNER
YMCA Headstart
2009 Tenth St
Berkeley, CA 94702

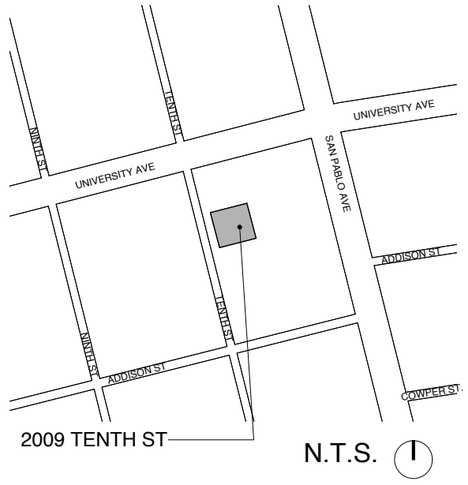
ARCHITECT
Sidell Pakravan Architects
2445 Sixth Street
Berkeley, CA 94710
510 984 0904
info@sidellpakravan.com

DRAWING INDEX

ARCHITECTURAL

A0.01	COVER SHEET AND PROJECT INFORMATION
A0.02	TABULATION FORM
A0.03	PHOTOS
A1.00	(E) SITE PLAN
A1.01	PROPOSED SITE PLAN
A1.02	(E) PLANS
A1.03	(E) PLANS
A1.04	ROOF PLAN
A2.00	(E) ELEVATIONS
A2.01	(E) ELEVATIONS
A2.02	PROPOSED ELEVATIONS
A2.03	PROPOSED ELEVATIONS
A4.00	COLORS AND MATERIALS
A5.00	DETAILS
A6.00	WINDOW SCHEDULE

VICINITY MAP



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DRAWN: CJ
CHECKED: VM

PROJECT NO.: 24008
DATE: 01.15.2025

YMCA HEAD START

2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE
COVER PAGE

A0.01
SHEET NO.

PLANNING & DEVELOPMENT
Land Use Planning, 1947 Center Street, Berkeley, CA 94704
Tel: 510.981.7410 TDD: 510.981.6903 Email: Planning@CityofBerkeley.info

TABULATION FORM

Project Address: 2009 TENTH ST, BERKELEY, CA 94702 Date: 01/14/25

Applicant's Name: SIDELL PAKRAVAN ARCHITECTS

Zoning District: R-3

Please print in ink the following numerical information for your Administrative Use Permit, Use Permit, or Variance application:

		Existing	Proposed	Permitted/ Required[1]
Units, Parking Spaces & Bedrooms				
Number of Dwelling Units	(#)	N/A	N/A	N/A
Number of Parking Spaces	(#)	N/A	N/A	N/A
Number of Bedrooms (R-1, R-1A, R-2, R-2A, and R-3 only)	(#)	N/A	N/A	N/A
Yards and Height				
Front Yard Setback	(Feet)	8'-0"	NO CHANGE	15'-0"
Side Yard Setbacks: (facing property)	Left: (Feet)	5'-0"	NO CHANGE	4'-0"
	Right: (Feet)	9'-6"	NO CHANGE	4"-0"
Rear Yard Setback	(Feet)	41'-0"	NO CHANGE	15'-0"
Building Height*	(# Stories)	2	NO CHANGE	3 MAX
Average*	(Feet)	28'-6"	NO CHANGE	N/A
Maximum*	(Feet)	28'-6"	NO CHANGE	35'-0"
Areas				
Lot Area	(Square-Feet)	13,500 SF	NO CHANGE	5,000 SF MIN
Gross Floor Area* Total Area Covered by All Floors	(Square-Feet)	14,400 SF	NO CHANGE	N/A
Building Footprint* Total of All Structures	(Square-Feet)	7,200 SF	NO CHANGE	N/A
Lot Coverage* Residential districts only (Building Footprint/Lot Area)	(%)	53.5%	NO CHANGE	45%
Useable Open Space*	(Square-Feet)	5,722 SF	NO CHANGE	N/A
Floor Area Ratio* Non-Residential districts only	(Except ES-R)	N/A	N/A	N/A

*See Glossary – BMC Chapter 23.502.

Revised: 12/21

[1] See development standards for the Zoning District, per the Berkeley Municipal Code, Chapters 23.202 and 23.204

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PROJECT NO. 24008 | DATE 01.15.2025

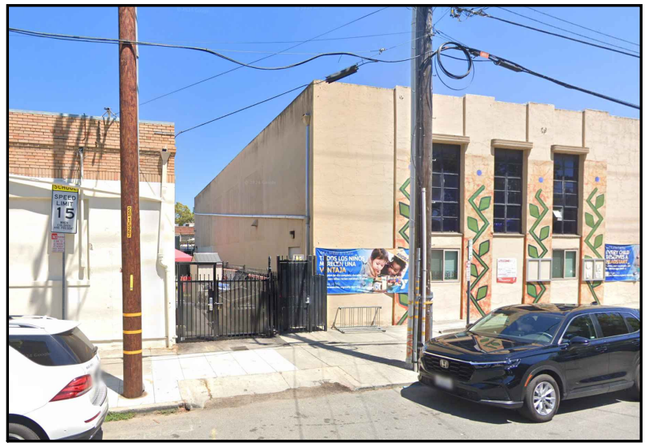
YMCA HEAD START
2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE
TABULATION FORM

A0.02
SHEET NO.



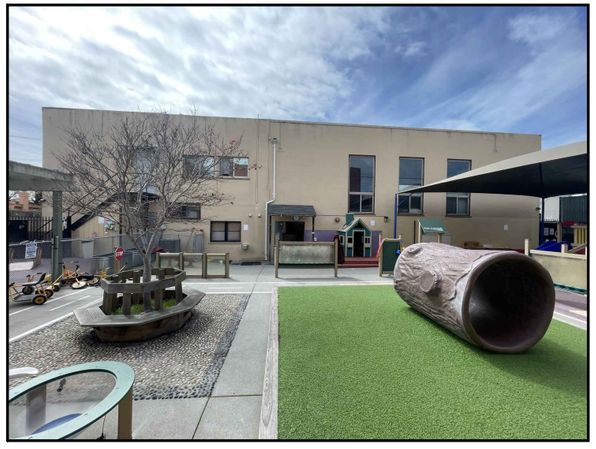
1: WEST ELEVATION



2: WEST ELEVATION

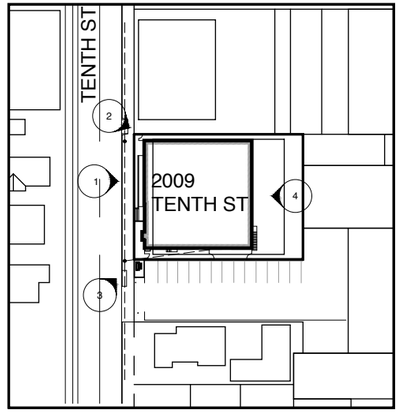


3: SOUTH ELEVATION



4: EAST ELEVATION

LOCATION KEY



N.T.S.

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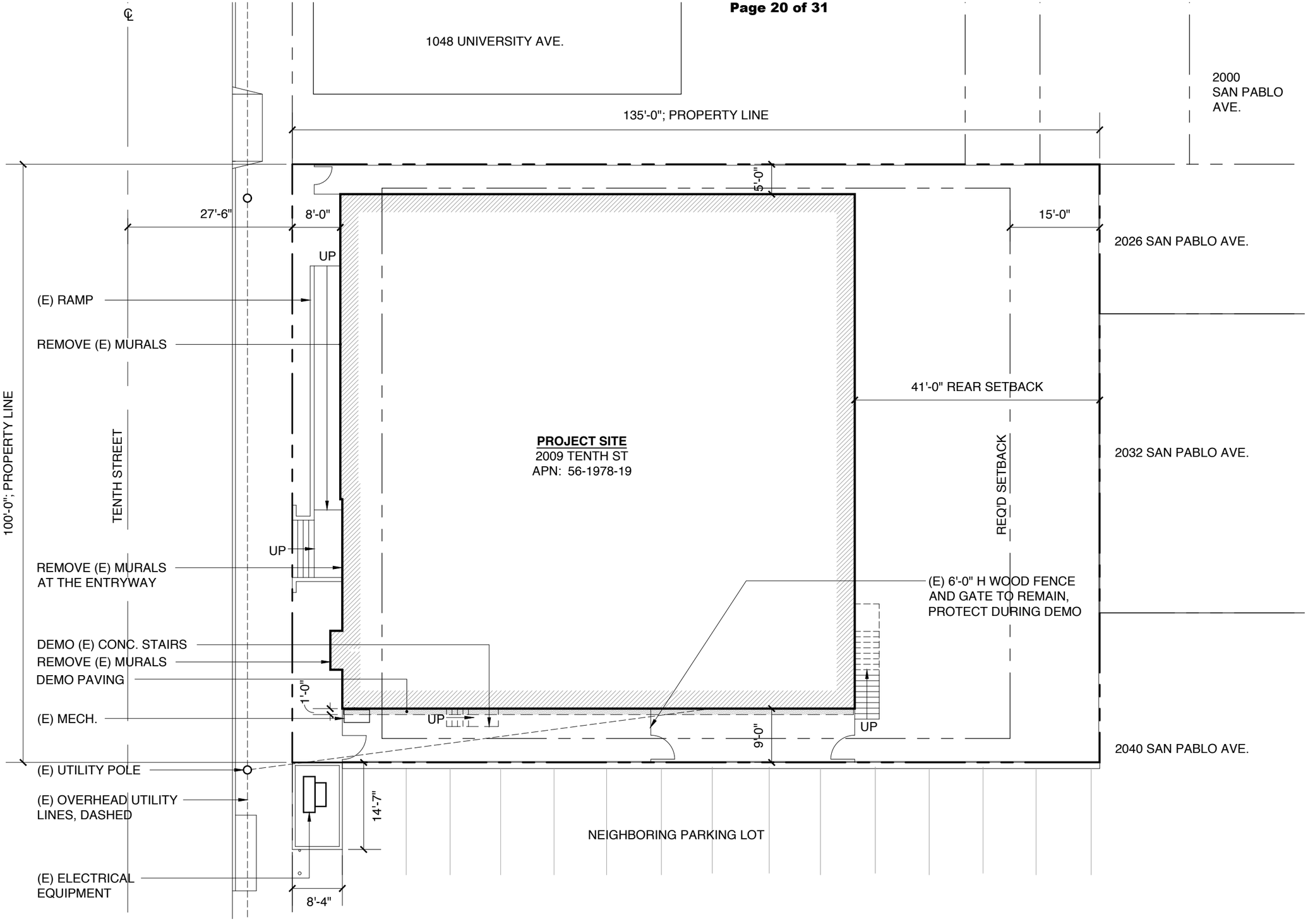
PROJECT NO. 24008
DATE 01.15.2025

YMCA
HEAD START

2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE
EXISTING PHOTOS

A0.03
SHEET NO.



1: EXISTING SITE PLAN

0 4' 8' 16'

$\frac{1}{16}$" = 1'-0"

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PROJECT NO.	DATE
24008	01.15.2025

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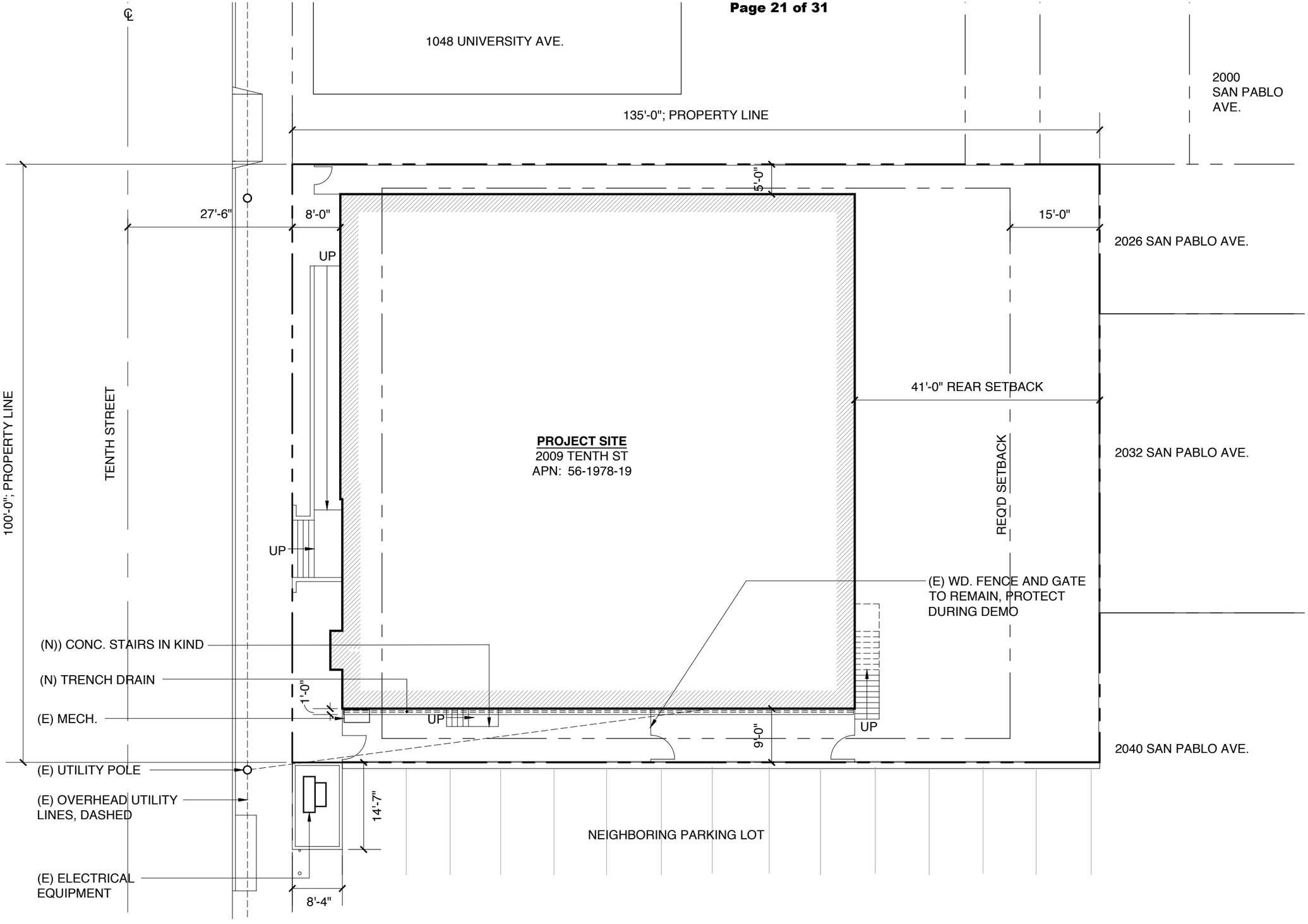
2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE

EXISTING SITE PLAN

A1.00

SHEET NO.



1: PROPOSED SITE PLAN

0 4' 8' 16'

$\frac{1}{16}$" = 1'-0"

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PROJECT NO.	DATE
24008	01.15.2025

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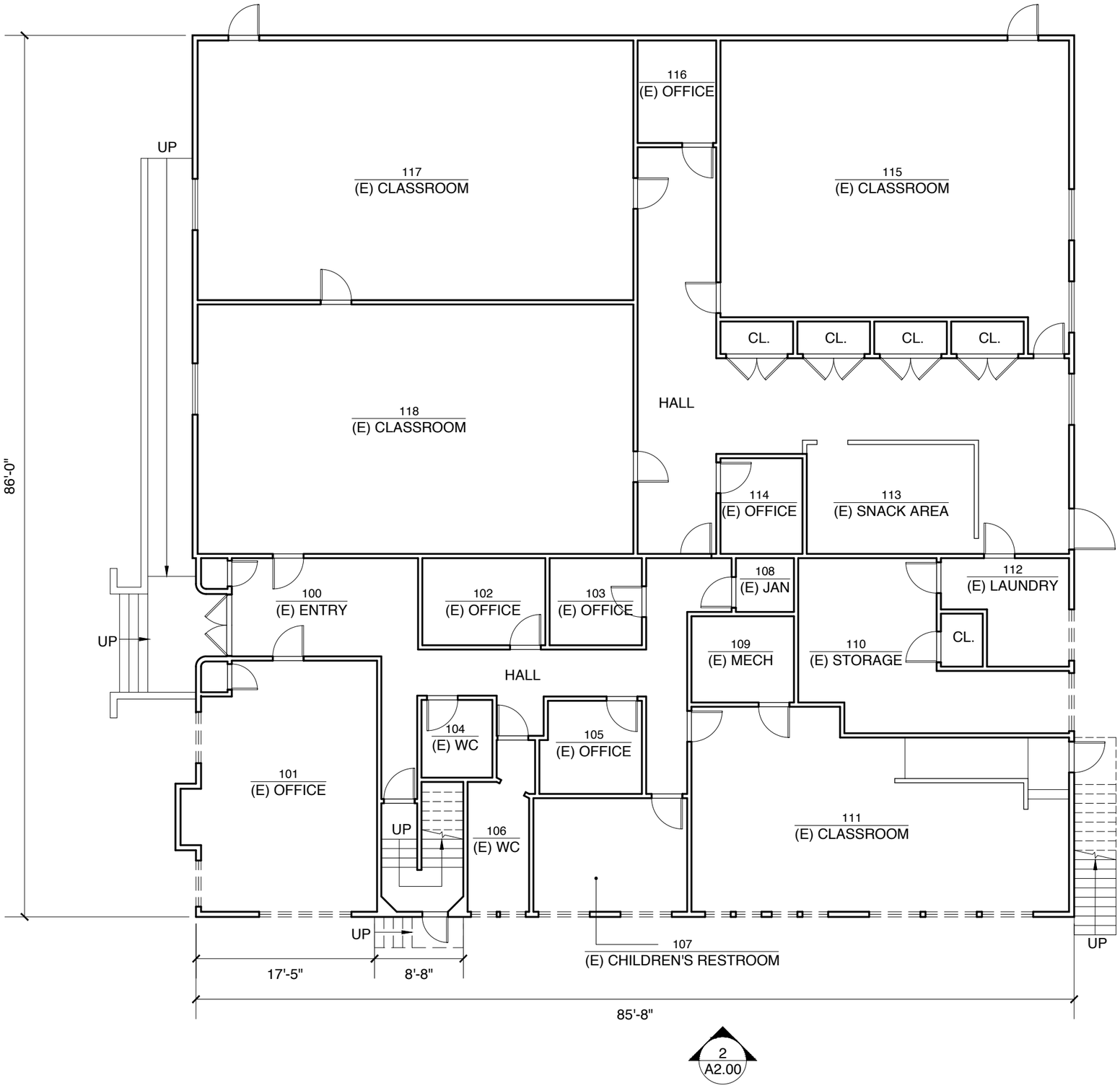
2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE

PROPOSED SITE PLAN

A1.01

SHEET NO.



NOTES

1. NO INTERIOR SCOPE, ALL INTERIOR WALLS TO REMAIN.

LEGEND

SYMBOL	TYPE
	(E) TO DEMO
	(E) WALLS

1: (E) FIRST FLOOR PLAN

0 2' 4' 10'

$\frac{3}{32}$" = 1'-0"

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DRAWN	CHECKED
CJ	VM
PROJECT NO.	DATE
24008	01.15.2025

YMCA HEAD START

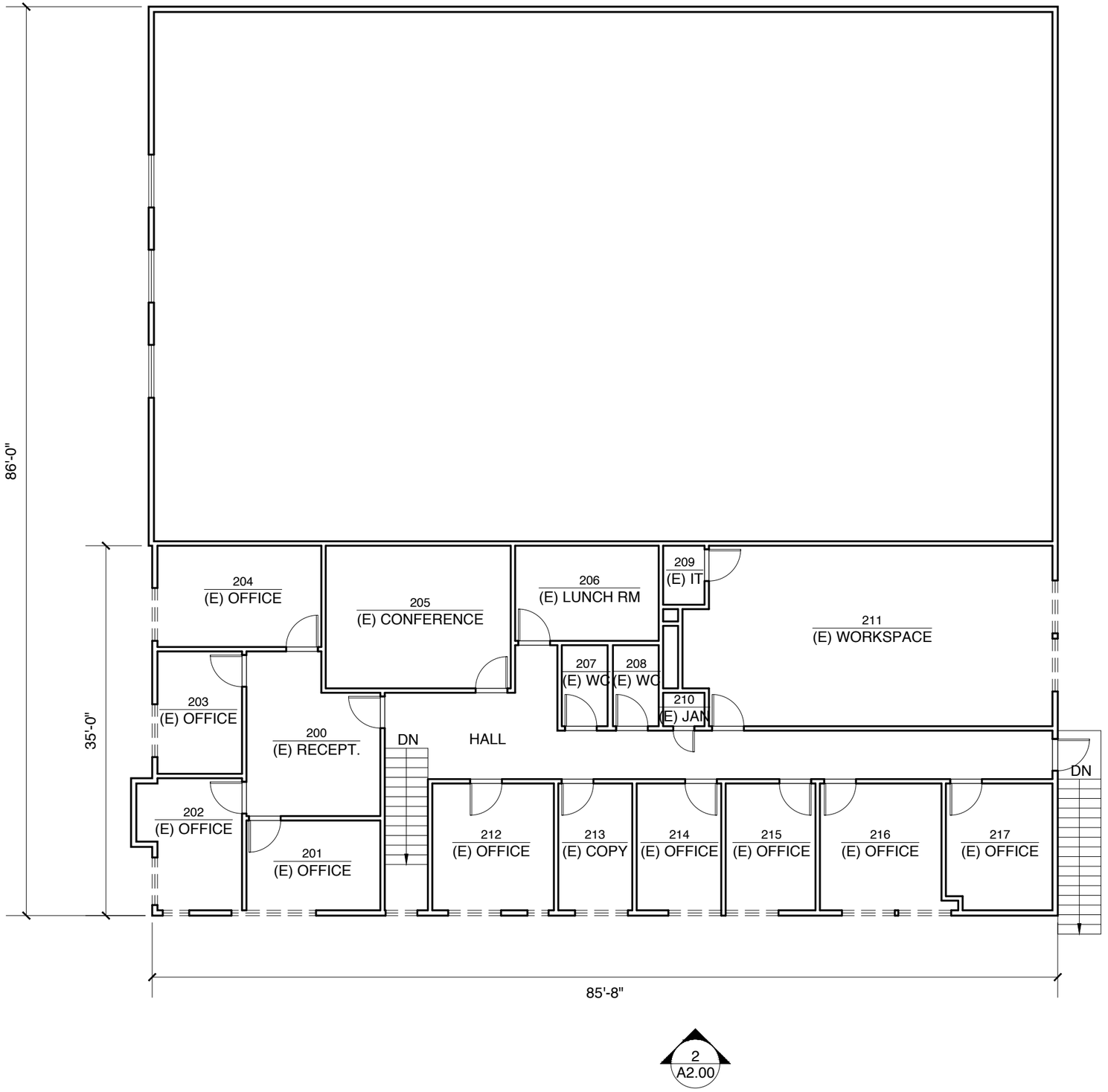
2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE

FIRST FLOOR EXISTING + DEMO PLANS

A1.02

SHEET NO.



1 A2.00

2 A2.00

1 A2.01

NOTES

1. NO INTERIOR SCOPE, ALL INTERIOR WALLS TO REMAIN.

LEGEND

SYMBOL	TYPE
	(E) TO DEMO
	(E) WALLS

1: (E) SECOND FLOOR PLAN

0 2' 4' 10'

3/32" = 1'-0"

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DRAWN	CHECKED
CJ	VM
PROJECT NO.	DATE
24008	01.15.2025

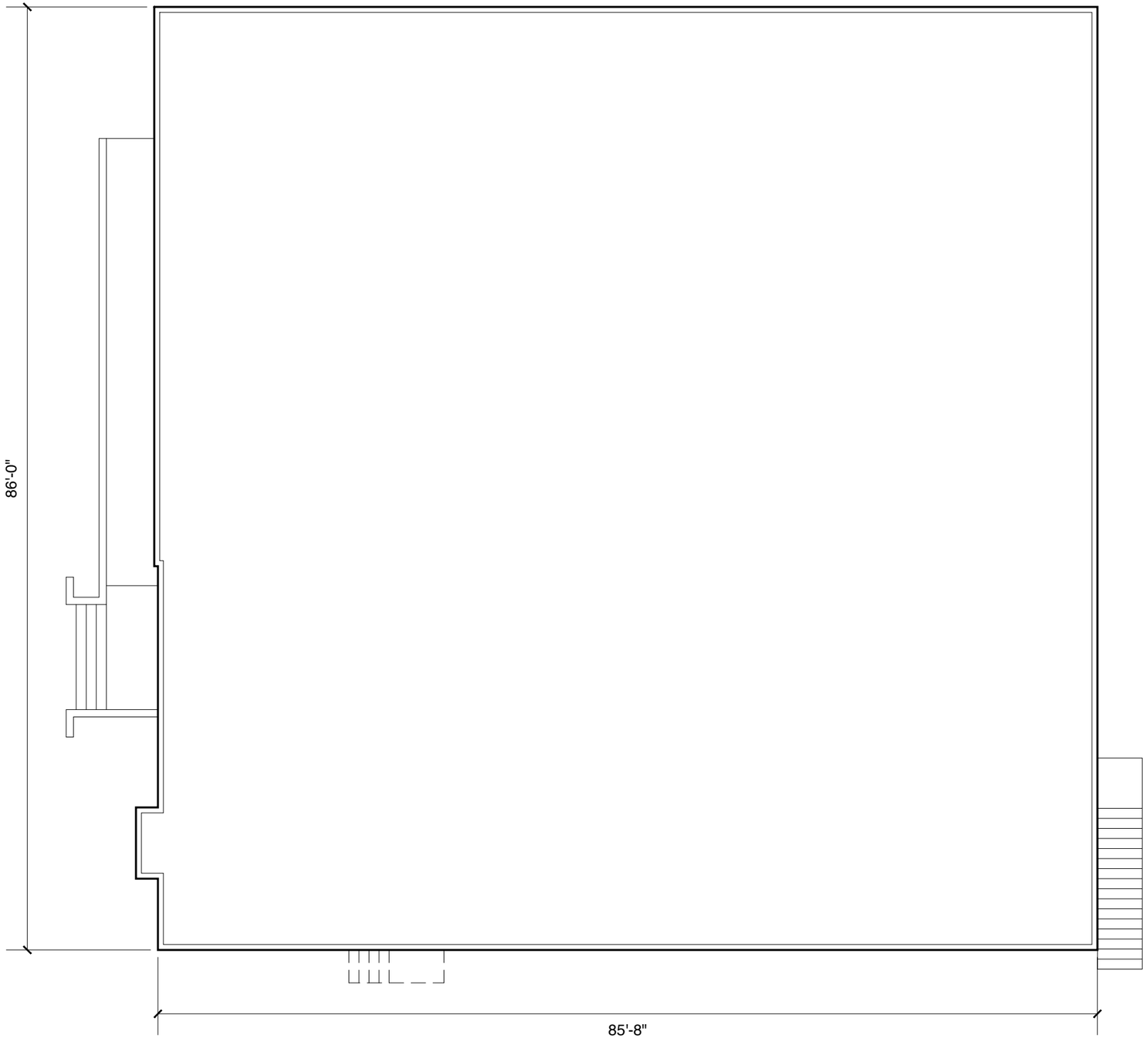
YMCA HEAD START

2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE

SECOND FLOOR EXISTING + DEMO PLANS

A1.03
SHEET NO.



1 A2.00

2 A2.00

1 A2.01

NOTES

1. NO INTERIOR SCOPE, ALL INTERIOR WALLS TO REMAIN.

LEGEND

SYMBOL	TYPE
	(E) TO DEMO
	(E) WALLS

1: ROOF PLAN

0 2' 4' 10'

3/32" = 1'-0"

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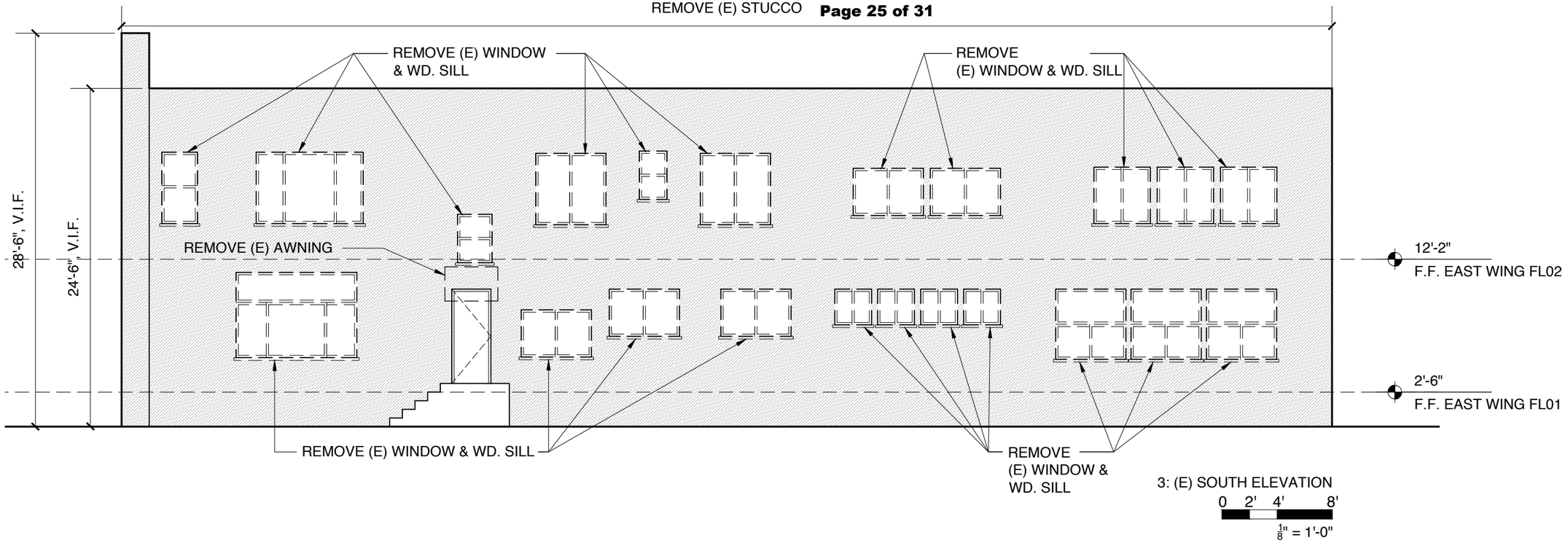
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CJ	VM
PROJECT NO.	DATE
24008	01.15.2025

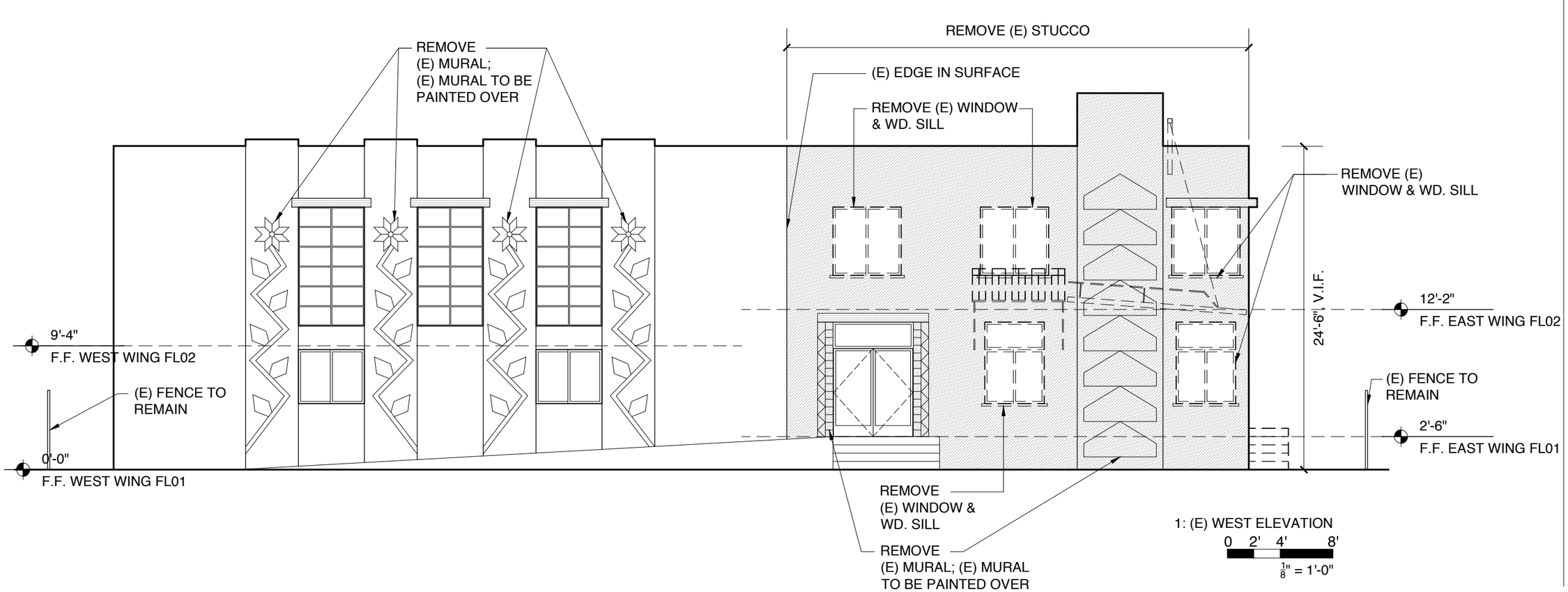
YMCA HEAD START

2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE
ROOF PLAN

A1.04
SHEET NO.





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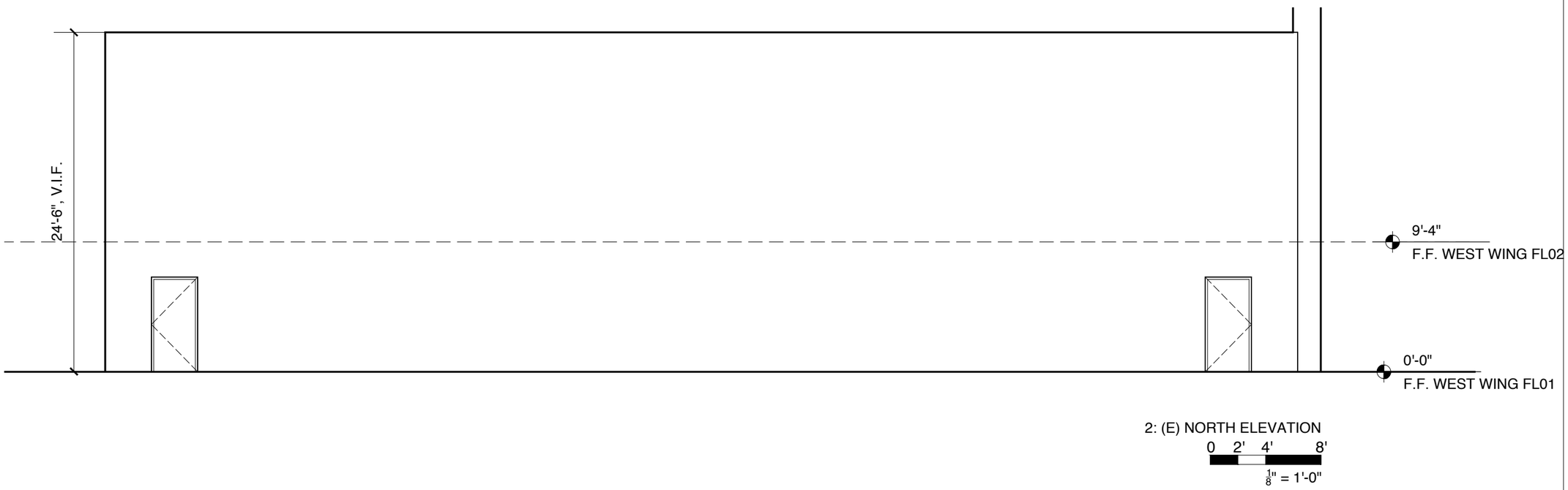
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CJ	VM
PROJECT NO.	DATE
24008	01.15.2025

YMCA HEAD START

2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE
EXISTING ELEVATIONS

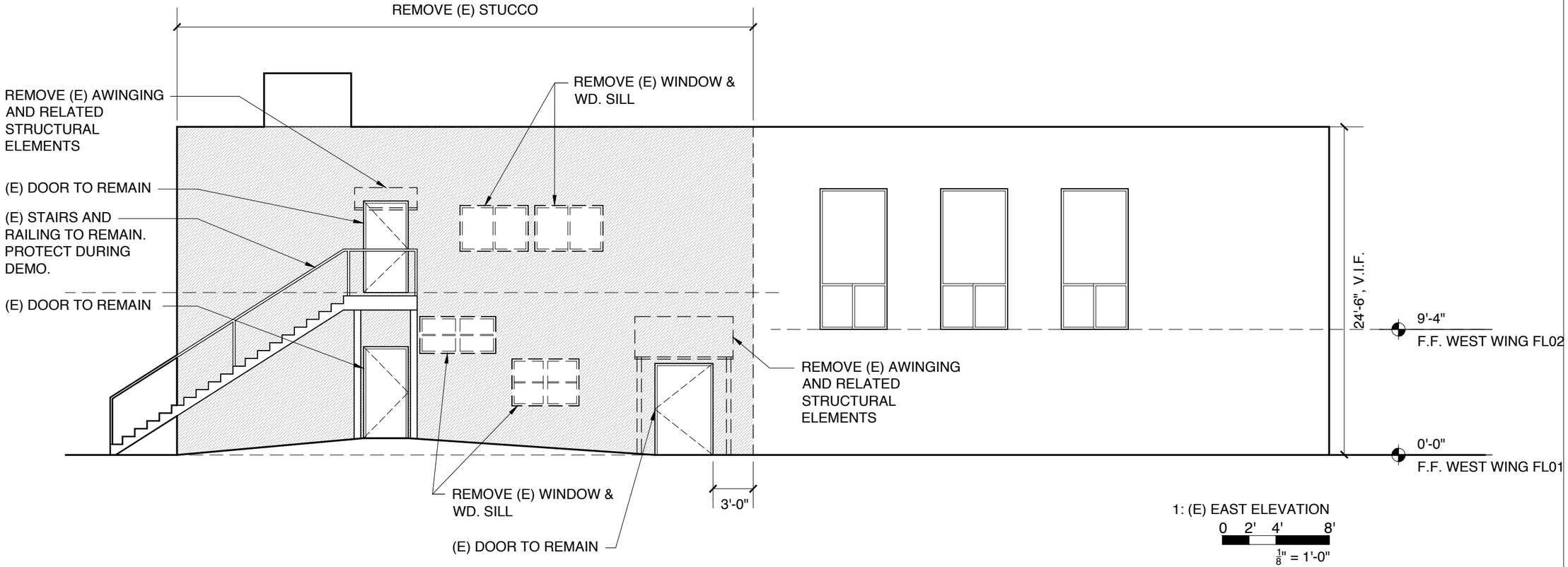
A2.00
SHEET NO.



2: (E) NORTH ELEVATION

0 2' 4' 8'

$\frac{1}{8}$" = 1'-0"



1: (E) EAST ELEVATION

0 2' 4' 8'

$\frac{1}{8}$" = 1'-0"

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CJ	VM
PROJECT NO.	DATE
24008	01.15.2025

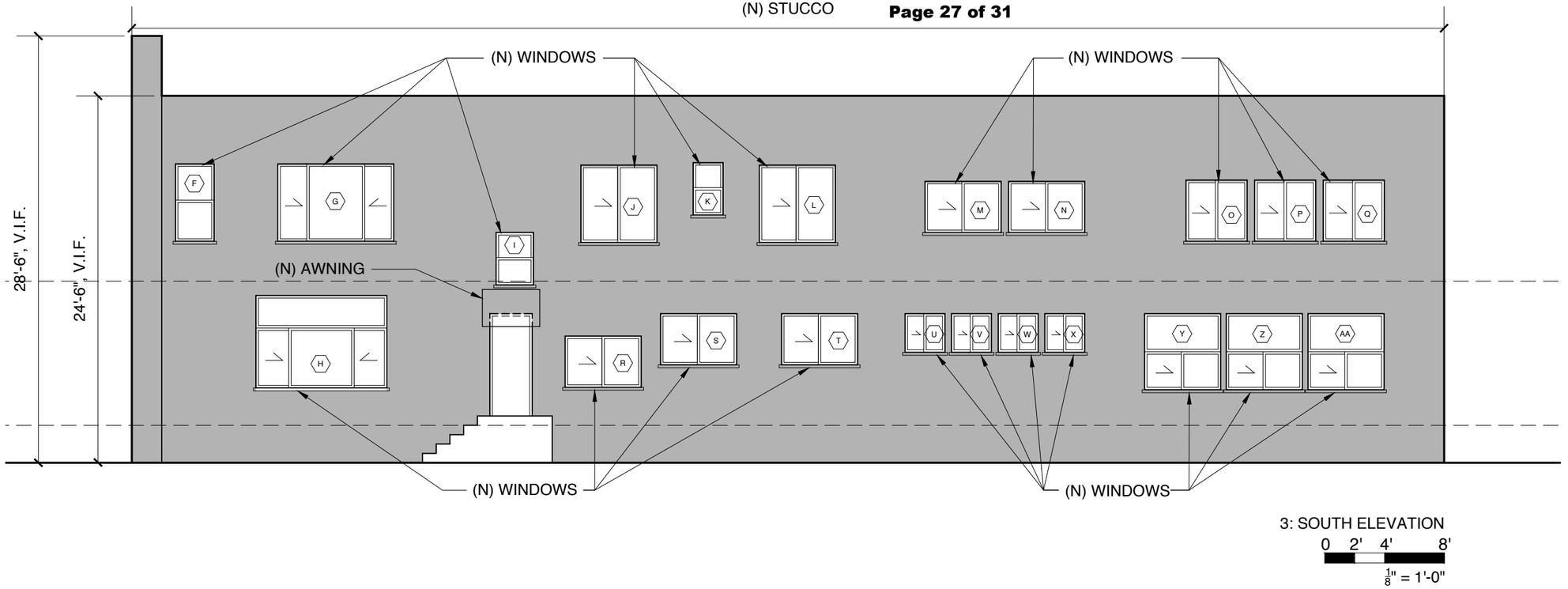
YMCA HEAD START

2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE

EXISTING ELEVATIONS

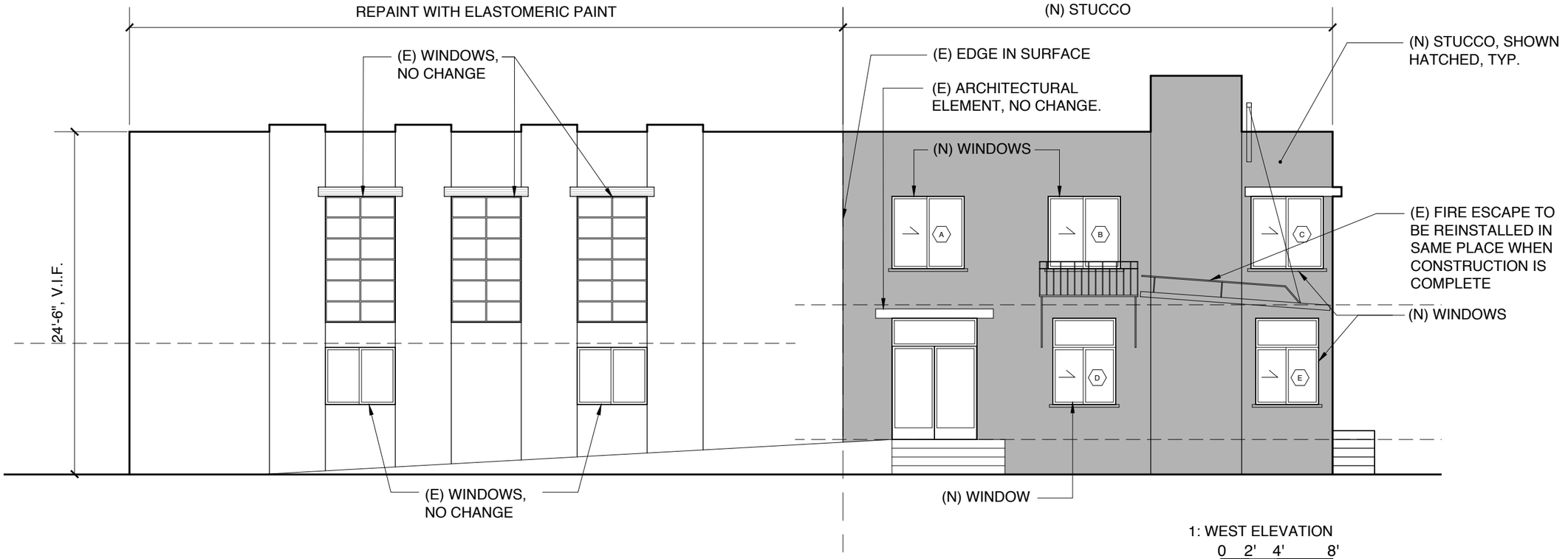
A2.01
SHEET NO.



3: SOUTH ELEVATION

0 2' 4' 8'

1/8" = 1'-0"



1: WEST ELEVATION

0 2' 4' 8'

1/8" = 1'-0"

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CJ	VM
PROJECT NO.	DATE
24008	01.15.2025

YMCA HEAD START

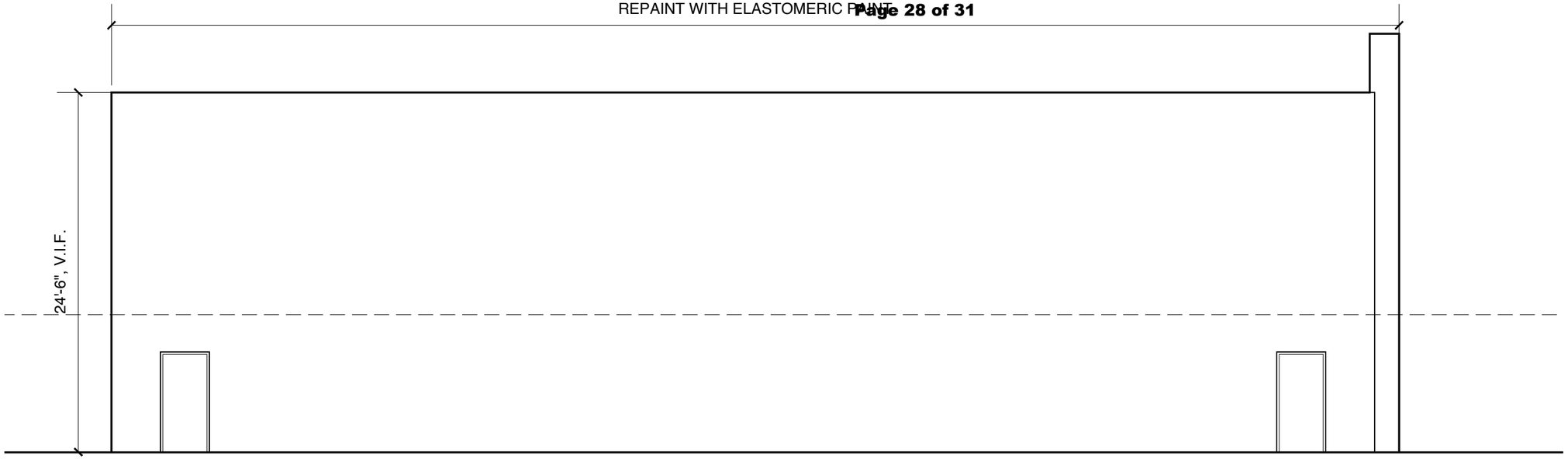
2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE

PROPOSED ELEVATIONS

A2.02

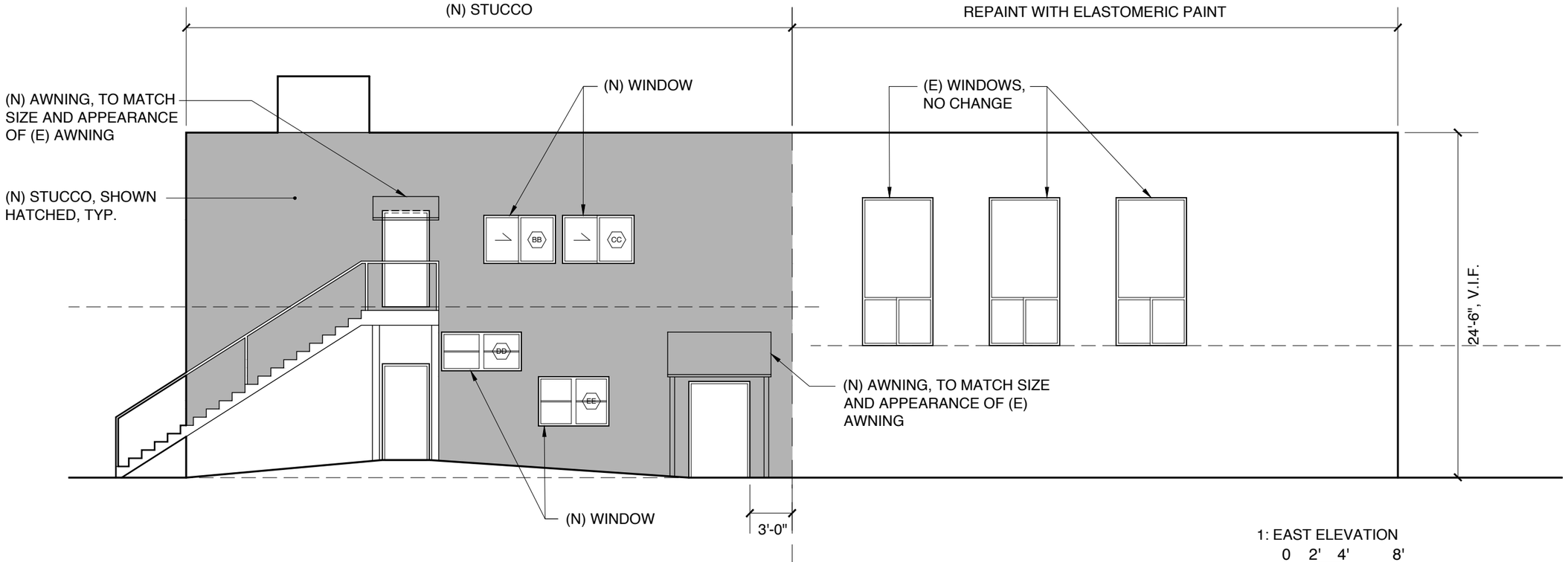
SHEET NO.



2: NORTH ELEVATION

0 2' 4' 8'

1/8" = 1'-0"



1: EAST ELEVATION

0 2' 4' 8'

1/8" = 1'-0"

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PROJECT NO.	DATE
24008	01.15.2025

YMCA HEAD START

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BERKELEY, CA 94710

SHEET TITLE

PROPOSED ELEVATIONS

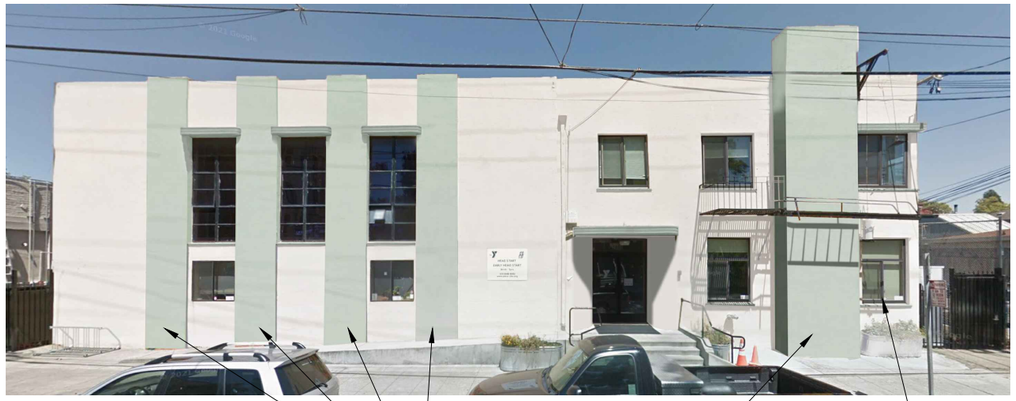
A2.03

SHEET NO.

EXISTING EXTERIOR FROM STREET

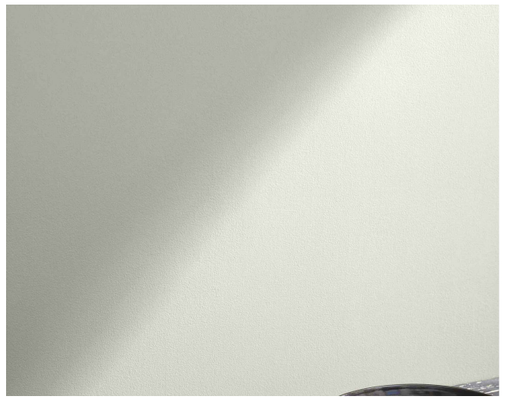


PROPOSED EXTERIOR FROM STREET





REPAINT COLOR TO BE WARM WHITE



ACCENT PAINT TO BE IN LIGHT GREEN



FIBERGLASS WINDOW FINISH IN BRONZE

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CJ	VM
PROJECT NO.	DATE
24008	01.15.2025

YMCA HEAD START

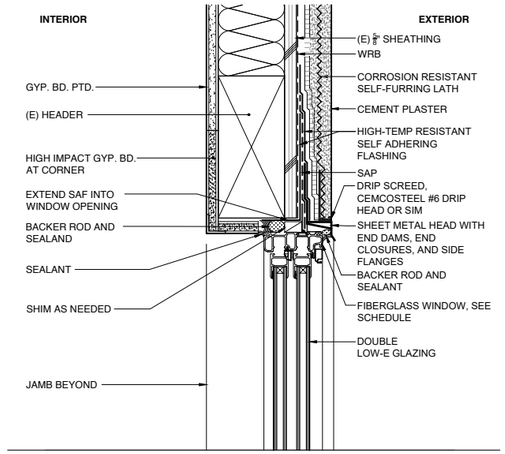
2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE

COLORS AND MATERIALS

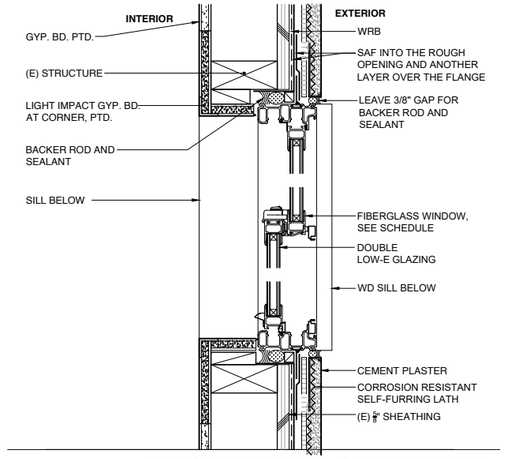
A4.00

SHEET NO.



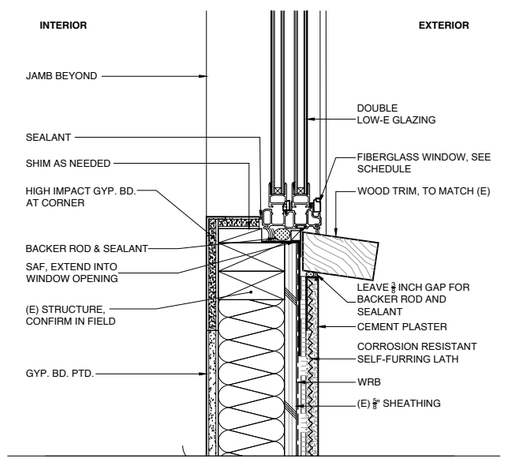
WINDOW HEAD DETAIL: CEMENT PLASTER

SECTION 0 1 2 4



WINDOW JAMB DETAIL: CEMENT PLASTER

PLAN 0 1 2 4



WINDOW SILL DETAIL: CEMENT PLASTER

SECTION 0 1 2 4

* NOTES: FRAME WINDOW TOWARD EXTERIOR FACE OF WALL TO MAINTAIN WATER PROOFING INTEGRITY.

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CJ	VM
PROJECT NO.	DATE
24008	01.15.2025

YMCA HEAD START

2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE

DETAILS

A5.00

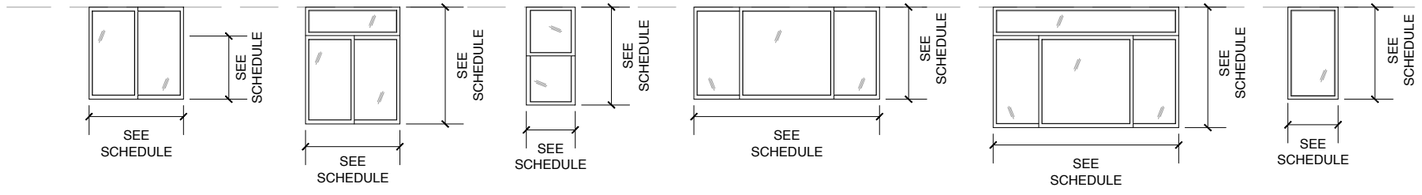
SHEET NO.

WINDOW MARK	MANUFACTURER & LINE	UNIT FRAME SIZE (WxH)	ESCAPE	HEAD HT AFF	MATERIAL		FINISH		OPERATION	GLAZING		GRIDES	SCREEN	HARDWARE		DETAIL			NOTES
					EXTERIOR	INTERIOR	EXTERIOR	INTERIOR		ENERGY RATING	SAFETY RATING*	LITES		TYPE	FINISH	HEAD	SILL	JAMB	
A	MARVIN: ESSENTIALS	5'-1" x 5'-2"	-	7'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE	-	PER MANUF.	-	-	-	-	-
B	MARVIN: ESSENTIALS	5'-1" x 5'-2"	-	7'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
C	MARVIN: ESSENTIALS	5'-2" x 5'-2"	-	7'-9"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
D	MARVIN: ESSENTIALS	4'-6" x 6'-2"	-	8'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER + FIXED CLERESTORY			NONE		PER MANUF.	-				-
E	MARVIN: ESSENTIALS	4'-6" x 6'-2"	-	8'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER + FIXED CLERESTORY			NONE		PER MANUF.	-				-
F	MARVIN: ESSENTIALS	2'-7" x 5'-2"	-	7'-9"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	SINGLE HUNG			NONE		PER MANUF.	-				-
G	MARVIN: ESSENTIALS	7'-9" x 5'-1"	-	7'-9"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER - OXO			NONE		PER MANUF.	-				-
H	MARVIN: ESSENTIALS	8'-9" x 6'-2"	-	8'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER OXO + CLERESTORY			NONE		PER MANUF.	-				-
I	MARVIN: ESSENTIALS	2'-6" x 3'-6"	-	N/A	FIBERGLASS	FIBERGLASS	BRONZE	TBD	FIXED			NONE		PER MANUF.	-				-
J	MARVIN: ESSENTIALS	5'-1" x 5'-2"	-	7'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
K	MARVIN: ESSENTIALS	1'-9" x 3'-6"	-	7'-10"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	FIXED			NONE		PER MANUF.	-				-
L	MARVIN: ESSENTIALS	5'-1" x 5'-2"	-	7'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
M	MARVIN: ESSENTIALS	5'-1" x 3'-5"	-	6'-7"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
N	MARVIN: ESSENTIALS	5'-1" x 3'-5"	-	6'-7"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
O	MARVIN: ESSENTIALS	4'-1" x 4'-1"	-	6'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
P	MARVIN: ESSENTIALS	4'-1" x 4'-1"	-	6'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
Q	MARVIN: ESSENTIALS	4'-1" x 4'-1"	-	6'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
R	MARVIN: ESSENTIALS	5'-1" x 3'-5"	-	8'-3"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
S	MARVIN: ESSENTIALS	5'-1" x 3'-5"	-	9'-7"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
T	MARVIN: ESSENTIALS	5'-1" x 3'-5"	-	9'-7"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
U	MARVIN: ESSENTIALS	2'-8" x 2'-7"	-	9'-4"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
V	MARVIN: ESSENTIALS	2'-8" x 2'-7"	-	9'-4"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
W	MARVIN: ESSENTIALS	2'-8" x 2'-7"	-	9'-4"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
X	MARVIN: ESSENTIALS	2'-8" x 2'-7"	-	9'-4"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
Y	MARVIN: ESSENTIALS	5'-1" x 5'-1"	-	9'-0"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER + CLERESTORY			NONE		PER MANUF.	-				-
Z	MARVIN: ESSENTIALS	5'-1" x 5'-1"	-	9'-0"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER + CLERESTORY			NONE		PER MANUF.	-				-
AA	MARVIN: ESSENTIALS	5'-1" x 5'-1"	-	9'-0"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER + CLERESTORY			NONE		PER MANUF.	-				-
BB	MARVIN: ESSENTIALS	5'-1" x 3'-5"	-	6'-6"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
CC	MARVIN: ESSENTIALS	5'-1" x 3'-5"	-	6'-6"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	GLIDER			NONE		PER MANUF.	-				-
DD	MARVIN: ESSENTIALS	5'-8" x 2'-9"	-	9'-1"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	FIXED			NONE		PER MANUF.	-				-
EE	MARVIN: ESSENTIALS	5'-1" x 3'-6"	-	6'-8"	FIBERGLASS	FIBERGLASS	BRONZE	TBD	FIXED			NONE		PER MANUF.	-				-

*NONE = NO SAFETY RATING;
TEMPERED = BOTH PANES TEMPERED;
WUI = AT LEAST ONE PANE MUST BE TEMPERED PER CBC SEC 2406 - MUST BE IDENTIFIED W/ ETCHED LABEL

WINDOW SCHEDULE

UNIT DIMENSIONS ARE NOMINAL, CONTRACTOR TO VERIFY MANUFACTURERS' ACTUAL UNIT DIMENSIONS



WINDOW TYPES

* UNIT DIMENSIONS ARE NOMINAL, CONTRACTOR TO VERIFY MANUFACTURERS' ACTUAL UNIT DIMENSIONS

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DRAWN CJ
CHECKED VM

PROJECT NO. 24008
DATE 01.15.2025

YMCA HEAD START

2009 TENTH ST
BERKELEY, CA 94710

SHEET TITLE
WINDOW SCHEDULE

A6.00
SHEET NO.

21

Office of the City Manager

INFORMATION CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Landmark Preservation Ordinance Notice of Decision: 2035 Francisco Street/#LMIN2024-0003

INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.160, which requires that "a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting."

CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has designated the subject property as a Structure of Merit. This action is subject to a 15-day appeal period, which began on July 8, 2025, the day after the notice was mailed.

BACKGROUND

BMC/LPO Section 3.24.190 allows the Council to review any action of the Commission in granting or denying Landmark, Structure of Merit, or Historic District status. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 15 days of the mailing of the Notice of Decision, or by July 22, 2025. Such certification to Council shall stay all proceedings in the same manner as the filing of an appeal.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the designation within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation provides opportunities for the preservation, rehabilitation and adaptive re-use of historic resources within the City. The rehabilitation of these

resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION
The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
There are no known fiscal impacts associated with this action.

CONTACT PERSON
Allison Riemer, AICP, Senior Planner, Planning and Development, 510-981-7433

Attachments:
1: Notice of Decision – #LMIN2024-0003/2035 Francisco Street

LANDMARKS PRESERVATION COMMISSION

Notice of Decision

DATE OF BOARD DECISION: June 5, 2025
DATE NOTICE MAILED: July 7, 2025
APPEAL PERIOD EXPIRATION: July 22, 2025
EFFECTIVE DATE (Barring Appeal or Certification): July 23, 2025[1]

2035 Francisco Street – The Byron E. Underwood House

Landmark application #LMIN2024-0003 for the consideration of City Landmark or Structure of Merit designation status for a residential property constructed circa 1907 (APN: 058-2175-010-00).

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the following designation:

- **Structure of Merit designation**
  - **Application Author:** Jerri Holan, FAIA
    1323 Solano Avenue, Suite 204
    Albany, CA 94706
  - **Property Owner:** Toni Pinck, David Pinck, and Zack Kahn
    2035 Francisco Street
    Berkeley, CA 94709

ZONING DISTRICT: Restricted Multiple-Family Residential District (R-2A)

1 Pursuant to BMC Chapter 3.24, the City Council may "certify" any decision of the LPC for review, which has the same effect as an appeal. In most cases, the Council must certify the LPC decision during the 15-day appeal period. However, pursuant to BMC Section 1.04.070, if any portion of the appeal period falls within a Council recess, the deadline for Council certification is suspended until the first Council meeting after the recess, plus the number of days of the appeal period that occurred during the recess, minus one day. If there is no appeal or certification, the Use Permit becomes effective the day after the certification deadline has passed.

ENVIRONMENTAL REVIEW STATUS: Categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15061.(b)(3) Review for Exemptions.

The application materials for this project is available online at:
https://berkeleyca.gov/construction-development/land-use-development/zoning-projects or
https://permits.cityofberkeley.info/CitizenAccess/Default.aspx

---

FINDINGS AND APPLICATION MATERIALS ARE ATTACHED TO THIS NOTICE

COMMISSION VOTE: 5-2-0-1

YES: ENCHILL, FINACOM, ORBUCH, PLESE, SCHWARTZ

NO: LEUSCHNER, HALL-MONTGOMERY

ABSTAIN: NONE

ABSENT: CRANDALL

TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):
To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1st Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
   a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least fifty residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
   a. The basic fee for persons other than the applicant is $1,500. This fee may be reduced to $500 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
   b. The fee for appeals of affordable housing projects (defined as projects which provide 50 percent or more affordable units for households earning 80% or less of Area Median Income) is $500, which may not be reduced.

c. The fee for all appeals by Applicants is $6,000.

3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structure of Merit designation will be final on the first business day following expiration of the appeal period.

NOTICE CONCERNING YOUR LEGAL RIGHTS:

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a “taking” of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:

   A. That this belief is a basis of your appeal.

   B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.

   C. All evidence and argument in support of your belief that the decision or condition constitutes a “taking” as set forth above.

   If you do not do so, you will waive any legal right to claim that your property has been

taken, both before the City Council and in court.

PUBLIC COMMENT:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

FURTHER INFORMATION:

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@berkeleyca.gov. All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3rd Fl., during regular business hours.

ATTACHMENTS:

1. Findings for Approval
2. Application Materials

ATTEST: _____
Anne Hersch, Secretary
Landmarks Preservation Commission

cc: City Clerk
Jerri Holan, 1323 Solano Ave, Ste 204, Albany, CA 94706
Toni Pinck, David Pinck, and Zack Kahn, 2035 Francisco St, Berkeley, CA 94709

2035 Francisco Street – The Byron E. Underwood House

Landmark application #LMIN2024-0003 for the consideration of City Landmark or Structure of Merit designation status for a residential property constructed circa 1907 (APN: 058-2175-010-00)

PROJECT DESCRIPTION

Structure of Merit designation of the property at 2035 Francisco Street.

CEQA FINDINGS

1. The project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq.) pursuant to Section 15061.b.3 of the CEQA Guidelines (activities that can be seen with certainty to have no significant effect on the environment).

LANDMARK PRESERVATION ORIDNANCE FINDINGS

1. Pursuant to Berkeley Municipal Code (BMC) Section 3.24.110(B)(2)(b) of the Landmarks Preservation Ordinance (LPO), the Landmarks Preservation Commission of the City of Berkeley (Commission) finds that the property at 2035 Francisco Street is compatible in scale and materials with the Structure of Merit Whitemore/Woodworth House at 2043 Lincoln Street.

2. Pursuant to BMC Section 3.24.110(B)(2)(c), the Commission further finds that the building is a good example of architectural design. The building is an example of residential design in the Colonial Revival style, specifically a hybrid of a Neoclassical Rowhouse and a Shingle Cottage. The subject building was originally completed in 1907 and retains many of the character-defining features of its expression of the Colonial Revival style. Its Neoclassical Rowhouse characteristics include its porch with classical column details, recessed entry, and primary and side elevation bay windows. Its Shingle Cottage details include its central, second-story bay window and shingle exterior. Other Colonial Revival details include its deep eaves and supporting corbels, egg and dart trim, and the diamond pattern leaded glass foyer window. Through the retention of its original design and historic materials, it conveys design, materials, and workmanship aspects of integrity.

FEATURES TO BE PRESERVED

This designation shall apply to the subject property and the following distinguishing features of the shall be preserved, and missing features shall be restored to the extent possible:

Property/Site

- Location at the north side of Francisco Street, west of 2039 Francisco Street.
- Setting in a neighborhood adjacent to Shattuck Avenue commercial corridor, comprised of a mix of single and multi-family residences.

Main Building

- Primary elevation (south) on Francisco Street.
- Hipped roof with central dormer.
- Tripartite wood exterior with shiplap siding below the waterline, clapboard siding at the first floor, and wood shingles at the second floor.
- Neoclassical Rowhouse characteristics including:
    - the generous porch with Corinthian-capped column details;
    - recessed entry;
    - primary and side elevation bay windows.
- Shingle Cottage characteristics, including:
    - the central, second-story bay window;
    - shingle exterior at the second story exterior.
- Deep roof eaves with supporting corbels at the second story.
- Egg and dart trim details at the first floor frieze and third-floor dormer roofline.
- Wide frieze at primary elevation’s first floor and west elevation’s bay window.
- Dentil details at the second floor frieze.
- Diamond pattern, leaded glass foyer window.
- Double-hung windows and first and second floor.
- Multi-pane wood windows at dormer.

Land Use Planning
Received
November 26, 2024



CITY OF BERKELEY LANDMARK APPLICATION

for
2035 Francisco Avenue
Berkeley, California 94709

September 9, 2024

Prepared by:

JERRI HOLAN & ASSOCIATES, AIA
Architects ❖ Engineers ❖ Planners

Jerri Holan, FAIA
1323 Solano Avenue, Suite 204
Albany, CA 94706

LANDMARK APPLICATION

2. **ASSESSOR'S PARCEL NUMBER**: 58-2175-010
Block and Lot: Block C, Lot 10
Tract: Janes Tract

Dimensions: 100.67' x 42'

Cross Streets: Milvia Street and Shattuck Avenue

3. Property is not on State Historic Resource Inventory.

Property is not on the Berkeley Urban Conservation Survey.

4. **Application for Landmark includes**: Building only

5. **Historic Name**: None
Commonly Known Name: Underwood Flats

6. **Date of Construction**:
a. Factual: 1906-07 **b. Approximate**: n/a **c. Permitted**: 1927
Source of Information: Alameda County Assessor's Residential Building and Tax Assessment Records and Donegh Real Estate File

7. **Architect**: Unknown (Possibly A.H. Broad?)

8. **Builder:** Unknown (Possibly A.H. Broad?)
Extensive Remodel (1927): A.H. Broad

9. **Style**: Colonial Revival
(Hybrid of Neoclassic Rowhouse and Eastern Shingle Cottage)

10. **Original Owners**: Byron E. Underwood, Sr.
Original Use: Two Flats

11. **Present Owners:** Toni Pinck, David Pinck, and Zack Kahn

12. **Present Use**: Single-family Residence
Current Zoning: R-2A
Adjacent Property Zoning: R-2A

13. **Present Condition of Property**:
Exterior: Excellent
Interior: Excellent
Grounds: Fair

Has the property's exterior been altered: Some of the wood windows are replacements. In 1999, the two entry doors were replaced by a single, panel door when the flats were converted from a duplex to a single-family dwelling. New concrete stairs were added at this time. In the rear, the home was slightly altered during a breakfast nook remodel in 2007 and a deck was added. The home added a rear garage in 1927 which was converted to an ADU in 1988.

14. **DESCRIPTION - Colonial Revival**



FRONT PORCH, 2024

The home at 2035 Francisco Street is a two-story wood-frame residence constructed in the Colonial Revival genre. It has a composition, hipped roof with a central dormer and deep eaves with supporting corbels. The base of the home, below the watermark, is finished with shiplap siding, the first floor is finished with clapboard siding while the upper story is shingled. The upper story on the front elevation features a central bay window while the lower story has a bay window and a generous porch which features Corinthian-capped columns. The west side elevation also features a bay window on the lower floor. The upper frieze is characterized with wood trim and dentil work. Under the porch and bay roofs on the ground floor, the frieze has an egg and dart trim. Currently, most of the windows on the front half of the house are double-hungs with a three-

over-two divided lite pattern in the upper sashes. [Earlier photos show double-hung windows with no divided lites on the front of the house and three-over-two divided lite pattern on side windows.] The foyer features a leaded glass window in the typical diamond pattern from this period.



WEST ELEVATION, 2024



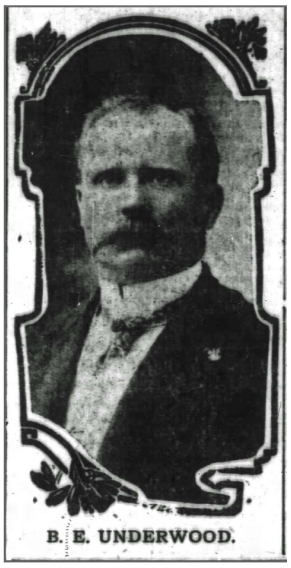
EAST FOYER WINDOW, 2024

While the style of this 1906 home grew out of the Colonial Revival era, it is a variant of the style known as a Neoclassic Rowhouse which was popular in the East Bay from 1895-1915. They were so called because they were built close together in a row. Rowhouses were typically one-story rectangular homes with hip roofs and classic details. The front door is recessed to one side and the porch is identified with two or three classical columns which are abbreviated and rest on a short porch walls. The front elevation has a bay window and, if the sideyard allows, so also does that elevation.

A close cousin of the Rowhouse is the two-story Eastern Shingle Cottage which also has its roots firmly in Colonial Revival tradition. While the Cottage style is known for its large, A-frame shingled second story, its ground floor is identical to the Rowhouse. These Cottages were popular during the same time frame as the Rowhouses.

The two-story building at 2035 Francisco has all the typical characteristic of a one-story, hip-roofed Neoclassic Rowhouse. However, it's second story clad in shingles calls to mind Eastern Shingle Cottages. Cottages typically had central windows in their upper gable walls and the central, second-story bay window on 2035 Francisco street resembles this feature. Consequently, 2035 is an excellent example of a hybrid between the single-story Rowhouse and the two-story Shingle Cottage.

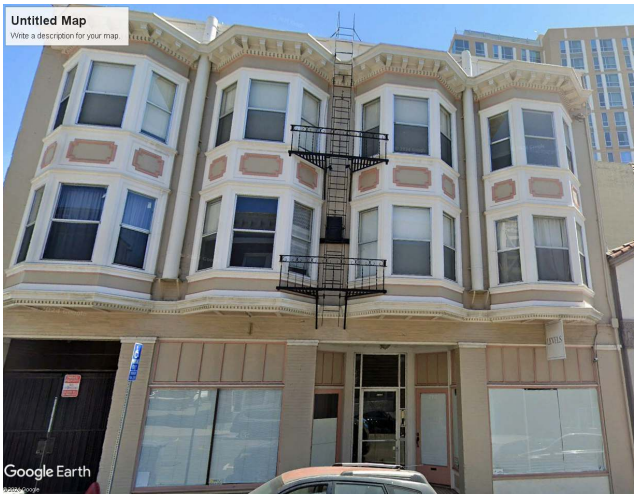
15. HISTORY - Byron Edward Underwood and Alphonso Herman Broad



B.E.UNDERWOOD
Oakland, Tribune, 1908

The Colonial Revival residence at 2035 Francisco is one of the last remaining buildings of Byron E. Underwood's original residential estate. Byron E. Underwood (1860-1937) was a very important figure in Berkeley's early history (*see Appendix A*). He settled in Berkeley in 1876 and started his plumbing, tinning, and gas-fitting business in 1884. He became a Town Trustee in 1890 and when the new City Charter was adopted in 1893, Underwood was re-elected to the Trustees, serving as Mayor. After retiring, in 1895, he served on the Ferry Committee for the Board of Trustees. An elected Republican delegate for the State in 1896, he was also a business entrepreneur active on bank boards and in purchasing real estate in the late 1800s. By 1900, he was one of the City's larger land holders and an anchor in Berkeley's business community.

Not only was Underwood a leader in political and economic life, he - along with his wife Florence (1860-1937) - was also a leading figure in a number of local and regional Odd Fellows Lodges which were very popular at the turn of the Century. He eventually became the Grand Trustee of the Grand Lodge of California Odd Fellows and along with his wife (*see Appendix B*), founded the Berkeley Rebekah Lodge. Florence and Byron had eight children, most of which were very involved in the Lodges as well as the First Baptist Church of Berkeley.



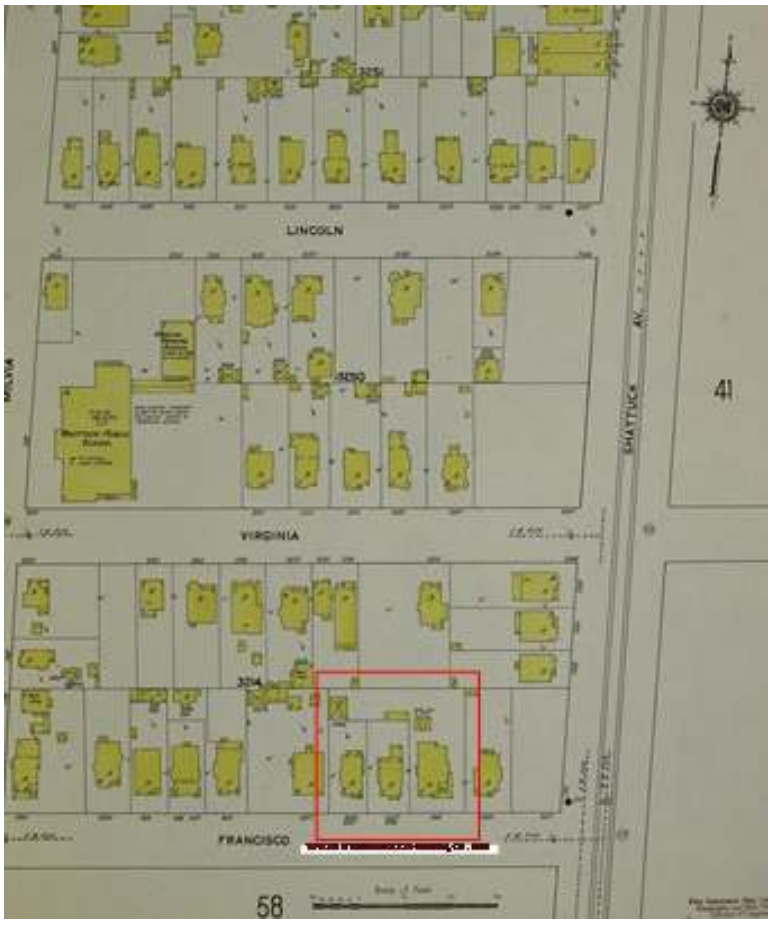
2110-2114 ADDISON STREET, CA. 2023



2041 FRANCISCO STREET, CA. 1956

Byron Underwood began purchasing Berkeley property early in his career. In 1893, he purchased the property at San Pablo and Addison where his plumbing business was originally located. In 1897, he purchased land on 6th Street and in 1898, he purchased land on Walnut Street. In 1905, he built a 3-story, mixed-use building at 2110 Addison Street. He relocated his plumbing business there on the ground floor and rented the upper floors. Now known as the Underwood Building, it is a Structure of Merit Landmark.

In 1893, at the same time he purchased his plumbing property on Addison and San Pablo, Byron Underwood purchased Lot 12 of Block C of Janes Tract. In 1896-97, he built his family home there at 2041 Francisco Street. A large notable Victorian residence, the building is no longer extant but Underwood resided in it until his death in 1937.



UNDERWOOD ESTATE FROM 1911 SANBORN MAP

In 1903, Byron Underwood purchased the adjacent Lot 13 of Block C of Janes Tract where he built two Colonial Revival style apartment buildings in 1906-07. Along with his

primary residence, these buildings comprised the entirety of his residential estate. Each apartment building consisted of two flats (four rooms each) and were built in the popular Colonial styles of the time. Neoclassical Rowhouse was the style of 2033-35 while 2037-2039 was constructed in the Classic Box variant.



ORIGINAL UNDERWOOD ESTATE - 2033-35 AND 2037-39 and 2041 FRANCISCO STREET, 1940





2033-35 FRANCISCO STREET, CA. 1955



CURRENT UNDERWOOD ESTATE - 2035 AND 2037-39 FRANCISCO STREET, 2024

In 1946, 2033-35 Francisco was transferred from the Underwood children to Ben, Donia, Max, and Bertha Oretsky. The building has had numerous owners through the years, most notable being August Fruge who owned the structure from 1959 - 1976. Fruge was a literal and figurative giant in the world of academic publishing and was the executive director that put UC Press on the map. He was a close associate of David Brower and the Sierra Club and was credited with the reorganization of the California Native Plant Society. Prior to the current owners, from 1992 until 2023 when he died, Dr. Andrew Stewart owned and resided in the building. An art history professor at UC Berkeley as well as a renowned archaeologist, Dr. Stewart was at the top of his field, and won the Archaeological Institute of America's Gold Medal Award for Distinguished Archaeological Achievement.

Today, 2035 and 2037-39 both remain intact and have a good deal of integrity. In 1999, 2033-35 was converted into a single-family residence (now 2035 Francisco). At this time, the two original entry doors were replaced by a single, panel door with sidelights.

Alphonso H. Broad

There is no record of the original builder or architect of any of Underwood's residential estate buildings which were built in 1896 (2041 Francisco) and 1906-07 (2033 - 2039 Francisco). Berkeley's first building permit was issued in September 1904 and archives at BAHA have copies of the first year which ended in September 1905. Permit records from September 1905 through December 1908 have never been located. BAHA archives also has copies of permits

from January 1909 through December 1946. [The City started again with No. 1 in April 1909 when the Town of Berkeley became the City of Berkeley.]



A.H. BROAD
Berkeley Historical Society

However, copies of later records do have permit information for work done later on the properties. In 1925, A.H. Broad did an extensive remodel of 2037-39 Francisco and in 1927, he did the same for 2033-35. He also performed work on 2041 Francisco during this time. While it is unknown if A.H. Broad was the original architect and builder of Underwoods' residential properties, there is a high likelihood that he could have been given the high-quality of construction each structure exhibited and his association with Underwood in other areas of Berkeley society.

Broad and Underwood were contemporaries in many aspects of Berkeley's early history and they had similar interests and affiliations. Both served on the Berkeley's Board of Trustees contemporaneously, both were significantly involved in local real estate, and both had strong ties to Berkeley's Odd Fellows Lodge.

Alphonso Herman Broad (1851–1930) came to Berkeley in 1877, on the eve of the town's incorporation, and immediately took an active part in its civic life. In 1878, Broad was elected to Berkeley's first board of trustees served for two crucial years in which the board put in place our property assessment mapping system. From 1887-88, Broad would serve as town marshal and ex-officio Superintendent of Streets (*Thompson, Daniella*). Obviously, Broad and Underwood shared many political activities

For many years, Broad's office was located on the east side of Shattuck Avenue (then Stanford Place) between Center and Addison, across the street from the SP station. His display ad in the 1894 directory proclaimed:


A. H. BROAD.
Architect ∴ and ∴ Builder
Special Attention Given to Jobbing.
Plans and Specifications Furnished.
Houses Built on Installments.
Cabinet Work of Every Description Neatly Done.
SHOP, Near Odd Fellows' Hall.
RESIDENCE, Center St., near Shattuck Ave. Berkeley, Cal.
BROAD A H. architect and builder, e s Stanford nr Addison, res Center nr Shattuck ave

The Odd Fellows Hall mentioned in the ad had been built by Broad, like Underwood, an active Odd Fellows himself. [The building was razed to make way for the Mason-McDuffie headquarters on the corner of Shattuck Avenue and Addison Street.] Around the corner, in 1905, Underwood built his office building at 2110 Addison. It would be reasonable to assume the two renowned neighbors, an active builder and a real estate afficionado, transacted at least some business together. At the very least, given the stature of Underwood in the Odd Fellow Lodge, Brother Broad would have shared his business interests with his Brother Underwood.

It would not be unreasonable to speculate that A.H. Broad was involved with the construction of B.E. Underwood's original residential properties given their shared activities in politics, business, and the Odd Fellows Lodge. What we do know is that in 1925-27, Broad performed large-scale remodels or alterations on both 2033 and 2037 Francisco and it would be logical to assume that he might also have been their original architect and/or builder.

16. SIGNIFICANCE

Historic Value: City & Neighborhood

Architectural Value: County & City & Neighborhood

CRITERIA FOR BERKELEY LANDMARKS

Berkeley's Criteria for Landmark eligibility follows the standards of the National Register of Historic Places (NR) or the California Register of Historical Resources (CR). To be eligible for listing on the NR or CR, a structure must usually be more than 50 years old, must have historic significance, and must retain its physical integrity. The Registers evaluate the significance of a resource on the following four criteria:

Criterion 1 - Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of Berkeley or California or the United States;

Criterion 2 - Associated with the lives of persons important to Berekely, California or national history;

Criterion 3 - Embodies the distinctive characteristics of a type, period, region or method of construction or represents the work of a master or possesses high artistic values;

Criterion 4 - Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

An analysis of 2035 Francisco Street in respect to these Criteria follows:

CRITERION 1 - Events

Under Criterion 1, research indicates that the subject property has association with patterns and events that made significant contributions to local and regional history.

The property at 2035 Francisco is associated with the development of multi-unit dwellings at the turn of the Century in the East Bay and in downtown Berkeley's north business district - centered around Vine and Shattuck - in particular. In the early 1900s, Berkeley experienced a dramatic increase in population. The rise of the streetcar system in the late nineteenth century, especially along Shattuck Avenue, stimulated residential building along its routes. After the earthquake in 1906, an influx of 20,000 residents moved permanently to Berkeley. At the same time, the expanding University required accommodations for its students and professors. The four flats constructed by B.E. Underwood at 2033-35 and 2037-39 Francisco are examples of a landowner constructing dwellings to accommodate the need for housing in this burgeoning neighborhood.

Under Criterion 1, the property at 2035 Francisco is eligible for listing as a Berkeley landmark.

CRITERION 2 - Persons

Under Criterion 2, research conducted for 2035 Francisco Street yielded substantial information regarding individuals associated with this property.

The owner of the property, Byron E. Underwood, was an important figure in Berkeley's early history at the turn of the Century. As a Board of Trustee member, he exerted influence over the City's civic development. A businessman who owned a number of properties throughout the City and served on various bank boards and commissions, he was also a well-respected member of the economic community. Lastly, Underwood was a state leader of California's Odd Fellows as well as an original founding member of Berkeley's Odd Fellows and Rebekah Lodges.

The property is also associated with Alphonso H. Broad, one of Berkeley's most renowned builders at the turn of the Century. He was an architect and master builder of numerous Victorian (especially Eastlake Cottages), Colonial and Arts & Crafts buildings

throughout town. Over the course of five decades, Broad not only supervised construction of a large number of structures in all parts of Berkeley but also designed many of them.

Consequently, the property is eligible for listing as a Berkeley landmark under Criterion 2.

CRITERION 3 - Design

Under Criterion 3, the subject property has association with an architectural style that is worthy of preserving for its value to the neighborhood. It is also associated with a master builder of the period.

2035 Francisco Street embodies the characteristics of a Colonial Revival Style, a distinct hybrid of a 1-story Neoclassical Rowhouse and a 2-story Eastern Shingle Cottage. Rowhouses and Cottages were important smaller residential styles in the East Bay from about 1895 until about 1915 for families who didn't need a ten room home. The building is the work of a well-known local builder, A.H. Broad, and it has retained all its important features and integrity.

Consequently, under Criterion 3, the property is eligible for listing as a Berkeley landmark.

CRITERION 4 - Information

Under Criterion 4, a property might be significant if it has potential to yield information about the state or nation's prehistory or history. This type of research is beyond the scope of this evaluation and further investigation may be necessary to determine significance. However, similar construction in the vicinity has revealed no important archeological information so the property does not appear to be eligible as a Berkeley Landmark under this criterion.

In conclusion, 2035 Francisco Street is eligible for listing as a Berkeley landmark because it has historic significance under Criteria 1, 2, and 3 and it has retained its physical integrity, i.e., the building has retained its location, design, setting, materials, workmanship, feeling, and association and is able to convey its historic context.

The building's California Historical Resource Status Code is 5S2 (*see Appendix C*).

17. Is Property Engangered: No

18. Photographs:

Current: Jerri Holan
Historical: Berkeley Architectural Heritage Association Archives

Repositories:

a) Alameda County Assessor's Records;
b) City of Berkeley Building Permit Records;
c) Berkeley Architectural Heritage Association Archives;
d) University of California Archives;
e) California Digital Newspaper Collection (https://cdnc.ucr.edu)
f) Newspapers.com;
g) Ancestry.com;
h) Library of Congress Sanborn Map Collection.

19. Bibliography:

Cerny, Susan Dinkelspiel, *Berkeley Landmarks*, Berkeley Architectural Heritage Association, Berkeley, 2001

McAlester, Virginia, *A Field Guide to American Houses*, Alfred A. Knopf, New York, 2015

Oakland Planning Department, *Rehab Right*, City of Oakland, Oakland, 1978

Thompson, Daniella, "Builder-artist A.H. Broad left his mark on Berkeley," *Berkeley Then and Now*, 6 February 2007 & 6 August 2009

Berkeley Gazette, 1895 - 1965

Oakland Tribune, 1925 - 1950

San Francisco Call, 1893 - 1950

20. Recorders:

Jerri Holan, FAIA	Jerri Holan & Associates, 2024
David & Toni Pinck	Owners, 2024

APPENDIX A

Transcript
B. E. Underwood Called by Death Byron Edward Underwood, one of the pioneer settlers and business men of Berkeley, passed away this morning at his residence, 2041 Francisco Street, after an illness of more than a year. He was born in Redwood City, California, December 17, 1860, the son of the late Joshua and Elizabeth (Steenburgh) Underwood, being of Colonial English and Colonial Dutch stock. His father came around The Horn from New York State in 1850 and for many years was engaged in the lumber and shingle business near Redwood City, but later removed to Berkeley. B. E. Underwood came to Berkeley in 1876 and, having learned the plumbing business from his brother-in-law, the late Alec G. Annis, he opened a plumbing shop in West Berkeley in 1884. This business later removed to Stanford Place (now a part of Shattuck Avenue) and afterward to 2119 Addison Street. During the many years that he worked as a plumbing contractor in Berkeley his integrity as a business man was proverbial. SERVED CITY For three years he served on the board of trustees of Berkeley under the old charter, during a part of which time he was president of the board and discharged the duties equivalent to those of a mayor. On his retirement in 1894 he received a special testimonial signed by all the members of the board and expressing its appreciation of the uniform kindness and courtesy which he has during all said time shown toward the other member of this board as its president; for the considerate manner in which he has invariably treated all members of the community when appearing before this board, and for the great patience with which he has listened to the arguments of the other members of the board, and other person in all matters at hearing before it. He was a member of Berkeley Lodge No. 270. I. O. O. F. since April 17, 1884. Not only was he honored with the positions of Noble Grand of his lodge and as district deputy grand master of District 96, but he had been grand trustee of the Grand Lodge of the I. O. O. F. of California for many years and up to the time of his death. He was also a charter member of Berkeley Rebekah Lodge No. 262 and a charter member of both Berkeley Encampment No. 103 and of Canton Berkeley No. 7. P. M. In addition, he was a member of Berkeley Lodge No. 363. F. & A. M. of Berkeley Chapter No. 92. R. A. M. and of the Scottish Rite bodies of Oakland. During the time of the earthquake and fire in 1906 he was in charge of the relief work of the fraternal bodies of Berkeley that was carried on in the old Odd Fellows Hall, and much of the efficiency of this work was due to his constant and intelligent supervision. BANK DIRECTOR For some years he was a director of the West Berkeley Bank and later of the College National Bank, both of which have since been absorbed in the American Trust Company. Mr. Underwood leaves a widow, Florence Josephine Underwood, and seven surviving children: Byron Edward Underwood, Jr., Mrs. Saidee Ray Coward, Raymond Liftchild Underwood, Florence Emma Underwood of Taft, California, Mrs. Anita Lois Wise of Minneapolis, Minnesota, Mrs. Marion Ruth Ferris of Hyattsville, Maryland, and Mrs. Edith Rebekah De Mattos. Funeral services will be held at the Berkeley Odd Fellows Temple, Bancroft Way and Fulton Street, on Friday afternoon, at 1:30 o'clock, under the auspices of the local lodge of Odd Fellows. The Rev. William C. Spencer of Oakland, formerly pastor of the First Baptist Church of Berkeley and a very old friend of Mr. Underwood and his family, also will officiate. It is expected that the other fraternal organizations to which he belonged and also the city government will be represented.

Detail
May 11, 1937

Source information

Title
Berkeley Daily Gazette

APPENDIX B

Oakland_Tribune_Thu__Jan_25__1940_



Funeral Saturday For Mrs. Underwood

BERKELEY, Jan. 25. — Funeral services will be held Saturday for Mrs. Florence Josephine Underwood, 77, of 2041 Francisco Street, a Berkeley resident for 54 years, who died yesterday at her home after an illness of several months.

Mrs. Underwood, a native of Jersey City, N.J., was educated in private schools in the East and came to Oakland as a young girl. She was an accomplished musician and taught music and was a well-known accompanist for many years. Her late husband, Byron E. Underwood, was a plumbing contractor.

Mrs. Underwood was a life-long worker in the First Baptist Church of Berkeley, which she joined when Berkeley had only 13,000 inhabitants. She was a charter member of Berkeley Rebekah Lodge No. 262, I.O.O.F., and was past noble grand of the lodge. She was a member of several choral organization in Berkeley.

Surviving are her children: Mrs. Saidee Ray Coward, Miss Florence Emma Underwood of Taft, Mrs. Anita Lois Wise of Minneapolis, Mrs. Marion Ruth Ferris of Hyattsville, Mr., Mrs. Edith Rebekah de Mattos, the Rev. Byron Edward Underwood Jr. of Mansfield, Mass., and Raymond Litchfield Underwood, and a brother, Charles Litchfield of San Diego.

Funeral services under the auspices of Rebekah Lodge will be held Saturday t 10:30 a.m. at the First Baptist Church, with the Rev. Dr. John W. Bailey of the Berkeley Baptist Divinity Sschool officiating. Services are to be arranged by Hull and Durgin.

Date: 1/21/2018 9:56:52 AM

APPENDIX C

California Historical Resource Status Codes

1	**Properties listed in the National Register (NR) or the California Register (CR)**
1D	Contributor to a district or multiple resource property listed in NR by the Keeper. Listed in the CR.
1S	Individual property listed in NR by the Keeper. Listed in the CR.
1CD	Listed in the CR as a contributor to a district or multiple resource property by the SHRC
1CS	Listed in the CR as individual property by the SHRC.
1CL	Automatically listed in the California Register – Includes State Historical Landmarks 770 and above and Points of Historical Interest nominated after December 1997 and recommended for listing by the SHRC.
2	**Properties determined eligible for listing in the National Register (NR) or the California Register (CR)**
2B	Determined eligible for NR as an individual property and as a contributor to an eligible district in a federal regulatory process. Listed in the CR.
2D	Contributor to a district determined eligible for NR by the Keeper. Listed in the CR.
2D2	Contributor to a district determined eligible for NR by consensus through Section 106 process. Listed in the CR.
2D3	Contributor to a district determined eligible for NR by Part I Tax Certification. Listed in the CR.
2D4	Contributor to a district determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
2S	Individual property determined eligible for NR by the Keeper. Listed in the CR.
2S2	Individual property determined eligible for NR by a consensus through Section 106 process. Listed in the CR.
2S3	Individual property determined eligible for NR by Part I Tax Certification. Listed in the CR.
2S4	Individual property determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
2CB	Determined eligible for CR as an individual property and as a contributor to an eligible district by the SHRC.
2CD	Contributor to a district determined eligible for listing in the CR by the SHRC.
2CS	Individual property determined eligible for listing in the CR by the SHRC.
3	**Appears eligible for National Register (NR) or California Register (CR) through Survey Evaluation**
3B	Appears eligible for NR both individually and as a contributor to a NR eligible district through survey evaluation.
3D	Appears eligible for NR as a contributor to a NR eligible district through survey evaluation.
3S	Appears eligible for NR as an individual property through survey evaluation.
3CB	Appears eligible for CR both individually and as a contributor to a CR eligible district through a survey evaluation.
3CD	Appears eligible for CR as a contributor to a CR eligible district through a survey evaluation.
3CS	Appears eligible for CR as an individual property through survey evaluation.
4	**Appears eligible for National Register (NR) or California Register (CR) through other evaluation**
4CM	Master List - State Owned Properties – PRC §5024.
5	**Properties Recognized as Historically Significant by Local Government**
5D1	Contributor to a district that is listed or designated locally.
5D2	Contributor to a district that is eligible for local listing or designation.
5D3	Appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation.
5S1	Individual property that is listed or designated locally.
5S2	Individual property that is eligible for local listing or designation.
5S3	Appears to be individually eligible for local listing or designation through survey evaluation.
5B	Locally significant both individually (listed, eligible, or appears eligible) and as a contributor to a district that is locally listed, designated, determined eligible or appears eligible through survey evaluation.
6	**Not Eligible for Listing or Designation as specified**
6C	Determined ineligible for or removed from California Register by SHRC.
6J	Landmarks or Points of Interest found ineligible for designation by SHRC.
6L	Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning.
6T	Determined ineligible for NR through Part I Tax Certification process.
6U	Determined ineligible for NR pursuant to Section 106 without review by SHPO.
6W	Removed from NR by the Keeper.
6X	Determined ineligible for the NR by SHRC or Keeper.
6Y	Determined ineligible for NR by consensus through Section 106 process – Not evaluated for CR or Local Listing.
6Z	Found ineligible for NR, CR or Local designation through survey evaluation.
7	**Not Evaluated for National Register (NR) or California Register (CR) or Needs Revaluation**
7J	Received by OHP for evaluation or action but not yet evaluated.
7K	Resubmitted to OHP for action but not reevaluated.
7L	State Historical Landmarks 1-769 and Points of Historical Interest designated prior to January 1998 – Needs to be reevaluated using current standards.
7M	Submitted to OHP but not evaluated - referred to NPS.
7N	Needs to be reevaluated (Formerly NR Status Code 4)
7N1	Needs to be reevaluated (Formerly NR SC4) – may become eligible for NR w/restoration or when meets other specific conditions.
7R	Identified in Reconnaissance Level Survey: Not evaluated.
7W	Submitted to OHP for action – withdrawn.

12/8/2003

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INFORMATION CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: City Auditor Fiscal Year 2026 Audit Plan

INTRODUCTION

The Berkeley City Charter requires the City Auditor to provide the City Council with a planned audit schedule by the beginning of each fiscal year (FY) and to notify the Council when audits are added. In deciding what to audit, our office considers suggestions from the City Manager, staff, the City Council, the Rent Stabilization Board, commissioners, and other community members. We examine risks that might prevent the City from reaching its goals, including strategic, financial, regulatory, operational, and reputational risks.

CURRENT SITUATION AND ITS EFFECTS

As required by the City Charter, we are notifying the Council of our annual audit plan. The following plan assumes being fully staffed to conduct these audits.

For FY 2026, we have identified areas we aim to address in the upcoming year:

- Homelessness (audit to be released in July)
- Contracts (audit in progress)
- Rent Stabilization Board
- Fiscal condition
- Follow-up on prior audit recommendations
- Short-term projects
- Whistleblower Program

BACKGROUND

The mission of the Berkeley City Auditor is to promote transparency and accountability in Berkeley government. This is achieved through independent evaluations of City programs and activities. The FY 2026 Audit Plan reflects our office's commitment to continuous improvement by enhancing the overall impact of the Berkeley City Auditor's Office on behalf of Berkeley residents, businesses, and visitors.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This report is not associated with identifiable environmental effects or opportunities.

POSSIBLE FUTURE ACTION

Our future audit recommendations will address the risks that could prevent the City from providing efficient, effective, and equitable service delivery. We will be asking the Council to accept those

recommendations and request that the City Manager report on their actions to implement them. We may also make recommendations requiring Council action.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Audit work can lead to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Long-range financial benefits of our audits include significant improvements to internal controls and service delivery.

Ensuring timely implementation of audit recommendations could result in additional savings and risk reduction, including fraud risk. Reducing fraud risk more than protects money; it builds trust in government. Maintaining a strong audit function and fiscal management will reduce future costs and enhance public trust.

CONTACT PERSON

Jenny Wong, City Auditor, 510-981-6750

Attachment:

1. Audit Plan Fiscal Year 2026



Audit Plan Fiscal Year 2026

Inside

Letter from the Auditor

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BERKELEY CITY AUDITOR

Letter from the Auditor



As the Berkeley City Auditor, I am pleased to present to you the audit plan for fiscal year (FY) 2026. This plan outlines the key areas of focus for the City Auditor's Office, including ongoing work, new initiatives, and the allocation of resources to ensure transparency, accountability, and effective governance. In light of the City's fiscal challenges, my office will continue to work to ensure City dollars are spent responsibly and in accordance with Berkeley values.

Our office conducts performance audits of city functions, where we evaluate city programs to determine their effectiveness and compliance with local laws and regulations. Our goal with each audit is to ensure that the City is using taxpayer dollars efficiently and equitably to deliver high-quality services. We aim to initiate the engagements identified in the audit plan during the fiscal year. Our capacity to initiate and complete projects this fiscal year will depend on available resources.

At the beginning of fiscal year 2025, my office released an award-winning restaurant inspections audit, which has already led the department inspecting all high and very high risk facilities that were not inspected in 2023. We also conducted substantive follow-up on our past audits to ensure the City appropriately implemented recommendations and addressed the identified risks. In addition to our regular audit follow-up process, we also completed a follow-up report on the leases audit our office released in 2009. To address the continued risks, we re-opened 8 recommendations including developing a complete central inventory of licenses and leases. We also continued the implementation of our new Whistleblower program, launching the program internally and educating staff on how to identify and report concerns.

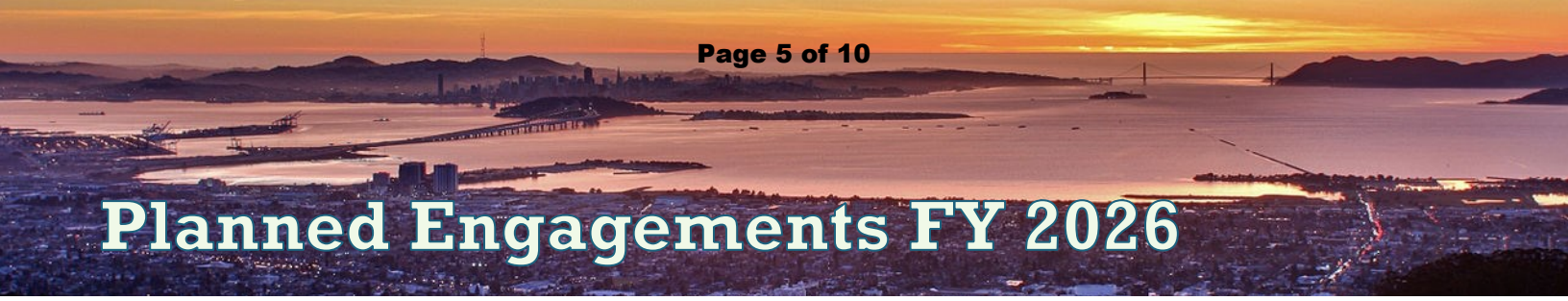
Building upon these accomplishments, we have developed the FY 2026 audit plan to address areas of concern and further strengthen the governance and fiscal responsibility of the City of Berkeley during this budget deficit. In FY 2026, we will continue our ongoing audit of contracts and release an audit of homelessness. We also plan to initiate new audits related to the Rent Stabilization Board and the City's fiscal condition, depending on staff capacity.

We will continue to perform follow-up work on audit recommendations to determine if the City has properly implemented them. I will also continue to devote office resources to completing the launch of the Whistleblower Program.

I am dedicated to our office's mission of promoting transparency and accountability in Berkeley government. During this uncertain time, I look forward to working with City leadership, staff and the public to provide transparent, rigorous analysis to inform the tough decisions ahead on the issues that matter most to Berkeley residents.

Respectfully,

JENNY WONG
City Auditor



Planned Engagements FY 2026

Rent Stabilization Board

The Auditor's Office will conduct an audit examining the Rent Stabilization Board's finances or operations.

Fiscal Condition

The Auditor's Office will assess the City's financial health. This analysis may examine the City's overall financial condition or focus on specific funds, departments, or program areas, depending on identified risks and priorities.

Follow-Up

The Auditor's Office will continue to track and follow up on all audit recommendations to determine if they are properly implemented. We will continue to publish an online public dashboard to increase transparency and accountability of the implementation status of open audit recommendations.[1] See page 4 for more details.

This process may lead to follow-up audits in areas where risks identified in the original audit have not been mitigated.

Short-Term Projects

In order to be responsive to the needs of the City and the public, we may engage in short-term projects to provide timely and relevant information and analysis to the City and community.

Ongoing Engagements

The Auditor's Office will continue our audit of contracts and release our audit of homelessness.

Whistleblower Program Implementation and Anti-Fraud Focus

The Auditor's Office is continuing implementation of the Whistleblower Program, which provides a confidential way for employees and members of the public to report fraud, waste, or abuse by City departments, employees, or contractors. Over the past year, we developed policies and procedures, launched the program internally, and began educating staff on how to identify and report concerns. This fiscal year, we will open the program to the public, expand outreach, and continue to promote a culture of integrity and accountability. See page 5 for more details.

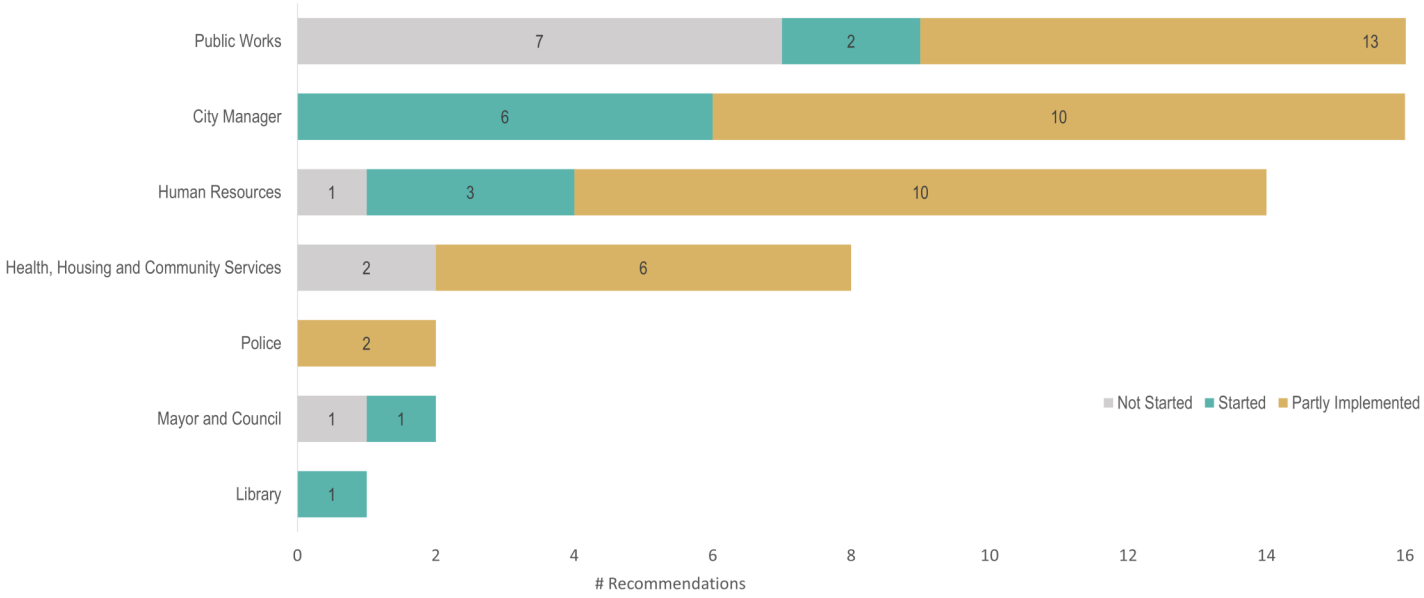
[1] City Auditor's Recommendation Dashboard—bit.ly/AuditRecDashboard

Follow-Up

In fiscal year 2026, the Auditor's Office will follow up on 65 open recommendations from 9 audits. We will use the following statuses to report on the implementation of audit recommendations:

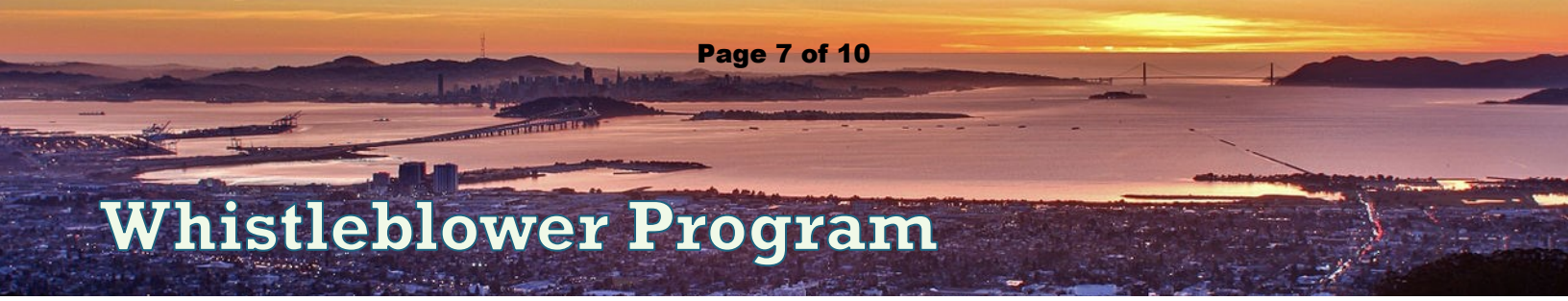
- ***Implemented:*** auditee has addressed the audit risk by completely implementing the recommendation.
- ***Partly implemented:*** auditee has implemented 50 percent or more of the recommendation.
- ***Started*:** the auditee has started to address the recommendation but has not reached the 50 percent threshold.
- ***Not started:*** auditee has not yet taken action to implement the recommendation.
- ***Dropped:*** the auditee has accepted the risk to the City that the recommendation is meant to address and is unable or unwilling to implement the recommendation. Additionally, all open recommendations will be reported as dropped if they are not implemented within five years of audit issuance.

As of July 1st, 2025, there are 65 open recommendations from 9 audits across 5 departments as well as the Library, and Mayor and Council.



Note: The graph only shows open recommendations our office is still following up on. Implemented and dropped recommendations are considered closed. The status for all recommendations is on our dashboard.

Source: Berkeley City Auditor



Whistleblower Program

The Whistleblower Program will include a confidential hotline for reporting fraud, waste, and abuse in city government 24/7, 365 days of the year. The hotline is currently available to all city employees, contractors, and vendors. Once sufficient staff resources are in place, the program will expand to accept reports from the broader Berkeley community. To protect whistleblowers, city policy protects city employees from retaliatory acts.

Authority and Independence

State legislation encourages cities to specifically focus on fraud, waste, and/or misuse of city resources through whistleblower programs led by city auditors. In 2009, California Government Code Section 53087.6 enabled local government auditors to establish whistleblower programs and to provide whistleblower protections. Local auditors are authorized under Section 53087.6 to create whistleblower programs with the approval of their respective legislative bodies, and have discretion in how to operate their programs. In June 2024, City Council adopted Ordinance No. 7,922 formally establishing the City Auditor's authority to receive and investigate whistleblower reports.

The Berkeley City Auditor maintains a level of structural independence well-suited for a whistleblower program, as they are elected by the public and do not report to the City Manager or Council. The City Auditor is well-positioned due to their role in providing objective information on the operations of government programs and helping ensure full accountability to the public.

Implementation Plan

	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5
Activity	Resources	Reporting Mechanism	Response Mechanism	Education and Awareness	Program Launch
	Hire Whistleblower Program Manager	Determine appropriate methods and platforms for whistleblower reporting	Design a process for responding to and referring complaints	Develop written procedures and educational material	Receive and respond to complaints according to established procedures
	Determine funding needed for remaining steps of the implementation plan and ongoing operations	Design intake forms and procedures	Obtain necessary access rights to data systems for investigations	Disseminate educational materials	Develop mechanisms for ongoing assessments of program effectiveness including the development of metrics to benchmark across time or against similar organizations
Outcome	Resources	Reporting Mechanism	Response Mechanism	Education and Awareness	Program Launch
	Staff and funding secured to successfully manage program	Multiple channels for employees and outside parties to report complaints 24 hours a day, 365 days of the year	Ability to prioritize, investigate, refer, and follow up on complaints received	Potential whistleblowers understand how the program works, why it is important, and how they will be supported	A more accountable Berkeley government through the prevention and investigation of suspected fraud, waste, and abuse.



Plan Description

The mission of the Berkeley City Auditor is to promote transparency and accountability in Berkeley government. This is achieved through independent evaluations of city programs and activities. The Fiscal Year 2026 Audit Plan reflects the office's steadfast commitment to continuous improvement by enhancing the overall impact of the Berkeley City Auditor's Office on behalf of Berkeley residents, businesses, and visitors.

Auditing Under the City Charter

The Charter provides that the Auditor shall have the authority to conduct:

- Performance and financial audits or special studies of all phases of the City of Berkeley government in accordance with government auditing standards;
- Financial, compliance, efficiency and economy, and program results auditing; and
- Examinations of payrolls, bills, and other claims and demands made against the City.

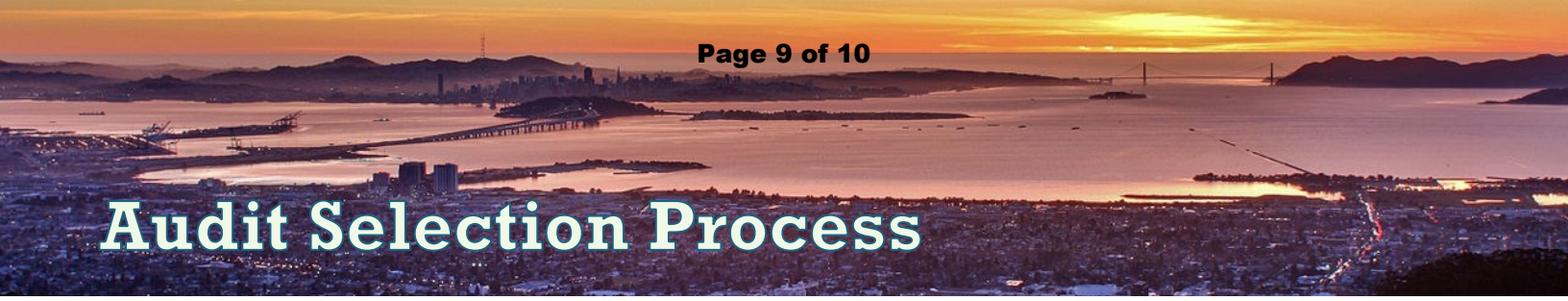
The FY 2026 Audit Plan ensures broad audit coverage throughout the City while also addressing specific performance, financial, contractual, and system risks. Audit resources are limited, thus prohibiting one hundred percent coverage each year. This significant limiting factor is inherent in the concept of using risk assessment to help prioritize audits. According to the City Charter, the ultimate decision to perform any audit shall be at the sole discretion of the Auditor. Our approach to scheduling audits is flexible and subject to change throughout the year based on newly identified risks.

Audit Follow-Up Program

Audit follow-up activities are conducted for every audit to assess whether city personnel implemented the agreed-upon audit recommendations. The Auditor's Office issues follow-up audit reports to City Council on the status of our recommendations. We also maintain a public dashboard with the status of audit recommendations. Our office measures the audit recommendation implementation rate as an indicator of the degree to which the City is using information provided by our audit reports to mitigate identified risks and to enhance efficiency, effectiveness, and equity of operations. Our expectation is that the City should take no more than two years to implement our audit recommendations, unless specified.

Focus on Integrity, Independence, Impact, and Equity

The concepts of integrity, independence, impact, and equity are core tenets of operations within the Berkeley City Auditor's Office. Although the Auditor operates independently from other city entities, Auditor Wong and staff meet regularly with the Mayor, City Council, city personnel, neighborhood groups, and civic leaders to solicit input regarding risks. The objective of this strategy is to improve services and stewardship of city resources, with a focus on ensuring equitable access and outcomes for the Berkeley community.



Audit Selection Process

Developing an annual Audit Plan is an iterative process, conducted by assembling ideas from a variety of internal and external stakeholders, examining a broad range of City programs and activities, and assessing risk factors together with additional considerations. This approach results in a diverse list of departments, programs, and activities that are examined to determine whether they are operating efficiently, effectively, and in accordance with the law and other requirements.

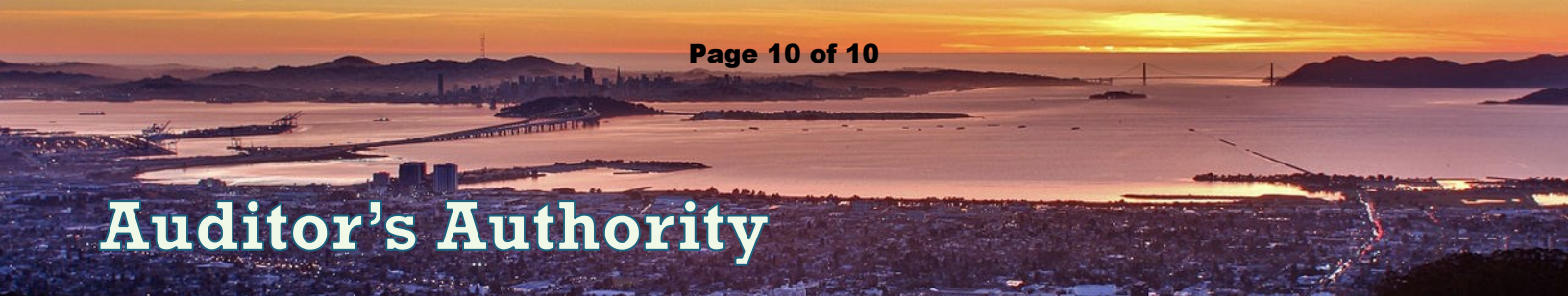
In developing a list of potential audits, ideas come from a variety of sources:

- Input from the community, elected officials, department staff, and City management;
- Assessment of operations and controls in previous audit reports;
- Assessment of citywide risks;
- Consideration of current local events, financial conditions, capital improvement projects, and public policy issues; and
- Consideration of risks identified in other government audits that could emerge in Berkeley.

Our office identifies and prioritizes potential audits and other assessments using a risk-based approach that examines a variety of factors that may expose the City to fraud, misuse of funds, waste, liability, or reputational harm. The following risk factors are used to determine the audits included in the audit plan:

- Perception of risk from management, City Council, the community, and audit staff;
- Economic factors such as financial impact, volume of transactions, number of personnel, and revenue generated;
- Changes in organization, management, key personnel, and information systems; and
- Time since last audit.

After the plan is finalized, new information may come to light; events, initiatives, priorities, and risks within the City may change. The flexible nature of the Audit Plan as a living document provides the ability to change course when it is in the best interest of the City.



Auditor's Authority

The Berkeley City Auditor's Office provides independent oversight of city operations. Audits, conducted by the Office, provide the City Manager, City Council, and the public with objective, timely, and accurate information about city program performance. By providing this information and making recommendations for improvement, the Office helps to hold government accountable in its stewardship of public resources. Berkeley City Charter, Section 61, establishes this independence and provides for the Auditor's general authority and duties. The Charter also establishes the duty to present a planned audit schedule to City Council at the beginning of each fiscal year.

Several key components serve as the cornerstone for Berkeley's auditing framework. These elements provide the Auditor with the independence that results in the office's ability to conduct high-impact audits.

Elected Auditor — The City of Berkeley has an elected Auditor who is independent from all other elected officials and City management.

Comprehensive Access — The City Charter and Municipal Code authorize the Auditor to have unrestricted access to all officials, employees, records, and reports maintained by the City, and to all external entities, records, and personnel related to contracted business interactions with the City.

Audit Response Requirements — City Municipal Code requires that City management formally respond to all audit findings and recommendations, establishing the Auditor's ability to work in conjunction with audited departments while maintaining independence.

Recommendation Follow-up Requirements — City Municipal Code establishes the Auditor's authority to follow-up on audit recommendations as practical to determine if the City Manager is implementing corrective action, and request periodic reports on the status of audit recommendations from city management. The Auditor determines the adequacy, effectiveness, and timeliness of management's actions to correct reported issues and recommendations.

Adherence to Professional Auditing Standards — As a requirement in the City Charter, the Auditor's Office conducts all audits in accordance with Generally Accepted Government Auditing Standards produced by the United States Government Accountability Office.

Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online
https://records.cityofberkeley.info/

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF