

The Improve and Reinvest Subcommittee held four meetings (on December 12, 14, 20 and 21) to discuss NICJR's Draft Final Report And Implementation Plan, and also did significant independent work during December and early January. We worked to summarize our feedback on NICJR's recommendations and also identified areas of additional context and ideas that were missing and needed to be explored. Below, we provide our feedback:

1. Context - introduction - what report didn't consider
 - a. History of policing - Who are police for? (cite survey) Compared that with: Who is this process for?
 - b. Remind us of why we are here: George Floyd reckoning (refer to Council intention and specific recommendations)
 - c. What model will achieve objectives set out by Council? How does the model proposed by NICJR accomplish this? Be explicit about what their model (CERN) achieves this through rerouting calls from dispatch - does this actually achieve our objectives? What about ideas around decriminalization, addressing root causes (employment, education, housing), ideas brought up by community members for how to reimagine - where are these in report?
 - d. Provide a visual with what creates public safety and then point to what NICJR report covers (vs not). NICJR focus has been on fixing/reforming police system, not creating public safety.
 - e. There is a significant need for creating community and a need for healing. The NICJR report provided the history of BPD but did not provide any means to address this.
 - f. No health effects/negative impacts of policing or racial equity issues were specifically discussed
 - g. There is a significant need to better incorporate the community engagement research
 - h. There is a significant need to better incorporate findings from the CPE report, auditor's report and New and Emerging Models report
2. Comments on NICJR's recommendations - see the pages 2-5 below
3. New ideas/recommendations (not already in report) - see pages 6 & 7 below

REDUCE					
Recommendation	Page # on Report	Details	Notes	Subcommittee recommendation	Subcommittee modifications / explanation
Implementation of CERN/Tiered Dispatch Model	14			Accept with modifications	<ul style="list-style-type: none"> - do not partner police with CBOs to fulfill similar roles. CBOs should have different role like family advocate (FH) -does not address how CERN, SCU and BerkDOT interact (confusion with future BerkDOT activities included in CERN pilot, which represent ~8.5% of pilot responses in using 2019 data) -start with dispatching community responder and SCU for "soft calls" and use a phased implementation plan -there is a significant need for a non-911 number - CERN could be contact through dispatch, but there should be a completely separate, non-police number for community members to reach out to CERN if they wish -there is a significant need to understand how the call types identified for the CERN model show directly reducing policing by type of community responder and diverse demographics group or area who are at the center of reimagining public safety--Black, Latinx, AAPI, LGBTQIA+, disability, age, unhoused, formerly incarcerated. There are proposed call types such as "disturbance" that also include a mental health and/or homeless component (as shown by the City Auditor's Data Analysis on Police Response) that may not provide a tailored culturally safe and responsive community responder (i.e. those call types may be suited for SCU and behavioral health services). -Would also be useful to explore not dispatching police for misdemeanors.
Contracting local CBO's for Tier 1 of CERN	15	The call types designated for the pilot phase are the 13 call types listed in the Table below. This subset of Tier 1 calls, selected due to the combination of high volume of calls and incidents that could be effectively handled by community responders, accounts for 89,283 total calls or approximately 25 percent of all calls over the 5-year study period.		Accept with modifications	<ul style="list-style-type: none"> -There is no analysis regarding the narrative reports and disposition of the call types, which provide key information about the nature of the calls. Some of the call types such as "disturbance" have a noteworthy percent of mental health components that may require another type of specialized response. "Disturbance" could also include incidents of domestic violence (e.g. when reported by a neighbor). This level of detail is important for the Request for Proposal and securing a CBO that has the capacity and expertise to do the work. -NICJR's proposal is to divide the City into two CERN districts and award contracts to two CBOs to cover each district. Each CERN district would have three teams (one team per shift) of two CERN responders or Community Intervention Specialists. That means that at any given time there are only 4 people available to cover half of the entire city, which is an inadequate number. Further, how would there be adequate background/training for just 4 people to handle such a wide range of issues delegated to CERN? (e.g., MH, SU, transpo, community complaints). None of ID'ed CBOs are fit to do this in their current state. -Currently the Berkeley Public Safety Communications Department under police leadership takes, processes, and dispatches emergency and non-emergency calls, but that may shift to other municipal departments and/or organizations (e.g. CBOs) in the City of Berkeley in the future. -This item addresses the interplay between policing and non-policing entities including the role of the Berkeley Police Department, Berkeley Fire Department, the Specialized Care Unit (behavioral health, 3 reports), a Community Responder program, BerkDOT, and making a viable implementation plan that can be implemented by the City of Berkeley. 911 call processing and dispatch is not a siloed topic in policing. We need to openly address the "interplay" between policing versus reducing the footprint of policing and using alternatives in diverse constituencies (e.g. sending a non-police first responders into districts to improve well-being). This item also does not include analysis by diverse demographic and other groups who are at the center of reimagining public safety. It is key to analyze the role of CERN, call types, call taking, handling, processing, dispatch in order to understand if these groups have been or would be open to receiving services (they may not be contacting 911 and non-911 currently) and if so, how would a CERN need to deliver services (particularly so it is not perceived as policing). The community engagement research is further underscored here as key to understanding if demographic and other populations even choose to engage with 911 or non-911 systems, and what must change for a community responder service to work.
Evaluating CERN	19-20			Accept with modifications	<ul style="list-style-type: none"> -should capture community feedback, including those most impacted by overpolicing and police violence" -should be evaluated by a group separate and apart from its operation -should also have data analysis of calls and responses to those calls by demographic groups to evaluate whether service delivery is equitable
DOES NOT RECOMMEND Officer Layoffs	20	Reducing BPD budget through attrition - between 2016-2020 17 officers left the department annually		Reject	<ul style="list-style-type: none"> -members rejected this recommendation because it is insufficient to address the stated goal of reducing policing activity in the City by up to 50%, to generate resources to fund other priority areas -note: in the budget section, NICJR uses Step 3 Median salary: \$56.24 per hour x 2080 hrs (year of work). They need to figure out the actual median salary, not median of median step. These could be wildly different. -the report states (re: a shift in police duties) "We also recommend shifting BPD resources and staff time (sworn and non-sworn) to investigations, with a focus on solving violent crimes and improving clearance rates." How will this be implemented? Is there evidence this sort of shift is even successful (i.e., do we know that more resources and time can actually lead to solving more violent crimes and improving clearance rates)? -There is a critical need to discern where the BPD needs to improve its representation of demographic and other groups among police officers as the number of women is low (16%), there are no transgender officers, there is a need for LGBTQIA+ officers of color.

End Pretextual Stops	24		Accept with modifications	<p>-Yes, eliminate pretextual stops but this section only rehashes the recommendation of the Fair and Impartial Policing Task Force that has been passed/accepted by Council. Instead, what is needed here is an implementation plan and timeline (what are resources, how will it happen)?</p> <p>-Also, text reads that Virginia is considering ending pretext stops but they already ended pretext stops in Nov 2020 (https://lis.virginia.gov/cgi-bin/legp604.exe?202+sum+HB5058)</p> <p>-Also, Philadelphia has ended pretext stops (https://www.cnn.com/2021/10/30/us/philadelphia-driving-equality-bill/index.html), as has Minneapolis (https://www.minneapolismn.gov/news/2021/august/mayor-frey-presents-2022-budget-proposal/).</p> <p>-In Washington State, traffic stops of people of color increased significantly after once-banned pretextual stops were reinstated https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3506876</p>
BerkDOT	25		Accept with modifications	<p>-The explanation of BerkDOT here is inadequate as to its goals and components. Use text here to fully explain the purpose behind BerkDOT and call attention to its relationship to re-imagining public safety: https://docs.google.com/document/d/1AvfC8R7i1NRkmd4vLuS0oHPiaVvsb2NF5__oIIHSWTU/edit?usp=sharing</p> <p>-This section should include recommendations to move unnecessary functions out of BPD immediately (crossing guards, collision analysis at a minimum) and discuss their budget implications.</p> <p>-This section should also include a description of the fact that current state law precludes civilian traffic enforcement and recommendations for how Berkeley should build a coalition statewide to support state law change.</p>

IMPROVE					
Recommendation	Page # on Report	Details	Notes	Subcommittee recommendation	Subcommittee modifications / explanation
BPD to become a Highly Accountable Learning Organization (HALO)	26	<ul style="list-style-type: none"> - Implementation of peer intervention (officers holding officers accountable) EPIC & ABLE - Implement and Improve EIS (Early Intervention System) - Create Quality Assurance & Training Division - Increase Transparency through regular public reports 		Withhold judgement until fiscal impact is provided	-what is cost for implementation and oversight? Not included in the implementation plan. This should already be happening with no additional resources -Yes, implement EIS but this section only rehearses the recommendation of the Fair and Impartial Policing Task Force that has been passed/accepted by Council. Instead, what is needed here is an implementation plan and timeline (what are resources, how will it happen)?
BPD Expand it's current Personnel and Training Bureau OR Create Quality Assurance and Training Bureau	30	Responsible for supporting officers and personnel throughout the department to maintain and increase high standards and professionalism		Withhold judgement until fiscal impact is provided	-what is cost for implementation and oversight? Not included in the implementation plan.
BPD Transfer 5 officers from patrol division and two civilian staff into Personnel and Training Bureau (or QAT)	32	Increasing training hours alongside the implementation of CERN dispatch model		Reject	-Police shouldn't police themselves. Accountability needs to be OUTSIDE of BPD (perhaps Office of Equity - see new ideas section in Improve)
BPD should provide semi-annual reports to the public	32	-Reports on: stops, arrests, complaints, use of force, by totals, race and gender, area of city, and other aggregate outcomes		Accept with modifications	-In addition to reports, these should all be displayed in near-real time on a dashboard
Develop a Bay Area Progressive Police Academy	35	Built on adult learning concepts and focused on helping recruits develop psychological skill and values necessary to perform their complex and stressful job in a manner that reflects the "guardian mentality"		Reject	-Don't invest more in police. Maybe just review trainings provided by other academies and limit which ones are acceptable? -instead, require additional training in de-escalation, history of policing, DV, SU, and trauma-informed care (like CEUs)
Increase Diversity of BPD Leadership	36	13 executive staff in BPD (Lieutenant/Captain/Chief): <ul style="list-style-type: none"> - 9 are white - 3 are AAPI - 1 is Black - 0 Latinx 		Accept with modifications	-need a plan for implementing this change -need to focus on hiring with intersectional identities (especially QT) -leadership and rank & file - need to focus hiring on local folks -leadership and rank & file - very low numbers of women (14-16%)
Increase Standards for Field Training Officers	36	BPD should amend policy to disallow any officer from becoming a Field Training officer who has either: <ul style="list-style-type: none"> - More than 2 complaints - Any 1 sustained complaint in a 12 month period 		Accept with modification	- is the practical? what % of officers have more than 2 complaints? what if female or officers of color get more complaints because of bias? (FH) -delay decisions on this pending more data -accountability to be determined by PAB, Office of Equity or some other outside entity
Further Amend the BPD Use of Force Policy	36	Revised to limit any use of deadly force as a last resort to situations where: <ul style="list-style-type: none"> - Suspect is clearly armed with a deadly weapon and is using the deadly weapon against another person All other force must be absolutely necessary and proportional		Accept	

REINVEST					
Recommendation	Page # on Report	Details	Notes	Subcommittee recommendation	Subcommittee modifications / explanation
Launch a Guaranteed Income Program	37	Pilot should select 200 Black/Latinx families with children under 10 years old and earn below 50k annually: - Around \$750/month per family - 1.8 million per year cost		Accept with modification	-possibly expand to AIAN and Asian families with very low incomes (in Berkeley, AIAN and Asian families have highest percentage of those below the FPL) - what was reason for calling out specifically Black/Latinx families?
Launch Community Beautification Employment Program	39	Launch a Crew-Based Employment Program or expand Existing Program: - Employs formerly incarcerated people - Hire and train no less than 100 Berkeley residents Services include: - blight abatement - tree planting - maintenance of community gardens - other possible work		Accept with modification	-Explicitly state that some of these beautification projects can also be ones that also enhance traffic safety -Consider also involving unhoused people in this program -Somehow incorporate Youth here, possibly through YouthWorks: https://www.cityofberkeley.info/youthworks/ -add mentorship and professional development activities here -add to this, as these folks work in neighborhoods, providing resources to people experiencing homelessness -a program to employ people who were formerly incarcerated or others in need of job training and opportunity should center the needs of those people, including developing prized job skills (entrepreneurship, technology). -It is important to assess who will operate this program. The Downtown Ambassadors contract with StreetPlus for municipal clean up, safety, and hospitality services. The DBA also has a contract with the City of Berkeley that provides for assisting the police, and StreetPlus does offer certain safety services. There is a need to recommend CBOs that would be suitable, particularly ensure we are focused on well-being and not criminalizing quality of life issues experienced by our most vulnerable people.
Increase Funding for CBO's	40	Increase funding in one of two ways: - Increase grant amounts by 25% - Create local government agency/department (Department of Community Development)		Reject outright increase in grant amounts Accept with modifications creation of local agency (see new ideas/ recommendations in Reinvest - New Ideas section)	-Why across the board increase of 25% to CBOs? This is estimated at \$25 million, significantly more than anything else in report. Rather than do this blindly, there is a need to: a) identify which ones support work that enhance public safety and focus on improving SDOH. Many of these orgs aren't solving fundamental causes (employment, lack of housing, racism, trauma), but instead are providing services. Why not more focus on prevention? b) identify new CBOs not currently receiving funding that would be crucial to this effort c) Establish a clear reporting/evaluation mechanism here -Concern with using all \$20 million expected from measure W to support CBOs providing services and none to actually create housing -Could an Office of Equity & Community Development do this instead. Could it report directly to Council (not city manager)? An office like this is compelling but the role or scope of an office like this was not really discussed. More is needed here.

REDUCE			
New Ideas/Recommendations	Details	Fiscal implications	Background information and justification
Review of Berkeley Municipal Code for laws, fines, and fees that serve only to criminalize and penalize poverty or serve as pretext to target at-risk populations. Bring to council to eliminate or revise. (Liza)	<p>Numerous laws are on the books of all cities that do nothing to promote public safety but instead disproportionately punish poverty and trap people in a cycle of fines and fees that is inescapable, which actually undermines true public safety.</p> <p>-In Berkeley, one example of this relates to our penalties for parking tickets, which can be devastatingly expensive to those experiencing poverty. While the city does offer an "Indigent Payment Plan for Parking Citations" where late fees are waived and payments can be spread over time, there are substantial administrative hurdles to jump through to apply to this program and there is a limit of 3 parking tickets that can be managed under this plan. There is a required \$5 administrative fee and a required \$5 minimum monthly plan. Any failure to pay these in full or on time puts someone at risk of falling out of the plan and spiraling into excessive fines and fees. There is also an option to provide community service "in lieu of fees" but there are actually administrative fees associated with this program, whereby a \$57 ticket could be worked off with 6 hours of community service, but with an associated \$20 administrative fee. These examples are given for an "inexpensive" parking ticket, but in some instances fees are much higher, including if a vehicle is towed (due to the 72 hour rule or parking improperly during Cal football games). Ensuring that cars are parked properly often does have an important public safety component, but not always, and punitive fines and fees certainly do not.</p> <p>-Another example is the bicycle licensing requirements laid out in BMC 14.68.0 requiring that all bicycle riders must have a license that gets renewed annually - though the fees for the license are not excessive, the simple presence of this law in the BMC provides a pretextual reason for BPD to target some bicycle riders, while providing absolutely no benefit to public safety.</p> <p>-Under CVC 40303.5, certain vehicle equipment violations are eligible to be "corrected" within 30 days of the date of the notice of violation so that, with proof of correction, the penalty amount will be reduced to \$10. However, vehicle repair is very expensive and repair of an essential safety feature may be financially out of reach of many low-income individuals. Berkeley should strive to a) ticket for equipment violations that are only absolutely critical to ensuring public safety (e.g., if both headlights are non-functional or something is significantly obscuring the driver's ability to see), b) any equipment violations given should be issued as "correctable" on the ticket, and c) a program to provide vouchers for vehicle repairs should be established for low-income drivers. This will reduce unnecessary fines and fees while at the same time ensuring that critical safety fixes get addressed regardless of someone's ability to pay.</p>	<p>Internal staff (or consultant) time. May result the reduction of income to the city due to the reduction of fines and fees.</p>	<p>-PolicyLink has published a Roadmap to Equitable Fine and Fee Reform (https://www.policylink.org/resources-tools/equitable-fine-fee-reform) to provide guidance to leaders in cities and counties who are eager to address the widespread challenges presented by excessive fines and fees in their jurisdictions. Examples of information in the report include how to: eliminate criminal-legal system and municipal fees; forgive outstanding debt; dramatically lower costs of phone calls and commissary items in jails; end driver's license suspensions for nonpayment of fines and fees; implement restitution funds; and, provide fine and fee waivers and reductions for people with low incomes.</p> <p>-San Francisco launched the Financial Justice Project (FJP) in October 2016. FJP worked with agencies levying harmful fines and fees to find alternative solutions. Solutions generally fell into three categories: basing fines or fees on ability to pay, eliminating fines and fees, and identifying an alternative method to achieving policy goals or offering non-monetary alternatives to payment. Report here: https://finesandfeesjusticecenter.org/articles/fines-and-fees-reform-san-francisco-ca/</p>

REINVEST			
New Ideas/Recommendations	Details	Fiscal implications	Background information and justification
Create Office of Equity & Community Development (MF)	<ul style="list-style-type: none"> -office under deputy city manager (planning, HHCS, public works, etc) and reports to Mayor and City Council -centered new community safety model on healing, trust, collaboration, transparency (with specific programs), particularly for those most harmed by policing -Develop an authentic process to co-create programs with the most impacted communities -Apply and employ Berkeley's Community Engagement research to Clearly Identify Policing Harms & How They Impact Specific Groups by race, ethnicity, gender, LGBTQIA, physical, mental, substance use. -Ensure ongoing data analysis of 911 and non-911 to ensure equitable call taking, handling, processing, dispatch to diverse communities and coordination for best response among police, fire, EMT, behavioral health, community responder -conduct fiscal and program evaluation/accountability for community responder and SCU programs -use a broad set of indicators to measure public safety in addition to traditional ones used by police (e.g. officer initiated stops). These indicators address equity, social determinants of health, and inclusion by identifying indicators of well being focused on living conditions and circumstances: safe water, sanitation, food security, housing, utilities, reliable Internet and technology, education, a living wage, open green spaces and shade, crime and violence free neighborhoods -measure correlations and relationships between policing and well-being indicators to assess equity, social determinants of health and inclusion of diverse groups in the community --City Budget - allocate municipal resources to reduce policing and equitably support an adequate standard of living and well-being for all, with long-term investments in housing, educational enrichment, mentoring, health care, and job-training 	<ul style="list-style-type: none"> -The Berkeley City Council will need to appropriate funding necessary to ensure implementation, particularly for quality assurance and accountability. -CM Kesarwani did ask to create an office of racial equity back in June 2020. Not sure what happened to it: https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/Documents/2020-06-09_Urgency_Item_Office_of_Racial_Equity.aspx 	The Office is designed to provide leadership, careful planning, research, evaluation, innovation, budget allocations, and fiscal and program accountability to ensure equitable, fair resource allocation, and inclusion of diverse constituencies in our city: Black, Latinx, AAPI, LGBTQIA+, people with disabilities, young, old, unhoused, formerly incarcerated, and more. . The Office is further designed to reduce and ultimately eliminate disparities experienced by all of these diverse constituencies and improve social determinants of health so all Berkeley people can thrive and proposer through reimagining public safety implementation and ongoing programs and services. The Office is named "Office of Equity and Community Development" so that it sends a message to these diverse communities that they are all part of reimagining public safety, and is not privileged over other groups, and that there are people with multiple identities. It is suggested to use the citywide survey and community engagement listening sessions, in addition to other Berkeley research (e.g. public health and policing studies) to inform implementation.
Allocate adequate funds for the creation of BerkDOT (LL)	While the BerkDOT exploration process is moving forward (with an initial input of \$75K and another \$100K recently committed to inform the process), the City has not made any financial commitment to funding the creation of the department (compare this to the \$7 million allocated in June 2021 to the creation of the SCU). In his June presentation to the Transportation Commission, Public Works director Liam Garland estimated the costs for standing up a BerkDOT to be \$750,000.	\$750,000	One of the pillars of the George Floyd Act passed by the Berkeley City Council was to create the Berkeley Department of Transportation. To actually move forward, this project needs to be adequately funded. Further, there are significant inequities in the burden of traffic violence, the background of which can be found here: https://docs.google.com/document/d/1AvfC8R7i1NRkmd4vLuS0oHPiaVvsb2NF5_oIHWSWU/edit?usp=sharing
Adopt recommendations by gender-based violence subcommittee (FH)	<ul style="list-style-type: none"> - Link to report: https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/RPSTF%20Agenda%20Packet-%20December%2022.pdf - Potential to service Berkeley and/or East Bay Cities in proximity to Berkeley (Oakland, San Leandro, San Pablo, Richmond, etc.) - Collaboration with community leaders, trusted organizations within the community, formerly incarcerated volunteers/staff, law enforcement, and city government will have to be planned out - No Questions Asked Approach - participants are not asked where, how, or when they acquired the weapons, they are paid out in cash depending on the type (Handguns/Pistols, Rifles/Long Firearms) - Weapons are put through a process to determine if they are stolen or were used in a criminal incident. If they do not fit either description, they are destroyed - Potential to remove upwards of 250-300 firearms per event (according to United Playaz rate) - Outreach and community engagement will play a crucial role in getting the word out about this event and should be incorporated into the budget - hiring formerly incarcerated/marginalized folks should be priority 	\$970,000	<ul style="list-style-type: none"> -Gun relinquishment program: BPD should partner with community organizations and county stakeholders to address gun violence through proactive gun relinquishment protocols. In California, about 24,000 people who are prohibited from owning or possessing firearms still do so (ttps://calmatters.org/justice/2021/07/california-gun-law-failing/). The state does not have sufficient resources to enforce these orders and local law enforcement agencies have not dedicated resources to this task. -San Francisco based organization, United Playaz, has hosted 10 gun buy-back events in the past years. They have a whole plan in place to work with city government, law enforcement, and most importantly, trusted community organizations and leaders. Recently CA Governor Gavin Newsom announced Gun Buy-Back programs will be robustly supported and funded through grants and local partnerships. (Newsom Article: https://www.gov.ca.gov/2021/12/17/governor-newsom-unveils-public-safety-plan-to-aggressively-fight-and-prevent-crime-in-california/)
Create an annual or bi-annual Gun Buy Back Event/Program (HM)	<ul style="list-style-type: none"> - Ensuring the participation of all Berkeley residents despite their knowledge or understanding of the English language - This should not only include interpretation services (ZOOM interpreters for virtual meetings or separate meetings held in different languages) - Translation of documents related to city-related business such as Meeting Agendas, Reports, etc. into languages such as Spanish, Cantonese, etc. 	\$75,000-\$100,000 per event	Consistently, non-native English speaking Berkeley residents are left out of civic engagement opportunities due to a lack of interpretation/language access services, despite the fact that as residents, they are entitled to participation and engagement in business related to the City of Berkeley. Issues of public safety, housing, education, and so on are often discussed in spaces that provide zero language support and it is important that the City of Berkeley take a financial step towards bridging this gap.
Increase language access to all city-related meetings such as but not limited to: commissions, taskforces, city council, budget process, etc. (HM)	<ul style="list-style-type: none"> - Ensuring the participation of all Berkeley residents despite their knowledge or understanding of the English language - This should not only include interpretation services (ZOOM interpreters for virtual meetings or separate meetings held in different languages) - Translation of documents related to city-related business such as Meeting Agendas, Reports, etc. into languages such as Spanish, Cantonese, etc. 	This is depending on the cost of interpretation services contracted or staff salaries, the cost to translate documents, outreach on services being made available, etc.	Consistently, non-native English speaking Berkeley residents are left out of civic engagement opportunities due to a lack of interpretation/language access services, despite the fact that as residents, they are entitled to participation and engagement in business related to the City of Berkeley. Issues of public safety, housing, education, and so on are often discussed in spaces that provide zero language support and it is important that the City of Berkeley take a financial step towards bridging this gap.
Propose plan for directing funds saved from police budget to a pilot housing program and/or job training program.		Ideally neutral--redirect police funds to housing and job training	This is the type of programing that would truly work toward reimagining, but reducing police footprint and addressing the social determinants of health and wellbeing that are actually at the root of behaviors that we attempt (but fail) to solve by policing.