

Police Review Commission (PRC)

## POLICE REVIEW COMMISSION REGULAR MEETING

**Wednesday, January 13, 2021, 7:00 P.M.**

### **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, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, this meeting of the City of Berkeley Police Review Commission will be conducted exclusively through teleconference and Zoom videoconference and there will not be a physical meeting location available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/87070468124>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial 1 669 900 6833 and enter Meeting ID 870 7046 8124. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized.

### **AGENDA**

**1. CALL TO ORDER & ROLL CALL**

**2. APPROVAL OF AGENDA**

**3. PUBLIC COMMENT**

*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the PRC's jurisdiction at this time.)*

**4. APPROVAL OF MINUTES**

- a. Special meeting of December 9, 2020.
- b. Regular meeting of December 9, 2020.

The Police Review Commission (PRC) was created to provide independent civilian oversight of the Berkeley Police Department. It reviews and makes recommendations on police department policies, and investigates complaints made by members of the public against police officers. For more information, contact the PRC Office.

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Email: [prc@cityofberkeley.info](mailto:prc@cityofberkeley.info) Website: [www.cityofberkeley.info/prc/](http://www.cityofberkeley.info/prc/)

**5. CHAIR'S REPORT**

**6. PRC OFFICER'S REPORT**

Status of complaints; other items.

**7. CHIEF OF POLICE'S REPORT**

Crime, budget, staffing, training updates, other items.

**8. SUBCOMMITTEE REPORTS (discussion and action)**

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

- a. Warrant Service Policy Subcommittee
- b. Tow Fees Subcommittee
- c. Outreach Subcommittee
- d. Lexipol Policies Subcommittee

**9. NEW BUSINESS (discussion and action)**

- a. Prioritized Dispatch for Reimagining Public Safety.

From: Fire Chief Brannigan  
*(To be delivered.)*

- b. Selection of PRC representative to Reimagining Public Safety Task Force.

From: PRC Officer

- c. Proposed Acquisition & Use of Controlled Equipment Ordinance: revisit striking from the reporting requirement, use of controlled equipment included in a Use of Force report (in Section 2.100.050, Reports on the Use of Controlled Equipment).

From: Vice-Chair Mizell

- d. Update on transition to new Police Accountability Board and Office of Director of Police Accountability.

From: PRC Officer

**10. PUBLIC COMMENT**

*(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)*

**Closed Session**

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the PRC will recess into closed session to discuss and take action on the following matters:

11. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #2476
12. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #2481

***End of Closed Session***

13. ANNOUNCEMENT OF CLOSED SESSION ACTION
14. ADJOURNMENT

**Communications Disclaimer**

Communications to the Police Review Commission, like all 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. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary via email for further information. City offices are currently closed and cannot accept written communications in person.

** Communication Access Information (A.R. 1.12)**

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 three business days before the meeting date.

**SB 343 Disclaimer**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public by being posted on the Police Review Commission's web page within three business days of the meeting.

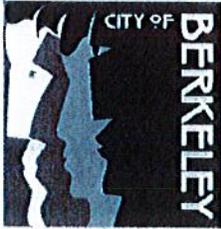
Contact the Police Review Commission at [prc@cityofberkeley.info](mailto:prc@cityofberkeley.info).



**PRC REGULAR MEETING ATTACHMENTS  
JANUARY 13, 2021**

<b><u>MINUTES</u></b>	
December 9, 2020 <i>Special</i> Meeting Draft Minutes.	Page 7
December 9, 2020 <i>Regular</i> Meeting Draft Minutes.	Page 9
<b><u>AGENDA-RELATED</u></b>	
<b>Item 8.</b> – PRC Subcommittees List, updated 12-10-20.	Page 13
<b>Item 9.b.</b> – 1-19-21 Revised Consent Calendar Item from Mayor Jesse Arreguin re Revisions to Enabling Legislation for Reimagining Public Safety Task Force.	Page 15
<b>Item 9.c.</b> – 11-2-20 Revised Agenda Material (Public Safety Policy Committee): Adopt an Ordinance Adding Chapter 2.64.170 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment.	Page 33
<b><u>COMMUNICATIONS</u></b>	
12-15-20 Consent Calendar Item from the City Manager re Contract: National Institute for Criminal Justice Reform to Manage and Lead a Community Engagement Process to Develop a New Paradigm of Public Safety in Berkeley.	Page 43
12-9-20 Email from the PRC Officer forwarding Police Chief's Materials for Budget and Finance Committee Policy Meeting – 12-10-20.	Page 51
12-15-20 Email from the PRC Officer: Webinars of interest.	Page 53
12-24-20 Email from Andrea Prichett re BPD Inadequate response to my PRA Request.	Page 55
1-4-21 Email from the Police Chief re Community Message: Officer involved shooting.	Page 59
1-2-21 News from Berkeleyside: Berkeley police shoot chain-wielding man after Walgreens robbery.	Page 61
Commissioner Attendance Report for the period July 1 through December 31, 2020.	Page 63
12-28-20 Article from The Atlantic: An Alternative to Police That Police Can Get Behind.	Page 65
2021 Police Review Commission Meeting Schedule.	n/a
2021 Police Review Commission Meeting Dates.	n/a





Police Review Commission (PRC)

DRAFT

**POLICE REVIEW COMMISSION  
SPECIAL MEETING  
MINUTES  
(draft)**

**Wednesday, December 9, 2020, 6:15 P.M.**

(Virtual Meeting)

**No physical location; meeting held exclusively through videoconference and teleconference.**

**1. CALL TO ORDER & ROLL CALL BY CHAIR CALAVITA AT 6:22 P.M.**

Present: Commissioner Kitty Calavita (Chair)  
Commissioner Nathan Mizell (Vice-Chair)  
Commissioner Michael Chang  
Commissioner Juliet Leftwich  
Commissioner Elisa Mikiten  
Commissioner George Perezvelez

Absent: Commissioners Gwen Allamby, Ismail Ramsey

PRC Staff: Katherine J. Lee, PRC Officer

**2. APPROVAL OF AGENDA**

The agenda was approved by general consent.

**3. PUBLIC COMMENT**

There were no speakers.

***Closed Session***

Pursuant to the Court's order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002 057569, the PRC will recess into closed session to discuss and take action on the following matter:

**4. CONSIDER RECOMMENDATION FOR ADMINISTRATIVE CLOSURE OF COMPLAINT #2469**

Motion to accept staff's recommendation to administratively close this complaint.

Moved/Second (Calavita/Leftwich) **Motion Carried**

Ayes: Calavita, Chang, Leftwich, Mikiten, Mizell.

Noes: None      Abstain: Perezvelez      Absent: Allamby, Ramsey

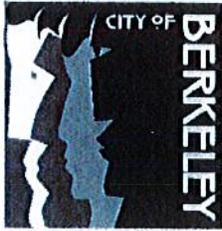
***End of Closed Session***

**5. ANNOUNCEMENT OF CLOSED SESSION ACTION**

The vote to administratively close Complaint #2469 was announced.

**6. ADJOURNMENT**

By general consent, the meeting was adjourned at 7:10 p.m.



Police Review Commission (PRC)

DRAFT

**POLICE REVIEW COMMISSION  
REGULAR MEETING  
MINUTES**  
*(draft)*

Wednesday, December 9, 2020, 7:00 P.M.

No physical location; meeting held exclusively through videoconference and teleconference.

**1. CALL TO ORDER & ROLL CALL BY CHAIR CALAVITA AT 7:10 P.M.**

Present: Commissioner Kitty Calavita (Chair)  
Commissioner Nathan Mizell (Vice-Chair)  
Commissioner Michael Chang  
Commissioner Juliet Leftwich  
Commissioner Elisa Mikiten  
Commissioner Hans Isaac Moore  
Commissioner George Perezvelez  
Commissioner Ismail Ramsey

Absent: Commissioner Gwen Allamby

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Chief Andy Greenwood

**2. APPROVAL OF AGENDA**

The agenda was approved by general consent.

**3. PUBLIC COMMENT**

There was 1 speaker.

*Commissioner Moore, appointed by Councilmember Terry Taplin today, was sworn in.*

**4. APPROVAL OF MINUTES**

The Regular Meeting Minutes of November 18, 2020 were approved by general consent.

## 5. CHAIR'S REPORT

Chair Calavita reported:

- The Mayor's Working Group on Fair & Impartial Policing held its final regular meeting just before this meeting. Consensus reached on a wide range of recommendations, to be presented to City Council in January.

## 6. PRC OFFICER'S REPORT

The PRC Officer reported:

- One new complaint filed since the last meeting.
- The Controlled Equipment Ordinance was considered by Council Public Safety Policy Committee for the second time on Dec. 7, but little discussion, as City Attorney still reviewing.
- 3 items of interest on Council's Dec. 15 agenda:
  - 1) Use of Force policy amendments;
  - 2) Contract for consultant to lead the Reimagining Public Safety project: National Institute for Criminal Justice Reform;
  - 3) Formation of the Reimagining Public Safety Task Force. PRC will have one appointment.
- Two items emailed recently (public can view as "Handouts" on PRC agendas page):
  - Project to do digital inventory of City infrastructure will soon begin. PRC had approved the Surveillance Acquisition & Use Policies for the vendor, Cyclomedia.
  - L.A. Times article re establishing or strengthening civilian oversight in various California jurisdictions.

## 7. CHIEF OF POLICE'S REPORT

- Staffing situation remains critical. Currently at 163 sworn officers; soon to be 162. Six potential retirements within the next month.
- While out of office for 2 weeks, focused on the UOF policy amendments and preparing for presentation to Council's Budget & Finance Committee meeting tomorrow.

## 8. SUBCOMMITTEE REPORTS (discussion and action)

Report of activities and meeting scheduling for all Subcommittees, possible appointment of new members to all Subcommittees, and additional discussion and action as noted for specific Subcommittees:

- Warrant Service Policy Subcommittee – **Motion to appoint Kitt Saginor as a public member of this subcommittee (Ramsey/Calavita) carried by general consent.** PRC Officer to schedule meeting for early January.
- Lexipol Policies Subcommittee – on hold until next year.
- Outreach Subcommittee – on hold until next year.
- Tow Fees Subcommittee – PRC officer to schedule meeting for early January.

**9. OLD BUSINESS (discussion and action)**

- a. Amend PRC Regulations, Section II.A.2.a., to revise the number of votes needed to accept a late-file complaint.

(Discussed; no action taken.)

- b. Discuss ways to manage length of Commission meetings.

(Discussed; no action taken.)

- c. Transition to new Police Accountability Board and Office of Director of Police Accountability.

PRC Officer gave a report and answered questions.

**10. NEW BUSINESS (discussion and action)**

- a. Establish 2021 meeting schedule.

**Motion to approve the proposed 2021 meeting schedule, with the first meeting in May moved to Thursday, May 13 (Calavita/Perezvelez) carried by general consent.**

- b. 2019 Crime Report, Five-Year Use of Force Report, and Overtime report.

Chief Greenwood answered questions.

**11. PUBLIC COMMENT**

There were 2 speakers.

**12. ADJOURNMENT**

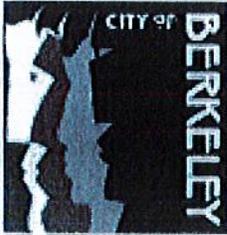
**By general consent, the meeting was adjourned at 8:50 p.m.**



**POLICE REVIEW COMMISSION  
SUBCOMMITTEES LIST  
Updated 12-10-20**

Subcommittee	Commissioners	Chair	BPD Reps
<b>Lexipol Policies</b> Formed 5-23-18 Renewed 5-22-19 Renewed 6-10-20	Mikiten Ramsey Leftwich		Capt. Rico Rolleri Sgt. Joseph LeDoux
<b>Use of Force Policy</b> Formed 7-10-19 Renewed 7-22-20	Chang Leftwich Perezvelez Ramsey	<b>Perezvelez</b>	Chief Andy Greenwood Capt. Rico Rolleri Lt. Joe Okies Lt. Spencer Fomby
<b>Outreach</b> Formed 6-10-20	Allamby Mikiten Mizell		
<b>Police Acquisition and Use of Controlled Equipment Ordinance</b> Formed 7-22-20	Leftwich Mikiten Mizell	<b>Mizell</b>	Chief Andy Greenwood Capt. Rico Rolleri
<b>Warrant Service Policy</b> Formed 10-14-2020	Calavita Chang Ramsey  <u>Public</u> Kitt Saginor		
<b>Tow Fees</b> Formed 11-18-20	Calavita Leftwich Mizell		





Office of the Mayor

*Submitted for Agenda & Rules  
Committee meeting 1-4-2021*

**REVISED**  
**CONSENT CALENDAR**  
January 19, 2021

To: Members of the City Council  
From: Mayor Jesse Arreguin  
Subject: Revisions to Enabling Legislation for Reimagining Public Safety Task Force

**RECOMMENDATION:**

Adopt a Resolution:

1. Rescinding Resolution No. 69,673-N.S.; and
2. Establishing a Reimagining Public Safety Task Force, comprised of: (a) one representative appointed by each member of the City Council and Mayor pursuant to the Fair Representation Ordinance, B.M.C. Sections 2.04.030-2.04.130, (b) one representative appointed by the Mental Health Commission, Youth Commission, and Police Review Commission (to be replaced by a representative of the Police Accountability Board once it is established), and (c) one representative appointed by the Associated Students of the University of California (ASUC) External Affairs Vice President, one representative appointed by the Berkeley Community Safety Coalition (BCSC) Steering Committee, and three additional members to be appointed "At-Large" by the Task Force, with appointments subject to confirmation by the City Council.

The Task Force will be facilitated by a professional consultant, the National Institute for Criminal Justice Reform (NICJR), with administrative support by the City Manager's office, and will serve as the hub of community engagement for the Reimagining Public Safety effort initiated and guided by the NICJR team. The Task Force will also include the participation of City Staff from the City Manager's Office, Human Resources, Health, Housing and Community Services, Berkeley Fire Department, Berkeley Police Department, and Public Works Department. For visual, see Attachment 3.

With the exception of "At-Large" appointments, appointments to the Task Force should be made by January 31, 2021,<sup>1</sup> and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council's July 14, 2020,<sup>2</sup> commitment to

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<sup>1</sup> With the exception of the "At Large" appointments, which will be selected by the initial appointees with an eye for adding outstanding perspectives, knowledge and experience.

<sup>2</sup> "Be It Further Resolved that the City Council will engage with every willing community member in Berkeley, centering the voices of Black people, Native American people, people of color, immigrants, LGBTQ+ people,

centering the voices of those most impacted in our process of reimagining community safety appointments should be made with the goal of achieving a balance of the following criteria:

- a. Active Members of Berkeley Community (Required of All)\*<sup>3</sup>
- b. Representation from Impacted Communities
  - Formerly incarcerated individuals
  - Victims/family members of violent crime
  - Immigrant community
  - Communities impacted by high crime, over-policing and police violence
  - Individuals experiencing homelessness
  - Historically marginalized populations
- c. Faith-Based Community Leaders
- d. Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice
- e. Health/ Public Health Expertise
- f. City of Berkeley labor/union representation
- g. Law Enforcement Operation Knowledge
- h. City Budget Operations/Knowledge
- i. Committed to the Goals and Success of The Taskforce (Required of All)

As outlined in the July 14, 2020, City Council Omnibus Action,<sup>4</sup> City Council provided direction for the development of a new paradigm of public safety that should include, but is not limited to:

- 1) Building on the work of the City Council, the City Manager, Berkeley Police Department (BPD), the Police Review Commission and other City commissions and other working groups addressing community health and safety.
- 2) Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley.
- 3) Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of *Reduce, Improve and Reinvest* as proposed by the National Institute for Criminal Justice Reform considering,<sup>5</sup> among other things:

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victims of harm, and other stakeholders who have been historically marginalized or under-served by our present system. Together, we will identify what safety looks like for everyone.”, Item 18d, Transform Community Safety, July 14, 2020, Berkeley City Council Agenda,

<sup>3</sup> \* At Large Appointees are not required to be Berkeley Residents, as long as they are active, committed Berkeley Stakeholders.

<sup>4</sup> July 14th, 2020, Berkeley City Council Item 18a-e Proposed Omnibus Motion on Public Safety Items

<sup>5</sup> Transforming Police, NICJR

- A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety.
- B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force.
- C. Limiting militarized weaponry and equipment.
- D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.
- E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems.
- F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit.

Direct the City Manager to ensure that the working group of City Staff as outlined in the October 28th Off-Agenda Memo is coordinating with the Task Force.<sup>6</sup>

The Task Force will provide input to and make recommendations to NICJR and City Staff on a set of recommended programs, structures and initiatives incorporated into a final report and implementation plan developed by NICJR to guide future decision making in upcoming budget processes for FY 2022-23 and, as a second phase produced, in the FY 2024-2025 budget processes.<sup>7</sup>

#### FINANCIAL IMPLICATIONS

City Council allocated \$270,000 in General Fund revenues to support engagement of outside consultants in the Reimagining Public Safety process.

#### BACKGROUND

On July 14, 2020, the Berkeley City Council made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions and directions. Central to this proposal is a commitment to a robust community process to achieve this "new and transformative model of positive, equitable and community centered safety for Berkeley". Item 18d, Transforming Community Safety, provides direction on the development of a "Community Safety Coalition", goals and a timeline led by a steering committee and guided by professional consultants. Recommendation 3 above reflects the original scope voted on by the council. However,

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<sup>6</sup>October 28, 2020 Off-Agenda Memo: Update on Re-Imagining Public Safety

<sup>7</sup> The final report and implementation plan are referenced in the contract approved by the City Council with the NICJR Consultant team on December 15, 2020.

that item did not specify the structure, exact qualifications or process of appointing this steering committee. This item follows the spirit of the original referral, and provides direction on structure, desired qualifications and appointment process.

To avoid confusion with the community organization that has independently formed since the passage of that referral, this steering committee is now being referred to as the Reimagining Public Safety Task Force.

City staff has been diligently been working to implement the referrals in the omnibus motion, including the development, release and evaluation of a request for proposals (RFP) for a consultant to facilitate this process.<sup>8</sup> Initially, the expectation was that the development of a structure and process for the Task Force would be developed in consultation with the professionals selected by this RFP. However, to ensure thorough review of these proposals the timeline for selecting the consultant is longer than initially expected. At the July 18, 2020, meeting, City Council clearly stated that the Task Force will begin meeting no later than January 2021. To meet this timeline, the Council should adopt the proposed framework and appointment process so that the Task Force and our community process can begin shortly after the RFP process is completed.

This resolution is being reintroduced to clarify the process for transitioning appointments from the Police Review Commission to the newly established Police Accountability Board and to ensure that the Task Force works with the NICJR consultant team to develop one report and set of recommendations. The initial resolution was written prior to the finalization of a contract with NICJR. After consultation with city staff and the consultant team, the revised language will set clear expectations and a foundation for successful collaboration between the work of the Task Force and the consultant team.

#### RATIONALE FOR RECOMMENDATION

The proposed structure creates a Task Force with 17 total seats, ensuring representation from each Councilmember and the Mayor, key commissions including the Police Review Commission, the Youth Commission and the Mental Health Commission as well as representation from the ASUC, the Berkeley Community Safety Coalition (BCSC) and three "at-large" members to be selected by the Task Force to fill any unrepresented stakeholder position or subject matter expertise, with the community based organization and at-large appointments subject to confirmation by the City Council.<sup>9</sup>

This model was developed with input from all co-authors, the City Manager, community stakeholders including the ASUC and BCSC as well organizations and experts with experience running community engagement processes. Additionally, the Mayor's office researched a wide range of public processes that could inform the structure and approach

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<sup>8</sup> Ibid

<sup>9</sup> The Berkeley Community Safety Coalition, initially known as Berkeley United for Community Safety, produced a 40 page report that was shared with the council in July. Their recommendations were referred to the reimagining process as part of the Mayor's omnibus motion. Co-Founder Moni Law describes BCSC as a "principled coalition that is multiracial, multigenerational and Black and brown centered. We include over 2,000 people and approximately a dozen organizations and growing."

for Berkeley, including youth-led campaigns, participatory budgeting processes, and long-term initiatives like the California Endowment Building Healthy Communities initiative.<sup>10</sup>

The proposed Task Force structure and process draws most directly on the processes underway in Oakland and in Austin, Texas.<sup>11</sup><sup>12</sup> In July, Oakland voted to establish a Reimagining Public Safety Task Force with 17 members, including appointees from all councilmembers and the Mayor, three appointees from their public safety boards, two appointees to represent youth and two at-large appointees selected by their council co-chairs<sup>13</sup>. The model proposed for Berkeley draws heavily from the Oakland approach. A key difference is that, unlike Oakland, this proposed structure does not recommend developing additional community advisory boards. Instead, it is recommended that Berkeley leverage our commissions and community organizations to provide additional input and research to inform the Task Force's work rather than establish additional community advisory boards.

The list of proposed qualifications for appointees (recommendation 2) is also modeled after Oakland's approach. In July, the city council committed to centering the voices of those that are most impacted by our current system of public safety as we reimagine it for the future. The list of qualifications is intended to guide councilmembers and other appointing bodies and organizations to ensure that the makeup of the Task Force reflects that commitment. After all appointments are made, the Task Force will select 3 additional "at large" members to join the Task Force with an eye on adding perspectives, expertise or experience that are missing in initial appointments. At Large members are not required to be Berkeley residents, as long as they are active, committed Berkeley stakeholders, and work in the City of Berkeley.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the action requested in this report.

#### ALTERNATIVE ACTIONS CONSIDERED

Alternative appointment structures were evaluated, including a citywide application process and an independent selection committee. However, given that the Task Force will ultimately advise the City Council, there was broad agreement that the Council should have a strong role in appointing the Task Force.

#### CONTACT PERSON

Jesse Arreguín, Mayor, (510) 981-7100

Attachments:

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<sup>10</sup> California Endowment Building Healthy Communities Initiative.

<sup>11</sup> Austin, Texas Reimagining Public Safety Task Force

<sup>12</sup> Reimagining Public Safety, Oakland website

<sup>13</sup> Oakland Reimagining Public Safety Task Force Framework

1. Resolution Establishing Reimagining Public Safety Task Force
2. Resolution No. 69,673-N.S.
3. Framework for Reimagining Public Safety Task Force
- \* 4. July 14, 2020 City Council Item 18d, Transforming Community Safety
- \* 5. July 14, 2020 City Council Item a-e, Proposed Omnibus Motion on Public Safety Items

\* Not included in TRC packet for Jan. 13, 2021

RESOLUTION NO.

ESTABLISHING THE REIMAGINING PUBLIC SAFETY TASK FORCE

WHEREAS, On July 14, 2020, the Berkeley City Council made a historic commitment to reimagine the City's approach to public safety with the passage of an omnibus package of referrals, resolutions and directions; and

WHEREAS, Central to this proposal is a commitment to a robust community process to achieve this "new and transformative model of positive, equitable and community centered safety for Berkeley". Item 18d, Transforming Community Safety, provides direction on the development of a "Community Safety Coalition", goals and a timeline led by a steering committee and guided by professional consultants; and

WHEREAS, on December 15, 2020, the City Council authorized the City Manager to enter into a contract with the National Institute for Criminal Justice Reform (NICJR) who will conduct research, analysis, and use its expertise to develop reports and recommendations for community safety and police reform as well as plan, develop, and lead an inclusive and transparent community engagement process to help the City achieve a new and transformative model of positive, equitable and community-centered safety for Berkeley; and

WHEREAS, the NICJR has agreed to perform the following work:

- Working with the City Auditor on the assessment of emergency and non-emergency calls for service.
- Developing a summary and presentation of new and emerging models of community safety and policing.
- Developing and implementing a communications strategy to ensure that the community is well informed, a robust community engagement process, and managing the Task Force to be established by the City Council.
- Identifying the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations.
- Developing a final report and implementation plan that will be used to guide future decision making.

WHEREAS, to avoid confusion with the community organization that has independently formed since the passage of that referral, this steering committee is now being referred to as the Reimagining Public Safety Task Force; and

WHEREAS, the purpose of this Resolution is to specify the structure, criteria, and role of the Reimagining Public Safety Task Force.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,673-N.S. is hereby rescinded; and

BE IT FURTHER RESOLVED that the Berkeley City Council does hereby establish the Reimagining Public Safety Task Force.

1. The membership shall be comprised of:
  - a. One (1) representative appointed by each member of the City Council and Mayor, pursuant to the Fair Representation Ordinance, B.M.C. Sections 2.04.030-2.04.130,
  - b. One (1) representative appointed from the Mental Health Commission, Youth Commission and Police Review Commission (to be replaced by a representative of the Police Accountability Board once it is established), and
  - c. Subject to confirmation by the City Council, one (1) representative appointed by the Associated Students of the University of California (ASUC) External Affairs Vice President, one (1) representative appointed by the Berkeley Community Safety Coalition (BCSC) Steering Committee, and three (3) additional members to be appointed "At-Large" by the Task Force.
  
2. With the exception of the "At-Large" appointments, appointments to the Task Force should be made by January 31, 2021,<sup>14</sup> and reflect a diverse range of experiences, knowledge, expertise and representation. To maintain the Council's July 14, 2020,<sup>15</sup> commitment to centering the voices of those most impacted in our process of reimagining community safety, appointments should be made with the goal of achieving a balance of the following criteria:
  - a. Active Members of Berkeley Community (Required of All)\*<sup>16</sup>
  - b. Representation from Impacted Communities
    - Formerly incarcerated individuals
    - Victims/family members of violent crime
    - Immigrant community
    - Communities impacted by high crime, over-policing and police violence

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<sup>14</sup> With the exception of the "At Large" appointments, which will be selected by the initial appointees with an eye for adding outstanding perspectives, knowledge and experience.

<sup>15</sup> "Be It Further Resolved that the City Council will engage with every willing community member in Berkeley, centering the voices of Black people, Native American people, people of color, immigrants, LGBTQ+ people, victims of harm, and other stakeholders who have been historically marginalized or under-served by our present system. Together, we will identify what safety looks like for everyone.", Item 18d, Transform Community Safety, July 14, 2020, Berkeley City Council Agenda,

- Individuals experiencing homelessness
  - Historically marginalized populations
- c. Faith-Based Community Leaders
  - d. Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice
  - e. Health/ Public Health Expertise
  - f. City of Berkeley labor/union representation
  - g. Law Enforcement Operation Knowledge
  - h. City Budget Operations/Knowledge
  - i. Committed to the Goals and Success of The Taskforce (Required of All)
3. At Large Appointees are not required to be Berkeley Residents, as long as they are active, committed Berkeley stakeholders and work in the City of Berkeley.
  4. As outlined in the July 14, 2020, City Council Omnibus Action,<sup>17</sup> City Council provided direction for the development of a new paradigm of public safety that should include, but is not limited to:
    - 1) Building on the work of the City Council, the City Manager, Berkeley Police Department, the Police Review Commission and other City commissions and other working groups addressing community health and safety.
    - 2) Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley.
    - 3) Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of *Reduce, Improve and Reinvest* as proposed by the National Institute for Criminal Justice Reform (NICJR) considering,<sup>18</sup> among other things:
      - A. The social determinants of health and changes required to deliver a holistic approach to community-centered safety.
      - B. The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force.
      - C. Limiting militarized weaponry and equipment.
      - D. Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.
      - E. Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with

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<sup>17</sup> July 14th, 2020, Berkeley City Council Item 18a-e Proposed Omnibus Motion on Public Safety Items

<sup>18</sup> Transforming Police, NICJR

educational, community serving, restorative and other positive programs, policies and systems.

- F. Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit; and

BE IT FURTHER RESOLVED, that the Task Force will provide input to and make recommendations to NICJR and City Staff on a set of recommended programs, structures and initiatives incorporated into a final report and implementation plan developed by NICJR to guide future decision making in upcoming budget processes for FY 2022-23 and, as a second phase produced, in the FY 2024-2025 budget processes.<sup>19</sup>; and

BE IT FURTHER RESOLVED, that the City Manager is requested to provide updates and coordinate with the Task Force regarding the work that is underway on various aspects of the July 14, 2020 Omnibus package adopted by City Council including the Specialized Care Unit, BerkDoT, and priority dispatching (For visual, see Attachment 2); and

BE IT FURTHER RESOLVED, the Task Force shall sunset at the earlier of City Council's adoption of the final report and implementation plan developed by NICJR or three years after appointments are made unless the Task Force is otherwise extended by the City Council; and

BE IT FURTHER RESOLVED, the Task Force should be subject to the Commissioner's Manual; and

BE IT FURTHER RESOLVED, Mayor and City Council appointments to the Task Force shall be made, and vacancies shall be filled, in accordance with the provisions of Sections 2.04.030 through 2.04.130 of the Berkeley Municipal Code; and

BE IT FURTHER RESOLVED, The appointment of any member of the Task Force shall automatically terminate as set forth in Berkeley Municipal Code Chapter 3.02 due to attendance; and

BE IT FURTHER RESOLVED, The City Clerk shall notify any member whose appointment has automatically terminated and report to the appointing City Councilmember or appointing authority that a vacancy exists on the Task Force and that an appointment should be made to fill the vacancy; and

BE IT FURTHER RESOLVED, Temporary appointments may be made and leaves of absence may be granted by the appointing authority pursuant to Berkeley Municipal Code Section 3.03.030 and the Commissioners' Manual; and

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<sup>19</sup> The final report and implementation plan are referenced in the contract approved by the City Council with the NICJR Consultant team on December 15, 2020

BE IT FURTHER RESOLVED, A majority of the members appointed to the Task Force shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action; and

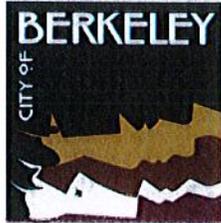
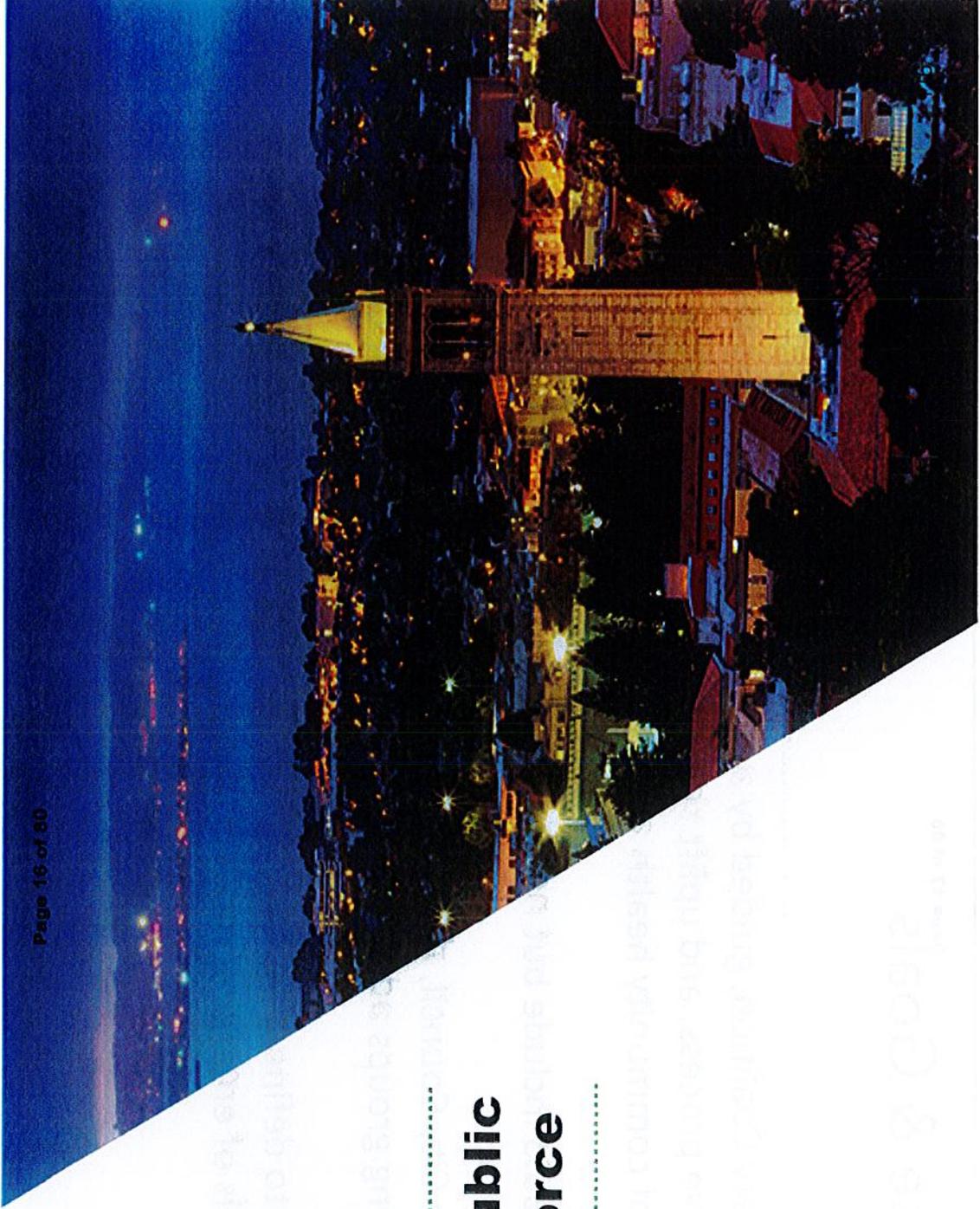
BE IT FURTHER RESOLVED, The Task Force shall keep an accurate record of its proceedings and transactions; and

BE IT FURTHER RESOLVED, The Task Force may make and alter rules governing its organization and procedures which are not inconsistent with Resolution or any other applicable ordinance of the city, or any resolution of the city governing commission procedures and conduct; and

BE IT FURTHER AND FINALLY RESOLVED, The Task Force shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by the Task Force Chair in consultation with NICJR and City Staff.

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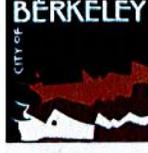




## Reimagining Public Safety Task Force

# Task Force Purpose & Goals

As Defined by July 14<sup>th</sup> Council Action

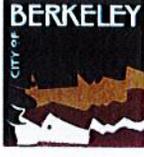


Purpose: The Community Safety Coalition, guided by a task force, will serve as the hub for a broad, deep and representative process, and uplift the community's input into a new positive, equitable, anti-racist system of community health and safety.

The work of the task force should include but not be limited to:

1. Building on the work of the City Council, the City Manager, BPD, the PRC and other City commissions and other working groups addressing community health and safety.
2. Research and engagement to define a holistic, anti-racist approach to community safety, including a review and analysis of emerging models, programs and practices that could be applied in Berkeley.

# Task Force Purpose & Goals

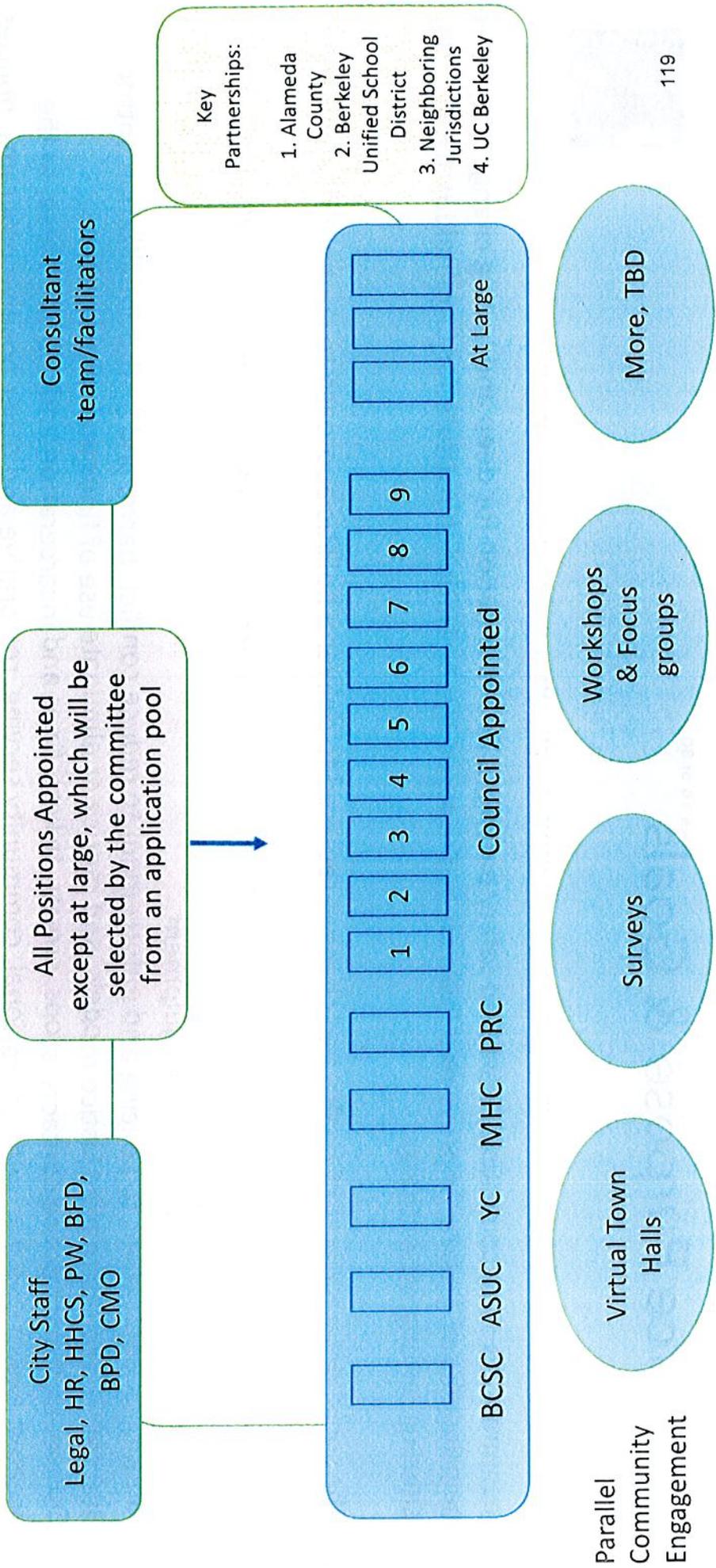
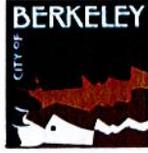


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3. Recommend a new, community-centered safety paradigm as a foundation for deep and lasting change, grounded in the principles of *Reduce, Improve and Reinvest* as proposed by the National Institute for Criminal Justice Reform considering, among other things:
  - a) The social determinants of health and changes required to deliver a holistic approach to community-centered safety
  - b) The appropriate response to community calls for help including size, scope of operation and power and duties of a well-trained police force.
  - c) Limiting militarized weaponry and equipment.
  - d) Identifying alternatives to policing and enforcement to reduce conflict, harm, and institutionalization, introduce alternative and restorative justice models, and reduce or eliminate use of fines and incarceration.
  - e) Options to reduce police contacts, stops, arrests, tickets, fines and incarceration and replace these, to the greatest extent possible, with educational, community serving, restorative and other positive programs, policies and systems.
  - f) Reducing the Berkeley Police Department budget to reflect its revised mandates, with a goal of a 50% reduction, based on the results of requested analysis and achieved through programs such as the Specialized Care Unit

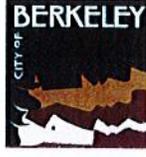
# Proposed Task Force Structure

Selected by Councilmembers, Mayor & Key Commissions and Community Stakeholders



# Task Force Membership

## Knowledge, Expertise, & Experience Needed

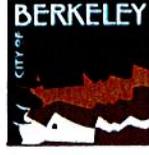


- Active Members of Berkeley Community (Required of All\*)
- Representation from Impacted Communities
  - Formerly incarcerated individuals
  - Victims/family members of violent crime
  - Immigrant community
  - Communities impacted by high crime, over-policing and police violence
  - Individuals experiencing homelessness
  - Historically marginalized populations
- Faith-Based Community Leaders
- Expertise/Leadership in Violence Prevention, Youth Services, Crisis Intervention, and Restorative or Transformative Justice
- Health/ Public Health Expertise
- City of Berkeley labor/union representation
- Law Enforcement Operation Knowledge
- City Budget Operations/Knowledge
- Committed to the Goals and Success of The Taskforce (Required of All)

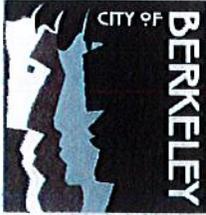
\*At Large appointees may not be Berkeley residents, so long as they are active and committed stakeholders

# Task Force Responsibilities

Active membership & Participation Required of Selected members



- Work collaboratively to achieve the purpose and goals established
- Thorough preparation for and active participation in all taskforce meetings (1-2 meetings per month)
- Participate in and support various community engagement efforts
- Other responsibilities – to be determined



Kate Harrison  
Councilmember District 4

**REVISED  
AGENDA MATERIAL**  
*(Public Safety Policy Committee)*

Meeting Date: November 2, 2020

Item Number: 2

Item Description: Adopt an Ordinance Adding Chapter 2.64.170 to the Berkeley Municipal Code Regulating Police Acquisition and Use of Controlled Equipment

Submitted by: Councilmember Harrison

**Revisions**

1. Accepted Police Review Commission edits;
2. Clarified that the LRAD is controlled equipment to the extent that it is used as a crowd dispersal tool;
3. Moved definition of Exigent Circumstances to the definitions section;
4. Clarified that the ordinance applies to the Police Review Commission or successive agency;
5. Clarified that BPD shall report on controlled equipment annually.

*\* For PRC discussion Jan. 13, 2021, see p. 6 (Sec. 2.100.050)*

ORDINANCE NO. -N.S.

ADDING A NEW CHAPTER 2.100 TO THE BERKELEY MUNICIPAL CODE  
REGULATING POLICE ACQUISITION AND USE OF CONTROLLED  
EQUIPMENT

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

Section 1. The Berkeley Municipal Code Chapter 2.100 is amended to read as follows:

**Chapter 2.100**  
**POLICE EQUIPMENT AND COMMUNITY SAFETY ORDINANCE**

**Sections:**

- 2.100.010 Name of Ordinance**
- 2.100.020 Definitions**
- 2.100.030 Controlled Equipment Use Policy Requirement**
- 2.100.040 Acquisition and Use of Controlled Equipment**
- 2.100.050 Reports on the Use of Controlled Equipment**
- 2.100.060 Enforcement**
- 2.100.070 Transparency**
- 2.100.080 Whistleblower Protections**
- 2.100.090 Severability**

**2.100.010 Name of Ordinance**

(A) This Ordinance shall be known as the Police Equipment and Community Safety Ordinance.

**2.100.020 Definitions**

(A) "Controlled Equipment" includes, but is not limited to, all of the following:

(1) Vehicles that are built or modified to provide ballistic protection to their occupants, such as mine-resistant ambush protected (MRAP) vehicles or armored personnel carriers.

(a) Police versions of standard passenger vehicles are specifically excluded from this section.

(2) Multi-purpose wheeled vehicles that are: built to operate both on-road and off-road, such as a high mobility multipurpose wheeled vehicle (HMMWV), commonly referred to as a Humvee, a two and one-half-ton truck, or a five-ton truck; or built or modified to use a breaching or entry apparatus as an attachment.

(a) Unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this section.

(3) Tracked vehicles that are built or modified to provide ballistic protection to their

occupants and utilize a tracked system instead of wheels for forward motion.

(4) Aircraft, vessels, or vehicles of any kind, whether manned or unmanned, with attached or mounted weapons.

(5) Breaching apparatus designed to provide rapid entry into a building or through a secured doorway, including equipment that is mechanical, such as a battering ram, and equipment that is ballistic, such as a slug, or equipment that is explosive in nature. Items designed to remove a lock, such as bolt cutters, small gauge frangible rounds, or a handheld ram, are excluded from this policy.

(6) Firearms of .50 caliber or greater.

(7) Ammunition of .50 caliber or greater.

(8) Specialized firearms, including the Colt M4, and associated ammunition of less than .50 caliber, as defined in Sections 30510 and 30515 of the California Penal Code.

(9) Projectile launch platforms and their associated munitions, such as 40mm projectile launchers, "bean bag," rubber bullet, or specialty impact munition (SIM) weapons, and equipment used to disperse chemical agents.

(10) Any knife designed to be attached to the muzzle of a rifle, shotgun, or long gun for purposes of hand-to-hand combat.

(11) Explosives, pyrotechnics, such as "flashbang" grenades, and chemical weapons such as "teargas," CS gas, pepper spray, and "pepperballs".

(12) Batons 30 inches or longer in length.

(13) Active area denial weapons, such as the Taser Shockwave, microwave weapons, and water cannons and the Long Range Acoustic Device (LRAD).

(a) Only LRAD as an area denial tool shall trigger the reporting requirements of this ordinance.

(14) Any other equipment as determined by a majority of the City Council to require additional oversight.

(B) "City" means any department, agency, bureau, and/or subordinate division of the City of Berkeley.

(C) "Controlled Equipment Impact Statement" means a publicly released, written document that includes, at a minimum, all of the following:

(1) Description: A description of each type of Controlled Equipment, the quantity sought, its capabilities, expected lifespan, intended uses and effects, and how it works, including product descriptions from the manufacturer of the Controlled Equipment.

(2) Purpose: The specific purpose or purposes that each type of Controlled Equipment is intended to achieve.

(3) Fiscal Cost: The fiscal cost of each type of Controlled Equipment, including the initial costs of obtaining the equipment, the costs of each proposed use, the costs of potential adverse impacts, and the annual, ongoing costs of the equipment, including operating, training, transportation, storage, maintenance, and upgrade costs.

(4) Impact: An assessment specifically identifying any potential impacts that the use of Controlled Equipment might have on the welfare, safety, civil rights, and civil liberties of the public.

(5) Mitigations: Specific, affirmative technical and procedural measures that will be implemented to safeguard the public from such impacts.

(6) Alternatives: Alternative method or methods by which the Police Department can accomplish the purposes for which the Controlled Equipment is proposed to be used, and rationale for selection over alternative methods.

(7) Third Party Dependence: Whether use or maintenance of the Controlled Equipment will require the engagement of third party service providers.

(D) "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person requires the use of unapproved Controlled Equipment.

#### **2.100.030 Controlled Equipment Use Policy Requirement**

Controlled Equipment requires a publicly available use policy that identifies the purpose, any prohibited uses, training requirements, and any process required prior to use.

#### **2.100.040 Acquisition and Use of Controlled Equipment.**

##### **(A) Restrictions Prior to Submission and Approval**

(1) The Police Department shall not engage in any of the following activities regarding a piece of Controlled Equipment before the Berkeley Police Review Commission ("Police Review Commission"), or any successive agency, -reviews and recommends, and the City Council approves, a Controlled Equipment Impact Report and a Controlled Equipment Use Policy for that equipment in compliance with this section.

(a) Requesting the transfer of Controlled Equipment pursuant to Section 2576a of Title 10 of the United States Code.

(b) Seeking funds for Controlled Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring Controlled Equipment either permanently or temporarily, including by borrowing or leasing.

(d) Using any new Controlled Equipment for a purpose, in a manner, or by a person not previously approved by the City Council pursuant to this Ordinance.

(e) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Controlled Equipment.

##### **(B) Submission to Police Review Commission**

(1) At least 15 days prior to any public meeting to consider the adoption of any Controlled Equipment Use Policy or Controlled Equipment Impact Report, the Use Policy and Impact

report shall be published for public review.

(2) The final Controlled Equipment Impact Report and Controlled Equipment Use Policy shall be made publicly available on the Department's website for as long as the Controlled Equipment is available for use.

(3) The Police Review Commission shall consider Controlled Equipment Impact Reports and Controlled Equipment Use Policies as an agenda item for review at an open session of a meeting.

(C) Criteria for Police Review Commission Recommendations

(1) The Police Review Commission shall recommend approval of a request to fund, acquire, or use Controlled Equipment pursuant to this chapter only if it determines all of the following:

(a) The Controlled Equipment is needed despite available alternatives.

(b) The proposed Controlled Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

(c) The use of Controlled Equipment will not be used based on race, national origin, religion, sexual orientation, gender, gender identity, political viewpoint, or disability, or disproportionately impact any community or group.

(2) If the submitted Controlled Equipment Impact Report identifies a risk of potential adverse effects on the public's welfare, safety, civil rights, or civil liberties, the Police Review Commission's recommendation for approval for the funding, acquisition, or use of the Controlled Equipment shall not be deemed an acquiescence to those effects, but instead an acknowledgment of the risk of those effects and the need to avoid them proactively.

(D) Temporary Use in Exigent Circumstances

(1) Notwithstanding the provisions of this Chapter, the Police Department may borrow and/or temporarily use Controlled Equipment in Exigent Circumstances without following the requirements in Section 2.100.040. However, if the Department does so, it must take all of the following actions:

(a) Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged;

(b) If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed Controlled Equipment Impact Report and Controlled Equipment Use Policy, as applicable, to the City Council within 90 days following the borrowing, acquisition or temporary use, and receive approval, as applicable, from the City Council pursuant to Section 2.100.040; and

(c) Include the Controlled Equipment in the Department's next annual Controlled Equipment Report.

~~(2) "Exigent Circumstances" means a law enforcement agency's good faith belief that~~

~~an emergency involving the danger of, or imminent threat of death or serious physical injury to any person requires the use of unapproved Controlled Equipment.~~

(E) Police Review Commission Review Required Before City Council Consideration of Approval.

(1) The Police Review Commission shall recommend that the City Council adopt, modify, or reject the proposed Controlled Equipment Use Policy, and notify the Police Department of its recommendations.

(2) The Police Review Commission shall present its recommendations to City Council.

(3) Failure by the Police Review Commission to make its recommendation on a proposal within ninety (90) days of submission shall enable City Staff to proceed to the City Council for approval of the proposal.

(F) Police Review Commission Review of Prior Recommendations

(1) The Police Review Commission shall determine, as part of its annual Work Plan, whether to include the review of any Controlled Equipment use policy in the coming year.

(2) A Police Review Commission recommendation to City Council that a prior approval be revoked shall be presented to Council. If City Council does not act on such a recommendation within four (4) City Council meetings from when the item is first scheduled, the Police Department shall cease its use of the Controlled Equipment.

(G) Review Process for Previously-Acquired Equipment

(1) The Police Department shall have one year from the date of passage of this Ordinance to submit Controlled Equipment Use Policies and Controlled Equipment Impact Statements for approval if the Department wishes to continue the use of Controlled Equipment acquired prior to the passage of this Ordinance. If the Department fails to do so, it must cease use of such equipment.

(2) To ensure that the review of previously-acquired Controlled Equipment is appropriately prioritized, the Police Department shall provide a prioritized ranking of such Controlled Equipment, and the Police Review Commission shall consider this ranking in determining the order in which to perform its review. .

(H) City Council Approval Process

(1) After the Police Review Commission review requirements have been met, the Police Department shall schedule for City Council consideration the proposed Controlled Equipment Impact Report and proposed Controlled Equipment Use Policy, and include Police Review Commission recommendations, at least fifteen (15) days prior to a public meeting.

(2) If the City Council does not approve such item within four (4) regular City Council meetings from when the item is first scheduled, the Police Department shall cease its use of the Controlled Equipment until such review and approval occurs.

## 2.100.050 Reports on the Use of Controlled Equipment.

### (A) Annual Report on Controlled Equipment

(1) The Police Department shall submit a report on Controlled Equipment to the Police Review Commission within one year of approval, and annually thereafter for as long as the Controlled Equipment is available for use, ~~for any Controlled Equipment not included in a Use of Force report~~. The report shall be provided no later than March 15<sup>th</sup> of each year, unless the Police Review Commission advises the Department that an alternate date is preferred. The Department shall also make each annual report publicly available on its website for as long as the Controlled Equipment is available for use. The annual report shall, at a minimum, include the following information for the immediately preceding calendar year:

(a) Production descriptions for Controlled Equipment and inventory numbers of each product in the Police Department's possession.

(b) A summary of how Controlled Equipment was used. For the purposes of annual reports, "use" of equipment shall refer to deployments in which equipment is publicly displayed or visible, or is deployed in an operation or critical response, not to transfers of location or placement of equipment inside Department vehicles.

(c) If applicable, a breakdown of where Controlled Equipment was used geographically by individual police area. For each police area, the Police Department shall report the number of days Controlled Equipment was used and what percentage of those daily reported uses were authorized by warrant and by non-warrant forms of court authorization.

(d) A summary of any complaints or concerns received concerning Controlled Equipment.

(e) The results of any internal audits, any information about violations of Controlled Equipment Use Policies, and any actions taken in response.

### (B) Compliance or Revocation of Approval

(1) Within 60 days of the Police Department submitting an annual report, the Police Review Commission shall place the report as an agenda item for an open session of a regular meeting. The Police Review Commission shall determine, based on the report, whether each piece of Controlled Equipment reported on has complied with the standards for approval set forth in Section 2.100.040.

(2) If the Police Review Commission determines that any Controlled Equipment has not complied with those standards, it shall either recommend revocation of the authorization for that piece of Controlled Equipment or modify the Controlled Equipment Use Policy in a manner that will resolve the lack of compliance. Recommendations for revocations shall be forwarded to City Council in accordance with the approval process in Section 2.100.040.

(3) After review by the Police Review Commission, the Police Department shall submit

the annual report to City Council, indicating its approval or lack of compliance for each piece of Controlled Equipment.

#### **2.100.060 Enforcement.**

##### **(A) Remedies for Violations of this Ordinance**

This Chapter does not provide a private right of action upon any person or entity to seek injunctive relief against the City or any employee unless that person or entity has first provided written notice to the City Manager by serving the City Clerk, regarding the specific alleged violations of this Chapter. If a specific alleged violation is not remedied within 90 days of that written notice, a person or entity may seek injunctive relief in a court of competent jurisdiction. If the alleged violation is substantiated and subsequently cured, a notice shall be posted in a conspicuous manner on the City's website that describes, to the extent permissible by law, the corrective measures taken to address the violation. If it is shown that the violation is the result of arbitrary or capricious action by the City or an employee or agent thereof in his or her official capacity, the prevailing complainant in an action for relief may collect from the City reasonable attorney's fees in an amount not to exceed \$15,000 if they are personally obligated to pay such fees.

#### **2.100.070 Transparency**

##### **(A) Disclosure Requirements**

(1) It shall be unlawful for the City to enter into any Controlled Equipment-related contract or other agreement that conflicts with the provisions of this Ordinance, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

(2) To the extent permitted by law, the City shall publicly disclose all of its Controlled Equipment-related contracts, including any and all related non-disclosure agreements, if any, regardless of any contract terms to the contrary.

#### **2.100.080 Whistleblower Protections.**

All provisions of Berkeley's Protection of Whistleblowers Workplace Policy, as promulgated by the City Manager on November 2, 2016, and including any updates or replacements thereto, shall apply.

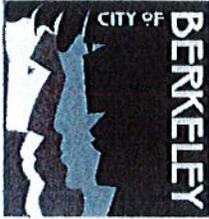
#### **2.100.090 Severability**

If any section, subsection, sentence, clause, phrase, or word of this Chapter, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Chapter. The Council of the City of Berkeley hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or application

thereof would be subsequently declared invalid or unconstitutional.

Section 2. 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.





Office of the City Manager

CONSENT CALENDAR

December 15, 2020

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Contract: National Institute for Criminal Justice Reform to Manage and Lead a Community Engagement Process to Develop a New Paradigm of Public Safety in Berkeley

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the National Institute for Criminal Justice Reform in an amount not-to-exceed \$270,000 for the period beginning January 1, 2021 and ending June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

The total amount of the contract is not-to-exceed \$270,000. A General Fund appropriation for this contract will be included in the First Amendment to the FY 2021 Annual Appropriations Ordinance. Given their experience in Oakland facilitating the re-imagining public safety initiative, the National Institute for Criminal Justice Reform has indicated that there is the potential to pursue philanthropic resources to augment the scope of work especially as it pertains to the communications effort and community engagement process. City staff have agreed to work collaboratively with the National Institute for Criminal Justice Reform and their team to pursue additional funding opportunities.

CURRENT SITUATION AND ITS EFFECTS

On July 14, 2020, in Resolution No. 69,501-N.S., City Council passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley. As part of the items that were adopted, City Council adopted Item 18c ("Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley") and Item 18d ("Transform Community Safety and Initiate a Robust Community Engagement"), which directs the City Manager to engage a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley. In response to the legislative package adopted by City Council, on September 8, 2020,

the City issued a Request for Proposal (Attachment 2) to solicit proposals from firms and/or individuals who can manage and lead this assignment.

A review panel consisting of city staff, community, and other stakeholders was convened to review and interview the firms that submitted proposals to the City. Of the six (6) firms that submitted proposals, four (4) were interviewed. Of the four (4) firms that were interviewed by the review panel, two were interviewed by the City Manager. A consensus was reached to recommend the National Institute for Criminal Justice Reform and their team to the City Council to lead the community engagement effort.

The contract with the National Institute of Criminal Justice Reform will provide for the following:

- Working with the City Auditor on the assessment of emergency and non-emergency calls for service.
- Developing a summary and presentation of new and emerging models of community safety and policing.
- Developing and implementing a communications strategy to ensure that the community is well informed, a robust community engagement process, and managing the Task Force to be established by the City Council.
- Identifying the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations.
- Developing a final report and implementation plan that will be used to guide future decision making.

BACKGROUND

In response to a culmination of events -- the deaths of George Floyd and Breonna Taylor, as well as the use of force by Police Departments throughout the country in responding to community gatherings demanding change – along with concerns raised by citizens and community stakeholders, on July 14, 2020, the City Council passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley that is summarized below:

- Having the City's elected 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.
- Evaluate initiatives and reforms that reduce the footprint of the Berkeley Police Department and limit the Berkeley Police Department's scope of work primarily to violent and criminal matters.
- Aspire to reduce the Berkeley Police Department's budget by 50% to generate resources to fund the following priorities:
  - Youth programs;
  - Violence prevention and restorative justice programs;
  - Domestic violence prevention;
  - Housing and homeless services;
  - Food security;
  - Public Health and Mental Health services including a specialized care unit;
  - Healthcare;
  - New city jobs;
  - Expanded partnerships with community organizations, and
  - Establishing a new Department of Transportation to administer parking regulations and traffic laws.
- Create plans and protocols for calls for service to be routed and assigned to alternative preferred responding entities and consider placing dispatch in the Fire Department or elsewhere outside the Police Department. The Fire Department is leading this effort.
- Analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit. This work is being led by our Health, Housing and Community Services Department and a contract with Resource Development Associates to facilitate the design of the Specialize Care Unit is on the December 1, 2020 agenda.

- The City will align its work with the school district's commitment to look at exploring and reducing policing in the schools.
- Analysis of 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. This work is being led by the City Attorney.
- Pursue the creation of a Berkeley Department of Transportation to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs and infrastructure, and identify and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations. This work is being led by our Public Works Director.

In addition to the items listed above, on July 14, 2020, the City Council adopted Item 18c ("Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley") and Item 18d ("Transform Community Safety and Initiate a Robust Community Engagement"), which directs the City Manager to engage a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.

In response to the legislative package adopted by City Council, on September 8, 2020, the City issued a Request for Proposal (Attachment 2) to solicit proposals from firms and/or individuals who can plan, develop, and lead an inclusive and transparent community engagement process to help the City achieve a new paradigm of public safety in Berkeley. The City received a total of six (6) proposals that were deemed to be complete and met the submittal requirements outlined in the Request for Proposal.

In order to ensure a thorough review of the proposals, the City convened a team that consisted of 13 individuals (6 city staff and 7 members of the community and other stakeholders). The following outlines the individuals that reviewed the proposals:

Elana Auerbach  
LaTanya Bellow  
Farimah Brown  
Kitty Calavita  
Shamika Cole  
Lupe Gallegos-Diaz  
Alecia Harger

Kathy Lee  
Emily Murphy  
Andrea Pritchett  
Kevin Schofield  
Marc Staton  
David White

As summarized in regular updates provided to the City Council, the proposal review team met on three occasions. At the first meeting, the team discussed the proposals that were submitted to the City and ultimately selected four (4) out of the six (6) teams

to be interviewed. At the second meeting, the proposal review team convened to discuss the format of the interviews and develop a set of questions that will be asked of each of the teams invited to participate in the interviews. The review panel met for a third and final time on Thursday November 12, 2020 from 5:00 pm to 10:30 pm to conduct interviews of the four teams on the zoom platform, rank the teams, and discuss perceived "Strengths" and "Concerns". The City Manager interviewed the top two firms on Friday November 20, 2020.

Based on the strength of its team, subject matter expertise, familiarity with the City, and robust community engagement process, the National Institute for Criminal Justice Reform and the team that they have assembled is being recommended to the City Council to lead the community engagement effort. Working with the National Institute for Criminal Justice Reform includes the following team members:

- Analysis Group, Inc.
- Berkeley Youth Alternatives
- Bright Research Group
- Pastor Michael Smith
- Reverend Michael McBride
- The Justice Collaboratory
- Renne Public Law Group

The Scope of Work for this assignment includes the following:

- Working with the City Auditor on the assessment of emergency and non-emergency calls for service. As necessary, the National Institute for Criminal Justice Reform will build on the work of the City Auditor to provide additional mapping and analysis to provide a strong analytical framework for this assignment.
- Developing a summary and presentation of new and emerging models of community safety and policing.
- Developing and implementing a communications strategy to ensure that the community is well informed and a robust community engagement process to ensure that a diversity of perspectives are heard, especially the voices of our Black, Native American/First Peoples and other communities of color, LGBTQ+ people, survivors and victims of harm and other stakeholders that have been historically marginalized and under-served. The National Institute for Criminal Justice Reform will also manage the Task Force being considered by the City Council on December 15, 2020. In addition, the National Institute for Criminal Justice Reform will manage the Task Force established by the City Council.

- Identifying the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations. The National Institute for Criminal Justice Reform and its team will coordinate with City departments that are leading work surrounding priority / emergency medical dispatching, the Specialized Care Unit, and BerkDoT.
- Developing a final report and implementation plan that will be subject to public review prior to being finalized.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the action requested in this report.

RATIONALE FOR RECOMMENDATION

The National Institute for Criminal Justice Reform and its team was selected as the vendor for this contract through a competitive RFP process, and the evaluation panel for the RFP included both City Staff and community stakeholders.

ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to approve the attached Resolution and the City could restart the RFP process. This is not recommended due to the need to provide timely recommendations to City Council. Alternatively, the City Council could decide not to approve the contract at a level that exceeds the \$200,000 in funds that were allocated to this assignment as part of the adopted FY 21 budget. In this case, city staff would work with the National Institute for Criminal Justice Reform and its team to reduce the scope of work to align with available resources. In the event city staff cannot negotiate a scope of work that is in line with City Council direction, city staff would approach the other firm that was interviewed by the City Manager.

CONTACT PERSON

David White, Deputy City Manager, (510) 981-7012

Shamika Cole, Associate Management Analyst, (510) 981-7043

Attachments:

1: Resolution

2: Request for Proposal

*(Not included in PRC packet for Jan. 13, 2021;  
can be found in PRC packet for Sept. 23, 2020, p. 45)*

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

CONTRACT: NATIONAL INSTITUTE FOR CRIMINAL JUSTICE REFORM TO  
MANAGE AND LEAD A COMMUNITY ENGAGEMENT PROCESS TO DEVELOP A  
NEW PARADIGM OF PUBLIC SAFETY IN BERKELEY

WHEREAS, on July 14, 2020, the City Council of the City Berkeley passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley that included direction to the City Manager to hire a firm to lead a robust community engagement effort; and

WHEREAS, City of Berkeley issued a Request for Proposal on September 8, 2020 and the National Institute for Criminal Justice Reform and their team was selected through a competitive Request for Proposal process; and

WHEREAS, the National Institute for Criminal Justice Reform is being recommended to the City Council based on the strength of their team, subject matter expertise, familiarity with the City, and robust community engagement process; and

WHEREAS, the National Institute for Criminal Justice Reform has agreed to perform the work necessary for this assignment including, but not limited to:

- Working with the City Auditor on the assessment of emergency and non-emergency calls for service.
- Developing a summary and presentation of new and emerging models of community safety and policing.
- Developing and implementing a communications strategy to ensure that the community is well informed, a robust community engagement process, and managing the Task Force to be established by the City Council.
- Identifying the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations.
- Developing a final report and implementation plan that will be used to guide future decision making.

WHEREAS, the services to be performed by the National Institute for Criminal Justice Reform and their team align with the Strategic Plan goal to champion and demonstrate social and racial equity.

December 15, 2020

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley:

Section 1. The City Manager or her designee is hereby authorized to execute a contract and any amendments with National Institute for Criminal Justice Reform to manage and lead a community engagement to develop a new paradigm for public safety in the City of Berkeley for a total contract not-to-exceed \$270,000 from the General Fund for the period beginning January 1, 2021 and ending June 30, 2022. A General Fund appropriation for this contract will be included in the First Amendment to the FY 2021 Annual Appropriations Ordinance.

Section 2. A record signature copy of the contract and any amendments between the City and the National Institute for Criminal Justice Reform shall be on file in the Office of the City Clerk.

Lee, Katherine

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**From:** Lee, Katherine  
**Sent:** Wednesday, December 9, 2020 9:23 PM  
**To:** Lee, Katherine  
**Subject:** Fw: Materials for Budget and Finance Committee Policy Meeting -- 12/10/20  
**Attachments:** Combined Response to Budget Questions for Budget and Finance Policy - De....pdf;  
Draft Summary Nov 20 AAO Needs (09).pdf

Dear Commissioners,

Here are the budget docs Chief Greenwood referenced tonight.

The Budget committee meeting is at 10:00 am tomorrow morning; see agenda, with Zoom link, here:  
<https://www.cityofberkeley.info/uploadedFiles/Clerk/2020-12-10%20Agenda%20Packet%20-%20Budget.pdf>

-Kathy

BERKELEY CITY COUNCIL BUDGET & FINANCE COMMITTEE Thursday,  
December 10, 2020 10:00 AM

berkeley city council budget & finance committee . regular meeting . thursday, december 10, 2020 10:00  
am

[www.cityofberkeley.info](http://www.cityofberkeley.info)

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**From:** Greenwood, Andrew <AGreenwood@cityofberkeley.info>  
**Sent:** Wednesday, December 9, 2020 9:17 PM  
**To:** Lee, Katherine <KLee@cityofberkeley.info>  
**Subject:** Fw: Materials for Budget and Finance Committee Policy Meeting -- 12/10/20

Ms. Lee,

Here are the documents which have been provided to the Budget and Finance Committee; please share with the PRC.

Thank you,

Andrew Greenwood  
Chief of Police  
Berkeley Police Department  
(510) 981-5700

**From:** White, David

**Sent:** Wednesday, December 9, 2020 5:33 PM

**To:** Droste, Lori <[ldroste@cityofberkeley.info](mailto:ldroste@cityofberkeley.info)>; Mayor Jesse Arreguín ([JArreguin@cityofberkeley.info](mailto:JArreguin@cityofberkeley.info)) <[JArreguin@cityofberkeley.info](mailto:JArreguin@cityofberkeley.info)>; Harrison, Kate <[KHarrison@cityofberkeley.info](mailto:KHarrison@cityofberkeley.info)>; Richardson, April <[ARichardson@cityofberkeley.info](mailto:ARichardson@cityofberkeley.info)>

**Cc:** Dee Williams-Ridley ([DWilliams-Ridley@cityofberkeley.info](mailto:DWilliams-Ridley@cityofberkeley.info)) <[DWilliams-Ridley@cityofberkeley.info](mailto:DWilliams-Ridley@cityofberkeley.info)>; Paul Buddenhagen ([PBuddenhagen@cityofberkeley.info](mailto:PBuddenhagen@cityofberkeley.info)) <[PBuddenhagen@cityofberkeley.info](mailto:PBuddenhagen@cityofberkeley.info)>; Berkeley, Teresa <[TBerkeley@cityofberkeley.info](mailto:TBerkeley@cityofberkeley.info)>; Oyekanmi, Henry <[HOyekanmi@cityofberkeley.info](mailto:HOyekanmi@cityofberkeley.info)>; Numainville, Mark L. <[MNumainville@cityofberkeley.info](mailto:MNumainville@cityofberkeley.info)>

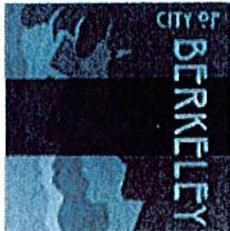
**Subject:** Materials for Budget and Finance Committee Policy Meeting -- 12/10/20

Dear Chair Droste, Members of the Budget and Finance Policy Committee, and Assistant City Clerk Richardson,

Attached please find the following materials for our committee meeting tomorrow morning:

- Response to budget questions. We will be prepared to review these responses with the Budget and Finance Policy Committee under Item 2A and will have a brief presentation regarding the discussion surrounding Police Department overtime that is contained in the memorandum.
- Updated summary of financial needs that are currently not included in the AAO. This includes resources for the parking funds, police department overtime, homeless response team, cybersecurity, etc. This item also pertains to Item 2A and discussions surrounding excess equity.

Thank you.



**David White**, Deputy City Manager | City of Berkeley

Pronouns: he/him/his

Phone: (510) 981-7012

Email: [Dwhite@cityofberkeley.info](mailto:Dwhite@cityofberkeley.info)

2180 Milvia Street, Berkeley, CA 94704

Website: [www.CityOfBerkeley.info](http://www.CityOfBerkeley.info)

kath

Lee, Katherine

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**From:** Lee, Katherine  
**Sent:** Tuesday, December 15, 2020 4:17 PM  
**To:** Lee, Katherine  
**Subject:** Webinars of interest

Dear Commissioners,

The racial justice awakening sparked by the killing of George Floyd generated a lot of discussion about rethinking public safety and racial equity in general.

Among the programs that I've seen publicized are the one mentioned by Carole Marasovic during public comment last week, sponsored by the ABA Civil Rights and Social Justice section. A series sponsored by the John Jay College on the future of public safety also looks interesting..

Here are links to these programs.

[https://www.americanbar.org/groups/crsj/events\\_cle/2020-us-elections-aftermath/](https://www.americanbar.org/groups/crsj/events_cle/2020-us-elections-aftermath/)

<http://www.ijay.cuny.edu/future-public-safety>

-Kathy

Katherine J. Lee  
Police Review Commission Officer  
City of Berkeley  
510.981.4960



Lee, Katherine

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**From:** Andrea Prichett <prichett@locrian.com>  
**Sent:** Thursday, December 24, 2020 10:53 PM  
**To:** Norman, Latargie; Berkeley Copwatch; Moni Law; PRC (Police Review Commission)  
**Subject:** Inadequate response to my PRA Request  
**Attachments:** 2020\_12\_24\_12\_01\_37.pdf

**WARNING:** This email originated outside of City of Berkeley.  
**DO NOT CLICK ON** links or attachments unless you trust the sender and know the content is safe.

Dear PRC,

Ms. Lee, please include this PRA request in the next PRC packet. I am concerned that the BPD is making blanket refusals to respond to requests for information. A man was repeatedly punched, struck with batons, targeted with guns and arrested. I believe that the public should be allowed access to information about this incident.

Please consider:

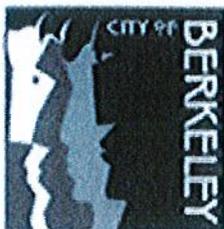
[https://www.youtube.com/watch?v=1QIbl5MlzoE&feature=emb\\_title](https://www.youtube.com/watch?v=1QIbl5MlzoE&feature=emb_title)

<https://www.berkeleyside.com/2020/12/18/berkeley-crime-roundup-wanted-man-arrested-after-car-chase-other-stops-net-guns-and-drugs>

sincerely yours,

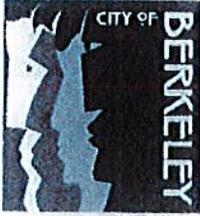
Andrea Prichett

On 12/24/20 12:02 PM, Norman, Latargie wrote:



Latargie Norman |Records Supervisor  
Berkeley Police Department  
2100 MLK Jr. Way, Berkeley, CA 94704  
Phone: (510) 981-4756 | Fax: (510) 981-5744  
[lnorman@cityofberkeley.info](mailto:lnorman@cityofberkeley.info)





Berkeley Police Department

December 24, 2020

Andrea Prichett  
[prichett@locrian.com](mailto:prichett@locrian.com)

RE: Public Records Act Request

Dear Andrea Prichett:

This is in response to your Public Records Act Request, received on December 22, 2020 requesting "information related to the arrest of David Frazier on December 17<sup>th</sup> at approximately 9:20 near Derby and San Pablo Avenue." The following documents were specifically requested:

1. CAD report and any other record of police communications about or related to that incident on that night
2. Police report of this incident and other related documents
3. Use of Force report
4. Video recordings created by members of the Berkeley Police Department on that night.

The Berkeley Police department has searched our records and have identified case number 20-57366 in relation to your request. This case is still under investigation, and records will not be released at this time, pursuant to Government Code 6254(f). The release of any records may impede the successful completion of the investigation.

Sincerely,

A handwritten signature in black ink that reads "J. Norman" followed by a stylized flourish.

Captain J. Louis  
Custodian of Records



Lee, Katherine

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**From:** Greenwood, Andrew  
**Sent:** Monday, January 4, 2021 1:09 PM  
**To:** Lee, Katherine  
**Cc:** Williams-Ridley, Dee; White, David; Buddenhagen, Paul  
**Subject:** FW: Community Message: Officer involved shooting

Ms. Lee,

I wanted to ensure that you and the Commission were aware that BPD officers were involved in a shooting on Jan. 2, 2021.

The various investigations are underway, and we are cognizant of the legally mandated timelines for release of video (within 45 days) and reports and records (within 180 days); I will update you as those releases approach.

This event was reported on by Berkeleyside, here: <https://www.berkeleyside.com/2021/01/02/berkeley-police-shoot-chain-wielding-man-walgreens-robbery>.

Best regards,

Andrew Greenwood  
Chief of Police  
Berkeley Police Department  
(510) 981-5700

---

**From:** Berkeley Police Department [mailto:berkeley-police-department@emails.nixle.com]  
**Sent:** Sunday, January 03, 2021 1:27 AM  
**To:** Greenwood, Andrew <AGreenwood@cityofberkeley.info>  
**Subject:** Community Message: Officer involved shooting

You will not receive text messages until you enable delivery. On your phone, text "YES" to the number 888777 to opt in. If 510-981-5700 is not your mobile phone, please login to update your settings.

Message sent via Nixle | [Go to nixle.com](https://www.nixle.com) | [Unsubscribe](#)



Sunday January 3, 2021, 1:26 AM

**Berkeley Police Department**  
Integrity, Safety, Respect, Diversity & Professionalism

## Community: Officer involved shooting

Dear Andrew Greenwood,

On January 2<sup>nd</sup> 8:22 pm, officers responded to Walgreens (2190 Shattuck Avenue) after receiving a report of a robbery.

After committing the robbery, the suspect left the store and was spotted by officers walking on Bancroft Way.

When officers attempted to detain the suspect, the suspect walked into the courtyard of the Tang Center (2222 Bancroft Way) and threatened officers with a chain. A negotiator-trained officer attempted to de-escalate the suspect, but he continued to speak and act in an erratic manner.

When officers attempted to take the suspect into custody, the suspect advanced toward the officers. Officers deployed less-lethal munitions and an officer also discharged their firearm during the incident.

The suspect (a 51-year-old man) was taken to a local hospital and is in stable condition.

This incident is being investigated by the Department's Homicide Unit and the Department's Internal Affairs Unit. As is our policy, the District Attorney's Office will be notified of the investigation and the involved officer will be placed on administrative leave.

For full details, [view this message on the web](#).

Sent by **Berkeley Police Department**  
2100 Martin Luther King Jr Way, Berkeley, CA 94704

To manage your email settings, [click here](#). To update your account settings, [login here](#).  
If you prefer not to receive future emails, [unsubscribe here](#).

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# Berkeleyside

CRIME & SAFETY

## Berkeley police shoot chain-wielding man after Walgreens robbery

Berkeley police officers shot a chain-wielding robbery suspect with a bullet and less-lethal projectiles Saturday night, sending the man to Highland Hospital with serious injuries.

By Emilie Raguso, Jan. 2, 2021, 10:56 p.m.



Walgreens, 2190 Shattuck, Berkeley (file photo). Photo: Emilie Raguso

Berkeley police officers shot a chain-wielding robbery suspect with a bullet and less-lethal projectiles Saturday night, sending the man to Highland Hospital with serious injuries to the head and mouth, according to police and emergency radio traffic reviewed by Berkeleyside.

**Scroll to the bottom of the story for a statement from BPD**

It is the first time a Berkeley police officer has shot and wounded a suspect [since 2012](#).

Officers were called just before 8:30 p.m. to the downtown Berkeley Walgreens at 2190 Shattuck Ave. (at Allston Way) after a man brandishing a long chain threatened a store clerk then took food items from the

shop, according to radio traffic reviewed by Berkeleyside.

Berkeleyside has requested information from the Berkeley Police Department but had not received a response to multiple inquiries as of publication time. (Note: A statement was provided early Sunday morning and appears at the bottom of this story.)

Police found the man on Bancroft Way east of Fulton Street and called for officers with less-lethal weapons — which shoot foam projectiles — to respond to the scene, according to radio traffic.

Officers reported over the radio repeatedly that they were attempting to negotiate with the man but said he was not responsive and would not drop the chain.

Police ultimately fired several rounds of less-lethal munitions at the man when he refused to obey verbal commands, BPD said. An officer also fired a gun at the man, striking him in the mouth, when he advanced on police, authorities said.

The man's injuries as described over the radio included a head wound and a compromised airway due to a "mouth injury." The injuries appeared to be non-life-threatening, police said.

A supervisor immediately called for crime scene tape to block off the area for the ensuing investigation, according to emergency dispatches.

"I don't want anyone coming into this courtyard at all," the officer said over the radio.

The Berkeley Fire Department took the man to Highland Hospital for medical treatment.

The man's condition was not available as of publication time.

The last officer-involved shooting in Berkeley took place in July 2020 when an officer fired at the vehicle of fleeing robbery suspects alleged to have shoplifted from the North Berkeley CVS; no one was injured.

Six months later, Berkeleyside is still awaiting the findings from that investigation despite several requests for them. The entire report, including findings and any disciplinary action, must be released to the public under California public records laws.

Berkeleyside will update this story when additional information becomes available.

**Update, Sunday, Jan. 3, 1:23 a.m.** The Berkeley Police Department provided a statement about the shooting to Berkeleyside on Sunday just after 1:10 a.m. They said police shot a 51-year-old man, who is now in stable condition, after he advanced on police and acted "in an erratic manner."

BPD said officers originally responded to Walgreens at 2190 Shattuck Ave. for a robbery report Saturday just after 8:20 p.m. The suspect left the store after the robbery and officers saw him walking on Bancroft Way, BPD said.

Officers tried to detain the man, but he walked into the Tang Center courtyard at 2222 Bancroft Way, about four blocks from Walgreens, BPD said.

"A negotiator-trained officer attempted to de-escalate the suspect, but he continued to speak and act in an erratic manner," according to the BPD statement. "When officers attempted to take the suspect into custody, the suspect advanced toward the officers. Officers deployed less-lethal munitions and an officer also discharged their firearm during the incident."

Police said the man was taken to a local hospital for medical treatment.

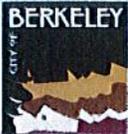
"This incident is being investigated by the Department's Homicide Unit and the Department's Internal Affairs Unit," according to BPD. "As is our policy, the District Attorney's Office will be notified of the investigation and the involved officer will be placed on administrative leave."

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*Emilie Raguso is Berkeleyside's senior editor of news. Email: [emilie@berkeleyside.com](mailto:emilie@berkeleyside.com). Twitter: [emraguso](https://twitter.com/emraguso). Phone: [510-459-8325](tel:510-459-8325).*

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# Commissioner Attendance Report

For the period July 1 through December 31, 2020

Commission Name: Police Review Commission

Secretary Name: Katherine J. Lee

Commissioner Last Name	8-Jul	22-Jul	9-Sep	23-Sep	14-Oct	28-Oct	18-Nov	9-Dec
1 Allamby	Attended	Attended	Absent	Attended	Absent	Attended	Attended	Absent
2 Calavita	Attended	Attended	Attended	Attended	Leave of Absence	Attended	Attended	Attended
3 Chang	Leave of Absence	Attended	Attended	Attended	Leave of Absence	Attended	Leave of Absence	Attended
4 Leftwich	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
5 Mikiten	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
6 Mizell	Attended	Attended	Attended	Attended	Leave of Absence	Attended	Attended	Attended
7 Moore	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Attended
8 Perezvelez	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended
M Ramsey	Attended	Attended	Attended	Attended	Attended	Attended	Attended	Attended

### Instructions for Completing the form

- This report tracks attendance of current commissioners at REGULAR commission meetings. Special meetings and subcommittee meetings are NOT included.
1. Gather your 2020 REGULAR meeting dates and roster of current commissioners.
  2. Enter dates of REGULAR meetings. Add columns as needed if you had more than one REGULAR meeting in a month.
  3. Enter the names of your *current* commissioners in the column provided. Add rows if needed for commissions with more than 9 members.
  4. For each meeting, select from the dropdown options to indicate whether the commissioner attended the meeting, had an approved *leave of absence*, an *excused absence for cultural or religious holidays*, or was *absent*. TIP: Click only *once* in a cell to view the dropdown menu.
  5. For meetings prior to a commissioner's appointment, choose "N/A"
  6. Return to the Commission inbox as soon as possible after your last June meeting, but no later than **January 3, 2021**. Call us at x6908 or email [commission@cityofberkeley.info](mailto:commission@cityofberkeley.info) with any questions about completing the form.



<https://www.theatlantic.com/politics/archive/2020/12/cahoots-program-may-reduce-likelihood-of-police-violence/617477/>

*The Atlantic*

## An Alternative to Police That Police Can Get Behind

In Eugene, Oregon, a successful crisis-response program has reduced the footprint of law enforcement—and maybe even the likelihood of police violence.

Story by [Rowan Moore Gerety](#)

**DECEMBER 28, 2020**

Should American cities defund their police departments? The question has been asked continually—with varying degrees of hope, fear, anger, confusion, and cynicism—since the killing of George Floyd on Memorial Day. It hung over the November election: on the right, as a caricature in attack ads (call 911, get a recording) and on the left as a litmus test separating the incrementalists from the abolitionists. “Defund the police” has sparked polarized debate, in part, because it conveys just one half of an equation, describing what is to be taken away, not what might replace it. Earlier this month, former President Barack Obama called it a “snappy slogan” that risks alienating more people than it will win over to the cause of criminal-justice reform.

Yet the defund idea cannot simply be dismissed. Its backers argue that armed agents of the state are called upon to address too many of society’s problems—problems that can’t be solved at the end of a service weapon. And continued cases of police violence in response to calls for help have provided regular reminders of what can go wrong as a result.

In September, for example, new details came to light about the death of a man in Rochester, New York, which police officials had initially described as a drug overdose. Two months before Floyd’s death, Joe Prude had called 911 because his brother Daniel was acting erratically. Body-cam footage obtained by the family’s attorney revealed that the officers who responded to the call placed a mesh hood over Daniel’s head and held him to the ground until he stopped moving. He died a week later from “complications of asphyxia in the setting of physical restraint,” according to the medical examiner. Joe Prude had called 911 to help his brother in the midst of a mental-health crisis. “I didn’t call them to come help my brother die,” he has said.

A few weeks after a video showing Daniel Prude’s asphyxiation was made public, police in Salt Lake City posted body-cam footage that captured the moments before the shooting of a 13-year-old autistic boy. The boy’s mother had called 911 seeking help getting him to the hospital. While she waited outside, a trio of officers prepared to approach the home. One of them hesitated. “If it’s a psych problem and [the mother] is out of the house, I don’t see why we should even approach, in my opinion,” she said. “I’m not about to get in a shooting because [the boy] is upset.” Despite these misgivings, the officers pursued the distressed 13-year-old into an alley and shot him multiple times, leaving him, his family has said, with injuries to his intestines, bladder, shoulder, and both ankles.

Neither these catastrophic outcomes nor the misgivings of police themselves have produced an answer to the obvious question: How should society handle these kinds of incidents? If not law enforcement, who should intervene?

One possible answer comes from Eugene, Oregon, a leafy college town of 172,000 that feels half that size. For more than 30 years, Eugene has been home to Crisis Assistance Helping Out on the Streets, or CAHOOTS, an initiative designed to help the city's most vulnerable citizens in ways the police cannot. In Eugene, if you dial 911 because your brother or son is having a mental-health or drug-related episode, the call is likely to get a response from CAHOOTS, whose staff of unarmed outreach workers and medics is trained in crisis intervention and de-escalation. Operated by a community health clinic and funded through the police department, CAHOOTS accounts for just 2 percent of the department's \$66 million annual budget.

When I visited Eugene one week this summer, city-council members in Minneapolis, Los Angeles, Houston, and Durham, North Carolina, had recently held CAHOOTS up as a model for how to shift the work of emergency response from police to a different kind of public servant. CAHOOTS had 310 outstanding requests for information from communities around the country.

A pilot program modeled in part on CAHOOTS recently began in San Francisco, and others will start soon in Oakland, California, and Portland, Oregon. Even the federal government has expressed interest. In August, Oregon's senior senator, Ron Wyden, introduced the CAHOOTS Act, which would offer Medicaid funds for programs that send unarmed first responders to intervene in addiction and behavioral-health crises. "It's long past time to reimagine policing in ways that reduce violence and structural racism," he said, calling CAHOOTS a "proven model" to do just that. A police-funded program that costs \$1 out of every \$50 Eugene spends on cops hardly qualifies as defunding the police. But it may be the closest thing the United States has to an example of whom you might call instead.

In 1968, Dennis Ekanger was a University of Oregon graduate student finishing up an internship as a counselor for families with children facing charges in the state's juvenile-justice system when he started to get calls in the middle of the night. Through his work in court, word had spread that "I knew something about substance-abuse problems," Ekanger told me recently. Anxious mothers were arriving at his doorstep desperate for help but afraid to go to the authorities. It was a turbulent time in Eugene, with anti-war protests on the University of Oregon campus and a counterculture that spilled over into the surrounding neighborhoods in the form of tie-dye, pot smoke, and psychedelic drugs.

The following year, Ekanger and another student in the university's counseling-psychology program, Frank Lemons, met with a prominent Eugene doctor who agreed to help them mount a more organized response by recruiting local health-care providers to volunteer their time. Ekanger went to San Francisco to visit a new community health clinic in Haight-Ashbury that had pioneered such a model, offering free medical treatment to anyone who walked in. Back in Oregon, Ekanger and Lemons each put up \$250 and signed a lease on a dilapidated two-story Victorian near downtown.

The White Bird Clinic opened its doors a few days later, with a mission to provide free treatment when possible and to connect patients to existing services when it wasn't. But the city's established institutions didn't yet have a clue how to deal with people on psychedelic drugs. Teenagers who showed up in the emergency room on LSD were

prescribed antipsychotic medications. Unruly patients got passed to the police and ended up having their bad trips in jail.

The forerunner to CAHOOTS was an ad hoc mobile crisis-response team called the “bummer squad” (for “bum trip”), formed in White Bird’s first year for callers to the clinic’s crisis line who were unable or unwilling to come in. The bummer squad responded in pairs in whatever vehicle was available. For a while, that was a 1950 Ford Sunbeam bread truck that did double duty as the home of its owner, Tod Schneider, who’d dropped out of college on the East Coast to drive out to Eugene.

It didn’t take long for the bummer squad to start showing up at some of the same incidents that drew a response from Eugene police. One day in the late 1970s, Schneider answered a call from a mother concerned about her son. “Mom, I think I made a mistake,” he’d told her. “I took some PCP, and I’m feeling weird.” Schneider showed up to the family’s home to find the teenager in “full psychotic PCP condition.” As Schneider got out of the truck, the boy came running out of a neighboring house naked and bloody, and tackled him. Another neighbor called the police, thinking they were witnessing an assault. “So police came out and figured out what was going on—they talked to me a little bit, and they just left,” Schneider told me. “The police realized ... they didn’t know what to do with these people that was productive.”

White Bird continued its volunteer-run mobile crisis service—and its informal collaboration with the police—into the early 1980s. Bummer-squad volunteers periodically gave role-playing training to the police department, and some beat officers grew to appreciate Eugene’s peculiar grassroots crisis-response network.

In the late ’80s, Eugene was struggling to respond to a trio of convergent issues that still plague the city more than 30 years later: mental illness, homelessness, and substance abuse. Police in Eugene were caught in a cycle of arresting the same people over and over for violations such as drinking in public parks and sleeping where they weren’t allowed to.

“The police hated it; we were doing absolutely nothing for public safety, we were tangling up the courts, and we were spending a horrendous amount of money,” Mike Gleason, who was the city manager at the time, recalled. Gleason convened a roundtable with Eugene’s social-service providers, offering city funding for programs that could break the logjam. A local detox facility made plans to launch a sobering center where people could dry out or sleep it off. White Bird and the police department began a dialogue about a mobile crisis service that could be dispatched through the 911 system.

White Bird and the police were not a natural pairing. To the city’s establishment types, White Bird staffers were “extreme counterculture people.” Standing by as the bummer squad defused a bad trip was one thing; giving the team police radios was quite another. White Bird’s clinic coordinator at the time, Bob Dritz, wore a uniform of jeans and a T-shirt; for meetings with city officials, he’d occasionally add a rumpled corduroy jacket. With his defiantly disheveled appearance, Dritz seemed to be declaring, in the words of one colleague, “Look, I’m different from you people, and you have to listen to me.” White Bird staff members worried that working with the police would erode their credibility, and maybe even lead to arrests of the very people they were trying to help. But in the space of a couple of months, Dritz and a counterpart at the police department drafted the outlines of a

partnership. The acronym Dritz landed on was an ironic nod to the discomfort of working openly with the cops.

Things were slow at first. Jim Hill, the police lieutenant who oversaw CAHOOTS at the police department, recalls sitting at his desk listening to dispatch traffic on the radio. “I would literally have to call dispatch and say, ‘How come you didn’t send CAHOOTS to that?’ And they go, ‘Oh, yeah, okay.’” Before long, though, CAHOOTS was in high demand.

Cahoots teams work in 12-hour shifts, mostly responding without the police. Each van is staffed by a medic (usually an EMT or a nurse) and a crisis worker, typically someone with a background in mental-health support or street outreach, who takes the lead in conversation and de-escalation. Most people at White Bird make \$18 an hour (it’s a “nonhierarchical” organization; internal decisions are made by consensus), and some have day jobs elsewhere.

One Tuesday night this summer, the medic driving the van was Chelsea Swift. Swift grew up in Connecticut and, like White Bird’s co-founder a generation before her, was introduced to harm-reduction work in Haight-Ashbury, where she sold Doc Martens to the punks who staffed the neighborhood needle-exchange program. Swift’s childhood had been marked by her mother’s struggle with opiate addiction and mental illness. She never thought she’d be a first responder, or could be. She was too queer, too radical. “I don’t fit into that culture,” she told me. And yet, she said, “I am so good at this job I never would have wanted.”

Around 6 p.m., Swift and her partner, a crisis worker named Simone Tessler, drove to assist an officer responding to a disorderly-subject call in the Whiteaker, a central-Eugene neighborhood with a lively street life, even in pandemic times. When we arrived, a military veteran in his 20s was standing with the officer on the corner, wearing a backpack, a toothbrush tucked behind his ear. The man said he’d worked in restaurants in Seattle until the coronavirus hit, then moved to Eugene to stay with his girlfriend.

That day, he’d worked his first shift at a fast-food restaurant. Soon after he got home, a sheriff’s deputy working for the county court knocked on the door to serve him a restraining order stemming from an earlier dispute with his girlfriend. He did not take the news well. The deputy called for police backup, and when it arrived, the man agreed to walk a block away to wait for CAHOOTS and figure out his next move. He had to stay 200 feet away from the place where he’d been living, and he couldn’t drive. “I been drinking a bit, and—I’m not gonna lie—I want to keep drinking,” he said. He needed somewhere to stay, and a way to move his car to a place where he could safely leave it overnight with his stuff in the back.

Swift and the officer talked logistics while Tessler leaned against the wall beside the man and chatted with him. She told him that she’d worked in restaurants before joining CAHOOTS.

The Eugene Mission, the city’s largest homeless shelter, had an available spot, the officer explained, thumbs tucked inside the shoulder straps of his duty vest. You can show up drunk if you commit to staying for 14 days and agree not to use alcohol or drugs while you’re there.

The man hesitated, thinking through other options. He had enough cash for a motel room, as long as it didn't require a big deposit. The officer prepared to leave so CAHOOTS could take over. Swift, Tessler, and the veteran took out their phones and began looking up budget motels along a nearby strip, settling on one with a military discount and a low cash deposit.

"Do you know how to drive stick?" the man asked. Tessler and Swift exchanged blank looks, then continued to spitball. Did the man have AAA? Was another CAHOOTS unit free to help? I felt a lump rising in my throat. I'd wanted to keep my reporterly distance, but I was also a person watching a trivial problem stand in the way as calls stacked up at the dispatch center. I drove the car three blocks to the motel with Swift in the front seat.

"So much of what people call CAHOOTS for is just ordinary favors," she said. "We're professional people who do this every day, but what was that? We were helping him make phone calls and move his car."

A couple of hours later, CAHOOTS received a call from a sprawling apartment complex on the north side of town. Tessler and Swift showed up just as the last hint of blue drained from the sky. The call had come from a concerned mother who lived in Portland, 100 miles away from her 23-year-old daughter; she believed that her daughter was suicidal. The young woman's grandmother, who lived nearby, stood in the parking lot and gave Tessler and Swift a synopsis: Her granddaughter was bipolar, with borderline personality disorder. She'd run away at 17 after her diagnosis, and never seemed to fully accept it, traveling across the West with a series of boyfriends, sleeping in encampments. She'd been back in Eugene for a few months now, the longest the family had ever gotten her to stay.

Tessler walked around the corner and knocked. "It's CAHOOTS." No answer.

"Can you come and talk to us for a minute?"

The door was unlocked from the inside and left slightly ajar.

The apartment was dark. A tiny Chihuahua mix barked frantically. A tearful voice called out from the bedroom, "I just want a hug. Are you going to take me away?"

Tessler crouched down in the bedroom doorway. "I'm not gonna take you anywhere you don't want to go."

"I'm really sorry I've caused all this," the young woman said, sitting up.

Swift grabbed a handful of kibble from a bowl on the floor to quiet the dog. "My family tries to put me away a lot," the young woman explained. Breathing fast between sobs, she seemed both overwhelmed by grief and adrenaline and primed to answer questions she'd come to expect in the midst of a crisis.

Unprompted, she told the CAHOOTS team her full name, letter by letter. "I know my Social Security number, and I know I'm a harm to myself and others." She took a deep breath. "I'm just feeling really sad and alone, and I don't know how I got here."

Tessler turned on a light, and Swift went out to the parking lot to summon the young woman's grandmother.

"Nana! Nana!" The young woman dissolved into her embrace.

Swift surveyed the bathroom scene that had prompted the call. An open pack of cigarettes lay on the wet floor along with a belt and an electrical cord. There was a straw in a bottle of gin on the edge of the tub, a six-pack on the toilet, and half a dozen pill bottles strewn across the bathroom sink and countertop. Swift unfolded a soggy piece of paper marked “Patient Safety Plan Contract” that identified seeing San Francisco as the one thing the young woman wanted to do before she died.

As Swift took her vitals, the young woman’s tearful reunion with her grandmother continued. “I love your blue eyes, Nana,” she said.

“I love your brown ones.”

CAHOOTS brought her to the emergency room, and she was discharged less than 24 hours later.

On my first morning in Eugene, I spent a couple of hours in Scobert Gardens, a pocket-size park on a residential block not far from the Mission. Many of the park’s visitors are part of Eugene’s unhoused population, which accounts for about 60 percent of CAHOOTS calls. Everyone I met in Scobert Gardens had a CAHOOTS story. One man had woken up shivering on the grass before dawn, after the park’s sprinklers had soaked him through; CAHOOTS gave him dry clothes and a ride to the hospital to make sure he didn’t have hypothermia. A woman had received first aid after getting a spider bite on her face while sleeping on the ground. Another man hadn’t had a place to stay since he got out of prison more than a year ago. When he had a stroke in the park earlier this summer, a friend called CAHOOTS. “If you go with the ambulance, it will cost you big money, so a lot of people go the CAHOOTS route,” the man explained.

Earlier this year, Barry Friedman, a law professor at NYU, posted a working paper on policing that highlighted the mismatch between police training and the jobs officers are called on to do—not just law enforcer, but first responder, mediator, and social worker. Reducing the number of instances in which police are called to assist Eugene’s unhoused population reduces the number of calls for which their skill set is a poor match. But if the goal is eliminating unnecessary use of force, helping people without housing is hardly sufficient.

In a 2015 analysis of citizen-police interactions, the Bureau of Justice Statistics found that traffic stops accounted for the majority of police-initiated contact: 25 million people reported traffic stops, versus 5.5 million people who reported other kinds of contact. And police are regularly involved in incidents that escalate partly because of a failure to consider mental-health issues. In October, Walter Wallace Jr.’s family members and a neighbor called 911 because he was arguing with his parents; according to the family’s attorney, Wallace had bipolar disorder. Two Philadelphia police officers arrived, found Wallace with a knife, and fatally shot him, despite his mother’s attempts to intercede. (Police and district-attorney investigations are ongoing, and no arrests have been made.) Near Eugene, police in the neighboring city of Springfield in March 2019 killed Stacy Kenny, who had schizophrenia, in an incident that began with a possible parking violation. None of the officers involved was criminally charged, though a lawsuit brought by the Kenny family resulted in the largest police settlement in Oregon history. Springfield also committed to overhauling police-department policy and oversight practices around use of force.

In July 2015, police responded to the home of Ayisha Elliott, a race and equity trainer and the host of a podcast called *Black Girl From Eugene*. Elliott's 19-year-old son had been experiencing a mental-health crisis, she told me, which was the result of a traumatic brain injury. At 2:43 a.m., Elliott called Eugene's nonemergency number and asked for CAHOOTS, not realizing that the service ran only until 3 a.m. In a subsequent call, to 911, Elliott's ex-husband indicated that Elliott was in danger; authorities say it was this second call that led dispatchers to send police to the scene. Elliott greeted the officers on the front porch, and explained that she needed help getting her son to the hospital. Instead, in an incident that escalated over the course of 15 minutes, her son became agitated and began to yell. Elliott attempted to shield him from officers as they ordered her to stand back. Police say her son charged as they tried to separate him from his mother. Her son was punched in the face and tased. Elliott herself was pulled to the ground, resulting in a concussion, she said. She was arrested for interfering with a police officer. (She was released the following morning.) She and her son sued the city of Eugene as well as individual police officers in federal court, for excessive use of force and racial discrimination, among other claims; the court found against the plaintiffs on all counts. Elliott told me the experience didn't change her view of the police so much as confirm it. "I realized that it didn't matter who I was; I'm still Black."

Together with the fatal police shooting that year of a veteran who had PTSD, the incident helped focus public attention on Eugene's response to mental-health crises. In its next annual budget, the city included \$225,000 to make CAHOOTS a 24/7 service for the first time. (Both the mayor's office and the police department say the increase in funding was not related to a specific incident.)

Yet CAHOOTS is still limited by the rules that govern its role in crisis response. Its teams are not permitted to respond when there's "any indication of violence or weapons," or to handle calls involving "a crime, a potentially hostile person, a potentially dangerous situation ... or an emergency medical problem."

Many 911 calls unfold in the gray area at the limits of CAHOOTS's scope of work; in Eugene, the same dispatch system handles both emergency and nonemergency calls, in part because so many callers fail to grasp the distinction. One call I went on with Swift and Tessler was to check on the welfare of a young man with face tattoos who was reportedly acting strangely on the University of Oregon campus. The fire department and the police had been out to see him, without incident, but also without resolution: The man was still there, unsettling passersby, who kept calling him in as a potential threat to himself and others.

By the time CAHOOTS arrived, the man was lying on the grass with a small burning pile of latex gloves next to his head. When Swift jumped out of the van, alarmed, he sat halfway up and poked at the fire with a kitchen knife, then lay back down. Had the cops been called again, I thought, the incident might have played out differently, and landed in the next day's paper: "A young man setting objects on fire was shot after brandishing a knife." But that's not how it went. Swift grabbed the knife, threw it well out of reach, and began talking to him.

At 11 a.m. on a Friday, I met Jennifer Peckels, one of the few cops in Eugene who walk their beat, to tag along as she patrolled a quadrant of restaurants and curbside gardens

downtown. Born and raised in Eugene, Peckels is now in her fifth year on the force. Many of her interactions downtown are with a core group of people experiencing homelessness, mental-health crises, and addiction, or some combination thereof.

Across the street from the library, Peckels recognized a woman who was sitting on a bench, crying inconsolably. When Peckels approached her, the woman explained in breathless bursts that her daughter's surrogate parents were telling lies about her. She feared she might never see her daughter again. Over the radio, Peckels called in the woman's location to dispatch. "CAHOOTS will come help you—they gotta help the fire department, then they gotta help a suicidal subject, and then they'll come. You're on the list."

"I'm suicidal," the woman said.

"Do you have any means to hurt yourself?" Peckels asked.

The woman explained that she was afraid she would start drinking again. She began to slap herself in the face. "I'm tired of Eugene," she said, gesturing across the street at a statue of Rosa Parks seated on a pair of bronze bus seats. "I got threatened to be arrested for sitting next to Rosa Parks, and I said 'Fuck the police.' I haven't done anything wrong here except be loud and drink in public!"

"You know, when I get upset, I do this breathing exercise," Peckels suggested.

Together, they inhaled for four seconds, then held their breath. The woman closed her eyes and, by the exhale, appeared calmer for the first time. "You're on the list," Peckels repeated. The woman wanted to know *when* CAHOOTS was coming, but Peckels had no way of knowing. We continued walking.

The most common complaint about CAHOOTS you'll hear in Eugene is that its response times are too slow. Last year, across roughly 15,000 calls in the city, the average time between receipt of a call and the arrival of a CAHOOTS team was an hour and 56 minutes, compared with an hour and 11 minutes across 46,000 calls for the police department. Having more CAHOOTS units on the street could serve to reduce Eugene Police Department response times as well, by freeing up officers to do what Peckels called "police work." She said it's not uncommon for reports of even very serious crimes that are no longer in progress—such as rapes or burglaries—to sit in the dispatch queue for hours while officers race to work through a backlog of calls.

White Bird and the EPD are trying to come to an agreement about the best way to quantify CAHOOTS's contributions. CAHOOTS has circulated its own estimate, saying it responds to 17 percent of all calls handled by dispatchers. Yet the police department contends that most of those calls wouldn't have gotten a police response to begin with, because many of the requests that CAHOOTS receives—to check on a person who seems heavily intoxicated, or for transport to a medical appointment—aren't really "police calls." According to the police department's analysis, the true diversion rate is between 5 and 8 percent. Which number is the "right" one to evaluate CAHOOTS's contributions to the city?

I asked Eugene's chief of police, Chris Skinner, about the prospect of increasing CAHOOTS's capacity to respond to calls. He told me he thinks of the benefit to the police as a question of probability: "The less time I put police officers in conflicts with people,

the less of the time those conflicts go bad.” That, in a sense, is the same argument made by activists who have mentioned alternatives such as CAHOOTS in their demands to shrink the footprint of policing nationwide.

Before the coronavirus pandemic hit, Eugene voters approved a payroll tax projected to bring in \$23 million a year for 126 community-safety positions. Originally, two-thirds of that money was slated to pay for positions in the police department; as several police officials I spoke with pointed out, Oregon has among the lowest number of police officers per capita of any state in the country. Now, in response to Black Lives Matter protests, Mayor Lucy Vinis told me, the city council is consulting with community organizations to revise that plan. “Until this challenge around ‘Defund the police,’” Vinis said, “I don’t think that the police department ever really looked at CAHOOTS as depriving them of funds: It was really excellent service for a very low price.”

Anecdotally, at least, Eugene’s citizens have come to appreciate the CAHOOTS approach to crisis response, perhaps too keenly. CAHOOTS exists in a society where many feel that the risk of police violence outweighs the potential benefit of calling 911, and where an encounter with EMS can wreck a household’s finances. Last December, a CAHOOTS team showed up to a fatal drug overdose hours after the victim’s friend had called in for help. The caller had avoided language that would have brought a faster police or EMS response.

Brenton Gicker, who has worked for CAHOOTS for 12 years and as an emergency-room nurse for the past five, told me that callers have sometimes omitted key details to bypass police. “They’ll say, ‘My friend is bipolar; he’s in a manic episode. I’d like CAHOOTS to talk to them.’ And we show up, and they’ve set the kitchen on fire, or they’re running around naked, stabbing holes in the wall.”

CAHOOTS has undoubtedly saved lives in Eugene. The question for cities hoping to emulate its success is how its approach might be adapted and scaled up. Eugene is a small, homogenous city (its population is 83 percent white). The proud hippie culture that helped give birth to the White Bird Clinic, the bummer squad, and eventually CAHOOTS continues to thrive there. The city supports a robust network of homeless shelters, crisis centers, and mental-health and drug-treatment providers that have a long history of working with CAHOOTS, which makes it easier to connect people in need with services that can help. Los Angeles has 23 times as many people as Eugene, living in dozens of far-flung neighborhoods, each with its own landscape of language, history, and social services. In October, L.A.’s city council voted unanimously to develop a CAHOOTS-like program of unarmed crisis responders. It will face different challenges.

When the pandemic struck, it revealed just how reliant CAHOOTS is on the city’s safety net—and just how fragile that net is, even in progressive Eugene. CAHOOTS was the rare social-service provider in the city that was able to carry on its regular operations. The Buckley Center closed its sobering program; the Eugene Mission continued to serve residents but closed the door to new arrivals for months; social-service agencies asked their caseworkers to work from home, which made it harder to help clients who don’t have stable addresses, schedules, or cellphones.

For a stretch, measures taken to stop the spread of the virus among Eugene’s poorest residents made up for the absence of some of the usual services. Federal CARES Act

funding enabled Lane County to open a new 250-bed homeless shelter in buildings on its fairgrounds. To Gicker, the new shelter was a revelation. “This is the first time ever in my CAHOOTS experience where I can take somebody somewhere to sleep with no questions asked: They don’t have to be a battered woman; they don’t have to be experiencing a mental-health crisis; they don’t have to be ill or injured. I don’t have to sell it in some way.”

The CARES Act money ran out in June, however, and the fairground shelter closed. CAHOOTS was back to having very few places to take people in need of a bed. Similar bottlenecks exist for inpatient drug treatment and mental-health facilities. Eugene might have more social services than some American cities, but it’s still an American city. If it can’t manage the cries for help, how will larger, more diverse cities that lack Eugene’s long-standing interagency collaborations or progressive attitudes fare? In rural areas, gaps in service are even more pronounced. Earlier this year, officials from another jurisdiction called White Bird’s director of consulting, Tim Black, to announce with excitement that they’d received funding to “bring CAHOOTS here” in a matter of months. Black replied, “Where are you going to bring someone if not to the hospital or the jail?”

Around 5 p.m. on a Wednesday, I was halfway through the day shift with another CAHOOTS team, Tatanka Maker and Brian Troutz, when it was called to a parking lot just south of Washington Jefferson Park. A woman in her 50s stood at the lot’s edge, surrounded by a swirl of trash. She was barefoot and had a sheath of plastic wrapped around her midriff. This was someone the CAHOOTS team had known for years.

An employee of a nearby aquarium shop had made the call to CAHOOTS, and Maker approached him to get a sense of the situation. “She’s been trespassing since nine,” the employee said.

“I’m packing up,” the woman replied. She picked up armfuls of newspaper and takeout containers, then dropped them just as quickly, as though she’d spotted something else in the pile that she’d been looking for.

“That’s not an option any longer,” Maker said, addressing the woman by her first name. “You can pack one bag of important stuff, and then we’ll take off.”

“Where are we going?” the woman asked.

“Somewhere else,” Maker said.

Troutz brought a clean garbage bag from the van. Maker began guessing what she might want to put inside: “Do you want this sleeping bag?”

Imploring her to cooperate, Maker said she could bring a second garbage bag along too.

“If you don’t come to the van right now, they’re gonna take you to jail and throw it out,” Maker said. But the woman was stuck in another world.

“Can I focus on getting this done?” she asked, annoyed.

At last, Maker and Troutz succeeded in leading the woman to the van. They’d avoided an arrest, but it was a temporary victory. The woman had only just gotten out of jail. Before that, she’d been in and out of the state mental hospital for years. Space constraints, insurance issues, and time limits on residential programs all contributed to the difficulty of

finding a place where she could receive long-term mental-health services and drug treatment.

Lacking a better option, Maker and Troutz opted to take her to White Bird. The clinic was closed, but a large shaded parking lot sits behind it.

“This is one of those cases where there is no perfect place to take her, but it’s better to take her out of the part of town where she’s been causing some trouble,” Maker said. The van stopped, and the woman got out and took a seat on a discarded couch in the parking lot.

“You know those orange cones they put on the highway?” Maker said when we got back in the van to head to the next call. “Last summer, there was a day that she spent 10 hours meticulously climbing up the embankment, grabbing them, and throwing them over the edge.” The police, the fire department, and CAHOOTS had all responded multiple times, she said. “We ended up bringing her to White Bird that day too.”

**ROWAN MOORE GERETY** *is a journalist in Phoenix, Arizona, and the author of Go Tell the Crocodiles: Chasing Prosperity in Mozambique.*

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## 2021 Police Review Commission Meeting Schedule

January							February							March						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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31																				

April							May							June						
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25	26	27	28	29	30		23	24	25	26	27	28	29	27	28	29	30			
							30	31												

July							August							September						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7				1	2	3	4
4	5	6	7	8	9	10	8	9	10	11	12	13	14	5	6	7	8	9	10	11
11	12	13	14	15	16	17	15	16	17	18	19	20	21	12	13	14	15	16	17	18
18	19	20	21	22	23	24	22	23	24	25	26	27	28	19	20	21	22	23	24	25
25	26	27	28	29	30	31	29	30	31					26	27	28	29	30		

October							November							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2		1	2	3	4	5	6				1	2	3	4
3	4	5	6	7	8	9	7	8	9	10	11	12	13	5	6	7	8	9	10	11
10	11	12	13	14	15	16	14	15	16	17	18	19	20	12	13	14	15	16	17	18
17	18	19	20	21	22	23	21	22	23	24	25	26	27	19	20	21	22	23	24	25
24	25	26	27	28	29	30	28	29	30					26	27	28	29	30	31	
31																				

PRC Meetings
  Council Meetings
  City Holiday
  VTO



# 2021 Police Review Commission Meeting Dates

Commission Secretary: Katherine J. Lee

Month	Meeting Day and Date	Time
January 2021	Wednesday 1/13/21	7:00 pm
	Wednesday 1/27/21	7:00 pm
February 2021	Wednesday 2/10/21	7:00 pm
	Wednesday 2/24/21	7:00 pm
March 2021	Wednesday 3/10/21	7:00 pm
	Wednesday 3/24/21	7:00 pm
April 2021	Wednesday 4/14/21	7:00 pm
	Wednesday 4/28/21	7:00 pm
May 2021	Thursday 5/13/21	7:00 pm
	Wednesday 5/26/21	7:00 pm
June 2021	Wednesday 6/9/21	7:00 pm
	Wednesday 6/23/21	7:00 pm

Month	Meeting Day and Date	Time
July 2021	Wednesday 7/14/21	7:00 pm
	Wednesday 7/28/21	7:00 pm
August 2021	No Meeting	
September 2021	Wednesday 9/8/21	7:00 pm
	Wednesday 9/22/21	7:00 pm
October 2021	Wednesday 10/13/21	7:00 pm
	Wednesday 10/27/21	7:00 pm
November 2021	Wednesday 11/10/21	7:00 pm
December 2021	Wednesday 12/8/21	7:00 pm

