



Office of the Mayor

## **Motion**

### **Item # 1, Special Meeting, February 23, 2021**

### **“Report and Recommendations from Mayor’s Fair and Impartial Policing Working Group”**

1. Accept and acknowledge the report from the Mayor’s Fair and Impartial Policing Working Group;
2. Acknowledge and appreciate the work already completed or underway by the City Manager’s Office and Police Department to implement policing reforms including:
  - Adoption and implementation of Policy 401, Fair and Impartial Policing
  - Public reporting of stop data on the BPD Open Data Portal
  - Initiation of the Center for Policing Equity study
  - Implementation of the Body Worn Camera Program
  - Early adoption of Racial and Identity Profiling Act (RIPA) data collection and reporting
  - Updates to the Use of Force Policy, Policy 300
  - Development and passage of Measure II to create a new Police Accountability Board
  - Launching of the Public Safety Reimagining process
3. Refer to the City Manager to implement the following recommendations summarized below, with quarterly progress updates to the City Council and Police Review Commission/Police Accountability Board (when established):

#### **Implement a new evidence-based Traffic Enforcement Model**

- Focusing the basis for traffic stops on safety and not just low-level offenses;
- Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects;
- Reaffirming and clarifying that the Berkeley Police Department will race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria
- Minimize or de-emphasize as a lowest priority stops for low-level offenses.

#### **Implement Procedural Justice Reforms**

- Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops;
- Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback;
- Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole;

- Address Profiling by Proxy (PAB Policy Development, Dispatcher Training);
- Fire racist police officers identified through social media and other media screens;
- Require regular analysis of BPD stop, search, and use of force data;
- Make resources on police-civilian encounters more publicly available such as through RAHEEM.org;
- For any individual detained, BPD officers shall provide a business card with info on the commendation and complaint process with PAB and Berkeley Police Department.

Request that the City Manager report back at a Council Work Session in three months with budget estimates for implementation (to be considered along with the FY 22 budget process), information on legal and operational considerations, and a short-term action plan of recommendations which can be implemented without the hiring of a consultant, and those that will require the assistance of a consultant and additional resources.

4. Refer the following recommendations summarized below to the Reimagine Public Safety process:

- Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins
- Conduct a baseline community survey.

5. Refer the following training recommendations summarized below to the Police Review Commission, to be taken up by the Police Accountability Board when it is established, and consider the resources required to implement this expanded training:

- Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4
- Require enhanced annual implicit bias training for police
- Accelerate Crisis Intervention Team (CIT) activity
- Refer to the PRC/PAB to consider a departmental policy on requiring written consent for person searches.

6. Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway:

- BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;
- Fund and implement a specialized care unit for mental health crises;
- Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.

7. Refer \$50,000 to the FY 2022 budget process for a consultant to assist the City Manager/Police Department in the implementation of these recommendations and other minor costs the Department may confer; and also refer to the FY 2022 budget process a line item for police training for the new evidence-based stop program (costs to be determined by BPD).