



POLICE ACCOUNTABILITY BOARD REPORT: FAIR AND IMPARTIAL POLICING IMPLEMENTATION

Approved* by the Police Accountability Board
on
April 24, 2024
*(6 Aye Votes and 1 Nay Vote)

PRESENTED TO THE
CITY OF BERKELEY - PUBLIC SAFETY
COMMITTEE ON: FEB. 25th, 2025

Agenda

- Background and Context
- Where do Things Stand?
- Implementation Status, Selected FIP Recommendations
- Selected Recommendations to Council
- Q&A

Background & Context

- February 2021
 - Council passed a package of policy recommendations from the Mayor's Working Group on Fair and Impartial Policing (FIP)
- FIP addressed racial disparities in BPD stops, arrest, and searches
 - Highlighted in 2018 Center for Policing Equity (CPE) report
- Key CPE report findings
 - Black motorists **6.5 times** more likely to be stopped than White motorists
 - Black pedestrians **4.5 times** more likely to be stopped than White pedestrians
 - Black people were **20 times** more likely to be searched than White individuals
 - Black people were **2 times more** likely to be arrested as White individuals following a vehicle stop

Background & Context

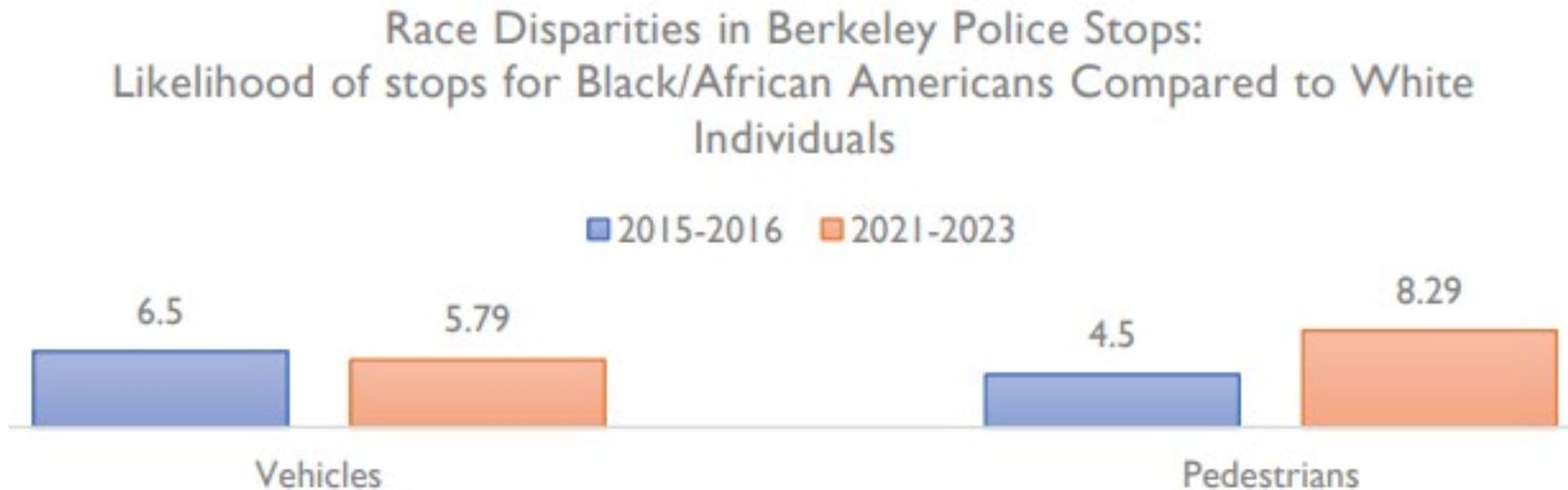
- Police Accountability Board tasked with “monitoring and assessing” PBD implementation of FIP directives
 - PAB has satisfied this requirement through review of BPD quarterly progress reports
 - Quarterly reports for the period June 2021 to October 2023 reviewed

Where Do Things Stand?

- **14 tracked recommendations – 10 implemented**
- Implementation reports focus on process rather than outcomes
 - Council has not adopted FIP performance metrics
- Our report attempts to assess progress using data to the extent possible
 - 2021-2023 data

Where Do Things Stand?

- Stops
 - Black motorists now 5.8 time more likely to be stopped
 - Black pedestrians 8.3 times more likely



Where Do Things Stand?

- Arrests & Searches:
 - Arrest disparities and search practices continue to reflect significant racial differences.
 - Black people were 10.4 times more likely to be arrested as White people
 - Significant regression from 2018 status – 2 times more likely
 - Black people were 10.5 times more likely to be searched than White people
 - Improvement from 20 times more likely in CPE report

IMPLEMENTATION STATUS

Selected FIP Recommendations

Reduce stops for low-level infractions

- Council directed BPD to: “implement a new evidence-based traffic enforcement model that emphasizes safety as the primary reason for traffic stops, rather than merely addressing minor offenses.”
- Effective 2022, BPD uses a 3-prong approach to effectuate:
 - Primary Collision Factors
 - Community Reports
 - Community Caretaking
- 2022-Q3 2023
 - Traffic stops increased overall
 - % of stops for equipment and low-level infractions declined from 24.8% to 19%

Reduce stops for low-level infractions

- PAB recommends modification of three-prong approach
 - Define low-level infractions
 - Specify which calls for service will result in law enforcement action
 - Clarify the community caretaking prong and base on Berkeley data
- PAB also recommends that future BPD updates include data-informed impact analysis of three-prong approach

Definition for stops of criminal suspects

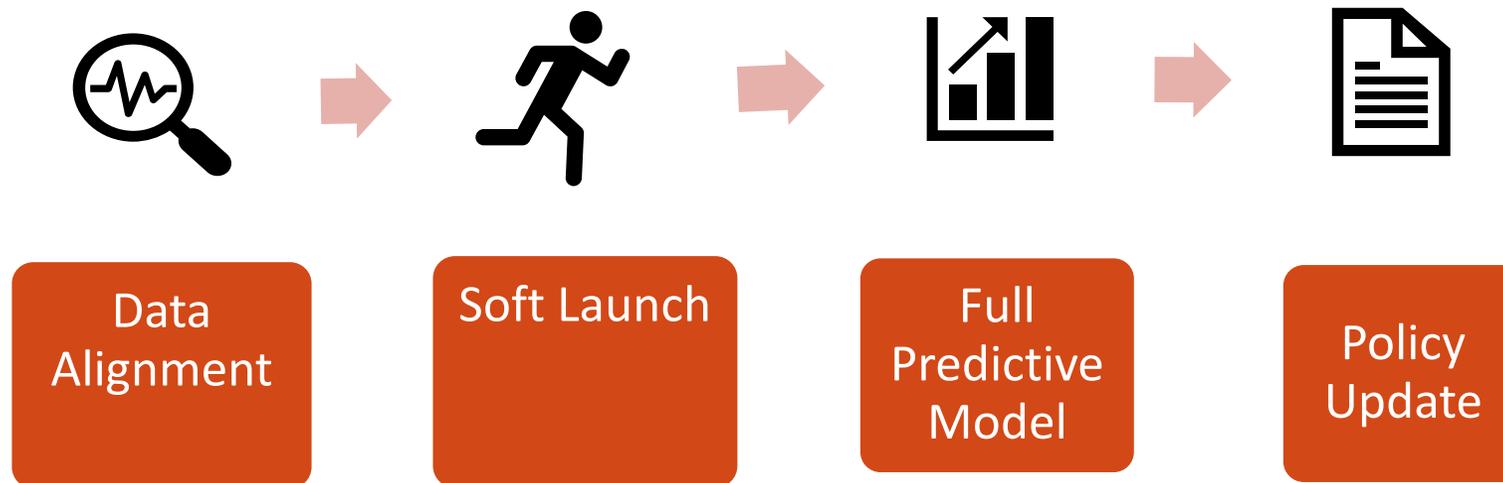
- Council directed BPD to amend policies reaffirming and clarifying that department will use a clear, evidence-based definition for stops
 - BPD indicates that this recommendation has been implemented
 - However, a definition is still outstanding

Limit use of race and ethnicity

- Council directed that race and ethnicity be used as determining factors together with other clear criteria
 - BPD indicates that this recommendation has been implemented
 - Existing laws prohibit the use of race as a defining factor
 - Inference is that no change is needed as a result
- Unclear what BPD has done to implement this recommendation

Early Intervention System (EIS)

- Council directed implementation of an EIS and a risk management structure
 - EIS system should “involve identifying officer outliers in stops, searches, and use of force and their outcomes and examining the reasons for racial disparities”.
- Not implemented but underway



Profiling by Proxy

- Council directed the BPD to address profiling by proxy
- Goal is to reduce incidence of community calls that reflect false or ill-informed claims of misconduct based on animus or bias
- Implementation status reports indicate that the directive was addressed by modifying the Communications Manual
- Unclear if this is sufficient to address
 - Any instruction provided to dispatch or other personnel?
 - Impact of manual amendments on response to calls for service?

Fire Racist Officers

- Council directed that racist officers identified through social media and other screens be fired.
 - FIP recommended media scans
- BPD indicates that this directive has been implemented via adoption of Policy 1029
 - Does not contemplate social media scans
 - Includes generic accountability reference
- PAB recommends that accountability be defined to include termination
- PAB recommends that the BPD initiate social media scans

RECOMMENDATIONS

Selected FIP Recommendations: Council

- Hold the BPD accountable to implementing FIP recommendations
- Establish metrics to assess the success of the implementation of FIP
- Direct that BPD to report biannually on:
 - Traffic stops by prong and race
 - Stop, search, and arrest data by probation/parole status and race
 - Calls for service by race of reporter and reportee
- Ensure that employees of BPD whose speech or behavior is inconsistent with fair and impartial policing be held accountable
- Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented

SOURCES

Police Accountability Board. (2024, April 24). *Police Accountability Board report: Fair and Impartial Policing implementation*. City of Berkeley.
https://berkeleyca.gov/sites/default/files/documents/2024%20PAB%20Report_FIP%20Implementation_Final.pdf

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