

Police Review Commission (PRC)

POLICE REVIEW COMMISSION REGULAR MEETING

Wednesday, May 26, 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 (5 minutes)**
- 2. APPROVAL OF AGENDA (5 minutes)**
- 3. PUBLIC COMMENT (time TBD)**

(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 (5 minutes)**

Regular meeting of May 13, 2021.

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 Website: www.cityofberkeley.info/prc/

5. CHAIR'S REPORT

Report from Chair. (5 minutes)

Update from Comm. Mizell on Reimagining Public Safety Task Force. (2 minutes)

6. PRC OFFICER'S REPORT (3 minutes)

Status of complaints; other items.

7. CHIEF OF POLICE'S REPORT (10 minutes)

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

8. SUBCOMMITTEE REPORTS (discussion and action) (10 minutes)

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. Outreach Subcommittee.
- b. Lexipol Policies Subcommittee.

9. OLD BUSINESS (discussion and action)

- a. Discuss vaccination status of sworn officers of the Berkeley Police Department. (10 minutes)
- b. Consider making recommendations to the new Police Accountability Board about improving the process for handling complaints against officers. (10 minutes)
- c. Lexipol policies for review and approval. (20 minutes)

Lexipol	G.O.	Title
324	P-29	Media Relations
403	C-52	Crime and Disaster Scene Integrity and Investigation
804	R-23	Records Maintenance and Release

(See materials in May 13, 2021 packet.)

- d. Whether to participate in a scenario-based use-of-force training offered by the Police Department. (5 minutes)

- e. Whether Commissioners may be allowed to observe police officers being trained and, if not, whether to take further action. (5 minutes)
- f. Update on transition to new Police Accountability Board and Office of Director of Police Accountability. (5 minutes)

10. NEW BUSINESS (discussion and action)

- a. Extent of hate crimes tracking in the City of Berkeley (Old Business) and BPD response to recent anti-Asian hate crimes (New Business) (10 minutes)
From: Commissioner Chang

11. PUBLIC COMMENT (time TBD)

(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.)

12. ADJOURNMENT (1 minute)

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.

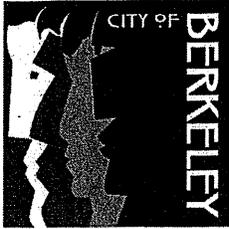
SB 343 Disclaimer

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.

**PRC REGULAR MEETING ATTACHMENTS
MAY 26, 2021**

<u>MINUTES</u>	
May 13, 2021 Regular Meeting Draft Minutes.	Page 7
<u>AGENDA-RELATED</u>	
Item 8. – PRC Subcommittees List, updated 5-14-21.	Page 11
Item 9.a – 5-14-21 email from Capt. Rolleri re HIPAA and vaccines with attachment.	Page 13
Item 9.b. – PRC Meeting of May 26, 2021. Topic: Recommendations to the new Police Accountability Board (PAB) to improve the process for handling complaints against officers.	Page 17
Item 9.f. – 5-25-21 Consent Calendar item re Classification and Salary: Establish Director of Police Accountability.	Page 19
Item 10.a. – Nov. 17, 2020, annotated agenda for Item #13, Improving Hate Crimes Reporting and Response.	Page 29
Item 10.a – Nov. 17, 2020, Consent Calendar item re Improving Hate Crimes Reporting and Response.	Page 31
Item 10.a – 5-12-21 article from Berkeleyside re Anti-Asian harassment widespread in Berkeley, survey suggests.	Page 47
Item 10.a. – 5-5-21 article from www.kron4.com/news/bay-area , re Suspect charged with hate crime after assaulting Asian woman in Berkeley.	Page 51
Item 10.a. – 5-23-21 article from https://patch.com re Berkeley PD Responds To Anti-Asian Hate Crime Surge.	Page 53
<u>COMMUNICATIONS</u>	
5-19-21 Letters of Commendation of BPD officers from PRC to Chief Louis.	Page 55
Email re May is Mental Health Month 2021 Event – Wednesday, May 26, 2021 – 5:30 pm.	Page 65
5-9-21 article from Berkeleyside re Berkeley leaders demand more data about ‘militaristic’ police equipment.	Page 67



Police Review Commission (PRC)

DRAFT

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

Thursday, May 13, 2021, 7:00 P.M.

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

1. CALL TO ORDER & ROLL CALL BY CHAIR RAMSEY AT 7:05 P.M.

Present: Commissioner Ismail Ramsey (Chair)
Commissioner Michael Chang (Vice-Chair)
Commissioner Gwen Allamby
Commissioner Kitty Calavita
Commissioner Juliet Leftwich
Commissioner Elisa Mikiten (arrived 7:23 pm)
Commissioner Hans Moore

Absent: Commissioner Nathan Mizell

PRC Staff: Katherine J. Lee, PRC Officer

BPD Staff: Capt. Rico Rolleri, Lt. Robert Rittenhouse, Lt. Joe Okies, Lt. Dan Montgomery

2. APPROVAL OF AGENDA

Motion to approve the agenda.

Moved/Second (Calavita/Leftwich) **Motion Carried by general consent**

3. PUBLIC COMMENT

There were 2 speakers.

4. APPROVAL OF MINUTES

Motion to approve Regular Meeting Minutes of April 28, 2021

Moved/Second (Leftwich/Calavita) **Motion Carried by general consent**

5. CHAIR'S REPORT

Chair Ramsey reported:

- Coordinating with Mayor's Office and Police Chief re progress on recommendations of Fair & Impartial Policing Working Group. Presentation has been made to some Councilmembers, and will be made to the Reimagining Public Safety Task Force.
- Will hear from Subcommittees before PRC goes out of business
- Nominations for PAB by Mayor and Council to be considered 1st week of June.

(No update on Reimagining Public Safety Task Force as Comm. Mizell was absent; conflict with Task Force meeting.)

6. PRC OFFICER'S REPORT

The PRC Officer reported:

- Two new complaints were filed since the last meeting. One was withdrawn after complainant discussed with staff; she will file a policy complaint instead.
- PRC offices moved from 1st to 5th floor this past weekend. Moving into larger space in anticipation of Ofc. of Director of Police Accountability staff expanding to four people.
- Second reading of the Controlled Equipment Ordinance passed at the Council's April 27 meeting.
- City offices will be closed May 21 for the Malcolm X holiday.

7. CHIEF OF POLICE'S REPORT

Capt. Roller reported:

- Staffing still at 157 but 3 officers are in background to go elsewhere. 19 injured officers; of those, 12 out on temporary disability and 7 on modified duty. 2 of the injuries sustained in incidents involving persons in crisis.
- Interim Chief Louis sent a message clarifying her comments at the April 28 PRC meeting: Booking photos published by Berkeleyside on April 27 were provided by BPD's Public Information Officer [PIO] in response to a Public Records request. At the Sept. 25, 2018 meeting, Council approved a policy limiting the publishing of arrest photos of those arrested by BPD for nonviolent offenses at First Amendment events. Since then, PIO directed to only release booking photos if media requests directly, as long as not jeopardizing an ongoing criminal investigation. (This exception covered in Gov't Code sec. 6254(f).) BPD recognizes community's concerns re posting booking photos, and tries to not name arrested persons in news releases and to limit posting of booking photos to cases posing serious threat to the community. She apologizes for the inconvenience. Capt. Roller added that the Issue of releasing photos is always a difficult tightrope to walk.

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. Outreach Subcommittee. Co-chair Calavita reported they haven't met recently as they're waiting. The poll is on the Council's May 25 consent calendar; assuming passage, poll will be sent out on May 26.
- b. Lexipol Policies Subcommittee – Chair Mikiten said they are trying to finish up whatever policies have been started. PRC Officer said there is NO meeting on May 14 due to lack of quorum.
- c. Warrant Service Policy Subcommittee – (See item 9.a. below.).

9. OLD BUSINESS (discussion and action)

- a. Consider draft Policy 606, Warrant Service.

Motion to recommend the approval of Policy 606 as provided in the supplemental materials from Chief Louis, revising the last sentence of section 606.2, to read, "The Sanctity of Life, as described in the Use of Force policy, is a guiding principle."

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

Ayes: Allamby, Calavita, Chang, Leftwich, Mikiten, Moore, and Ramsey.

Noes: None

Abstain: None

Absent: Mizell

Motion to dissolve the Warrant Service Policy Subcommittee

Moved/Second (Calavita/Chang) **Motion Carried by general consent**

- b. Review Police Department issues in implementing of Policy 300, Use of Force, particularly regarding what constitutes a Level 1 UOF, and staff time needed for reporting UOF incidents.

Presentation given by Lt. Joe Okies and Capt. Rolleri, and questions answered.

Motion to reorder the agenda to move 9.c. and 9.d. to the end of the agenda.

Moved/Second (Ramsey/Leftwich) **Motion Carried by general consent**

- c. Whether to participate in a scenario-based use-of-force training offered by the Police Department.

(Heard following Item #10.d.)

(Discussed; to be continued to the next meeting.)

- d. Whether Commissioners may be allowed to observe police officers being trained and, if not, whether to take further action.

(Discussed; to be continued to the next meeting.)

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

(Heard following Item #9.b.)

The PRC Officer gave a report and answered questions.

10. NEW BUSINESS (discussion and action)

- a. Consider making recommendations to the new Police Accountability Board about improving the process for handling complaints against officers.

(Discussed; to be continued to the next meeting.)

- b. Discuss vaccination status of sworn officers of the Berkeley Police Department.

Motion to have Chair Ramsey write a letter to the City Manager, with his attachments [agenda packet materials for this item], expressing concern about police officers being vaccinated, and asking whether a decision has been made regarding requiring vaccinations, and the reasons for that decision.

Moved/Second (Mikiten/Ramsey) Motion Carried by general consent

- c. Lexipol policies for review and approval.

Lexipol	G.O.	Title
324	P-29	Media Relations
403	C-52	Crime and Disaster Scene Integrity and Investigation
804	R-23	Records Maintenance and Release

(Postponed to the next meeting.)

- d. Extent of hate crimes tracking in the City of Berkeley.

(Discussed; to be continued to the next meeting.)

11. PUBLIC COMMENT

There was 1 speaker.

12. ADJOURNMENT

Motion to adjourn the meeting.

**Moved/Second (Leftwich/Calavita) Motion Carried by general consent,
The meeting was adjourned at 10:00 p.m.**

**POLICE REVIEW COMMISSION
SUBCOMMITTEES LIST**

Updated 5-14-21

Subcommittee	Commissioners	Chair	BPD Reps
<p>Lexipol Policies Formed 5-23-18 Renewed 5-22-19 Renewed 6-10-20</p>	<p>Juliet Leftwich Elisa Mikiten Ismail Ramsey</p>	<p>Mikiten</p>	<p>Capt. Rico Rolleri Sgt. Joseph LeDoux</p>
<p>Outreach Formed 6-10-20</p>	<p>Gwen Allamby Kitty Calavita Elisa Mikiten Nathan Mizell</p> <p>Public George Lippman Hector Malvido</p>	<p>Calavita Mikiten</p>	

Lee, Katherine

From: Rolleri, Rico
Sent: Friday, May 14, 2021 10:33 AM
To: Lee, Katherine
Cc: Ismail Ramsey; Louis, Jennifer A.
Subject: FW: HIPAA and vaccines

Good morning Ms. Lee,

I wanted to forward an article I received from an HR Attorney I know that works for a large corporation, and is tasked with guiding their company in considering how their employees begin to transition back into the workplace. The article discusses some of the very issues and pitfalls that were discussed at last night's PRC meeting. I thought I'd send it to you in the hopes that you could pass it along to the Commissioners as it covers some of the very concerns and potential pitfalls that employers may fall into – and the reasons why we (BPD) are proceeding reasonably and with caution. We have been, and will continue to work with our City HR Department as we proceed carefully in this ever evolving topic regarding the pandemic, vaccines and employment. We do not rush into things recklessly and we think things through before proceeding, and that is what we will continue to do in this situation. In addition, I explained BPD's policies covering our mask requirements that continue to far exceed CDC, State and City guidelines, regardless of an employee's vaccination status. There was specific concern from some Commissioners last night about BPD employees setting an example and potentially being out in public and potentially spreading the Covid-19 virus. We have been extremely concerned for the safety of the public and our employees from the outset of the pandemic, which is why we implemented and maintain our mask wearing policies. Our employees do not have the option to conduct all their business on Zoom and we will continue to ensure their safety as well as the safety of the public we serve to the best of our ability by wearing N-95 masks when in direct contact with members of the public.

<https://www.jdsupra.com/legalnews/can-i-ask-my-employees-if-they-have-5522439/>

Respectfully,

Captain Rico Rolleri
Berkeley Police Department
Professional Standards Division
(510) 981-5760

rrolleri@ci.berkeley.ca.us

April 7, 2021

Can I Ask My Employees If They Have Been Vaccinated?

Heather Bailey

SmithAmundsen LLC

+ Follow

Contact



SmithAmundsen

Labor & Employment Law Update

www.salAWus.com | www.laborandemploymentlawupdate.com

The short answer is: Be careful what you wish for! During this COVID-19 pandemic, vaccinations have been at the front of everyone's mind. Now, with the mass rollout of vaccinations across the country, employers' main questions have been: i) Can we mandate vaccinations for our workforce or, alternatively, ii) can we ask employees whether they have been vaccinated or not (and to show proof of vaccination)? Our Labor & Employment blog has been at the forefront for the first question and provides more information on COVID-19 vaccination developments and what legal risks come into play for employers when mandating the vaccine in the workplace.

Whether you've chosen to mandate COVID-19 vaccinations or not, you still may be interested in asking your employees to show proof of their vaccination status. This simple question comes with its own set of risks. The U.S. Equal Employment Opportunity Commission (EEOC) has given additional guidance in this area in Section K.3 of "What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws."

The good news is that generally asking your employees for proof of their vaccination status is not considered a medical exam for reasons that include the not disability-related that may explain why an employee vaccination. For example, they may not have one yet b appointment, or they simply do not believe in the vacci hoax. This is different from someone not getting vacci Moreover, this general practice is not a HIPAA violatio context. The rub and risk come if you ask follow-up qu employee may have a disability. Simply following-up v yet?" could be treading into that risky territory that tou is the reason why the employee has not been vaccinated

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If you find yourself in that territory, you will have to evaluate the employee's response within the framework of the Americans with Disabilities Act (ADA) (or Title VII, if the employee's response implicates religious beliefs) requirement to justify proof of vaccination being "job-related and consistent with business necessity." This is the same analysis an employer must undertake when mandating vaccinations, and it can be a tedious and high standard to meet. View the Labor and Employment Blog for more information on the ADA and employers' efforts to require mandatory vaccinations and health screenings for employees.

The same is true of follow-up questions that may elicit genetic information (*e.g.*, I cannot get the vaccination due to my family's history of being immuno-compromised). (*See* Sections K.8 and K.9 of the EEOC guidance described above). Once again, simply asking for vaccination proof does not run afoul of the Genetic Information Nondiscrimination Act (GINA) so long as you stop there in your inquiries.

Practice Tips:

- Again, be careful what you wish for. It's one thing to ask the employee whether they were vaccinated and to show proof, and it's another to ask why they were not vaccinated. Once you start eliciting disability, religious or genetic information with follow-up questions, you are placing your company at risk of knowing more information than you may have bargained for.
- You need to ask yourself, first, why do I want to know information regarding why my employees have been vaccinated or not? What are you going to do with this information? Having a need and plan for this information will help ensure you have a business justification for why this information is necessary. If you don't have a plan or a need, you may determine that knowing this information is not really necessary after all.
- When asking employees to show proof of vaccination, it is good to remind them that you do not want them to include any other medical information that may be listed on their vaccination-related documents.
- If you determine this is the route you want to take, employment counsel to help guide you through the landmines (even if it's just a simple follow-up question).

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RELATED POSTS

Topic: Recommendations to the new Police Accountability Board (PAB) to improve the process for handling complaints against officers.

Note: The goal is for the PRC to compile a list for the PAB to consider, not to debate the merit of these ideas. Commissioners may vote to send the recommendations as a group, if they agree, or take individual votes if not. Commissioners may offer ideas additional to those below at the May 26 meeting.

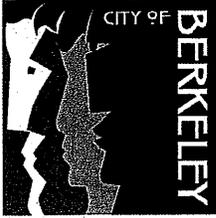
Comm. Leftwich (at May 13 meeting):

Some of the rules are unfair to complainants, and some confusing to commissioners.

1. Officers are allowed to observe our questioning of complainants but complainants aren't allowed to observe our questioning of the officer. Seems fundamentally unfair.
2. Six commissioners are needed to allow late filing of complaint. Five should be enough.
3. Four options for findings: sustained, not sustained, unfounded, and exonerated. Seem unworkable.

Comm. Calavita (per May 19 email; she will be unable to attend May 26):

4. The PAB should be able to receive 3rd party complaints, which would include complaints from witnesses as well as other third parties. The Charter Amendment defines a complainant as "a member of the public that files a complaint" and does not specify that it must be the directly aggrieved party. The latter is only referred to in the PRC's own rules and procedures and can (and I believe should) be modified by the PAB.
5. Likewise, Board Members of the PAB should be able to initiate complaints regarding incidents that have come to their attention.
6. The possibility of anonymous complaints should be considered. The Internal Affairs unit of the BPD receives anonymous complaints from officers (for example whistleblowers within the department), in recognition of their potential vulnerability and the possibility that there could be retaliation in some form. Similarly, members of the public may feel vulnerable vis a vis the police and by the same logic should be able to file complaints anonymously. Careful consideration would have to be given to how this would work, since the current process includes in-person interviews and hearings. Nonetheless, I believe it merits serious consideration.



Office of the City Manager

14

CONSENT CALENDAR

May 25, 2021

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: LaTanya Bellow, Director, Human Resources
Subject: Classification and Salary: Establish Director of Police Accountability

RECOMMENDATION

Adopt a Resolution amending Resolution No. 69,538-N.S. Classification and Salary Resolution, to establish the Unrepresented classification of Director of Police Accountability with a monthly salary range of \$11,862.93 - \$17,794.40 effective May 25, 2021.

FISCAL IMPACTS OF RECOMMENDATION

The total cost for the position is \$321,719 in FY 2022 and it will be funded by the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The Personnel Board discussed the Director of Police Accountability class specification at its April 12, 2021 meeting and voted (Yes: Lacey, Dixon, Karpinski, Gilbert, Wenk; Noes: None; Abstains: None; Absent: Bartlow, Frankel, Wilson) to recommend the following to City Council:

1. Establish the classification of Director of Police Accountability. The Director of Police Accountability classification will be exempt from the overtime provisions of the Fair Labor Standards act (FLSA) and eligible for Administrative Leave. The Director of Police Accountability classification will be Unrepresented with a monthly salary range of \$11,862.93 - \$17,794.40.

Pursuant to Resolution 69,531–N.S. that was adopted by the City Council on July 28, 2020, the application to solicit community interest in the Police Accountability Board has been issued and it is anticipated that the Mayor and City Council will make appointments to the Board by June 30, 2021 so that the Police Accountability Board can commence its work July 1, 2021. In order to enable the Police Accountability to commence its work, the City Council is being asked to approve the attached class specification so that the Mayor and City Council can appoint an individual to serve as Interim Director of Police Accountability. The Interim will serve at the pleasure of City Council while city staff facilitate a recruitment process to identify candidates for the Director of Police Accountability for City Council consideration.

BACKGROUND

In 1973, a ballot measure was adopted to establish a Police Review Commission for the community to participate in setting Police Department policies, practices, and procedures and to provide a means for investigation of complaints against sworn employees of the Police Department. The existing Police Review Commission consists of nine (9) commissioners that are appointed by the Mayor and City Council, and is supported by three (3) full-time equivalent employees. The Police Review Commission's FY 21 adopted budget is approximately \$776,459. In 2020, the Police Review Commission received twelve (12) individual complaints and two (2) policy complaints.

On November 3, 2020, Berkeley voters adopted Measure II, a Charter Amendment that established the Office of the Director of Police Accountability that consists of a new position, Director of Police Accountability, and the Police Accountability Board. The Police Accountability Board replaces the existing Police Review Commission.

Pursuant to Measure II, the purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department. The Director of Police Accountability, amongst other responsibilities as outlined in Measure II, is responsible for investigating complaints filed against sworn employees of the Berkeley Police Department, carry out the work of the Police Accountability Board, and oversee the day-to-day operations of the Office of the Director of Police Accountability. Both the Police Accountability Board and Director of Police Accountability are independent of the City Manager, except for administrative purposes, and report to the Mayor and City Council.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

It has been the policy of the City to create the necessary classification and salary schedule to accommodate new duties and responsibilities, reflect programmatic changes, maintain competitive salaries and, when applicable, comply with regulatory requirements.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

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

Attachments:

1: Class Specification – Director of Police Accountability

2: Resolution

Exhibit A: Salary Schedule

Attachment 1



CITY OF BERKELEY
Established Date: May 25, 2021

Class Code:
XXXX

Director of Police Accountability

Bargaining Unit: Unrepresented
Classification

SALARY RANGE

\$68.44 - \$102.66 Hourly
\$11,862.93 - \$17,794.40 Monthly
\$142,355.20 - \$213,532.80 Annually

DESCRIPTION:

DEFINITION

Under direction of the City Council, plans, organizes, directs and reviews, the activities and operations of the Office of the Director of Police Accountability and Police Accountability Board, both of which are independent of the City Manager; coordinates activities and fosters cooperative working relationships with City departments, outside agencies, and civic groups; performs related work as assigned.

CLASS CHARACTERISTICS:

This is a single-position executive management classification. The Director of Police Accountability duties are administrative/managerial and highly complex in nature, involving highly technical functions. The incumbent has broad management authority for the day-to-day operations of the Office of the Director of Police Accountability and Police Accountability Board. The Director of Police Accountability is appointed by the City Council.

EXAMPLES OF DUTIES:

The following list of duties is intended only to describe the various types of work that may be performed and the level of technical complexity of the assignment(s) and is not intended to be an all-inclusive list of duties. The omission of a specific duty statement does not exclude it from the position if the work is consistent with the concept of the classification, or is similar or closely related to another duty statement.

1. Develop, plan and implement the activities; goals and objectives; recommend and administer policies and procedures of the Office of Director of Police Accountability and Police Accountability Board;
2. Manage, oversee, and participate in the initial processing of complaints received by the Police Accountability Board or the Police Accountability Board from citizens alleging misconduct or other concerns; document, review, and analyze complaints; communicate with citizens, police staff, and/or others as needed to identify complaint issues; determine level of follow-up required;
3. Within state and federal law, and the City and Berkeley Police Department, oversee and perform investigations on complaints received from citizens; make appropriate contacts with the Police Department and/or others to begin investigation; request and review documents, reports, and/or other items deemed pertinent to the matter under investigation;
4. Attend and/or conduct investigative interviews within legal parameters and the policies, practices, procedures, and personnel rules of the City and Berkeley Police Department; develop/prepare conclusions, recommendations, and reports;
5. Review and audit Police Department Internal Affairs documents, reports, and resolutions; develop independent conclusions and produce reports as appropriate for the Police Accountability Board and/or City Council;
6. Monitor, audit, and report on internal investigations conducted by the Police Department concerning allegations of excessive/unnecessary force or other misconduct issues as deemed appropriate; attend briefings and interviews; request information for further investigation if deemed necessary;
7. Develop and prepare recommendations regarding Department policies and procedures related to internal investigations of complaints filed against officers and Police Department operations;
8. Represent the Office of Director of Police Accountability to outside groups and organizations; participate in outside community and professional groups and committees; provide technical assistance as necessary;
9. Advise the Police Accountability Board and City Council regarding any pending or ongoing department matters that are of concern or could have significant impact on City operations;
10. Coordinate activities with other departments, outside agencies and organizations, and civic groups; provide staff assistance to the City Council; prepare and present staff reports and other necessary correspondence;
11. Direct, oversee and participate in the development of work plans; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures;

12. Supervise and participate in the budget development and administration; direct the forecast of additional funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement mid-year adjustments;
13. Select, train, motivate and evaluate personnel; provide or coordinate training for staff and the Police Accountability Board; conduct performance evaluations; implement discipline procedures; maintain discipline and high standards necessary for the efficient and professional operation of the Office of Director of Police Accountability;
14. Monitor the efficiency and effectiveness of the Office of the Director of Police Accountability work products through quality control and related activities;
15. Prepare and make presentations to City officials, community members and others as required;
16. Participate on committees, boards, task forces, and in community activities as assigned; attend meetings, conferences, and workshops as assigned;
17. May respond on-site to incidents if deemed necessary; and monitor on-site interviews of Police Department personnel, witnesses, and citizens as appropriate;
18. Monitor legislation and assure City compliance with related laws, regulations, statutes, and codes;
19. Build and maintain positive working relationships with co-workers, other employees and the public using principles of good customer service;
20. Perform related duties as assigned.

KNOWLEDGE AND ABILITIES:

Note: The level and scope of the knowledges and skills listed below are related to job duties as defined under Class Characteristics.

Knowledge of:

1. Principles and practices of modern public administration, particularly related to areas of law enforcement;
2. Principles and practices of civilian oversight of law enforcement;
3. Principles and practices of leadership, motivation, team building and conflict resolution;
4. Pertinent local, State and Federal laws, rules and regulations;
5. Organizational and management practices as applied to the analysis and evaluation of programs, policies and operational needs;
6. Principles and practices of organization, administration and personnel management;
7. Principles and practices of budget preparation and administration;
8. Principles of supervision, training and performance evaluation;
9. Investigative principles, methods, and practices;

10. Procedures for conducting civil, criminal or factual investigations that involve gathering, analyzing and evaluating evidence;
11. General legal principles, practices, terminology, and documents;
12. Public relations practices and techniques; public speaking;
13. Current literature, laws, regulations, and developments, as well as various agencies, that impact municipal police internal investigations;
14. Research methods; report writing techniques; statistical concepts and methods; principles and techniques of project management.

Ability to:

1. Plan, direct and control the administration and operations of the Office of the Director of Police Accountability;
2. Maintain commitment to civilian oversight of law enforcement;
3. Implement investigative procedures and standards consistent with best practices for civilian oversight agencies to ensure that investigations are fair, prompt, and unbiased;
4. Develop and implement policies for the Office of the Director of Police Accountability;
5. Communicate clearly and concisely, both orally and in writing;
6. Gain cooperation through discussion and collaboration;
7. Successfully develop, control and administer departmental budget and expenditures;
8. Interpret and apply City policies, procedures, rules and regulations;
9. Supervise, train and evaluate assigned staff;
10. Direct and perform complex and difficult investigations involving sensitive and confidential legal matters;
11. Meet critical deadlines; make decisions under pressure;
12. Develop, recommend, and administer policies and procedures related to complaint investigations;
13. Read, interpret, and analyze complex laws and regulations, and recommend/implement effective and reasonable courses of action;
14. Prepare and give effective public presentations;
15. Prepare and present complex narrative and statistical reports, correspondence, and other documents;
16. Operate and use modern office equipment including computers and applicable software;
17. Establish and maintain effective working relationships with those contacted in the course of work.

MINIMUM QUALIFICATIONS:

A TYPICAL WAY OF GAINING THE KNOWLEDGE AND SKILLS OUTLINED ABOVE IS:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in criminal justice, criminology, political science, public or business administration or a related field and five years of experience performing professional administrative/investigative or legal/investigative work including substantial involvement with law enforcement issues. An appropriate advanced degree is desirable.

OTHER REQUIREMENTS:

Must be able to travel to various locations within and outside the City of Berkeley to meet program needs and to fulfill the job responsibilities. When driving on City business, the incumbent is required to maintain a valid California driver's license as well as a satisfactory driving record.

CLASSIFICATION HISTORY:

Director of Police Accountability

Classification Code

XXXX

Classification Established

May 25, 2021

FLSA Status

Exempt

Admin Leave/Overtime

Admin Leave

Representation Unit

Unrepresented

Probationary Period

N/A

Workers' Comp Code

8810

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

CLASSIFICATION: DIRECTOR OF POLICE ACCOUNTABILITY

WHEREAS, the Human Resources Department maintains the Classification and Compensation plan for the City of Berkeley; and

WHEREAS, the City Manager's Office had requested the Human Resources Department establish the Director of Police Accountability classification; and

WHEREAS, City Manager's Office and Human Resources Department have completed a classification review; and

WHEREAS, the Personnel Board recommended on April 12, 2021 to establish the classification of Director of Police Accountability, exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and eligible for Administrative Leave, Unrepresented Unit, with a monthly salary range of \$11,862.93 - \$17,794.40 effective May 25, 2021.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 69,538-N.S., Classification and Salary Resolution for Unrepresented is amended to establish the classification of Director of Police Accountability with a salary range as shown in Exhibit A, effective May 25, 2021.

Exhibits

A: Salary Schedule: Director of Police Accountability

May 25, 2021

EXHIBIT A

SALARY SCHEDULE									
Job Code	Classification Title	Rep Unit	FLSA	Step A	STEP B	STEP C	STEP D	STEP 5	Effective Date
#####	Director of Police Accountability	Z1	E	\$11,862.93	\$17,794.40				25-May-2021

Council Consent Items

13. **Improving Hate Crimes Reporting and Response** *(Reviewed by the Public Safety Committee)*

From: Mayor Arreguin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)

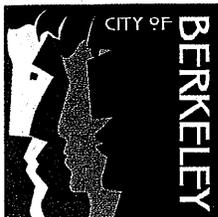
Recommendation: Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes: - Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline. -Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents. -Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police. -Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents. -Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review: privacy policies/procedures for reporting; culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support; The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley. -Refer to the Peace and Justice Commission, Youth Commission and Police Review Commission to develop a citywide campaign to promote outreach, education and dialogue regarding bullying, hate incidents and hate crimes. -Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention; -Coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals. -Review other emerging policies and best practices in other communities that support an inclusive and safe community.

(On November 2, 2020 the Public Safety Committee made a positive recommendation to send the item to the City Council, as submitted in the revised material received on November 2, 2020 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.)

Financial Implications: Unknown

Contact: Jesse Arreguin, Mayor, (510) 981-7100

➔ **Action:** Approved the recommendation as written on the agenda.



Office of the Mayor

CONSENT CALENDAR
November 17, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguin (Author) and Councilmembers Bartlett, Hahn and Wengraf (Co-Sponsors)

Subject: Improving Hate Crimes Reporting and Response

RECOMMENDATION

Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes:

- Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline.
- Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents.
- Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police.
- Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents.
- Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review:
 - privacy policies/procedures for reporting
 - culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support
 - The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley
- Refer to the Peace and Justice Commission, Youth Commission and Police Review Commission to develop a citywide campaign to promote outreach, education and dialogue regarding bullying, hate incidents and hate crimes.
- Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention;

- Coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals.
- Review other emerging policies and best practices in other communities that support an inclusive and safe community.

POLICY COMMITTEE

On November 2, 2020, the Public Safety Policy Committee adopted the following action: M/S/C (Wengraf/Kesarwani) to send the item with a positive recommendation to the City Council, as submitted in the revised material received on November 2, 2020 and further revised to include: Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline; and to coordinate with educational institutions (e.g. UC Berkeley and BUSD) to achieve goals. Vote: All Ayes.

SUMMARY

Hate crime victims are usually targeted not because of anything they have said or done, but because of who they are or what they believe in. As such, hate crimes violate the very basic tenets of our democracy by targeting the right of every resident to be themselves and live safely and freely.

Perpetrators of hate crimes seek to send a message to the victim and his or her community that they are unwanted, that they do not belong, and that the community at large does not care about what happens to them. While we cannot eliminate all hate crimes, we can drastically diminish their impact by the approach taken by the City when hate crimes or incidents occur. We can send an even stronger counter-message to hate by developing a strong community-based infrastructure to support victims and ensure that accurate and transparent reporting and accountability occurs.

BACKGROUND

A 1969 federal hate crimes law was expanded in 2009 to provide protections beyond federally protected activity. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act gave the federal government the authority to investigate and prosecute crimes against victims targeted because of race, ethnicity, sexual orientation, gender identity, religion or disability. Proponents of this expansion argued that hate crimes are worse than regular crimes without a prejudiced motivation from a psychological perspective. The time it takes to mentally recover from a hate crime is almost twice as long as it is for a regular crime.

Sadly, Berkeley is not immune to hate incidents and hate crimes and has policies for police response to address hate incidents. (Attachment #1) In 2001, after a rise in violence and hate speech resulting from the September 11, 2001 terrorist attacks, Berkeley declared itself a Hate-Free Zone for those of Middle-Eastern descent and of Muslim faith in order to provide sanctuary and support and discourage hate crimes.

More recently, Berkeley has seen an increase in the number of hate incidents and crimes. Since Donald Trump's election in 2016, there has been a reported increase in hate crimes throughout the country. In response to this alarming trend, the Berkeley City

Council adopted Resolution No. 67,794-N.S. The resolution recitals (Attachment #2) described the increase in hate incidents:

“Communities all over America have witnessed a rise in violence directed towards minorities, particularly against those who are Immigrants, of Middle Eastern descent, Muslim, Jewish, Asian-American, African-American, Hispanics, Women, Disabled, part of LGBTQIA+ communities, and advocating for equality; and”

“Hate speech, hate behavior and hate crimes appear to be proliferating now, after many years of progress at reducing explicit public displays of hate; and”

On June 19, 2020, two black children learning to rock climb at the popular and picturesque Indian Rock Park in the Berkeley Hills were subjected to a racial slur by a white passerby.¹ And on that same day, Black Lives Matter posters were torn down on Hillcrest Road and a racist altercation occurred concerning the efforts of children chalking their support for their black neighbors. Back on October 23, 2017, at Berkeley's Pacific Center a man burned a rainbow flag and punched a volunteer.² And on November 28, 2018, someone entered the Pacific School of Religion campus chapel and drew a swastika inside a bible on display. A piece of paper with the words 'Adolph Hitler' scribbled on it was tacked onto a nearby bulletin board.³

Acts of hate violence or threats should be viewed as serious and investigations given priority. Such acts generate fear and concern in victims and the public; and have the potential for recurring, escalating and possibly cause retaliation. They divide us, intimidate our most vulnerable citizens and damage our collective spirit. Without addressing these incidents and crimes, communities experience broad harms – well beyond those of the individual victims.

Hate requires a visible and swift response. When such incidents occur the community must be reminded that an attack on one is an attack on all. It is important that Berkeley take proactive steps to create a system of response and reporting and enact procedures to prevent hate incidents. We must remain vigilant and committed to the visible rejection of hate, racism and bigotry.

CURRENT SITUATION AND ITS EFFECTS

Hate Crimes targeted at people based on their perceived race, color, national origin, gender, gender identity, sexual orientation, religion and/or disability are a widespread problem in communities across the United States. However, an acute discrepancy exists between the number of actual hate crimes committed, and the number officially reported to the FBI. This results in significant challenges for a community:

- Hate and bias crimes can escalate if not identified, addresses and tracked
- Without accurate data, appropriate resources cannot be allocated to address tensions and violence in communities
- Inadequate response to hate crimes can leave affected victims feeling unheard and unsafe

¹ <https://www.berkeleyside.com/2020/06/19/black-girls-at-climbing-camp-in-indian-rock-park-called-n-word-by-white-woman>

² <https://www.berkeleyside.com/2017/10/23/man-burns-rainbow-flag-punches-volunteer-pacific-center-berkeley>

³ <https://www.berkeleyside.com/2018/11/28/pacific-school-of-religion-startled-by-anti-semitic-incidents>

Furthermore, there are serious factors that relate to underreporting:

- Communities targeted for hate may not feel safe or comfortable reporting hate crimes to law enforcement
- Long-standing distrust among some communities leads victims to believe law enforcement will be unwilling or unable to help
- Immigrant communities may fear deportation or other consequences if they step forward
- Victims who speak different languages or have disabilities may not report due to cumbersome, inaccessible hate crime reporting procedures
- Individuals and targeted communities may fear retaliation if they report incidents.

Approximately 25% of victims⁴ do not report a hate crime because they do not believe the police would or could help. These statistics point out the reluctance of many targeted groups due to historical difficulties with police departments or a feeling that their interests will not be protected. For victims that are not comfortable reporting to law enforcement, a trusted intermediary or community group should be part of the reporting process, familiar with agency policies and demand accurate, transparent reporting protocols.

The Department of Justice recommends creating and fostering partnerships within community to respond to hate incidents and crime – communities need to be involved in the solutions. They also note that victims of hate and other vulnerable individuals are sometimes mistrustful or fearful of law enforcement and turn first to community groups or faith-based organizations for support and as a link to law enforcement and other authorities.⁵

California Attorney General, Xavier Becerra, launched a new hate crime prevention website, intended to be a one-stop shop for information and resources, and a Hate Crime Rapid Response Team. At the time it was launched, AG Becerra stated, “When someone commits a crime motivated by hate, it is not just an attack on one innocent person, but an attack on the entire State.”⁶

Los Angeles has recently launched LA vs HATE in partnership with Los Angeles County’s Human Relations Commission and Department of Mental Health. 211 LA hosts a hotline for individuals who have been victims or witnesses to acts of bullying or incidents motivated by hate or discrimination to connect with services. San Diego has created a San Diego Regional Hate Crime Coalition⁷ that coordinates outreach, education, and dialogue regarding bullying, hate incidents and hate crimes and also developed a Model Hate Crime Protocol Procedure Manual in coordination with their Hate Crimes Community Working Group.⁸

When a hate crime occurs:

1. Victimization is projected outward to all members of the victim’s wider community.

⁴ <https://www.bjs.gov/content/pub/pdf/hcv0415.pdf>

⁵ <https://www.justice.gov/hatecrimes/preventing-hate-crimes-your-community>

⁶ <https://oag.ca.gov/hatecrimes>

⁷ <https://sdnohate.org>

⁸ https://www.ncjrs.gov/ovc_archives/reports/responding/files/appendixA.pdf

2. Other members of the same group feel victimized.
3. Members of other commonly targeted groups are reminded of their vulnerability to similar attacks.
4. The community is polarized into an "us-versus-them" mentality.
5. It impedes community spirit, morale, and growth.
6. Property values are lowered.
7. It increases security concerns at schools, churches, businesses, and private homes.

RATIONALE FOR RECOMMENDATIONS

While Berkeley police do respond to hate crimes and incidents, real change and support for victims will only occur with a constructed, socially appropriate response from an organized community and neighborhoods infrastructure. City and community mechanisms must be developed to support impacted community members and organizations,

- Consistent communication that the City takes hate crimes and bias incidents seriously
- Online and call-center reporting systems that will allow the incident or crime to be directed to the appropriate resource within the City of Berkeley
- Conduct outreach to individuals and communities targeted for hate to listen to their concerns, assist with their needs and respect requests for privacy
- Develop easy, transparent reporting resources for victims and/or their support networks including accessible and multilingual reporting procedures
- Engage youth to make it clear that bullying, racial slurs and vandalism are hate-fueled incidents.
- Establish culturally appropriate and supportive networks that prioritizes clear, decisive response to hate crimes and hate incidents, ongoing collaboration to promote healing and strengthen prevention activities
- Engage and organize the community when it is necessary to stand up to hate groups

Victims should be given an option of first speaking with a public health official or community support group before officially reporting a hate event to Berkeley Police. This could encourage reporting for those that would be otherwise inclined to stay silent. It would also provide support for the victims if it is determined that reporting the crime to Berkeley Police is necessary.

Engaging the community to respond to hate incidents, empowers all to stand up against hateful acts. The response from the Berkeley community to the tragic events of Charlottesville, and the still evident Berkeley Stands United Against Hate signs, speaks to the powerful message embraced by an entire community and region. Ensuring that there are mechanisms in place to rally the community when hate happens will only make Berkeley safer and more inclusive.

FINANCIAL IMPLICATIONS

Unknown. Staff time to determine the optimal approaches for hate crime reporting, organizing an internal response team and engaging the community for real-time action.

Possible resource development that educates the public about what to do when a hate crime occurs.

ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's policies for a safe and resilient community

CONTACT PERSON

Mayor Jesse Arreguin 510-981-7100

Attachments:

1. Berkeley Police Department Policy 319, Hate Crimes
2. Resolution No. 67,794-N.S., "Expand the City's Hate-Free Zone Resolution in Order to Support Vulnerable Individuals and Communities", December 13, 2016, Berkeley City Council
3. Memo on San Francisco Hate Crimes Reporting Hotline

Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

- (a) Disability
- (b) Gender, gender identity or gender expression
- (c) Nationality
- (d) Race or ethnicity
- (e) Religion
- (f) Sexual orientation
- (g) Association with a person or group with one or more of these actual or perceived characteristics
- (h) Examples of hate crimes include, but are not limited to:
 1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
 2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
 3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
 4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

Hate Crimes

319.2 POLICY

The Berkeley Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

- (a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.
- (b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.
- (c) Providing victim assistance and community follow-up as outlined below.
- (d) Educating community and civic groups about hate crime laws.
- (e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

319.4 HATE CRIME VS. HATE INCIDENT

Many acts of hate violence fall under the category of a hate crime, which is punishable by law. However, not all hate incidents are hate crimes. For example, verbal name calling, although offensive, is not a crime and must be accompanied by a viable threat of violence and the ability to carry out the threat.

For a hate incident to be categorized as a hate crime, it must violate a criminal law. A hate crime might include threatening phone calls, physical assaults, destruction of property, bomb threats, and/or the disturbance of religious meetings.

A hate incident that does not constitute a hate crime might include hate speech, display of offensive materials on one's property, the distribution of hate materials in public places, and the posting of hate materials that does not result in property damage. Even if a hate incident does not rise to the level of a hate crime, the victim will still need support and assistance and may have an actionable civil claim as well.

319.5 CRIMINAL STATUTES

The key criminal statutes on hate crimes are

- (a) Penal Code § 422.6 which provides that it is a misdemeanor to both (a) threaten or injure an individual or (b) damage property because of the real or perceived beliefs or characteristics of the other person; and
- (b) Penal Code § 422.7 which provides that it is a felony to both (a) threaten or injure an individual (when the injury could or does result in great bodily injury) or (b) damage

Hate Crimes

property (when the damage is in excess of \$950) because of the real or perceived beliefs or characteristics of the other person.

319.6 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor should be notified of the circumstances as soon as practical.
- (c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.
- (d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.
 1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.
- (e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.
 1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
 2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).
- (f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.
- (g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.
- (h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.
- (i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

Hate Crimes

319.6.1 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

- (a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.
- (b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
- (c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.
- (d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems.

319.6.2 DETECTIVE BUREAU RESPONSIBILITY

If a hate crime case is assigned to the Detective Bureau, the assigned detective will be responsible for:

- (a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.
- (b) Maintaining contact with the victims and other involved individuals, as needed.
- (c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Management Policy.
- (d) Make reasonable efforts to identify additional witnesses.
- (e) Utilize available criminal intelligence systems as appropriate.
- (f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
 1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

319.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

RESOLUTION NO. 67,794-N.S.

Attachment #2

EXPAND BERKELEY HATE FREE ZONE TO SUPPORT VULNERABLE INDIVIDUALS
AND COMMUNITIES

WHEREAS, after a rise in violence and persecution resulting from the attacks of September 11, 2001, the City established Berkeley as a Hate-Free Zone for those of Middle-Eastern descent and of Muslim faith in order to provide sanctuary and support; and

WHEREAS, communities all over America have witnessed a rise in violence directed towards minorities, particularly against those who are Immigrants, of Middle Eastern descent, Muslim, Jewish, Asian-American, African-American, Hispanics, Women, Disabled, part of LGBTQQIA+ communities, and advocates for equality; and

WHEREAS, members of the affected communities have expressed their deep concerns for their safety and well-being; and

WHEREAS, hate speech, hate behavior and hate crimes appear to be proliferating now, after many years of progress at reducing explicit public displays of hate; and

WHEREAS, immigrant families and children live in fear of separation and possible permanent loss of loved ones who may be forcibly returned to a country where their lives are in danger; and

WHEREAS, numerous Muslims are facing, what the Council on American-Islamic Relations described as an accelerated spike in Islamophobia and Anti-Muslim rhetoric that have triggered an unbelievable spike of hate crimes targeting Muslims and other minorities with more than 100 incidents specifically targeting Muslims post-election; and

WHEREAS, the Jewish community has faced what the Anti-Defamation League (ADL) described as "growing numbers of reports about anti-Semitic, racist, and bigoted incidents, including vandalism, assaults and harassment, from around the country"; and

WHEREAS, according to Anirvan Chatterjee, the curator of the Berkeley South Asian Radical History Walking Tour that numerous Asian American community members experienced harassments including words like "go back to where you come from", even when many of those members are in fact from the United States; and

WHEREAS, the disabled community has experienced ridicule and disrespect, on top of practical fears of privatization and reductions to life saving health support programs; and

WHEREAS, the LGBTQQIA+ community fears the ongoing failure to ban employment discrimination nationwide will be compounded by high ranking officials including Cabinet nominees who demean and disparage them, and risk rollbacks of the great progress seen in recent years of positive executive branch actions; and

WHEREAS, an estimated 1,500 Berkeley high students walked out of their classes to protest against the prospects of the new Trump administration; and

WHEREAS, the Southern Poverty Law Center has counted over 867 reported incidents of election related intimidation and harassment as of November 29.

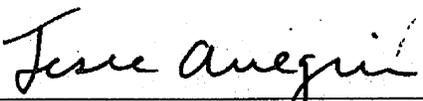
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley sends a clear message to all of our vulnerable threatened communities that we accept them, value them and respect them. Furthermore our city and our leaders will offer solidarity, stand up and speak out against hate speech, hate behavior and hate crimes; and that we will do everything we can to protect people during these difficult days.

The foregoing Resolution was adopted by the Berkeley City Council on December 13, 2016 by the following vote:

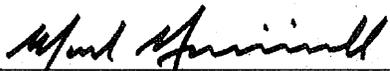
Ayes: Bartlett, Davila, Droste, Hahn, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

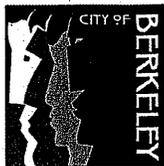
Absent: None.



Jesse Arreguin, Mayor

Attest: 

Mark Numainville, City Clerk



MEMORANDUM

Date: November 1, 2020
To: Berkeley City Council Public Safety Policy Committee
From: Mayor Jesse Arreguin
Regarding: Research on San Francisco Hate Crimes Hotline

On September 21, 2020, the Berkeley City Council Public Safety Committee discussed the item Improving Hate Crimes Reporting and Response, which recommends that the City Manager implement the following new systems for reporting and responding to hate crimes and hate incidents:

- Develop easy, transparent reporting systems for victims and/or their support networks, including a hate crime reporting hotline and/or an online reporting tool
- Privacy policies and procedures that will provide support for victims and encourage reporting
- Culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support
- Establishing supportive community-based networks that provide clear, decisive response to hate crimes and hate incidents
- The creation of accessible and multilingual reporting procedures and resources that deliver the clear message that hate has no place in Berkeley
- Engaging youth and BUSD to make it clear that bullying, racial slurs and vandalism are hate-fueled incidents
- Develop a public facing mapping tool that indicates patterns of hate incidents and crimes to help with outreach and prevention
- Other emerging policies and activities that support an inclusive and safe community

The item noted that San Francisco had developed a hotline for hate crimes. On September 28, my staff spoke with Alex Bastian, Prosecutor and Deputy Chief of Staff at San Francisco's District Attorney's Office, to learn about the office's hotline and hate crime reporting policies.

Background

San Francisco, like Berkeley, has seen an uptick in hate crimes and hate incidents since the last presidential election. In response, the then District Attorney George Gascón developed a hate crime hotline in 2016 to be managed by the District Attorney's Office. The office has continued to operate the hotline under the leadership of District Attorney Chesa Boudin.

The San Francisco Hate Crime Hotline's Purpose

San Francisco's hate crime hotline was never intended as a reporting tool. Rather, its purpose is

to provide information about hate crimes and hate incidents and to help connect callers to helpful organizations and sources of information. The District Attorney's Office was wary to develop a hate crime reporting hotline for two reasons:

1. All information provided in a hate crime report, including that in a call to a hate crime reporting hotline, is admissible evidence in court. By *Brady v. Maryland* (1963) the defense has the right to access this information.¹ A civilian employee who answers the hate crime call would become a witness to the reported crime. Police department employees are better trained to be criminal witnesses, and therefore less likely to compromise the case of the District Attorney's Office.

2. Bastian stressed that the hotline is "not a replacement for 911." The SF District Attorney's Office wants the SF Police Department to always be the first to hear reports of hate crimes that are in progress, so that it can quickly respond to emergency situations. Despite its intent, the office has received some hate crime reports through the hate crime hotline.

In these cases, callers have been connected with the dedicated hate crimes prosecutor of the District Attorney's Office, who works with SFPD's Special Investigations Division.

Online Hate Crime Resources

The SF District Attorney's Office did at one point run an email address that people could contact to receive information similar to what the Hate Crime Hotline provides. However, the office encouraged the public to use the hotline instead. Under the California Public Records Act, the office's email threads are recorded for public inspection, making privacy an issue. There is no longer an email for hate crime information listed on the office's website.

Outreach

San Francisco's Hate Crime Hotline is listed on the "Contact" page of the website for the District Attorney's Office.² The office's website also includes Vimeo clips in three languages that offer definitions of hate crimes and explain the city's resources for victims before directing viewers to the hotline.³ In addition, the office has run public service announcements on the radio and on television to raise awareness of the hotline, in multiple languages.

Use Demographics

The hotline is geared towards a diverse population. It is available in Cantonese, Mandarin, Spanish, Tagalog, Vietnamese, and Arabic. Bastian did not have exact statistics for the demographics of the hotline's callers, but he said that the calls "mirror substantially" the demographics of victims of hate crimes and hate incidents. In other words, the proportion of callers coming from a certain victim demographic (e.g. Muslims) roughly correlates with the proportion of hate crimes and incidents committed against that group. However, outreach campaigns have impacted caller demographics. For example, after a PSA about hate crimes

¹ <https://supreme.justia.com/cases/federal/us/373/83/>

² <https://sfdistrictattorney.org/contact/>

³ You can see these videos here: <https://sfdistrictattorney.org/victim-services/combating-hate-crimes/>

against San Franciscans of Asian descent aired in Cantonese on KTSF, the office saw an increase in callers speaking Cantonese. The same trend occurred after a similar PSA in Spanish.

Costs

According to Bastian, the SF District Attorney's Office incurred only "nominal" costs to develop and implement its Hate Crime Hotline. Gascon and Bastian relied on internal employees and did not need to purchase new information technology. They developed the Hate Crime Hotline by extending the capacity of their Consumer Mediation Hotline. Note that the hotlines have the same phone number: (628) 652-4311.

Berkeleyside

COMMUNITY

Anti-Asian harassment widespread in Berkeley, survey suggests

Twice as many Asians and Asian Americans in Berkeley have reported physical attacks during the pandemic, according to preliminary results of a new survey.

By Ally Markovich, May 12, 2021, 8:08 a.m.



Mina Fedor, 12, (center) leads a march against anti-Asian hate in Aquatic Park in West Berkeley March 29. Photo: Pete Rosos

About half of Berkeley Asians and Asian Americans who responded to a new community survey have experienced racial harassment, according to preliminary data.

Of those who reported anti-Asian harassment, 10% said they'd been physically attacked during the pandemic and 44% said they'd been mocked or called derogatory names. The rate of physical abuse doubled, with twice as many people saying they'd been attacked during the pandemic as reported being attacked beforehand. There was no change in how many people reported derogatory comments.

Most of the incidents described in the survey went unreported: 80% of respondents of Asian descent said they did not report the racial harassment they experienced. Half of Asian respondents said they did

not feel there is support for Asians or Asian Americans from the community, university or city officials.

About 300 people have responded to the survey, about a third of whom were of Asian descent. The survey was publicized through city newsletters and social media.

The survey is being conducted by Margaretta Lin along with staff at her racial justice nonprofit Just Cities and help from UC Berkeley students. Lin, a lecturer at UC Berkeley, pulled together a coalition in March that she calls [Angry Asian Women](#) to stand in solidarity with Asian Americans and to work on behalf of "everyone who is fed up with injustice toward Asian Americans." A long-time organizer for racial justice, Lin has helped grow numerous Bay Area organizations such as Youth Together, Youth Uprising, and Dellums Institute for Social Justice.

"I am an angry Asian American woman," said Lin, whose children attended Berkeley schools for nine years. "People see Berkeley as this iconic representation of everything progressive and racial harmony, and that's just not the case."

The survey — sponsored by the city of Berkeley, State Senator Nancy Skinner, Assemblymember Buffy Wicks and others — gave space for people to share their personal experiences with anti-Asian harassment.

One respondent said they were stopped on the street by a white man while walking their dog. The man got out of his car and told the person that they could not have a dog because Asians eat dogs. The man promised to call law enforcement to arrest them.

Another respondent was attacked while jogging and hurt so brutally that they had to go to the emergency room.

The rise in hate crimes against Asian Americans over the past year has been traumatizing for Lin, who moved to the United States with her family in 1969 at a time when there were few Asian Americans in the country due to the legacy of the Chinese Exclusion Act. Her childhood was riddled with racial harassment, bullying and physical violence. The events of the last few months took Lin “back to my childhood experiences growing up in this country,” she said. “I felt very alone and scared and worried for my mother and my family members.”

The idea for the survey was spawned after a UC Berkeley student shared her experience of being attacked while biking in the Berkeley Hills. The incident inspired Lin to work with the student to design a survey to learn more about Asian American experiences with racial harassment in the city. “I know that you need data in order to compel change and action,” she said.

Lin shared the preliminary results at a community forum on Tuesday in solidarity with Asian Americans. More responses are still coming in, especially from UC Berkeley students, who have been underrepresented.

There were 12 hate crimes reported in Berkeley in 2020 against people of various races. There have been eight hate crime reports in 2021. Last week, the DA’s office filed this year’s first hate crime charge in Berkeley after a woman threw water bottles at an Asian American woman and cursed her and her ethnicity.

The number of reported hate incidents against Asian Americans spiked during the pandemic, according to a recent national report from Stop Asian Hate. California made up 40% of all hate incidents reported to the organization, with about 2,600 reports from March 2020 to March 2021.

Mayor Jesse Arreguin said at the forum Tuesday that the city is working on improving its response to hate crimes by raising awareness about how people can report them and providing more support to victims and their families. “We need to improve how our city responds to hate crimes overall,” he said.

City Auditor Jenny Wong, who has started speaking up in recent months about her experiences with anti-Asian

discrimination, also participated in the forum, along with Cynthia Choi, co-executive director of Chinese for Affirmative Action and one the founding members of Stop AAPI Hate.

Advisory board forms at Berkeley Unified

Abby Lamoreaux, a junior at Berkeley High who co-organized a protest April 2 in solidarity with Asian Americans, also talked during the forum about her experiences with racial discrimination at school, where she endured “Ching Chong” jokes and remarks about Asian names.

“Education is one of the main keys we will need to open the door to racial understanding in America. But it can also be the destruction of it if we do not begin these conversations now,” Lamoreaux said at the forum.

Lamoreaux will be one of three students to sit on a newly formed board of Asian Americans advising Berkeley Unified School District. Lamoreaux wants to see the district to do more to educate students about Asian American culture and history. She also wants to see more Asian American teachers in Berkeley Unified.

A group of Berkeley Unified parents, staff, and teachers that mobilized after the killings in Atlanta also hosted a panel discussion May 6 about anti-Asian racism.

Julie Kono-Manning, the parent of a student at King Middle School whose mother taught first grade at Berkeley Unified for years, spoke at the forum about anti-Asian harassment. Kono-Manning recounted a recent conversation that her mother had with her grandchildren about what to do if she is attacked on the street.

“It hurts very deeply that my mother doesn’t feel a sense of safety in the community that she lives in and has dedicated her life to in public service,” Kono-Manning said.

Jessica Hipona, a student at Willard Middle School, also shared her experience being bullied at school, where she was called “Chinese girl” for months after wearing a traditional outfit in celebration of the Lunar New Year. Hipona said the bullying was a product of ignorance about Asian American culture.

“Unfortunately, these are common experiences today for Asian American students in Berkeley and Oakland, and Bay Area schools. We just don’t talk about it,” Lin said.

Forums like these, Lin said, are an attempt to change that.

*Ally Markovich covers education for Berkeleyside. Twitter: [@allymarkovich](#) Email: ally@berkeleyside.org.
Twitter: [allymarkovich](#).*

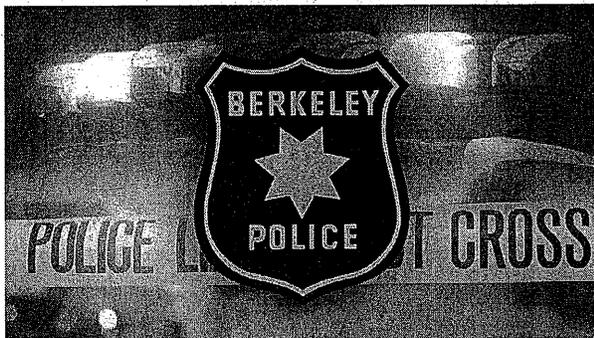
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Suspect charged with hate crime after assaulting Asian woman in Berkeley

BAY AREA

by: Tristi Rodriguez

Posted: May 5, 2021 / 04:22 PM PDT / Updated: May 5, 2021 / 04:22 PM PDT



BERKELEY, Calif. (KRON) — A woman was charged with a hate crime after police say she cursed at and assaulted an Asian woman in Berkeley last week.

On April 30, just before 4 p.m., two women were walking on the sidewalk near Telegraph Avenue and Durant Avenue.

The women walked past the suspect, who was seated in front of an ATM.

When the suspect made eye contact with one of the women, the suspect cursed at her and yelled racial slurs. The suspect then threw water bottles at the women and walked away.

Officers located the suspect a few blocks away and arrested her.

Police have not released the identity of the suspect, only that she is a 56-year-old woman.

On May 4, the Alameda County District Attorney's Office charged the woman with willfully threatening a person based on their perceived characteristics, using offensive words in a public place which are inherently likely to provoke an immediate violent reaction and battery.

“The Berkeley Police Department recognizes and places a high priority on the rights of all individuals guaranteed under state and federal law. The commission of a hate crime is a serious offense, which will not be tolerated in the City of Berkeley,” a statement from the Berkeley Police Department reads.

A hate crime is a crime against a person, group, or property motivated by the victim’s real or perceived protected social group.

For more information about hate crimes and reporting, visit the [CA Attorney General’s website](#).

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<https://patch.com/california/berkeley/berkeley-pd-responds-anti-asian-hate-surge>

Berkeley PD Responds To Anti-Asian Hate Crime Surge

Police will increase patrols amid the rise in anti-Asian hate crimes and is urging the public to report such incidents.

- **Gideon Rubin, Patch Staff**
- Posted Tue, Mar 23, 2021 at 11:30 am PT

BERKELEY, CA — The Berkeley Police Department said in a statement Monday it will increase patrols amid the national surge in anti-Asian hate crimes and is urging the public to report such incidents.

"BPD takes all hate crimes and hate incidents seriously," the Police Department said.

"Our Detective Division will continue to investigate these incidents to the fullest extent possible."

The statement follows the March 16 Atlanta spa attacks that killed eight people including six Asian women. Law enforcement officials have not concluded that the incident is a hate crime.

There have been nearly 3,800 hate attacks against Asian people in the last year according to the group Stop AAPI Hate.

Subscribe

"The Berkeley Police Department is aware of a disturbing increase in violence specifically directed towards Asian Americans and Pacific Islander Americans affecting the entire nation, as well as our state and region," the Police Department said.

"These incidents have understandably left our Asian American and Pacific Islander American communities with a heightened sense of anxiety and fear of being victimized based on their heritage."

The department said will increase its bicycle patrol detail and its presence throughout the city's most visible areas.

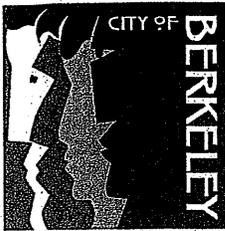
The Berkeley PD's Community Services Bureau - Area Coordinators will continue to host monthly community advisory meetings where residents can share concerns about public safety and other issues.

"BPD is dedicated to serving our community, and we are committed to keeping our diverse and progressive community safe," the Police Department said.

"Please help us defend against hate. Report any circumstances in which you were the victim of a hate crime or incident or believe one has been committed."

Anyone who has been the victim of a hate crime or knows of someone who is asked to report such incidents to the BPD's Dispatch Center at (510) 981-5900.

Anyone who witnesses a hate crime or incident in progress should call 911.



Police Review Commission (PRC)

May 19, 2021

Jennifer Louis, Interim Chief of Police
City of Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Re: Commendations from the Police Review Commission

Dear Interim Chief Louis:

Attached are a group of commendations voted on by the Police Review Commission. Some of the lauded actions occurred more than a year ago.

I want to let you know that the PRC received from the Berkeley Police Department the latest batch of letters and emails praising BPD employees on February 19, 2021, covering all of calendar year 2020. Typically, your department forwards these communications to the PRC semi-annually. I assume that the unprecedented events of 2020 explained why we received an entire year's worth at once.

Once the Commissioners identify officers they wish to single out for special recognition, it is my responsibility to compose letters to the officers reflecting the Commissioners' sentiments. I take full responsibility for the delay in following through with these letters after their votes on February 24 and March 10, 2021. The lag time should not be interpreted to diminish the Commissioners' appreciation for the outstanding work of these officers.

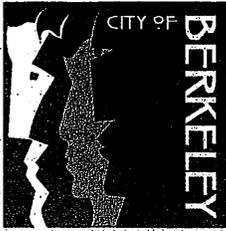
Sincerely,

A handwritten signature in black ink, appearing to read "Katherine J. Lee", is written over the typed name.

Katherine J. Lee
PRC Officer

Enclosures

cc: All commended officers
PRC Commissioners



Police Review Commission (PRC)

May 19, 2021

Jennifer Louis, Interim Chief of Police
City of Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Re: Commendation for Officer Noor Abdoulmawla

Dear Interim Chief Louis:

At its February 24, 2021 meeting, the Police Review Commission reviewed a group of letters and emails from members of the public and from other departmental employees thanking and praising members of your department. The Commissioners identified several incidents in which BPD employees acted in an exceptional manner meriting special recognition.

Officer Noor Abdoulmawla was recognized for exceptional valor and heroism for saving a baby's life on November 22, 2020. He responded to a call from the baby's parents, who reported that the child was having difficulty breathing and possibly choking. Although the Berkeley Fire Department was on the way, Officer Abdoulmawla took immediate action by administering two back blows to the infant as he held the baby face down. The maneuver was successful, as the baby started breathing again.

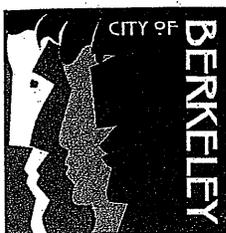
Just as impressive, Ofc. Abdoulmawla had responded to a fatal train versus pedestrian collision earlier in the evening, and later, helped the CHP in a pursuit of a shooting suspect out of Sacramento, eventually detaining the suspect and the driver after they crashed.

The Police Review Commission unanimously voted to commend Officer Abdoulmawla for exceptional valor and heroism in promptly using his first aid training to save an infant's life. Please place this letter in the officer's personnel file.

Sincerely,

Katherine J. Lee
PRC Officer

cc: Ofc. Noor Abdoulmawla
PRC Commissioners



Police Review Commission (PRC)

May 19, 2021

Jennifer Louis, Interim Chief of Police
City of Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Re: Commendation for Officer Geoffrey Mitchell

Dear Interim Chief Louis:

At its March 10, 2021 meeting, the Police Review Commission completed its review of a group of letters and emails from members of the public and from other departmental employees thanking and praising members of your department. The Commissioners identified several incidents in which BPD employees acted in an exceptional manner meriting special recognition.

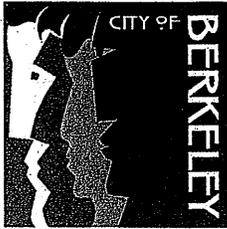
Officer Geoffrey Mitchell was recognized for going above and beyond typical duties as the BPD's School Resource Officer at Berkeley High School. In June 2020, a group of teachers and administrators associated with athletics at the high school praised Ofc. Mitchell for his work the prior school year in mentoring, counseling, and tutoring students, especially students of color, at football study hall, and for donating 8 – 10 hours a week of his time on these activities. Ofc. Mitchell was cited as an "amazing, excellent influence on [the] students." Moreover, as a former foster child himself, he was able to empathize with several students who were in the foster care system.

The Police Review Commission voted to commend Officer Mitchell for going above and beyond typical duties in serving as an "amazing, excellent influence" on these young athletes. Please place this letter in the officer's personnel file.

Sincerely,

Katherine J. Lee
PRC Officer

cc: Ofc. Geoffrey Mitchell
PRC Commissioners



Police Review Commission (PRC)

May 19, 2021

Jennifer Louis, Interim Chief of Police
City of Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Re: Commendation for Officers Xiao Ren, Jonathan Ramsey, and Zachary Gordon

Dear Interim Chief Louis:

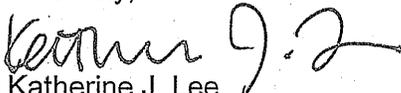
At its February 24, 2021 meeting, the Police Review Commission reviewed a group of letters and emails from members of the public and from other departmental employees thanking and praising members of your department. The Commissioners identified several incidents in which BPD employees acted in an exceptional manner meriting special recognition.

In a few of these incidents, officers were praised for life-saving efforts. One such case involved a man who attempted suicide by taking 30 Benadryl pills. When Officers Xiao Ren, Jonathan Ramsey, and Zachary Gordon arrived, Ofc. Ren applied a sternum rub to the barely conscious victim, which immediately helped, and Ofcs. Ramsey and Gordon assisted as Ren continued to render aid.

Of course, saving a life is remarkable in and of itself, but this incident, which occurred June 17, 2020, had significant, positive impact on the subject: he submitted an interest card to the BPD for a police aide position.

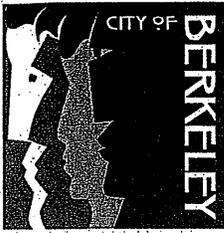
The Police Review Commission unanimously believed that the officers' actions in this case went above and beyond the call of duty, and commend Ofcs. Ren, Ramsey, and Gordon their salutary work. Please place this letter in the personnel files of Ofcs. Ramsey and Gordon, and forward this letter on to Ofc. Ren.

Sincerely,


Katherine J. Lee
PRC Officer

cc: Ofc. Xiao Ren
Ofc. Jonathan Ramsey
Ofc. Zachary Gordon
PRC Commissioners

1947 Center Street, 5th Floor, Berkeley, CA 94704 Tel: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955
E-mail: prc@cityofberkeley.info Website: www.cityofberkeley.info/prc/



Police Review Commission (PRC)

May 19, 2021

Jennifer Louis, Interim Chief of Police
City of Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Re: Commendation for Officer Eric Ruff

Dear Interim Chief Louis:

At its February 24, 2021 meeting, the Police Review Commission reviewed a group of letters and emails from members of the public and from other departmental employees thanking and praising members of your department. The Commissioners identified several incidents in which BPD employees acted in an exceptional manner meriting special recognition.

In a few of these situations, officers were lauded for saving a life. One of these incidents occurred on January 3, 2020, when Officer Eric Ruff responded to a report of a young man on a sidewalk who had reportedly overdosed on fentanyl. Upon arrival, Ofc. Ruff saw that the victim was not breathing, had no pulse, and was turning blue, so he administered Narcan. But because that did not revive the man, Ofc. Ruff began chest compressions, continuing the compressions after the Fire Department arrived. After more than 3 minutes, a pulse was detected. BFD used a defibrillator and the victim started breathing again.

Ofc. Ruff's supervisor stated that, having watched body-camera video of this incident, he was impressed with the officer's calm demeanor throughout the event, and cited his professionalism and good decision-making in a stressful situation, which saved the victim's life.

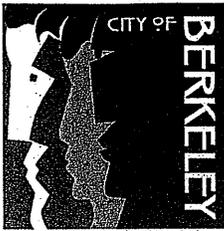
The Police Review Commission was similarly impressed with Ofc. Ruff's life-saving actions, and voted unanimously to commend him for exceptional valor in doing so. Please place this letter in the officer's personnel file.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine J. Lee".

Katherine J. Lee
PRC Officer

cc: Ofc. Eric Ruff
PRC Commissioners



Police Review Commission (PRC)

May 19, 2021

Jennifer Louis, Interim Chief of Police
City of Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Re: Commendation for Officer Dylan Melowitz

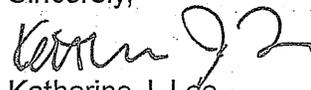
Dear Interim Chief Louis:

At its February 24, 2021 meeting, the Police Review Commission reviewed a group of letters and emails from members of the public and from other departmental employees thanking and praising members of your department. The Commissioners identified several incidents in which BPD employees acted in an exceptional manner meriting special recognition.

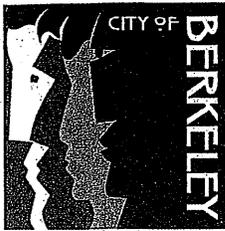
One of these incidents involved heroism on the part of Officer Dylan Melowitz. On August 18, 2019, he heard shots fired from a parking lot about 100 feet away. He broadcast what he heard, to get the necessary support. Upon arriving at the parking lot, he saw seven males and, due to his resourcefulness, managed to detain all of them until backup arrived. The seven suspects were brought to the Public Safety Building; where Ofc. Melowitz wrote a search warrant for DNA samples; this successfully led to identification of the suspect who had discharged the firearm. Ofc. Melowitz's actions in this case were lauded as exceeding expectations of an officer with less than a year of service time.

The Police Review Commission voted unanimously to commend Ofc. Melowitz for bravery and heroism in detaining seven suspects and performing excellent investigative follow-up. Please place this letter in the officer's personnel file.

Sincerely,


Katherine J. Lee
PRC Officer

cc: Ofc. Dylan Melowitz
PRC Commissioners



Police Review Commission (PRC)

May 19, 2021

Jennifer Louis, Interim Chief of Police
City of Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Re: Commendation for Officer Kyle Ludovico

Dear Interim Chief Louis:

At its February 24, 2021 meeting, the Police Review Commission reviewed a group of letters and emails from members of the public and from other departmental employees thanking and praising members of your department. The Commissioners identified several incidents in which BPD employees acted in an exceptional manner meriting special recognition.

In a few of these incidents, officers were lauded for saving a life. One of them occurred on March 8, 2020, when Officer Kyle Ludovico responded to the scene of a reported fight. Upon arrival, he saw several puddles of blood on the sidewalk, and followed a trail of blood into an apartment complex. There, he discovered a 74-year-old stabbing victim. Officer Ludovico immediately began rendering first aid, while at the same time calming the victim and the victim's son.

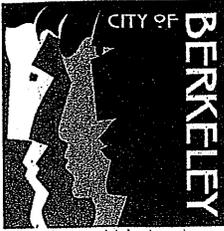
According to Ofc. Ludovico's supervisor, the officer's actions saved the victim's life. And, he managed to do so in a situation described as chaotic, not only because of the trauma to the victim, but because the victim's son was screaming.

The Police Review Commission was impressed with Ofc. Ludovico's life-saving actions, and voted unanimously to commend him for his heroism and superior handling of a difficult situation. Please place this letter in the officer's personnel file.

Sincerely,


Katherine J. Lee
PRC Officer

cc: Ofc. Kyle Ludovico
PRC Commissioners



Police Review Commission (PRC)

May 19, 2021

Jennifer Louis, Interim Chief of Police
City of Berkeley Police Department
2100 Martin Luther King, Jr. Way
Berkeley, CA 94704

Re: Commendation for Officer Nicholas Turney

Dear Interim Chief Louis:

At its February 24, 2021 meeting, the Police Review Commission reviewed a group of letters and emails from members of the public and from other departmental employees thanking and praising members of your department. The Commissioners identified several incidents in which BPD employees acted in an exceptional manner meriting special recognition.

Of the twelve officers recognized, Officer Nicholas Turney was noted for commendable action – acts of heroism – in two separate incidents

In the first incident, Officer Turney responded to a father's report of an attempted kidnapping of his young daughter on January 17, 2020, at the Marina. Upon arriving on scene, however, the father could not be found, nor did he respond to Ofc. Turney's multiple phone calls and messages. In the meantime, other officers located and arrested the suspect. Ofc. Turney noticed the suspect had a black eye, and concluded that the father was reluctant to call the police back because he had punched the suspect.

Ofc. Turney then reassured the father, via a text message, that he was not in trouble for punching the man who attempted to kidnap his daughter. This had the desired effect, for the father called the officer soon after that. According to his supervisor, Ofc. Turney also assisted in the prosecution of this case by taking statements from the victims, who were not in the area, via Facetime, which his supervisor believes helped the District Attorney's office charge the suspect with aggravated kidnapping.

The Police Review Commission voted to commend Ofc. Turney for heroism in using his intuition to discern why the reporting party in this case would not re-contact the police, and for performing excellent investigative follow-up.

In the second incident, Ofc. Turney was praised by the parents of a son whom the officer assisted when the son was in the midst of a severe mental health crisis. On May 15, 2020, when Ofc. Turney entered the son's apartment to perform a welfare check, the officer immediately observed damaged walls and appliances, a smashed mirror and broken glass. He had to react to the son, who lunged unsuccessfully for the officer's gun. Ofc. Turney was able to safely subdue the son, who was taken to John George Hospital.

1947 Center Street, 5th Floor, Berkeley, CA 94704 Tel: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955
E-mail: prc@cityofberkeley.info Website: www.cityofberkeley.info/prc/

Interim Chief Jennifer Louis
Commendation for Officer Nicholas Turney
May 19, 2021
P. 2

The parents, in Boston, were extremely grateful to Ofc. Turney for advocating on the son's behalf, keeping in touch with the parents, and assuring the District Attorney's Office that the son had a caring family who would ensure he received necessary treatment. Indeed, he is now receiving long-term psychiatric care. In the parents' eyes, "Officer Turney is a hero . . . [and] an exceptional officer."

The Commission voted unanimously to commend Ofc. Turney for heroism and actions above and beyond the call of duty, for bringing the son to safety and for following up with the family and the District Attorney's Office. Please place this letter in the officer's personnel file.

Sincerely,


Katherine J. Lee
PRC Officer

cc: Ofc. Nicholas Turney
PRC Commissioners

Lee, Katherine

From: White, Barbara Ann
Sent: Tuesday, May 18, 2021 12:08 PM
To: White, Barbara Ann
Subject: May Is Mental Health Month 2021 Event - Wednesday, May 26, 2021 - 5:30 pm
Attachments: May Is Mental Health Month 2021flyer.pdf

Hello All,

Please register to attend Berkeley Mental Health's annual *May Is Mental Health Month 2021* event.

Flyer Attached
You are invited to attend

City of Berkeley Mental Health Division
&
Berkeley Mental Health Commission

May is Mental Health Month 2021
Covid-19: Challenges, Hope, and Resiliency
"Increasing Community Mental Health and Wellness"

Ending Mental Health Stigma and Discrimination

Join Us For This Free Zoom/Call-In Community Event!

The program will focus on the Challenges, Hope, and Resiliency that individuals have endured during the COVID-19 Pandemic. The event will include a consumer/peer panel presentation, information sharing, entertainment, prizes, and the community achievement awards will be presented.

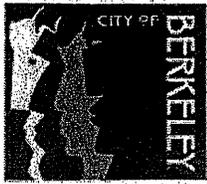
Zoom Registration Link: <https://zoom.us/j/95664280093>

One tap mobile: US: +16699006833 Telephone: Dial: US: +1 669 900 6833 -

Webinar ID: 956 6428

For additional information contact: (1-510) 981-5290

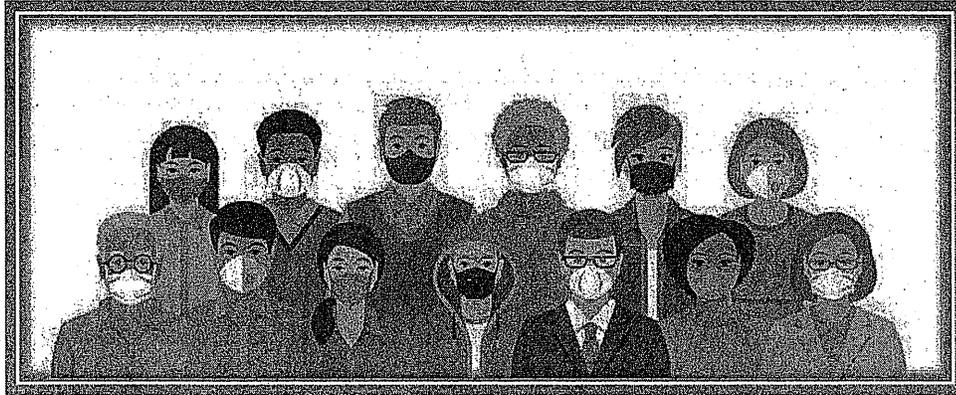
Barbara Ann White, MA
Training and Diversity & Multicultural Coordinator
City of Berkeley Mental Health
3282 Adeline Street
Berkeley, CA 94703
510-981-7646 (Office)



City of Berkeley Mental Health Division
&
Berkeley Mental Health Commission
May is Mental Health Month 2021



Covid-19: Challenges, Hope, and Resiliency
“Increasing Community Mental Health and Wellness”



Ending Mental Health Stigma and Discrimination

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When: Wednesday, May 26, 2021

Time: 5:30 - 7:30 P.M.

Zoom Registration Link: <https://zoom.us/j/95664280093>

One tap mobile: US: +16699006833 Telephone: Dial: US: +1 669 900 6833 Webinar ID: 956 6428

Please continue to adhere to all federal, state, county, and city safety COVID-19 protocols.

For additional information contact: (510) 981-5290

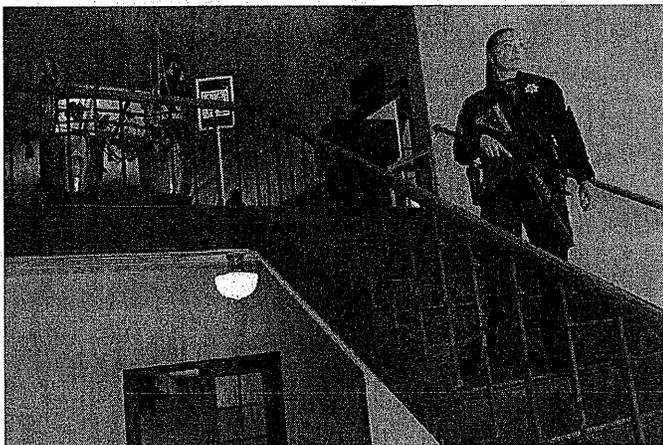
Berkeleyside

CITY

Berkeley leaders demand more data about ‘militaristic’ police equipment

Data about where police use rifles, launchers and other “controlled” equipment will now be public. Officials said it’s a matter of racial justice.

By Emilie Raguso, May 9, 2021, 6 a.m.



A Berkeley police officer holds a rifle during an active-shooter exercise in 2017. Credit: Emilie Raguso

Police in Berkeley now need permission to buy equipment such as battering rams, “less-lethal” launchers, M4 rifles and “flash-bang” grenades, and will be required to tell the public how often, and where, these items are used.

The change comes with the recent unanimous approval by the Berkeley City Council of a new policy put forward by Councilmember Kate Harrison’s office with support from Mayor Jesse Arreguín and council members Ben Bartlett and Terry Taplin. The new law — slated for final adoption Tuesday — applies to any police equipment that might be considered “militaristic in nature,” including armored vehicles, launchers that fire rubber projectiles or bean bag rounds, guns or ammunition that are .50 caliber or greater, and a specialized loudspeaker, called a Long Range Acoustic Device, that is used during protests, disasters and other situations.

“Up until the ’90s, most police officers were out there with just a revolver, and seeing a police officer carrying a machine gun would have been pretty unthinkable when I was young,” said Harrison, who represents downtown Berkeley, during the initial council discussion about the item on April 27. “While a couple of these pieces are now considered standard by police, they are not standard to the public.”

Officials said the new law is designed, in large part, to address community concerns about racial justice and whether police use this “controlled” equipment in some neighborhoods more than others. Mayor Arreguín said he had been fielding complaints for years about the presence of “controlled equipment that looks like militarized-type equipment” at big street festivals in the city, including the Solano Stroll and South Berkeley’s Juneteenth celebration.

The mayor said the deployment of this equipment must be supervised because of the “psychological impact it has in our community and the erosion of police-community relations.”

“We need to keep track of these things because of the negative impact that displaying this equipment has in particular on Black and Latino households where the racial disparities are likely to be amplified when officers deploy this kind of militarized weaponry,” North Berkeley Councilmember Sophie Hahn said from the dais. “Is it used in all neighborhoods? Are children present to see this equipment equally in all neighborhoods? What impact does that have on people’s sense of safety and their trust in the police? I think this

ordinance will provide data to help the public answer these questions.”

Added Bartlett, who represents South Berkeley: “We’re trying to get to some of the undercurrents of, ‘What is terror?’ honestly. Let’s call it what it is.”

The Berkeley Police Department has special loudspeakers, called a Long Range Acoustic Device (LRAD), that help communicate over long distances. They will now have to track and report when it is used in certain situations. Credit: Emilie Raguso

Members of Berkeley’s Black community have, for years, shared stories about racial profiling and disparate treatment by police, demanding change. A recent review of police stops by the city auditor, which confirmed an earlier analysis by the Center for Policing Equity, found that Black and Hispanic drivers in Berkeley are searched more often than white drivers but are less likely to be arrested after the search.

Officials and experts have also noted, however, that racial disparities are pervasive across all aspects of society and that the racial disparities measured in Berkeley’s police stops are the lowest they have seen across the nation. The city’s Police Review Commission has historically upheld very few police misconduct complaints: There have been just two in the past two years. Both were for discourtesy. And there have been no sustained complaints in recent history regarding more serious violations such as excessive force, discrimination or improper stops and arrests.

Over the past decade, the city has paid out only about \$300,000 in settlements related to police misconduct claims, the city attorney’s office found in a recent analysis.

The reimagining task force next meets Thursday, May 13

Still, there has been widespread agreement, particularly in the wake of George Floyd’s murder last year, that more work must

be done to right historic wrongs. The recent City Council vote about police equipment was the latest local move in that direction. Other reform efforts underway include a task force to reimagine policing, stricter limits on the traffic stops Berkeley police can make, and the creation of a more powerful Police Accountability Board slated to take the place of the Police Review Commission later this year.

Stepped-up reporting by police will continue

Last year, amid its myriad discussions about police reform, the Berkeley City Council required BPD to hasten plans to make its use-of-force data public for the first time. The Berkeley Police Department shared those numbers last fall during the annual crime report. According to the department’s analysis, BPD has used force, on average, during 32 calls for service each year. BPD makes about 3,000 arrests annually and handles about 77,000 calls for service.

As part of the reforms enacted last year, council members expanded the definition for the types of force Berkeley police track and report. And the new law on equipment deployment will broaden those requirements even further.

Historically, BPD tracked incidents where someone had a visible injury or complained of pain, or anytime officers fired a gun or rifle. Last year, city officials added a requirement for BPD to report any incident where police pointed a firearm at someone, even if they did not shoot.

BPD Special Response Team members inspect equipment during an exercise in April 2013. Credit: Emilie Raguso

Last year's reforms also required police to track and report any instance when an officer touched or grabbed someone, or used their body weight during an arrest, if it was "more than momentary discomfort," Interim Police Chief Jen Louis told council at the recent meeting. Officers must now file a report even if the subject reports no pain and has no visible injury.

As a result, the chief said, officers are spending more time than ever documenting these interactions. From Feb. 22, when last year's rules went into effect, through April 21, Berkeley police officers spent 374 hours on those reports, the chief said.

"That's 374 hours that those field personnel are not in the field available to engage with the community, to answer calls for service, to respond to calls, or to do that field-level supervision," Louis said. (That does not include the time spent by command staff reviewing all of those reports, she added.) "That 374 hours was concerning to me. That's a significant amount of time for our personnel to not be able to do the job that we really need them to do, and that's to really be engaged in positive ways with our community and keep our community safe."

The public will now get even more granular statistics

The new law to be adopted Tuesday now adds to those demands by expanding both the circumstances and equipment police must file reports about. As one example, officers will now track how often they point a

"less-lethal" launcher at someone; BPD was previously only required to report when those rounds were actually fired.

Police will not have to report "merely wearing a piece of Controlled Equipment," according to the ordinance, only when they "deploy" it to "affect some response from members of the public." Some of the new rules apply only to "crowd control" or "crowd management" situations, such as demonstrations and protests, while others apply across the board.

Berkeley police officers with batons during a protest in 2014. Credit: Emilie Raguso

BPD will also have to report the deployment of controlled equipment during any Special Response Team operation, according to the ordinance. (The Special Response Team, which other police agencies call "SWAT," generally handles higher-risk situations such as barricaded subjects and operations involving armed suspects.)

Throughout the night, there was confusion on and off the dais, however, about exactly what Harrison and her co-authors meant by the word "deploy." Some said it seemed to have a different meaning than its use in existing city policies, which define deployment as force used to "gain compliance."

To clarify the situation, city staff and some of the more skeptical council members said it would make sense to fold the new requirements into existing policies. This would make it more efficient for police to understand what they have to do and also avoid duplicative efforts with conflicting definitions and directives.

Jen Louis training with the Special Response Team in 2013. Louis, now interim police chief, was a team leader at the time. Credit: Emilie Raguso

“What I really seek is something that’s clear for our officers to carry out,” Chief Louis told council, adding that officers understand what it means to track force when it is used to gain compliance, but would have a harder time interpreting whether the deployment of certain equipment “has an effect on someone.”

But proponents of the new law said it was important to enact the new policy now, to set the wheels in motion, and said the language could be changed later if that is needed. They also said the new law will be much more transparent: Reporting under the old system was aggregated in a way that did not allow the public to see equipment-level or neighborhood-level data. The new reporting will address that issue.

Harrison said it was a myth that the new rules would be “overly burdensome,” adding that it is incumbent on government to explain to the public what it’s doing.

Best use of Berkeley police time?

Police investigate the fatal shooting of a pregnant young woman on Prince Street, Oct. 21, 2020. The case remains unsolved. Credit: Emilie Raguso

Councilmember Rashi Kesarwani, who represents northwest Berkeley, said she wholeheartedly agreed about the importance of transparency and supported the new law in concept. But she said aspects of it, as crafted, would require duplicative reporting that was “not an appropriate use of the valuable time of our officers.”

Kesarwani said the new law will require Berkeley officers to file two separate administrative reports about the same equipment and incident. The result, she said, would be to “take precious time away from responding to serious crimes in progress or investigations of violent crimes, including unsolved tragic murders in our community that have taken place.”

Read more about crime in Berkeley

Kesarwani said she had been concerned, in particular, about the increase in gun violence in Berkeley

— which has been on the rise for several years — a recent unsolved armed robbery series in the Southside neighborhood and elsewhere, as well as a series of armed robberies and attempted robberies of cyclists in the Berkeley Hills.

The average salary for a police officer in Berkeley is approximately \$150,000, she added, which swells to \$250,000 when benefits are added: “I believe we have a responsibility to ensure that every minute of time that our officers spend on duty is well spent,” she said. To address those concerns, Kesarwani put forward amendments designed to streamline the new law and

reporting rules. Those amendments were not ultimately adopted, however.

Arreguín and others said — even though some of the same ground may be covered in both reports — they do not see the new rules as redundant because they require more specificity, include more categories of equipment and circumstances, and will require that more data is shared with the public each year.

Hahn, too, countered Kesarwani's points, saying that, while "any crime is too much crime," crime rates had been much higher in Berkeley when she was growing up.

"The trends over the past 30 or 40 years are down, down, down, down, down," she said. "We do have little blips, a little more of this or that from one year to another, but overall crime is down."

Hahn said she, in fact, would like to expand the reporting requirements so that holding the equipment covered by the new law would also need to be documented and publicized.

A BPD Special Response Team member during an exercise in April 2013. Credit: Emilie Raguso

"I think just carrying a weapon, a military-type weapon, can have a real effect on the people who see it and are near it," Hahn said. "I really think this is information we need to have and I don't think it's onerous for us to obtain it."

Hahn did not make a formal motion to include that language, however, and no other council members voiced support for the idea.

See more highlights from the meeting on Twitter

Harrison dismissed Kesarwani's questions, as well, arguing over the details of what will now be reported and saying, essentially, that her colleague was getting sidetracked by unimportant details. Harrison said she was also upset because these matters had been discussed at length in other meetings for more than a year.

"I have never seen an assault weapon or a launcher on my block, ever," Harrison said. "I want to know if people in South Berkeley are seeing these weapons more regularly. That is the point of this entire thing, which we keep not talking about: the racial justice piece of this."

Council discussion of police audit to come Tuesday

Once the new law goes into effect, the city's Police Accountability Board and City Council will need to review and ultimately approve any purchase of controlled equipment, as described in the ordinance, prior to its acquisition.

The Police Accountability Board, which was overwhelmingly approved by Berkeley voters in November 2020, is slated to replace the city's Police Review Commission later this year. Under the current schedule, council will vote in the new board members June 1. Unlike the PRC, the new board will have greater authority to investigate complaints about police, obtain records related to those complaints and recommend discipline.

On Tuesday, along with the final vote on the new controlled equipment ordinance, the Berkeley City Council is also scheduled to discuss a recent analysis by the city auditor about Berkeley police calls for service. Council members called for the audit last year to help them make decisions about changes to the police budget as well as the priorities they want officers to have.

The audit analyzed the thousands of unconfirmed reports made to the department each year, which officers are then dispatched to investigate, as well as the in-progress incidents officers themselves handle. (Initial calls for service can vary significantly from the

ultimate disposition of an event or crime, but those dispositions were not part of what was studied.)

Ultimately, the analysis by the auditor's office found that, despite significant public interest in the amount of time BPD spends on calls related to mental health and homelessness, the department does not consistently track it. The department has agreed to correct this going forward, City Auditor Jenny Wong has said.

The audit also looked at the racial disparities in local police stop data and, for the first time, broke down how much time Berkeley patrol officers spend on different "event" types. Neither the auditor's office nor BPD has released the dataset analyzed in the recent report, but Wong has asked BPD to make it publicly available.

The auditor's report has been making the rounds in Berkeley since its release in late April. On a recent Thursday, the city's Reimagining Public Safety Task Force had its own discussion of that analysis. Commissioners praised the report and said they hope to be able to get more data about mental health calls and incidents related to homelessness as they work to come up with new models for community safety.

One commissioner tied the audit discussion back to comments, at the start of that night's meeting, from members of the business community who had described feeling unsafe on Berkeley streets at night and asked the task force to have a listening session to hear directly from merchants about their concerns.

One business owner, from a popular downtown Berkeley restaurant, said encounters with people who seemed to be mentally ill or addicted to drugs had increased in the past year, ultimately leading to the unprovoked attack recently of one of his employees as she tried to close up shop; the assailant said he had a knife and told the woman he was going to slit her throat.

The commissioner, Edward Opton, said he wanted to know why these disturbing interactions, which did not seem so common elsewhere, have been increasing here.

"What is making Berkeley different in that respect, and what would it take to change that?" Opton wondered. "My hunch is that we will not find the answers to that in the kind of data that can be audited."

The next meeting of the reimagining task force takes place Thursday and will include an overview of police operations, presented by the chief; an update about the city's plans to develop a new Specialized Care Unit to handle mental health calls instead of armed police; and the latest version of a community survey in the works to seek feedback about the kind of policing people want to see in Berkeley.

Stay tuned to Berkeleyside for continuing coverage.

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