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# RPSTF response to NICJ

— March 10, 2022 —

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 Reimagining

 Public

 Safety

 Berkeley Task Force

Equity

# RPSTF votes on NICJR Recommendations:

	<i>NICJR Recommendation</i>	<i>Vote by Task Force</i>	<i>Reason for vote</i>
1	<b>Establish tiered dispatch/CERN model</b>	More analysis needed	Multiple inquires that must be addressed
2	<b>Contracting with local CBOs for Tier 1 CERN response</b>	More analysis needed	Multiple inquires that must be addressed
4			
5	<b>Full implementation of Tiered Dispatch/CERN Pilot Program and reduction of BPD patrol division of 50%</b>	More analysis needed	No analysis was provided by NICJR for how police department would be reduced by 50%
6	<b>Reduce BPD budget through attrition only and no layoffs</b>	Reject	This recommendation is unresponsive to the goal of reducing the police department by up to 50% to make resources available for other programs.
7	<b>End pretextual stops</b>	Reject	This work is already well underway and thus does not constitute a useful recommendation
8	<b>BerkDOT</b>	Accept with Conditions	The description provided for BerkDOT is inadequate with respect to the components of and motivation for BerkDOT (the NICJR report describes BerkDOT only as a move of traffic enforcement away from BPD).

# RPSTF votes on NICJR Recommendations: “Imp

9	<b>BPD become Highly Accountable Learning Organization (HALO)</b>	Reject	<ol style="list-style-type: none"> <li>1. Not credible that this change comes at "no additional cost"</li> <li>2. The reimagining process should be focused on spending less on BPD, not more</li> <li>3. More training does not necessarily lead to changes in police culture</li> <li>4. This process is not about re-imagining policing</li> </ol>
10	<b>BPD join ABLE program</b>	(Did not vote unless this is part of the HALO program)	Same as #8 above
11	<b>Expand EIS to assess all Use of Force</b>	Reject	This work is already well underway and thus does not constitute a useful recommendation
12	<b>BPD Expand current Personnel and Training Bureau OR Create Quality Assurance and Training (QAT) Bureau</b>	Reject	<ol style="list-style-type: none"> <li>1. RPSTF focused on spending less on BPD, not more</li> <li>2. More training does not necessarily lead to changes in police culture</li> <li>3. This process is not about re-imagining police</li> </ol>
13	<b>Transfer 5 officers and 2 civilian staff to new QAT Bureau (p. 32)</b>	Reject	Rejecting #11 above, so rejecting this related item
14	<b>BPD provide semi-annual reports to public</b>	Accept with Conditions	<ol style="list-style-type: none"> <li>1. Data is available on a real-time basis, all the time.</li> <li>2. Build a dashboard that is constantly updating.</li> </ol>

# RPSTF votes on NICJR Recommendations: “Imp

15	<b>Develop a Bay Area Progressive Police Academy (BAPPA)</b>	Reject	<ol style="list-style-type: none"> <li>1. RPSTF is focused on reducing BPD spending, not increasing.</li> <li>2. BAPPA is dependent on a great deal of inter-agency agreement, sharing and teamwork, which don't already exist. Would take many man-hours to get others on board, agree scope of work, convince all to start contributing.</li> <li>3. Very high staff and overhead costs.</li> <li>4. Not clear a Berkeley-run academy would solve any hiring difficulties.</li> <li>5. Instead of spending on this, Task Force recommends spending on a Public Safety &amp; Community Solutions Institute.</li> </ol>	Improve
16	<b>Increase diversity of BPD leadership</b>	Accept with conditions	The Task Force agreed that diversity in leadership alone would be insufficient to change an entire police culture.	Improve
17	<b>Increase Standards for Field Training Officers</b>	Needs more analysis	Many questions exist around how useful a policy like this would be. Ongoing work by the PAB is already likely to address these issues.	Improve
18	<b>Revise BPD's Use of Force policies</b>	Reject	This work is already well underway and thus does not constitute a useful recommendation	Improve

# RPSTF votes on NICJR Recommendations: “Reinvest”

19	<b>Launch a guaranteed income pilot program</b>	Accept with Conditions	<ol style="list-style-type: none"> <li>1. Strong support for the program</li> <li>2. Addresses root causes</li> <li>3. Strong preference for unconditional funds that puts trust in people to use the money as they see fit</li> <li>4. Unclear who is responsible for administering pilot</li> <li>5. Unclear how families will be selected</li> <li>6. Informed by completed/ongoing pilots in Stockton, Fremont, Richmond, etc.</li> </ol>	Reinvest
20	<b>Launch a community beautification employment program</b>	Accept with Conditions	<ol style="list-style-type: none"> <li>1. General support for employment programs</li> <li>2. Current recommendation is specific to previously incarcerated folks - could be expanded to include other communities e.g. youth, unhoused population</li> <li>3. Remove the word beautification that is superficial</li> <li>4. Develop a program that is responsive to skills and talents of folks</li> <li>5. Program could benefit from integrating professional development, pipeline to employment, especially folks who are generally left out of the workforce</li> <li>6. Program should aim for goals and results that are transformative</li> </ol>	Reinvest
21	<b>Increase funding for CBOs in one of two ways: (1) increase grant amounts by 25%, or (2) create local government agency/department (Department of Community Development)</b>	Accept with conditions	<ol style="list-style-type: none"> <li>1. Unclear where the funding is coming from, some of it coming from Measure W</li> <li>2. Recommendation is too general, and funding of CBOs should be prioritized based on RPS goals and improving social determinants of health</li> <li>3. Strong disagreement with approach that proposes across the board funding for CBOs</li> <li>4. Preference for a recommendation that includes a new department could play a role in visioning and tracking of CBOs and funds, and oversee increased funding</li> </ol>	Reinvest

# Gender-based violence

See neighbors' vigil for three girls killed by their father at The Church in Sacramento



# 12 recommendations for addressing gender violence

1. Increase investment in survivor services
2. Invest in services for those who cause harm
3. Support faith-based leaders through education and technical assistance
4. Enhance prevention education for our children (K-12)

Plus 8 additional recommendations to improve policing in these cases.



# Underlying Premises and Agreement TF and Consumer

- Many calls for service do not require a badge or gun  
Can be better handled by non-police response
- Most MH, homeless-related, other fit this category
- Continuing role for police  
Focus on community crime and violence

# Agreements mask complex questions studied

- What new systems required for receiving calls/routing responses;
- Who determines, and at what point in time, which calls are handled by whom (e.g., by CERN, BPD, SCU) and how do they mix and match;
- Who will staff these non-police responses (i.e., City staff or contractor; and professional credentialed or community responders) and if contractors, under what color of authority will they provide City service;
- When will the requisite staffing be available? Either City staff or contractor  
whatever merits of replacing police, can't replace something with nothing;
- What is the back-up system in case seemingly benign calls turn violent and/or criminal);

## cont'd

- Is BPD involved (e.g., as co-responder, as back-up, etc.) in all calls or are they required to be separate from some/all non-police responses?
- What impact does reallocating some number/percentage of calls from police affect the minimum police patrol staffing necessary to perform their function of focusing on and responding to calls for service involving crimes and or violence.
- What liability issues do these new responses present to the City

# Inquiry 1: Determining what is considered a Tier 1

- No clear agreement between Dispatch and NICJR as to how to interpret or dispatch many types of calls.
  - calls considered CERN-referrals by NICJR may be considered BPD calls by Dispatch.
  - why: frequently the call provides insufficient information to know what is actually happening until someone was dispatched to the scene

# contd

- no serious vetting of the NICJR proposal by Dispatch in TF meetings, senior Dispatch officials took serious objection
- Dispatch seemed reluctant to send police officers to some calls without available officer back-up.
  - Query: would Dispatch refer these, and other, calls to a non-police unit
- BPD agrees that many calls for service may ultimately not require police, but they argue that can't know until the officer is dispatched to the scene to assess
- view of consultant – most calls don't require police

## Inquiry 2 Defining the Relationship between CERN, SCU and other

- Reimagining and SCU processes were distinct, though occurring in parallel
  - However, the **NICJR proposals did not seem informed by the SCU process or recommendations.**
- Unclear how CERN would relate to whatever SCU dispatch system is forthcoming
- Unclear whether successful SCU build -out would replace/reduce demand for CERN.
- **Could be substantial confusion and complexity in piloting both SCU and CERN at the same time.**

## Inquiry 3 Backup by Police for Alternative Responders

- There was no NICJR discussion as to whether CERN (or SCU) staff would have back-up from BPD should that become necessary or requested.
- Important for two reasons:
  - (i) for the security of the non-police responders; and
  - (ii) the strongly held view of both SCU and Task Force members that it is important for callers to be assured that their call for assistance will not result in referral to police and the criminal justice system.
- The future of any non-police response system depends on the continued security of non-police responders.
- Protecting callers for service from any police involvement for certain types of calls was considered of major importance.

# Inquiry 4 Staffing and Organizational Capacity for Piloting Program

- NICJR indicates that CERN responses to be provided by local non-profits.
  - Some non-profits briefly identified, however **no analysis of their capacity to handle the CERN work**.
- Assuming CERN system makes sense, important debate whether staffing should be by City staff or outside contractors. **Not analyzed by NICJR.**
- For some calls for service, particularly mental health ones to be handled by the SCU, contract responders may provide excellent service.
  - **HOWEVER**
- For other Tier 1, serious questions re staffing qualifications and whether better handled by City vs non-profit contractors. In particular, question whether non-City staff would have the legitimacy or authority to address conflicts between residents.



# Inquiry 5 Screening, Triaging, and Dispatching Calls for Service

- Dispatch issues are at the core of any Reimagining process.
- Whatever changes are recommended must consider Dispatch realities
- Dispatch currently has limited triage responsibilities. It essentially dispatches officers to respond to calls for service.

If a call seems to be a mental health call, and when the MCT is on duty (roughly 25% of the time), Dispatch also sends the MCT.

- If SCU, CERN mental health, homeless, or other Tier 1 calls get routed through Dispatch, will require a major change for Dispatch
  - will now have to determine who to send the call to: BPD or some other responders.
  - if dispatching to non-BPD, will these calls require some form of back-up.

# contd

- Questions requiring consideration and not analyzed by consultant:
- How to mix/match/coordinate 911 calls for police, SCU, CERN
- How will the community know who to call for which services, especially if want no BPD involvement?
- How will responses be coordinated if some calls go to Dispatch and others go to a separate dispatch phone number?
- What is the process for resolving these issues?

## Inquiry 6 Effects on Patrol Staffing and Potential Police Savings

- NICJR recommends that by removing 50% of non-violent, non-criminal calls for service from BPD that Patrol staffing could be reduced by 50%.
- NICJR explicitly maintains a BPD role to focus on crime and violence, but **NICJR does no analysis of the Patrol staffing levels necessary to perform the new BPD Patrol role.**
- **Bottom line** : the operational question is not the number of calls for service of different types per the consultant approach; rather, it is the minimum police staffing, at any point in time, required to respond to those calls for service that the City deems should be responded to by BPD as well as any other BPD Patrol duties. **This remains to be analyzed.**

# contd

## Re: Consultant Recommendation of 50% Patrol Reduction

Query: Regardless of # of Tier 1 calls taken from BPD, can they handle the crime/violence responsibilities with reduced staff?

- how many fewer Patrol officers on duty at any particular time are sufficient to provide adequate coverage
- Would two-thirds of current staffing be sufficient (i.e., 14-16 officers on duty during major hours and 6 officers in the wee hours)?
- Would half of current staffing be sufficient as stated by the consultant (i.e., 11-12 officers on duty per principal shifts and 4-5 officers for the entire city during the wee hours)?

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# contd

- We can make assumptions, but determining the magnitude of such reductions and creating a reduced number of police beats requires analysis and **this was not studied by the consultant** .
- Task Force attempted to elicit information from the Acting Police Chief during her many presentations, but she was not forthcoming (presumably not wanting to negotiate Patrol staffing reductions in public.)

## Inquiry 7: CERN and BerkDOT

- CERN pilot proposal includes many BerkDOT type calls.
  - abandoned vehicles, inoperable vehicles, non-injury “accident” vehicle blocking driveway, vehicle blocking sidewalk, double parking.
- Should be considered under BerkDOT process rather than CERN?
- Requires more analysis as it relates to BERKDOT.

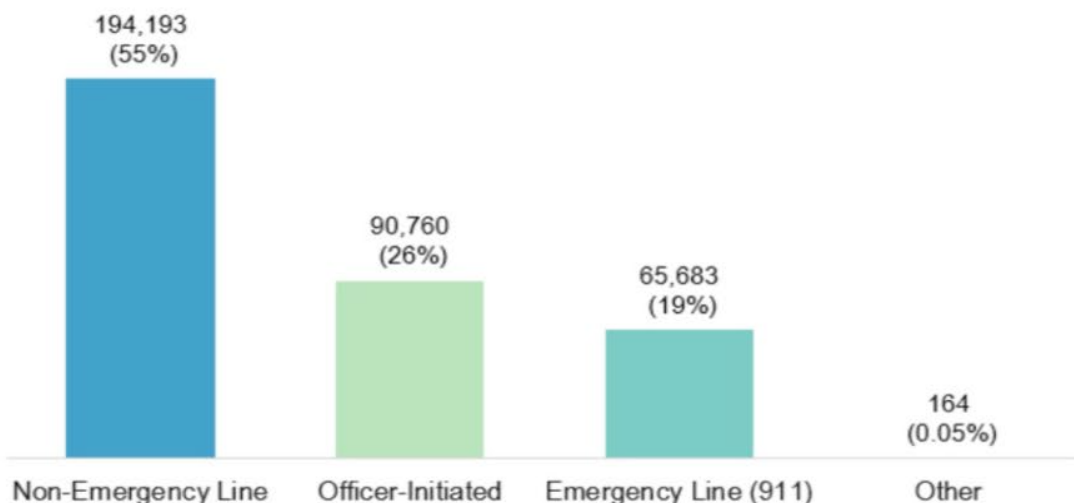
## Inquiry 8: CERN Staffing and its Sufficiency

- NICJR CERN staffing model seems insufficient - understates pilot cost
- NICJR proposes:
  - Two CERN districts with contracts to two CBOs (1/district).
  - Each to have three teams (one team per shift) of two CERN responders plus two additional floaters to cover staff who call out or are on vacation.”
- Claims to cover 3 shifts per day with 3 teams but seems to ignore weekends. Mentions some coverage for vacation, but also sickness, training, and other drains on staffing.
- As indicated re policing, it roughly takes 5x staff to cover one full staff slot 24/7. NICJR is only indicating coverage at 3x.
- Minor concern but understates requisite staffing and consequent costs.

# COB Auditor - 350,800 Call Events - 2015-2019

911: 66K, 19%, non-911: 194K, 55%, officer initiated: 90K, 26%

Figure 7. Initiation Source of Events, 2015-2019 (n = 350,800 events)



Note: "Other" includes: some alarm calls, some cell phones, California Highway Patrol, Counter, OnLine, and Voice Over Internet Protocol (VoIP). Officer-initiated includes traffic stops.

Source: Auditor's analysis of Berkeley Police Department Computer Aided Dispatch data



# City of Berkeley, Mental Health Calls *for* Service, 2015-2019

## *“significantly undercounted”*

Table 9. Results of Scan for Events Related to Mental Health, 2015-2019

		Narrative Report	Disposition Report	Call Types	Mobile Crisis	Unduplicated Count
		Mental Health-related events identified in Narrative Reports	Events with an “MH” Disposition Report	Events with Mental Health-related Call Types	Events with response by Mobile Crisis	Narrative report, disposition, call types, and/or Mobile Crisis response
Identified events	#	28,959	9,553	20,950	4,298	42,427
	%	8%	3%	6%	1%	12%
<b>Total Events</b>		350,800	350,800	350,800	350,800	350,800

Note: Call Types includes: 1056 – Suicide, 5150 - Mental Illness and 1042 - Welfare Check

Source: Auditor’s analysis of Berkeley Police Department Computer Aided Dispatch data

# City of Berkeley, Homelessness Calls *for* Service, 2015-2019

## *“significantly undercounted”*

Table 11 below shows the unduplicated events we were able to identify as related to homelessness based on the call type or narrative description.

Table 11. Results of Scan for Events Related to Individuals Experiencing Homelessness, 2015-2019

		Homeless-Related Events Identified in Narrative Reports	Events with Call Type Lodging in Public	Unduplicated Count (Call type and/or Narrative Terms)
Identified events	#	20,768	2,221	21,683
	%	5.9%	0.6%	6.2%
<b>Total Events</b>		350,800	350,800	350,800

Source: Auditor’s analysis of Berkeley Police Department Computer Aided Dispatch data

# Reimagining Public Safety for Berkeley

## Reducing the Risk of Police Violence & Liability

- The Fatal Force Project found about 1 in 5 people of all fatal encounters by police were experiencing a mental or emotional crisis (Burke, 2021). Other research has indicated 1 in 4 people in crisis (Saleh et al, 2018; TAC, 2015).
- There is stark racial bias revealed in police killings of older, unarmed Black men with signs of mental illness. Black men who are perceived as a threat tend to be criminalized while white men are more likely to get services (Manke, 2020; Thomas et al, 2020). Young Black men generally impacted.
- 10 cities with the largest police depts paid out \$248.7 Billion in settlements & court judgments in 2014, much of which were wrongful death suits of people in mental health crisis (Elinson & Frosch, 2015).

# NICJR: 80.6% Non-Criminal Calls; 11.3% Misdemeanor Calls

## Berkeley CALLS FOR SERVICE BY OFFENSE TYPE 2015-2019

Berkeley Police Department CFS: 2015-2019



# Berkeley Research Findings: Grps Avoid or Not Call 911

## Citywide Survey:

- Black respondents were extremely reluctant to call 911 for mental health or substance use issues v. for other emergencies compared with other groups.

## People with Behavioral Health Challenges (PEERS) Listening Session:

- PEERS felt stigmatized as “public safety threats” to be controlled by police and not treated as human beings. They discussed fears of police violence, trauma from past experiences, not wanting to call 911, and 911 as the only option.

## Queer/Trans Mental Health Provider Listening Session - Pacific Center:

- QTBIPOC staff discussed difficult situations in which there is violence, but the person does not want to call the police.

# Reducing Policing & Improving Access to Services

## Task Force 911 & Behavioral Health Recommendations

Establish 24/7 Public Behavioral Health System for the City of Berkeley

Adopt City Auditor's Reforms for Improving 911 CAD System, including mental health & homelessness calls; add substance use -related ones

Behavioral Health Procedures and Call Scripts

Implement Alternative Non -Police Responder, Specialized Care Unit (SCU)

Examples: Eugene (CAHOOTS), Portland, Seattle, Olympia, Sacramento, San Francisco, Oakland, Santa Cruz, Los Angeles, Denver, Austin, Houston, Chicago, Atlanta, Ithaca, NYC (Durham, Albuquerque - separate govt dept)

Establish Crisis Stabilization Center for Behavioral Health in Berkeley

Develop Behavioral Health General Order for BPD that Emphasizes Diversion Away from Policing Whenever Possible

# 911 Communications Center Operation

General 911 Communications Center Operations Manual for Berkeley

- 911 Call Processing and Dispatching Procedures

911 Operations Resources:

National Emergency Number Association's (NENA) Industry Standards

Association of Public Safety Communications Professionals' (APCO), National 911 Industry Standards

University of Chicago, National Best Practices Recommendations, 6/22

# Transportation Related Recommendations

1. (Short-Term) Transfer collision analysis and school-crossing-guard management from BPD and to Public Works
1. (Medium -Term ) Review Transportation Laws, Fines and Fees to Promote Safety and Equity
1. (Short-Term) Fully Fund the BerkDOT Planning Process (at an estimated \$200,000)



# Community Violence Prevention Investment/Program

Research and invest into existing or new programs that curb community violence through:

- a. Prevention
- b. Education
- c. Mentorship
- d. Trauma stewardship
- e. Economic Opportunity

# Community Violence Prevention Investment/Programs

Drawing from successful models throughout the Country

- **Cure Violence - New York, Baltimore, Chicago, Philadelphia**
  - Reductions of
    - 45% violent crime (Trinidad)
    - 63% shootings (New York City)
    - 30% shootings (Philadelphia)
    - 45% shooting **in first week of program** (Chicago)
- **Advance Peace - Sacramento**
  - Reduced homicide and nonfatal injury shootings by 20% from January 2018 and 2019
  - Every \$1 spent on program saved between \$18 and \$41 dollars in emergency response, health care, and law enforcement - saving the city money!
- **United Playaz - SF**
  - Taking anywhere from 200-300 guns off the streets through annual events while hiring formerly incarcerated and empowering youth to reduce violence in the community

# Community Violence Prevention Investment/Program

## Minimum criteria for Community Violence Prevention programs:

- Center violence impacted families, youth, and individuals
- Create meaningful opportunities for community to tap into these programs
- Programs *must* hire staff who are from the same background as the community they serve
- Work diligently to educate and visible and accountable to the community
- Funding for programs should remain flexible, allow it to grow and adapt to emerging needs

# Support City efforts to establish an Office of Race & Social Justice

- This idea isn't new in Berkeley or the Bay Area
- As a task force we recognize current efforts to create one but offer the following as guidance to ensure it is done intentionally and with integrity:
  - **Partner with trusted Community Organizations and Leaders**
  - **Integrate a community oversight and support body**

# Support City efforts to establish an Office of Race & Social Justice

- **Partner with trusted Community Organizations and Leaders:**
  - Lead listening session in an equitable and inclusive way across all of Berkeley's district to inform and solicit feedback/directions of what this office should prioritize
  - Language access is paramount to accomplishing this
  - Budget for a low-barrier form of compensation for participants of listening sessions
  - Compensate community organizations for their involvement in organizing, planning, and launching sessions

# Support City efforts to establish an Office of Race & Social Justice

- **Establish a Community Oversight/Support Body**
  - This body should be comprised of a variety of Berkeley residents, community leaders, and youth that bring a variety of perspectives and insights on community needs
  - This body should exist to provide guidance on emerging issues, evaluate impact of ongoing work, and ultimately serve as a partner to the City of Berkeley to ensure success