



Kate Harrison  
Councilmember, District 4

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** October 30, 2018

**Item Number:** 29

**Item Description:** Informational Report about Absence of City Manager Report on Racial Disparities Findings as Required by November 14, 2017 Council Motion - 2018 Mid-Year Crime Report

**Submitted by:** Councilmember Harrison

Informational report highlighting the absence of a City Manager report on racial disparities findings that was required to be released in conjunction with the 2018 Mid-Year Crime Report, pursuant to a November 14, 2017 unanimously approved Council motion.



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Councilmember District 4

ACTION CALENDAR  
October 30, 2018

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Informational Report about Absence of City Manager Report on Racial Disparities Findings as Required by November 14, 2017 Council Motion - 2018 Mid-Year Crime Report

INTRODUCTION

As of October 22, 2018, the Council-required annual City Manager report, containing data on and analysis of yield, stop, citation, search and arrest rates by race, as well as findings on training programs to address disparities, community engagement, policy and practice reforms and an analysis of the Center on Policing Equity (“CPE”) report, has not been released. The Council directed that this analysis be provided in conjunction with the 2018 Mid-Year Crime Report.

BACKGROUND

In response to studies suggesting the existence of racial disparities in BPD stop data, on November 14, 2017, the Council voted unanimously to “[d]irect the City Manager to track yield, stop, citation, search and arrest rates by race, develop training programs to address any disparities found, and implement policy and practice reforms that reflect cooperation between the Berkeley Police Department (‘BPD’), the Police Review Commission (‘PRC’) and the broader Berkeley community” and that the “City Manager will report findings in September 2018 and annually thereafter, using anonymized data.”

Per the meeting transcript, the first installment of the annual City Manager report was to coincide with the release of the mid-year crime report. The deadline was agreed to by the Council and the City Manager. The suggested timing was the recommendation of the Berkeley Police Department (“BPD”) Chief of Police as it provided sufficient time for the capturing and analysis of six months of police data and also overlapped logically with BPD’s annual crime data report. Ultimately, the release of the mid-year crime report was delayed to October 2018; however, to date, the report containing the City Manager’s findings on racial disparities has not been submitted to Council.

Like the mid-year crime report, the annual report on racial disparities represents an important reference for the City and the public. In passing the motion to require an annual City Manager report, the Council resolved that “[d]epartmental, personnel and training issues will be easier to address with accessible and granular empirical data” and that “data will focus BPD examination of the reasons for disparate racial treatment.”

Fundamentally, the City has an obligation to ensure that its citizens are treated equally under the law and an interest in ensuring that citizens are comfortable interacting with the police, including reporting crime. Beginning the work to complete this report as soon as possible will engender trust and confidence in the City.

#### FINANCIAL IMPLICATIONS

Staff time is necessary to follow through with releasing the overdue report.

#### ENVIRONMENTAL SUSTAINABILITY

N/A

#### CONTACT PERSON

Councilmember Kate Harrison, Council District 4, 510-981-7140

#### ATTACHMENT

1. Item 24, excerpt from Annotated Agenda, Berkeley City Council Meeting, Tuesday, November 14, 2017.
2. Excerpt from meeting transcript, Berkeley City Council Meeting, Tuesday, November 14, 2017.

## Action Calendar – New Business

24. **Refer to the Berkeley Police Department to Address Disparate Racial Treatment and Implement Policy and Practice Reforms** (*Continued from October 31, 2017. Item contains revised materials.*)

**From: Councilmembers Worthington, Bartlett, and Harrison**

**Recommendation:** Refer to the Berkeley Police Department to track yield rates, develop training programs to address disparities found through the yield rates, and implement policy and practice reforms that reflect cooperation between the Berkeley Police Department and broader Berkeley community.

**Financial Implications:** Staff time

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Recess 8:23 p.m. – 8:37 p.m.

**Action:** 24 speakers. M/S/C (Bartlett/Wengraf) to approve the following recommendation.

*Direct the City Manager to track yield, stop, citation, search and arrest rates by race, develop training programs to address any disparities found, and implement policy and practice reforms that reflect cooperation between the Berkeley Police Department (“BPD”), the Police Review Commission (“PRC”) and the broader Berkeley community. The City Manager will report findings in September 2018 and annually thereafter, using anonymized data.*

- 1. Tracking yield rates (i.e., the percentage of citations or arrests per traffic or pedestrian stop and the ratio of contraband found by search conducted) by individual officer, by patrol and by the department as a whole disaggregated by the race of the individual(s) stopped. This will include analyzing whether police actions were officer- initiated or in response to calls for service or warrants. This data will focus BPD examination of the reasons for disparate racial treatment and to identify any outliers.*
- 2. Considering any other criteria which would contribute to a better understanding of stops, searches, citations and arrests and the reasons for such actions.*
- 3. Developing training programs to address the organizational causes of any disparate treatment and outcomes by race uncovered in #1 above and, in accordance with the City’s body worn camera policy, through examination of footage on police body cameras (e.g., more scenario-based training on procedural justice and the roots of disparate treatment, expanded de-escalation training).*
- 4. Consulting and cooperating with the broader Berkeley community, especially those communities most affected by observed racial disparities, to develop and implement policy and practice reforms that reflect these shared values. Work closely with the PRC, providing the commission all legally available information that may be helpful to designing reforms.*
- 5. Once released, BPD should analyze the final Center for Policing Equity report and propose improvements as needed.*

*Departmental, personnel and training issues will be easier to address with accessible and granular empirical data.*

**Vote:** All Ayes.

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>> Mayor Arreguin: IS IT OKAY, COUNCILMEMBER MAIO IF I GO TO THE CITY MANAGER FOR A SECOND?

>> L. Maio: SURE.

>> Mayor Arreguin: SHE HAD A QUESTION.  
MADAM CITY MANAGER?

>> WHERE IT BEGINS CITY MANAGER WILL REPORT FINDINGS BIANNUALLY TO THE COUNCIL AND THEN EVERY YEAR AFTERWARD WHAT IS THE EXPECTATION OF THIS SENTENCE IN TERMS OF WHEN DOES THE FIRST YEAR START? ARE WE TALKING ABOUT FISCAL YEARS? ARE WE TALKING ABOUT AFTER ADOPTION OF THE ITEM.

WHAT IS THE EXPECTATION OF THE COUNCIL IN TERMS OF REPLYING TO THIS INFORMATION?

>> Mayor Arreguin: 2018.

>> S. Hahn: 2018.

>> STARTS IN 2018?

>> L. Maio: WE HAVE TO BE READY, DON'T WE?

>> S. Hahn: JUNE 30th.

>> Mayor Arreguin: YOU MEAN, WHAT DID YOU MEAN, COUNCILMEMBER WORTHINGTON OR HARRISON? DID YOU MEAN FISCAL YEAR OR CALENDAR YEAR? WHAT MAKES SENSE?

>> K. Harrison: WHAT MAKES SENSE, I DON'T KNOW ABOUT THE START DATE BUT IT WOULD BE EVERY SIX MONTHS YOU WOULD SAY WE LOOKED AT THESE PATTERNS, THIS IS WHAT IT LOOKS LIKE, WE ARE SEEING LESS DISPARITY OR MORE DISPARITY THAN LAST YEAR, THAT KIND OF THING, DOES THAT MAKE SENSE?

>> Mayor Arreguin: CHIEF GREENWOOD?

>> FROM AN ANALYSIS POINT OF VIEW, THAT WILL BE A LITTLE CHALLENGING, SIX MONTHS FOR REPORT-BACKS.

C.P.E. IS DOING THAT ANALYSIS FOR US.

AND I THINK THERE'S INFORMATION WE COULD REPORT BACK  
BUT --

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>> K. Harrison: OUR THOUGHT WAS THE FIRST REPORT WOULD BE JULY 1, 2018.

>> TALK ABOUT WHAT IT WOULD ACCOMPLISH IN TERMS OF TRAINING?

>> K. Harrison: YEAH, YOU TAKE THE ITEMIZED DATA AND SAY WHAT DOES IT LOOK LIKE, THE YIELD RATE, NOT JUST THE YIELD DATA, AND THE STOP DATA, ETC..

THEN YOU WOULD HAVE WHAT DO WE CONCLUDE FROM THAT? ARE THERE PATTERNS BY INDIVIDUAL OFFICERS, YOU AREN'T GOING TO TELL US WHO THEY ARE, IT'S ANONYMOUS, BY THE WHOLE CITY, HAS IT CHANGED FROM THE PRIOR YEAR.

OVER TIME TREND LINES ARE IMPORTANT.

AND WHAT ARE WE DOING IN TERMS OF TRAINING AND OTHER MANAGEMENT CHANGES?

>> THOSE WOULD BE JUST UPDATES.

>> Mayor Arreguin: I DON'T UNDERSTAND, WAS THERE ANY RESOLUTION TO THAT?

>> SOUNDS LIKE, WHAT I INTERPRETED FROM THE CONVERSATION WAS JULY 1, 2018, WE WOULD PRESENT DATA ANALYSIS.

AND ANY UPDATES ON ANY ADDITIONAL MEASURES OR TRAINING THAT THE CITY OR THE DEPARTMENT HAS ENGAGED IN.

VERSUS EVERY SIX MONTHS AFTER BECAUSE WE DON'T BELIEVE WE WILL HAVE SUFFICIENT DATA.

ANNUALLY THEREAFTER USING ITEMIZED DATA.

THAT YOU WILL RECEIVE ANALYSIS ON WILL BE COLLECTED JANUARY THROUGH JUNE AND WILL COME TO THE COUNCIL TO REPORT BACK.

THAT DATA HAS BEEN COLLECTED DURING THOSE SIX MONTHS.

>> WE GET THE DATA FOR THE FIRST SIX MONTHS OF CALENDAR YEAR, NEED TIME TO WORK ON THAT AND WITH THE TIME LINES THEN THE REPORT, SO I JUST DIDN'T WANT TO SET EXPECTATIONS ON

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JULY 10th WE ARE TELLING YOU ABOUT THE FIRST SIX MONTHS, LIKELY TO BE LATER AND POTENTIALLY MAYBE IN CONJUNCTION WITH THE MID-YEAR CRIME REPORT ALWAYS IN SEPTEMBER.

BUT THAT'S MORE REASON --

>> Mayor Arreguin: IS THAT OKAY.

>> YEAH.

>> Mayor Arreguin: SO CITY MANAGER WILL REPORT ON FINDINGS BEGINNING JULY 1.

>> WHAT IF WE COINCIDE WITH THE CRIME REPORT?

>> MR. MAYOR, I THINK WE COULD LEAVE IT WITH THE CITY MANAGER WILL REPORT FINDINGS ANNUALLY TO THE COUNCIL IN THE FIRST YEAR AND ANNUALLY -- WELL.

THEREAFTER USING DATA.

IT'S JUST ANNUAL REPORTING IS WHAT WE ARE ASKING FOR AT THIS MOMENT AND WE WILL COME TO COUNCIL WITH THE CRIME REPORT AS WE WOULD NORMALLY DO IN SEPTEMBER, THAT WOULD BE YOUR FIRST TIME HEARING FROM US, SEPTEMBER 2018.

>> Mayor Arreguin: SO REPORT ANNUALLY TO THE COUNCIL.