

BNC  
March Meeting  
Saturday – March 17, 2018  
10:00am – 12:00 Noon

Art House Gallery  
2905 Shattuck Ave.  
Berkeley, CA 94705

**Meeting Minutes**

**Present: David Ushijima, Christine Schwartz, Francise Schwartz, Trudy Washburn, Shirley Dean, Gianna Ranizzi, Steve Martinot, Susan Meyer, Mark, Carol Stone, Igor Tregub, Wanda Warkentin, David Chew, James McFabben, Toni Mester, Mio Ashel, Dean Metzger**

10:15 – 10:30 Berkeley Safe Neighborhoods Committee Letter– Shirley Dean

See copy of the letter at the bottom of this document.

**Decided that BNC support the letter to Berkeley City Council in support of Berkeley Police Department re damage control (we are losing our officers to other agencies and retirement and not enough officers currently are being recruited. Morale is low. People voiced their opinion that they want more Police interactions and involvement in their communities and that we need and support our police. This has nothing to do with Urban Shield. This is purely to help keep our dwindling number currently of officers.**

**Currently there are 157 sworn officers including 4 in the academy (1 injured, so only 3). Three are in field training, 10 on injury leave, Hiring 6 recruits to start in next Academy class, and 140 of the 270 applicants met the minimum requirements. (Refer to Chief's last Police Report, item 7 last Police Review Commission Meeting, Minutes of 2/28/18 meeting.**

10:30 – 10:45 Campanile Way View – Shirley Dean

**Derived from the Design Review Committee (Kelly Hammargren attended and spoke at) meeting last Thursday, 3/15/18. There was discussion on how Pictures for Projects like in this case are not correct in positioning a high-rise building that obstructs the view of our Campanile Way view of the Bay and Golden Gate Bridge. The example showed 2 pictures. The left of the BEFORE (with no building). The right with the proposed new building. That pictured showed the new building blocking half of the view. This picture is not correct, the new building should be shown in the center of**

**the view quarter, thus blocking almost all of the Campanile view of the bay and the Golden gate Bridge.**

10:45 – 11:00 Police Commission Initiative – Steve Martinot

See summary of the initiative at the bottom of this page.

**There is an attempt to put an initiative on the October ballot that would replace the existing Police Review Commission with a new Police Commission. This would have to be a Charter Amendment. The initiative would give the new commission all power over the Berkeley Police department. Except for two people everyone else voiced opposition to this proposed initiative.**

11:00 – 11:15 Storm Drain tax (Increases) and Street Lighting Tax (decreases) - ballot to citizens – not mailing back is a yes vote – Dean

**Discussed that the absence of returning the mail in ballot, you would be voting “YES” It was pointed out that state law allows the non-mailed ballots to be counted as a yes.**

**BNC called the Public Works Department and asked them about this. The answer from them was that only the returned ballots would be counted. It was decided that we need to do more research as it is thought that the City has it wrong.**

11:15 – 11:30 CEQA issues with UC LRDP – Dean

**Discussed that our past mayor signed an agreement with the University in secret. UCB has violated the terms of the ERI causing harm to the City of Berkeley. A group of citizens are discussing possible actions to require UCB to produce a new EIR for the next LRDP due in 2020. If UCB only amends the existing 2020 LRDP, all the violations will become the new standards and the City of Berkeley will lose any right to ask UCB to help fund the services it provides to them. This is on going and when more information becomes available BNC will pass it on.**

11:30 – 12:00 How does the public participate in city government? – Jurgen

**This item was moved to next meeting and will be the focus of that meeting.**

Misc. Items:

1. New BNC Website [www.berkeleyneighborhoodscouncil.com](http://www.berkeleyneighborhoodscouncil.com)
2. How do we increase the participation in BNC meetings?

**Meeting schedules were discussed, and it was decided that BNC should meet on a time and place certain. The Chair will present a calendar for rest of the year.**

Adjourn

Next meeting date and place:  
Saturday – April 14, 2018  
Art House Gallery  
2905 Shattuck Ave.

**Please bring \$5.00 to contribute to the Art House gallery for providing the meeting place.**

BSNC letter to City Council concerning Police staffing:

March 11, 2018

To: Mayor Arreguin and Council Members Maio, Davila, Bartlett, Harrison, Hahn,  
Wengraf, Worthington and Droste  
From: Berkeley Safe Neighborhoods Committee  
Subject: Berkeley Police Department Staffing

The subject of staffing in the Berkeley Police Department has been a topic of concern mentioned by residents at almost every meeting Berkeley Safe Neighborhoods Committee (BSNC) held throughout 2017, plus we've held three meetings specifically on this issue. It is a subject of great concern in all areas of our City. That concern has grown significantly with the recent information that the number of sworn officers that are actually available has dropped to an historic low of 135. Furthermore that Berkeley, like many others in the Nation, is experiencing fewer applicants applying to fill vacant positions, and that our current officers are being successfully recruited away from Berkeley to fill positions in other jurisdictions. If these reductions continue unabated, the likely consequence will be that Alameda County Sheriff's Officers will begin patrolling, arresting and interacting with Berkeley citizens, an outcome that we predict will not be well-received in this community.

BSNC believes that resolving these problems will require the Council and City Manager, Police Department and Community working together. To that end, BSNC has put together the 14 Recommendations for Action listed below. These recommendations are followed by more detailed information as to why these actions should be immediately implemented by all concerned

Recommendations for Action:

City Council:

1. Take steps such as raising salaries above the County mid-point, providing incentives for existing officers to remain in the Department.
2. Direct the City Manager to create a plan with time table for engaging in aggressive recruiting in order for the Department to reach the 176 available (not just authorized) level. Periodic reports are to be presented to the Council, and after reaching the 176 available level, evaluate the situation as to what further actions might be appropriate.
3. Ensure that when police officers are handling calls involving mental health issues there is appropriate adjunct professional assistance available at all times.
4. When the Council discusses police matters at their meetings, a number of residents don't attend because they feel intimidated by the name-calling, booing, verbal insults, hostility and threatening behavior of others attending the meeting. They neither want to become a target of such behavior, nor do they want their presence to be seen as part of such uncivil behavior, so they just stay away. The holding of Council Sub-committee meetings focused on potentially controversial subjects, under Brown Act rules for public notification, is a good step, but each Council Member should in turn send to their office e-mail lists information about the subjects and notifications regarding the date and place of sub-committee meetings. The City's website

and posting outside of Old City Hall should also contain such information. See also recommendations #7, #10, #11 and #12 below as well

5. Establish a policy recommending (not mandating) that Neighborhood Watch Groups and Fire and Disaster Groups should be combined. As these are neighborhood groups that meet in their own homes, they should be able to establish their own structure and meeting schedules etc., but they should be encouraged to cover both police and crime issues and fire and disaster issues, and feel free to invite both first responders into their discussions when they feel it is appropriate.

### Police Department

6. Be consistent about staffing numbers. The public is confused about "numbers authorized" versus the numbers of sworn officers actually available for patrol duty. They hear there are 157 authorized sworn officers, but 181 are authorized. They do not understand that actual vacancies, injuries, medical, pregnancy or military leave, and officers in the academy, etc. reduces the authorized number to one that is much lower. The public is entitled to fully understand what is going on.
7. Continue the popular "coffee with a cop" program but understand that it shouldn't be the only program for personal interaction between a beat officer and the people in that area. See recommendations #10, #12 and #14 below.
8. The Berkeley police have a good record of disarming, defusing and normalizing cases, where in other jurisdictions, under these circumstances. such incidences would escalate and erupt into violence. Not enough members of the public hear of the cases that are handled successfully. Promote, within the boundaries of confidentiality, your successes using tools like Nixle, press releases, etc. BSNC offers to assist in doing this.
9. Everyone wants to enjoy the Downtown, neighborhood shopping areas, and other public places, but many, particularly those with small children state they cannot because of the individuals on the street that exhibit frightening behavior. They report having to take their children to play areas outside of Berkeley or skipping activities such as a special movie. Coordinate all calls for service involving persons with mental health problems or other health issues so that officers are accompanied by appropriately trained mental health personnel and health resources. See Recommendation #3 above.
10. Reinstate the bike patrol as soon as possible. This program plays an important role in the establishment of community-involved policing as well as being environmentally sound. As staffing levels rise, it should be a priority to re-establish.

### City Manager

11. Re-institute the Annual Report sent by the City Manager to every Berkeley resident. Such a report should provide, among other things important civic subjects such as environmental and housing issues, but also data and other information about crime, safety measures, prevention, announcement of meetings, etc. Consider doing an electronic issue, providing copies in senior centers, libraries, adult school, PTA and other group meetings, at Board and Commission meetings, events, etc. to hold down costs.

### Community Groups and Individuals

12. Urge neighborhood organizations to get together more than just once a year at National Night Out. Invite neighborhood beat officer to these events, also others from the City such as representatives from the Fire Department and disaster groups to discuss not only crime but disaster preparedness. BSNC stands ready to assist in the process of setting these kinds of meetings up, helping groups arrange for speakers, finding

places for meetings, and the like as well as ensuring neighborhoods. See recommendation #5 above.

that they occur in all Berkeley

13. Urge residents to let their voices be heard by engaging in a variety of activities including: writing, calling and visiting their Council Member in particular, but also the Mayor and others on the Council, to express their support for police and crime matters, but any other issues they are concerned about as well. Also, by signing petitions which express your viewpoint. Individuals have expressed plans to begin a petition drive to let police officers know that the community supports them.

#### Berkeley Safe Neighborhoods Committee

14. BSNC will hold at least two citywide meetings annually for representatives from neighborhoods to provide an opportunity to meet with each other and members of the Police Department and share experiences and list concerns that will be forwarded to the Council and to the Chief.

The prime concern that gives urgency to this matter is the very serious statement that the sworn officers currently available to respond is at an historic low. We understand that the authorized strength of sworn officers is 176, and that the Department has been given the authority to hire up to 181 in order to reach that authorized strength, but we were shocked to learn that the actual strength of sworn officers available to respond for patrol duty is currently 135. Just 19 years ago, the Department had 215 sworn officers, and a population of 100,000. Today, we have a population of over 120,000, with increases in the offing. Calls for service have steadily risen over the past five years, with mental health related calls taking up huge amounts of officer time, and that up to 74% of their daily work involves the homeless. This level of staffing is unacceptable as we face an increase in crime (newspapers have reported a 23% increase) and the specter of major disasters such as the likelihood a major earthquake on the Hayward Fault that runs north-south through the entire City, and the Santa Rosa wildfires that have proven how vulnerable communities like Berkeley are.

The decrease in Police Department staffing is fueled by two major trends: 1.) There are fewer applicants nationally and in the Bay Area who want to be a part of a profession in which so many tragic incidents have occurred, even though those incidents have not occurred specifically in our City and 2.) our inability to retain current staff. It is no mystery that Berkeley Police Officers are much sought after given the reputation of the Department, our hiring standards (2 years of college - community college, State or UC), our pay (mid-level in the Bay Area) and our continuing controversies. Our officers are being lured away by being offered work in supportive environments, signing bonuses, and pay increases. A recent survey of Berkeley officers indicates that an astounding 80% have taken a specific step toward serving in a position in another jurisdiction by talking to a recruiter, making an application, looking up information, and the like. This is a clear indicator Berkeley must address both the issues of retention of current Police officers as well as recruitment.

These problems cannot be ignored. We must acknowledge that the need to expand the police force to prevent crime rather than investigate the aftermath of a committed crime and to adequately prepare for the natural disasters to come has been lost in the turmoil. In response to decreasing numbers, the Department has had to prioritize patrol duty. They have eliminated the bike patrol and reduced other special response units such as the detective division. At one time, there was a School Resource Officer in every school, today there is only one such officer. The

There are voices in the community that would pit the problem of increasing current Police Department staffing against the need to provide services to the homeless. BSNC wants it to be understood that is not our position. We believe that an adequately staffed Police Department engaged in community-involved policing is essential to safe and healthy neighborhoods. We also believe that to achieve safe and healthy neighborhoods, Berkeley must provide adequate services to the homeless. It is not an either/or proposition.

Sincerely,

Shirley Dean, President, Berkeley Safe Neighborhoods Committee

### **Berkeley Community United for Police Oversight Summary Statement**

Diverse and forward-thinking Berkeley deserves a transparent and accountable police department.

In 1973, Berkeley voters created the current Police Review Commission (PRC), a national first and a step forward for civilian oversight. The citizens approved a mandate that the PRC have access on demand to “written and unwritten information and assistance as it may deem necessary” from the police department or any other office of the City government, and that investigation of complaints against officers be conducted primarily by the PRC. However, due to a drafting error in the filing of the PRC initiative, it was enacted as a simple ordinance instead of a charter amendment. Therefore in 1976, when the Berkeley Police Association sued the City to dismantle the PRC, the Court of Appeals stripped the Commission of its independence, as the ordinance conflicted with the City Charter, which gave these powers to the City Manager to delegate.

This initiative will restore the people’s mandate for independent oversight of the police department. When enacted by a Charter Amendment, the Police Commission will have the authority to ensure that our police department operates within an appropriate framework of public accountability. This proposal is in line with best practices for police oversight in that it:

- Is independent of the executive branch of government
- Adequately staffs, finances and empowers the police commission to perform its functions including investigation of alleged police misconduct, and
- Allows for appropriate community input.

The existing PRC is solely an advisory body. The Police Commission, however, will oversee the Berkeley Police Department, as the voters who created the PRC clearly intended to do. All policies and procedures of the department will be subject to the approval of the Commission. A Policy Section will advise the Commission on policy issues and may audit departmental practices.

The Police Commission will have the authority to see, on a confidential basis, internal department files such as disciplinary records, with the exception of pending criminal investigations. An Investigations Section will investigate complaints at the discretion of the Commission, while the police department’s Internal Affairs Division will continue to investigate others. A Board of Inquiry composed of Commission members may modify the Commission investigators’ findings and proposed discipline.

The new Commission will be independent of city management. It will hire and remove its own managerial staff, while its line staff will be subject to civil service processes. It may hire its own attorney. Its decisions will not be subject to City Manager veto. The Commission may modify the department’s budget request to the city council. The Commission will not have the power to fire BPD officers without cause.

The Police Commission will consist of seven regular and three alternate members, limited to two terms of three years. Commissioners will be nominated as a slate by a Selection Panel, appointed in turn by the Mayor and City Council. An up-or-down Council vote on the slate will confirm the appointment. The Commissioners will be paid a stipend for meeting attendance in recognition of their expanded responsibilities.

