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October 17, 2024

VIA ELECTRONIC MAIL [Council@berkeleyca.gov]

Honorable Mayor and Members of the City Council
Council@berkeleyca.gov
2180 Milvia Street
Berkeley, CA 94704

Re: Citygate Associates’ “Workload and Organizational Study of the Police Department”

Honorable Mayor and Members of the City Council:

On September 11, 2024, the Berkeley Police Accountability Board (PAB) received Citygate Associates’ (Citygate) “*Workload Organizational Study of the Policy Department*” (report), a review initiated by the Berkeley City Council (Council) as part of the Reimagining Public Safety Process.¹ The report contains 74 key findings and 54 recommendations to improve Berkeley Police Department (BPD) staffing, response times, and organizational deployment. The PAB thanks Citygate for its well-written report. We write separately to raise critical questions about some aspects of the report, as well as to provide recommendations for the City Council’s consideration.

The PAB specifically recommends that the Council:

- 1. Formally Select Comparator Agencies to the Berkeley Police Department.** Comparator agencies matter for benchmarking and accountability purposes; to that end, Citygate benchmarked BPD to comparator agencies throughout its report. Citygate-identified agencies could be formally adopted by Council or the BPD as comparator entities. Alternatively, a set of criteria to be used to identify and select could be established. Once identified, the Council,

¹ Citygate Police Services. (2024, September 4). Workload organizational study of the police department. City of Berkeley. <https://berkeleyca.gov/community-recreation/news/workload-organizational-study-police-department>

the BPD, and the PAB should consistently use these comparator agencies for budget and performance benchmarking purposes.

- 2. Formally Adopt Response Time Expectations and Standards.** Expectations about response times reflected in established standards drive requisite patrol staffing levels. As the Citygate report notes, neither the Council, BPD, nor the PAB have adopted such standards. As a result, Citygate’s analysis relied on the National Emergency Number Association’s 9-1-1 response time standard and a “Rule of 60” to make determinations about needed BPD staffing levels.² Citygate’s reliance on the standards it selected—which necessarily do not reflect any local priorities—had a profound effect on the report’s conclusions, highlighting the criticality of the Council initiating, and concluding, this work promptly.³
- 3. Ask Citygate to Extend its Comparative Analyses to Include Budget and Expenditures Per Capita.** While the report includes comparative analyses between BPD and selected agencies across several metrics, notably absent is an analysis of budget and expenditures per capita. This is a needed augmentation to Citygate’s comparative analyses that would benefit the Council as it considers future allocations for the BPD.
- 4. Hold on Funding any New Positions.** The report recommends a significant reallocation of work from sworn officers to Community Service Officers (CSOs), does not account for the expected reduction in sworn officer workload resulting from the Specialized Care Unit (SCU), and estimates the need for patrol staffing based on a Rule of 60 unrelated to any community based or Council-led expectations around response times or the impact of the SCU on patrol staffing needs. The BPD should implement the recommended redistribution of work, response time expectations should be established, and the Council should direct a serious inquiry into the relationship between the SCU and BPD workload, prior to approval of funding for any new positions in the Department.

² The National Emergency Number Association (NENA) standard suggests that law enforcement respond to 90% of all 9-1-1 calls within 15 seconds and 95 percent of all calls within 20 seconds. Citygate Report, 129. The Rule of 60 suggests 60 percent of sworn personnel be allocated to patrol and no more than 60 percent of total patrol officer time be spent responding to calls. Citygate Report, 85-88.

³ The report provides a number of useful resources for use in the standard setting effort including: the International Association of Chiefs of Police (IACP) and the International City/County Management Association (ICMA), which recommend methods for determining appropriate staffing levels based on local priorities; the National Emergency Number Association (NENA), which provides standards for 9-1-1 call answering; and the Association of Public-Safety Communications Officials International (APCO) and the International Academies of Emergency Dispatching (IAED), which provide best practices that illuminate staffing needs for communications centers providing dispatch services.

The PAB also recommends additional analysis of the following issues:

Recommendation #1, Improve Culture

The report's first recommendation is as follows:

Given the percentage of Employee Survey respondents who indicated a willingness to leave the Department within three years, Citygate believes there is a pressing need for the Department to implement strategic retention strategies to foster a more supportive organizational culture and mitigate potential turnover.

While staffing levels and a perceived lack of community support are cited as partial drivers for identified challenges of low morale and poor employee retention, Citygate also highlights cultural problems within BPD in its report. Policing is a difficult job best performed by experienced, well-trained, and kind professionals who are familiar with the community and are supported by a healthy and well-functioning organization. The Council would be wise to pay attention to these “softer” aspects of BPD; further investment of resources, absent shoring up any cultural issues that exist, will minimize the effectiveness of any additional investment made in BPD.

Recommendation #7, Revise Use of Force Policy

The report acknowledges that local priorities should shape BPD policies and staffing, yet no consideration of those local priorities is reflected in this recommendation. Analyzing Berkeley's Use of Force Policy, Citygate notes that Berkeley's reporting requirements are higher than either California's minimum standard or those in neighboring cities, like Hayward or San Leandro.⁴ Citygate recommends lowering Berkeley's reporting requirements to be aligned with those jurisdictions, in order to relieve officers of an administrative burden.⁵ The report does not mention that the Council adopted stricter reporting requirements in the summer of 2020, in response to community-wide input.⁶ As a result, Berkeley's reporting requirements provide a greater degree of transparency than is possible in the other jurisdictions; this level of transparency has been prioritized in our community.

Even on its own terms, the recommendation to eliminate Level 1 Use of Force reporting requirements lacks the data the Council would need to make an informed decision. Without elaborating, Citygate says review of Level 1 Use of Force reports “can consume hours of a supervisor's time,” leaving them unable to supervise their teams.⁷ The report did not measure the time it takes to complete a Level 1 Use of Force report, how many minutes per report supervisors actually dedicate to Level 1 review, if supervisors would spend their additional time in the field, and whether those additional hours spent in the field would serve Berkeley's local priorities. The

⁴ Citygate Report, 75-85.

⁵ Citygate report, 83-85.

⁶ Roseborough, V. (2020, July 27). Berkeley City Council adopts revised police use-of-force policy. The Daily Californian. https://www.dailycal.org/news/berkeley-city-council-adopts-revised-police-use-of-force-policy/article_e5041d34-e8a6-5a64-84ca-336a0b9a2938.html

⁷ Citygate Report, 77.

PAB would support measures to reduce administrative review without eliminating an important transparency and accountability mechanism.

Impact of the Specialized Care Unit and Reallocation of Work from Sworn to Community Service Officers

The report acknowledges, but does not analyze, Berkeley's \$4.5 million investment in the Specialized Care Unit (SCU), a non-police crisis response team.⁸ If successful, the SCU will reduce the burden on sworn officers to respond to calls for service and, in turn, decrease the need for additional patrol staffing and overtime. Given the Council's commitment to the SCU program and its widespread community support, the PAB is surprised that Citygate recommends 19 new personnel.⁹

The PAB recommends that the Council evaluate the SCU program before funding additional sworn officer positions.¹⁰ As the report discusses, BPD has faced challenges in recruitment and retention, leaving 31 vacant, but funded, sworn positions.¹¹ Even with their current staffing level, Berkeley's sworn officer staffing per capita is higher than any other comparator jurisdiction.¹² Nevertheless, Citygate makes a clear choice to not make staffing recommendations based on the per capita ratio of officers to residents, instead opting to use "workload and community priorities"—without mentioning the unclear impact of the SCU program.¹³

The PAB generally agrees with Citygate's recommendations that pertain to internal organizational restructuring. However, adopting its recommendations would transfer significant public safety responsibilities to Community Service Officers (CSO), who are outside the PAB's jurisdiction.¹⁴ For example, Recommendation #9 would have CSOs engage in patrol functions and Recommendation #10 would have CSOs take non-emergency calls, tow vehicles, and transport victims. The PAB recognizes that increasing CSO responsibility can decrease the workload of sworn officers, but believes that those performing public safety duties should still be accountable to the community. If the responsibilities of CSOs increase under the new reorganization, a Charter amendment would be necessary for the PAB to review CSO actions for policy violations.

⁸ Raguso, E. (2024, January 24). Berkeley SCU, a crisis team without cops, starts Tuesday. The Berkeley Scanner. <https://www.berkeleyscanner.com/2023/09/05/policing/berkeley-starts-scu-crisis-response-team-no-police/>

⁹ Citygate Report, 15.

¹⁰ Citygate suggests using the "Rule of 60" as a benchmark to determine the number of patrol officers needed as opposed to comparing Berkeley to other jurisdictions. (85-87). Applying that Rule-of-60 benchmark, Berkeley achieves a nearly-ideal 57:43 ratio. (87). And yet Citygate suggests adding an additional 15 officers to patrol because BPD relies on overtime to cover patrol shifts. (87). It is possible that both the reallocation of work from sworn officers to CSO's recommended in the report and the SCU program will reduce the need for patrol-shift overtime and allow for positions to be repurposed to address some of the non-patrol related staffing needs identified in the report.

¹¹ Citygate Report, 3.

¹² Citygate Report, 34.

¹³ Citygate Report, 35 ("As previously noted, Citygate does not make staffing recommendations based on the per capita ratio of officers to residents, but rather, incorporates this comparison along with several other factors including workload and community priorities.")

¹⁴ See Recommendations 9, 10, 19, 28, 39, 40. Berkeley City Charter Section 125(1)

In closing, we note our appreciation for the ability to provide recommendations and observations about Citygate's report and hope that both the Council and the BPD find our feedback useful. We would welcome the opportunity to provide evidence-based recommendations if the Council wishes to refer the matter to the PAB for further consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Moore' with a stylized flourish at the end.

John "Chip" Moore, Chair
Police Accountability Board

Cc: Jennifer Louis, Chief of Police
Jen Tate, Deputy Chief of Police
Paul Buddenhagen, City Manager
Anne Cardwell, Deputy City Manager
Mark Numainville, City Clerk
Hansel A. Aguilar, Director of Police Accountability