



Office of the City Manager

December 16, 2020

To: Honorable Mayor and Members of the City Council

From: *Dee* Dee Williams-Ridley, City Manager

Re: Update on Re-Imagining Public Safety

On July 14, 2020, City Council adopted an omnibus package to re-imagine public safety and policing in the City of Berkeley. The omnibus package consisted of numerous elements including, but not limited to the following:

- Having the City Auditor perform an analysis of City's emergency 9-1-1 calls-for-service and responses, as well as analysis of the Berkeley Police Department's (BPD) budget.
- Analyzing and developing a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit.
- Creating plans and protocols for calls for service to be routed and assigned to alternative preferred responding entities and consider placing dispatch in the Fire Department or elsewhere outside the Police Department.
- Analyzing litigation outcomes and exposure for city departments in order to guide the creation of City policy to reduce the impact of settlements on the General Fund.
- Engaging a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.
- Pursuing the creation of a Berkeley Department of Transportation ("BerkDoT") to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs and infrastructure, and identify and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations

Subsequent to the adoption of the omnibus package, the City established a multi-department working group to oversee and implement various components of the package. The working group consists of the following:

- City Manager;
- Deputy City Managers;
- City Attorney;
- Fire Chief;

- Health, Housing and Community Services (HHCS) Director;
- Human Resources Director;
- Police Chief; and
- Public Works Director.

We have established weekly meetings and have developed an organizational structure that will enable us to advance the various referrals in the omnibus package at the same time.

Our work to advance the omnibus package has been organized in the following manner:

- HHCS Director, Lisa Warhuus, is leading the work to develop a Specialized Care Unit pilot program.
- Fire Chief, David Brannigan, is leading the work to develop a plan for priority dispatching.
- City Attorney, Farimah Brown, is managing the analysis of litigation claims and settlements.
- The Public Safety / Police Re-Imagining and community engagement process will be led by Deputy City Manager David White. Deputy City Manager White will also be supporting the City Manager by providing overall project management support to the team.
- BerkDoT will be led by our Public Works Director, Liam Garland.

### **Current Updates (*for the December 15, 2020 City Council Meeting*)**

The following provides a brief overview of what has been accomplished since the last update to City Council on December 1, 2020.

- City Auditor calls-for-service and budget analysis
  - City staff have continued to meet with the City Auditor to coordinate and respond to any questions or needs that arise.
- Priority Dispatching
  - Meetings have been scheduled with the Police Review Commission, Disaster and Fire Safety Commission, and Mental Health Commission to discuss plans.
- Specialized Care Unit (SCU)
  - A steering committee consisting of representatives from the Health Housing and Community Services Department, Fire Department, the Berkeley Community Safety Coalition, and the Mental Health Commission has been created and will hold its kick-off meeting on Thursday December 17, 2020.

- Additional opportunities for updates and feedback from the community will be through monthly community zoom meetings and at mental health commission meetings. The schedule will be made available once the consultant is on board in January 2021.
- Analysis of Claims and Settlements
  - To date, the City Attorney's Office has identified forty-seven claims involving alleged police misconduct, sixty-one claims involving alleged auto accidents, fifty-four claims involving alleged wrongful tow, from January 1, 2010 to present.
  - Of the claims involving alleged police misconduct there were twenty-three claims that resulted in settlement. To date, our calculations show that the total settlement costs for the alleged police misconduct claims totals \$303,974.67. The total cost to defend the alleged police misconduct claims during the same time frame is \$276,103.65. The total settlement costs for the alleged auto-accident claims totals \$622,817. The total cost to defend the alleged auto-accident claims during the same time frame is \$13,614.
- Public safety and Police Re-imagining Community Engagement
  - On the December 15, 2020 City Council Agenda, city staff is asking to authorize the City Manager to enter into a contract with the National Institute of Criminal Justice Reform to lead the community engagement effort. This recommendation will be on the December 15, 2020 City Council Agenda.
  - In addition to community engagement, the National Institute of Criminal Justice Reform is being asked to perform the following:
    - ◆ Work with the City Auditor on the assessment of emergency and non-emergency calls for service.
    - ◆ Develop a summary and presentation of new and emerging models of community safety and policing.
    - ◆ Develop and implement a communications strategy to ensure that the community is well informed and managing the Task Force to be established by the City Council.
    - ◆ Identify the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations.
    - ◆ Develop a final report and implementation plan that will be used to guide future decision making.

- Should City Council authorize the City Manager to enter into a contract with the National Institute for Criminal Justice Reform, city staff will finalize the scope of work and budget with the goal of completing the contract so the project can begin in earnest in January 2021.
- Berk DoT
  - An interdepartmental BerkDoT project team continues meeting every two weeks.
  - City staff continue regular meetings with community stakeholders to solicit input and discuss the proposed BerkDoT.
  - Staff have various organizational charts from various Department of Transportations across the county, and are meeting with staff from Denver, Los Angeles, Minneapolis, and Oakland to learn from their DOT experiences.
  - Staff continue to update an initial inventory of functions to be considered as part of a new BerkDoT. The functions include parking enforcement, traffic enforcement, accident investigation, crossing guards, Vision Zero implementation, transportation engineering, streets and sidewalk planning and engineering, street and sidewalk repair, and streetlights. These functions now involve approximately 100 existing full-time positions and budgets of close to \$50 million.
  - In February 2021, city staff will seek input from various commissions (i.e., Public Works, Transportation, etc.) on the summary of initial research, best practices, and preliminary recommendations.

cc: Paul Buddenhagen, Deputy City Manager  
David White, Deputy City Manager  
Jenny Wong, City Auditor  
Farimah Brown, City Attorney  
Mark Numainville, City Clerk  
David Brannigan, Fire Chief  
Lisa Warhuus, Director of Health, Housing & Community Services  
LaTanya Bellow, Director of Human Resources  
Andrew Greenwood, Chief of Police  
Liam Garland, Public Works Director  
Matthai Chakko, Assistant to the City Manager