



BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE SPECIAL MEETING MINUTES

**Tuesday, February 25, 2025
10:00 AM**

Cypress Room – 2180 Milvia Street, 1st Floor, Berkeley, CA 94704

Committee Members:

Councilmembers Rashi Kesarwani, Shoshana O’Keefe, and Brent Blackaby
Alternate: Mayor Adena Ishii

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

To access the meeting remotely use this URL - <https://cityofberkeley-info.zoomgov.com/j/1610923585>. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 161 092 3585**. To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

MINUTES

Roll Call 10:09 a.m.

Present: Kesarwani, O'Keefe, Blackaby

Absent: None

Election of Chairperson

Action: M/S/C (Kesarwani/O'Keefe) to elect Councilmember Blackaby as Chairperson of the Public Safety Policy Committee.

Vote: All Ayes.

Minutes for Approval

Draft minutes for the Committee's consideration and approval

1. Minutes - November 18, 2024

Action: M/S/C (O'Keefe/Kesarwani) to approve the November 18, 2024 minutes.

Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Resolution: Opposition to Police Brutality and Use of Force on Nonviolent Protesters

From: Councilmember Harrison (Author)

Referred: October 15, 2024

Due: March 24, 2025

Recommendation: Adopt a Resolution reaffirming the City of Berkeley's opposition to and condemning police brutality towards nonviolent protesters and discouraging use of "less-lethal" weapons for crowd control.

Financial Implications: See report

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: Item continued to a future meeting.

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3. **Berkeley Police Department Texting Offences: An Independent Investigation by the Police Accountability Board** (*Item contains supplemental material*)
From: Police Accountability Board
Referred: January 6, 2025
Due: June 9, 2025
Recommendation: The Police Accountability Board formally recommends to the City Council that it:
1. Pass an ordinance or otherwise affirm the Police Accountability Board's ability to access documents and records in furtherance of its central accountability function, consistent with Charter Amendment Section 125.
 2. Adopt a robust resolution ensuring full and meaningful accountability for sworn officers—whether on-duty or off-duty—who engage in misconduct of any kind, but especially actions or expressions of racial or other types of bias.
 3. Direct the City Manager to work with the Berkeley Police Department, Police Accountability Board, and the Office of the Director of Police Accountability to create a public repository to fulfill the vision of California Penal Code Section 832.7(b)(1), allowing for transparency in cases of sustained allegations of officer racism or other discriminatory conduct or expression.
 4. Call on California state legislators to extend the prohibition on arrest quotas, which are currently limited to the California Vehicle Code (Section 41600 – 41603).
- Financial Implications:** See report
Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950
- Action:** 11 speakers. M/S/C (Kesarwani/O'Keefe) to send item to City Council with a negative recommendation.
Vote: All Ayes.
4. **Police Accountability Board Report: Fair and Impartial Policing Implementation** (*Item contains supplemental material*)
From: Police Accountability Board
Referred: January 27, 2025
Due: June 16, 2025
Recommendation: Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:
Recommendations to the Berkeley Police Department
1. Three-prong approach.
 - a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted.
 - b. Primary Collision Factors: This prong should specify the mode of the party at fault.
 - c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13%

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of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report.

d. Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.

e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach's impact on reducing racial disparities in traffic stops.

2. Evidence-based definition for stops of criminal suspects:

a. Establish an evidence-based definition for stops of criminal suspects.

b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects.

3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias.

4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality.

5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation.

6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them.

7. Profiling by proxy: Future BPD updates should specify what instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service.

8. Business cards: Ensure that business cards are distributed as mandated by the Council directive.

9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

Recommendations to the Police Accountability Board

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1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendaized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training.

2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.

Recommendations to the Berkeley City Council

1. Establish metrics to assess the success of implementing FIP directives. Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives.

2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented.

3. Require BPD to report biannually on:

a. Traffic stops by each prong of their 3-prong framework and by race within each prong.

b. Stop, search, and arrest data by probation/parole status and race.

c. Calls for service by the race of the reporter and reportee.

Financial Implications: See report

Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950

Action: 8 speakers. Presentation made and discussion held. Item continued to a future meeting.

5. Discussion Item: Update on the Five-Year Infrastructure Plan and how it factors in with reduction of traffic violence

From: Councilmember Tregub

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Action: Item continued to a future meeting

6. Discussion Item: Domestic Violence Report

From: Councilmember Taplin

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action: Item continued to a future meeting.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Blackaby/O'Keefe) to adjourn the meeting

Vote: All ayes

Adjourned at 11:58 a.m.

I hereby certify that the foregoing is a true and correct record of the Public Safety Committee meeting held on February 25, 2025.

Wendy Sorensen, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.