

IMPLEMENTATION OF FAIR AND IMPARTIAL POLICING RECOMMENDATIONS

Berkeley Police Department

May 19, 2021

BACKGROUND

- On February 23, 2021 the Berkeley City Council voted to implement the recommendations from the Mayor's Fair and Impartial Policing Task Force.
- The Police Department has begun implementing the FIP task force recommendations:
 - Assigned internal team to coordinate and track progress
 - Quarterly progress updates to City Council
 - Continued collaboration with the FIP task force
- FIP Task Force also referred items to the Reimagining Public Safety Task Force. Lt. McGee is leading the work to support this process.

IMPLEMENT A NEW EVIDENCE-BASE TRAFFIC ENFORCEMENT MODEL

Focusing the basis for traffic stops on safety and not just low-level offenses & Minimize or de-emphasize as a lowest priority, stops for low-level offenses

- *A working group has been established.*
- *Key tasks:*
 - *identify which offenses are included while balancing the necessity of traffic safety and the Berkeley Vision Zero initiative*
 - *identify any mitigating factors such as grant eligibility or conflicts with existing laws or agreements (MOU).*
- *Status: In Progress*

IMPLEMENT A NEW EVIDENCE-BASE TRAFFIC ENFORCEMENT MODEL

Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects.

- *An internal team has been staffed to explore and develop tools*
- *Key tasks:*
 - *Establish a precision based policing model that considers data and public safety.*
 - *Develop data driven-tools that enable close to real-time dashboard tracking of crimes (calls for service)*
 - *Launch system to provide data-driven tools to patrol officers to incorporate into their daily briefings*
 - *Train officers to collect data in a comprehensive manner.*
- *Status: In progress*

IMPLEMENT A NEW EVIDENCE-BASE TRAFFIC ENFORCEMENT MODEL

Reaffirming and clarifying that the Berkeley Police Department will only use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.

- *Penal code and BPD Policy 401 prohibit racial profiling.*
 - *“Officers shall not consider race, ethnicity, national origin, gender, age, religion, sexual orientation/identity or socio-economic status in establishing either reasonable suspicion or probable cause, or when carrying out other law enforcement activities...”*
- *The above policies were reviewed in light of the task force recommendations and found to affirm and clarify police officer responsibilities in stops.*
- *Status: Completed*

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

- *Existing Berkeley Police general order E-13 (Early Warning System) is being amended with new language in line with recommendation.*
- *Status: Anticipated completion date August 2021*

IMPLEMENT PROCEDURAL JUSTICE REFORMS

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;

- *Policy 311 (Search and Seizure) will be amended to require written consent for searches. A draft of the consent form is pending review.*
- *Status: Anticipated completion date August 2021*

Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole;

- *Policy 311 was modified to reflect the above limitations to warrantless searches.*
- *Status: completed*

IMPLEMENT PROCEDURAL JUSTICE REFORMS

Address Profiling by Proxy (PAB Policy Development, Dispatcher Training)

- *The Communications Center Operation Manual updated.*
- *All dispatchers trained to screen for profiling by proxy calls.*
- *BPD will continue to educate and train dispatchers and on how to identify and address biased based reporting.*
- *Status: Completed*

IMPLEMENT PROCEDURAL JUSTICE REFORMS

Fire racist police officers identified through social media and other media screens

- Existing policies dictate procedures for investigating employees in this area
 - BPD policy identifies discrimination based on race as misconduct,
 - Requires immediate reporting when employee becomes aware of any discrimination on the basis of a protected class
 - Policy also requires prompt investigation of allegation
- Policy 1029 (Employee Speech and Social Networking) accountability and applies to on or off duty if compromises department mission.
- Status: The above policies provide authority to investigate and impose discipline up to and including termination. BPD will explore additional methods to identify and address racist behaviors.

IMPLEMENT PROCEDURAL JUSTICE REFORMS

Require regular analysis of BPD stop, search, and use of force data;

- *The Open Data Portal (ODP) gives the public access to police data and is accessible through the City's website.*
 - *Allows for open and independent analysis and review*
 - *Updated approximately every 60 days.*
 - *Includes calls for service, arrests, bookings*
- *Data on BPD stops (RIPA) is updated monthly.*
- *BPD in the process of expanding the call for service dataset and work is anticipated to be completed within six months*
- *Amendments to Berkeley Police general order E-13 (Early Warning System) will further address this recommendation.*
- *Status: Partially completed.*

IMPLEMENT PROCEDURAL JUSTICE REFORMS

Make resources on police-civilian encounters more publicly available

For any individual detained, BPD officers shall provide a business card with information on the commendation and complaint process with the Police Accountability Board and the Berkeley Police Department, Internal Affairs Bureau.

- *New cards will include information on the commendation and complaint process that includes a QR code to landing page on BPD website*
- *BPD added labels with this information to existing business cards*
- *The website will be designed to ensure broad accessibility and will include links to resources to meet this recommendation*
- *Officers instructed to provide business cards to all detained individuals, and these instructions will be memorialized in BPD Policy in the near future.*
- *Status: Anticipated completion no later than June 2021*

