



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR
July 14, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Support Redistribution of City Resources and Operations from the Berkeley Police

RECOMMENDATION

Adopt a resolution supporting Redistribution of City Resources and Operations from the Berkeley Police, and taking the following actions:

1. Request that any function that is currently served by Berkeley Police but would be better served by trained city staff or community partners should be transferred out of the police department with all due haste
2. These functions include all non-emergency calls, mental health calls (including wellness checks), calls related to intoxication, calls related to homelessness, calls involving domestic violence, and any other calls that can be served by any other city resource, and
3. The current proposed police budget for 2021 (\$72,774,334) will be reduced by an amount of 50% (\$36,387,167) or greater and funding of community programs and non-police city agencies will be increased by a commensurate amount, and
4. Reducing the Berkeley Police Department budget by at least 50 percent will allow funding for but not limited to youth programs or community groups and programs, housing and homeless services, food security, mental health services, healthcare, creation of new city jobs, and public health services.
5. Calls involving domestic violence, homelessness, and mental health require specialized responding staff who have been trained in de-escalation and are able to provide direct services to Berkeley residents who are in crisis. The City Auditor is hereby directed to prepare a report to Council that reveals the amount of funding that will become available as a result of these reductions in police responsibilities.
6. The City Manager will identify the expertise needed for non-police responses to these calls, taking into account comparable approaches including CAHOOTS as well as existing local programs which could possibly expand with additional funding such as: the Berkeley Free Clinic, Building Opportunities for Self Sustainability (BOSS), and the Women's Daytime Drop-in Center, Consider the Homeless and others, and initiate an RFP process for community organizations to provide those services.
7. The City Manager should create a plan for a non-police hotline that can receive 911 calls and connect those calls with non-police resources as appropriate, either by expanding the 311 mandate or creating a new city agency (perhaps 811 recognizing 8 to Abolish).

8. The City Council requests the Berkeley Unified School District and all Berkeley schools, both public and private to end programs that bring police officers into the schools, and to do everything within their power to protect undocumented students and families and to safeguard their information and prevent it from being shared with from police, including ICE (Immigration and Customs Enforcement).
9. That general fund dollars are not to be expended to pay out settlements resulting from police officer negligence, brutality, or murder. Those settlements will henceforth be deducted from police department budgets.
10. That the Police Review Commission and Peace and Justice Commission are instructed to form a joint committee to annually review police responsibilities and make recommendations to the City Council regarding additional functions that could better be served by non-police staff.

BACKGROUND

The death of George Floyd at the hands of Minneapolis police on May 25th was yet another heartbreaking entry in the long list of Black people who have been killed by police officers in the United States¹.

The murder of Mr. Floyd has sparked widespread demonstrations across the country² and the world³, including here in Berkeley⁴, drawing attention to systemic racism in American policing⁵

¹ What follows is an extremely abbreviated list. There are many, many more examples spanning the history of policing in this country. John Crawford Iii, Michael Brown, Ezell Ford, Dante Parker, Michelle Cusseaux, Laquan McDonald, Tanisha Anderson, Akai Gurley, Tamir Rice, Romain Brisbon, Jerame Reid, Matthew Ajibade, James N. Powell Jr., Frank Smart, Natasha Mckenna, Tony Robinson, Anthony Hill, Mya Hall, Phillip White, Eric Harris, Walter Scott, William Chapman Ii, Alexia Christian, Brendon Glenn, Victor Manuel Larosa, Jonathan Sanders, Freddie Carlos Gray Jr., Joseph Mann, Salvado Ellswood, Sandra Bland, Albert Joseph Davis, Darrius Stewart, Billy Ray Davis, Samuel Dubose, Michael Sabbie, Brian Keith Day, Christian Taylor, Troy Robinson, Asshams Pharoah Manley, Felix Kumi, Keith Harrison Mcleod, Junior Prosper, Lamontez Jones, Paterson Brown, Dominic Hutchinson, Anthony Ashford, Alonzo Smith, Tyree Crawford, India Kager, La'vante Biggs, Michael Lee Marshall, Jamar Clark, Richard Perkins, Phillip Pannell, Nathaniel Harris Pickett, Benni Lee Tignor, Miguel Espinal, Michael Noel, Kevin Matthews, Bettie Jones, Quintonio Legrier, Keith Childress Jr., Janet Wilson, Randy Nelson, Antronie Scott, Wendell Celestine, David Joseph, Calin Roquemore, Dyzhawn Perkins, Christopher Davis, Marco Loud, Peter Gaines, Torrey Robinson, Darius Robinson, Kevin Hicks, Mary Truxillo, Demarcus Semer, Amadou Diallo, Willie Tillman, Terrill Thomas, Sylville Smith, Demetrius Dubose, Alton Sterling, Philando Castile, Terence Crutcher, Paul O'neal, Alteria Woods, Bobby Russ, Jordan Edwards, Aaron Bailey, Ronell Foster, Stephon Clark, Corey Carter, Antwon Rose Ii, Tayler Rock, Malice Green, Ramarley Graham, Elijah McClain, Aiyana Stanley Jones, Botham Jean, Pamela Turner, Dominique Clayton, Sean Bell, Atatiana Jefferson, Jemel Roberson, James Lee Alexander, Ryan Matthew Smith, Derrick Ambrose Jr., Addie Mae Collins, Carol Denise Mcnair, Carole Robertson, Cynthia Wesley, Nicholas Heyward Jr., Christopher Whitfield, Victor White Iii, Christopher Mccorvey, Timothy Thomas, Reginald Doucet Jr., Danroy "Dj" Henry Jr., Karvas Gamble Jr., Eric Reason, Korryn Gaines, Rekia Boyd, Kionte Spencer, Darius Tarver, Wayne Arnold Jones, Manuel Ellis, Victor Duffy Jr., Kobe Dimock-heisler, Clinton R. Allen, Timothy Caughman, Corey Jones, Tyre King, Eric Garner, Miles Hall, Kendrick Johnson, Michael Lorenzo Dean, Trayvon Martin, Renisha McBride, Oscar Grant Iii, Breonna Taylor, Kalief Browder, Darrien Hunt, Troy Hodge, William Green, Ahmaud Arbery, Dion Johnson, Tony Mcdade, Jamel Floyd, George Floyd.

² List of George Floyd protests in the United States. (2020, June 10). Retrieved from https://en.wikipedia.org/wiki/List_of_George_Floyd_protests_in_the_United_States

which finds its roots in Slave Patrols⁶ and the quashing of organized labor⁷, and demonstrators are demanding the redistribution of civic resources from militarized police departments to social services where they belong.

Cities across the nation have begun the necessary process of defunding or outright abolishing their police departments^{8 9 10 11 12 13}.

Police reforms that do not include redistributing resources away from police have not been sufficiently effective in curbing police abuses, as evidenced by many attempts including in Los Angeles after the beating of Rodney King nearly thirty years ago, where the city made various reforms based on an independent commission's recommendations¹⁴ but Los Angeles police continued to abuse and kill¹⁵, and the city has been host to California's largest demonstrations in the weeks since Floyd's death¹⁶.

Here in Berkeley, many police reforms have been instituted but unconscionable inequities persist. Just in the last several weeks, between March 13th and June 12th, 2020, BPD police

³ Nossiter, A., & Méheut, C. (2020, June 12). George Floyd Protests Inspire Fresh Scrutiny of Policing in Europe, Too. Retrieved from <https://www.nytimes.com/2020/06/12/world/europe/george-floyd-protests-europe-police.html>

⁴ Taylor, T. (2020, June 11). Black Lives Matter march run by BHS students ends with street painting. Retrieved from <https://www.berkeleyside.com/2020/06/09/photos-black-lives-matter-protest-organized-by-berkeley-high-students-ends-with-street-painting>

⁵ Worland, J. (2020, June 11). America's Long Overdue Awakening on Systemic Racism. Retrieved June 13, 2020, from <https://time.com/5851855/systemic-racism-america/>

⁶ Waxman, O. B. (2019, March 6). The History of Police in America and the First Force. Retrieved from <https://time.com/4779112/police-history-origins/>

⁷ Potter, G. (2013). *The History of Policing in the United States*. Eastern Kentucky University. Retrieved from <https://plsonline.eku.edu/sites/plsonline.eku.edu/files/the-history-of-policing-in-us.pdf>

⁸ Searcey, D., & Eligon, J. (2020, June 8). Minneapolis Will Dismantle Its Police Force, Council Members Pledge. Retrieved from <https://www.nytimes.com/2020/06/07/us/minneapolis-police-abolish.html>

⁹ Boston councilor questioning police funding; Walsh says he's 'committed to making real change'. (2020, June 8). Retrieved from <https://whdh.com/news/boston-councilor-questioning-police-funding-walsh-says-hes-committed-to-making-real-change/>

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¹² Riotta, C. (2020, June 4). Los Angeles to defund police department by \$150m and instead invest in minority communities. Retrieved from <https://www.independent.co.uk/news/world/americas/los-angeles-police-department-budget-cuts-defund-lapd-eric-garcetti-press-conference-a9549001.html>

¹³ Kafton, C. (2020, June 6). San Francisco Mayor, Supervisor announce effort to redirect some police funding to African-American community. Retrieved from <https://www.ktvu.com/news/san-francisco-mayor-supervisor-announce-effort-to-redirect-some-police-funding-to-african-american-community>

¹⁴ Report of the Independent Commission on the Los Angeles Police Department (Christopher Commission Report): The Independent Commission on the Los Angeles Police Department: Free Download, Borrow, and Streaming. (1991, January 1). Retrieved from <https://archive.org/details/ChristopherCommissionLAPD>

¹⁵ Editorial: A very abbreviated history of police officers killing black people. (2020, June 4). Retrieved from <https://www.latimes.com/opinion/story/2020-06-04/police-killings-black-victims>

¹⁶ L.A. youth group demands defunding police, other reforms. (2020, June 12). Retrieved from <https://www.latimes.com/california/story/2020-06-12/l-a-youths-demand-defunding-police-other-reforms>

statistics show African American stops are exactly 50% of total 608 stops at 304, with white stops at 143 for 23.52% of all stops. When adjusted to take into account the low number of African Americans residing in Berkeley, African American stops are about 42.7 per 1,000 of their population, where white stops are about 2.9 per 1,000, a disparity of 14.5 to 1.¹⁷.

Approximately 37% of the City of Berkeley's general fund is allocated to the police department, totaling \$70,622,557 in 2020 increasing to 72,774,334 in 2021 which is four times the combined budget for Health, Housing, and Community Services.

Police budgets have increased steadily, both in terms of per capita spending and police share of total spending, there is no correlation between an increased investment in policing and reductions in crime¹⁸.

A reallocation of part or all of the police budgets offer enough funding to comprehensively address many inequities that underlie calls to the police and to create non-police interventions. Models do already exist, and many involve partnerships with community groups and providers, such as the CAHOOTS program in Eugene, OR., which has been successfully in place for some three decades¹⁹ and is now inspiring reforms in San Francisco²⁰ and elsewhere.

Police misconduct has minimal consequences for police departments because settlements are often paid out of general funds rather than police budgets²¹, putting financial pressure on other city services. Some cities resort to issuing bonds to cover settlements, which the Action Center on Race and the Economy (ACRE) call "Police Brutality Bonds"²², and these drastic measures are more common in recessions like the one that we are currently facing as a result of COVID-19.

According to Berkeley officers, more than 35% of police calls related to mental health²³ and the presence of armed police officers can significantly escalate these situations. As recently as 2013, a Black, transgender Berkeley resident with a history of schizophrenia died in police custody after her roommate called 911 to request assistance for her mental health crisis²⁴.

¹⁷ Berkeley's Open Data Portal. (n.d.). Retrieved June 22, 2020, from https://www.cityofberkeley.info/Police/Home/Berkeley_PD_s_Stop_Data_Now_on_City_s_Open_Data_Portal.aspx

¹⁸ Bump, P. (2020, June 7). Analysis | Over the past 60 years, more spending on police hasn't necessarily meant less crime. Retrieved from <https://www.washingtonpost.com/politics/2020/06/07/over-past-60-years-more-spending-police-hasnt-necessarily-meant-less-crime/>

¹⁹ Smith, A. V. (2020, June 11). There's already an alternative to calling the police. Retrieved from <https://www.hcn.org/issues/52.7/public-health-theres-already-an-alternative-to-calling-the-police>

²⁰ Willetts, M. (2020, June 12). No more police for non-criminal calls in San Francisco. Who will take their place? Retrieved from <https://www.sacbee.com/article243500626.html>

²¹ Mock, B., & CityLab. (2020, June 5). How Cities Offload the Cost of Police Brutality. Retrieved from <https://www.citylab.com/equity/2020/06/police-brutality-lawsuits-cities-settlements-credit-ratings/612301/>

²² Action Center on Race and the Economy. (2018). *Police Brutality Bonds*. Retrieved from <https://acrecampaigns.org/wp-content/uploads/2020/04/PoliceBrutalityBonds-Jun2018.pdf>

²³ Dinkelspiel, F. (2018, December 20). Mental health calls #1 drain on Berkeley police resources. Retrieved from <https://www.berkeleyside.com/2015/04/16/mental-health-calls-are-1-drain-on-berkeley-police-resources>

²⁴ Souza, J. (2019, December 20). Kayla Moore's family to appeal wrongful death suit. Retrieved June 22, 2020, from <https://www.dailycal.org/2019/12/19/kayla-moores-family-to-appeal-wrongful-death-suit/>

Armed police pose a significant danger to people experiencing mental health crises: in 2015, at least 1 in 4 victims of fatal killings by police in the United States were adults with mental illness²⁵.

FINANCIAL IMPLICATIONS

The current proposed police budget for 2021 (\$72,774,334) will be reduced by an amount of 50% (\$36,387,167) or greater and funding of community programs and non-police city agencies will be increased by a commensurate amount. Reducing the BPD budget by at least 50 percent will allow funding for but not limited to youth programs or community groups and programs, housing and homeless services, food security, mental health services, healthcare, creation of new city jobs, and public health services.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSONS

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Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Resolution

²⁵ Fuller, D. A., Lamb, H. R., Biasotti, M., & Snook, J. (2015). *Overlooked in the Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters*. Treatment Advocacy Center. Retrieved from <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf>

RESOLUTION NO. ##,###-N.S.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY, CALIFORNIA,
SUPPORTING REDISTRIBUTION OF CITY RESOURCES AND OPERATIONS FROM THE
BERKELEY POLICE

WHEREAS the death of George Floyd at the hands of Minneapolis police on May 25th was yet another heartbreaking entry in the long list of Black people who have been killed by police officers in the United States²⁶; and

WHEREAS The murder of Mr. Floyd has sparked widespread demonstrations across the country²⁷ and the world²⁸, including here in Berkeley²⁹, drawing attention to systemic racism in American policing³⁰ which finds its roots in Slave Patrols³¹ and the quashing of organized

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labor³², and demonstrators are demanding the redistribution of civic resources from militarized police departments to social services where they belong; and

WHEREAS cities across the nation have begun the necessary process of defunding or outright abolishing their police departments^{33 34 35 36 37 38}; and

WHEREAS police reforms that do not include redistributing resources away from police have not been sufficiently effective in curbing police abuses, as evidenced by many attempts including in Los Angeles after the beating of Rodney King nearly thirty years ago, where the city made various reforms based on an independent commission's recommendations³⁹ but Los Angeles police continued to abuse and kill⁴⁰, and the city has been host to California's largest demonstrations in the weeks since Floyd's death⁴¹; and

WHEREAS here in Berkeley, many police reforms have been instituted but unconscionable inequities persist. Just in the last several weeks, between March 13th and June 12th, 2020, BPD police statistics show African American stops are exactly 50% of total 608 stops at 304, with white stops at 143 for 23.52% of all stops. When adjusted to take into account the low number of African Americans residing in Berkeley, African American stops are about 42.7 per 1,000 of their population, where white stops are about 2.9 per 1,000, a disparity of 14.5 to 1.⁴², and

³² Potter, G. (2013). *The History of Policing in the United States*. Eastern Kentucky University. Retrieved from <https://plsonline.eku.edu/sites/plsonline.eku.edu/files/the-history-of-policing-in-us.pdf>

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WHEREAS approximately 37% of the City of Berkeley's general fund is allocated to the police department, totaling \$70,622,557 in 2020 increasing to 72,774,334 in 2021 which is four times the combined budget for Health, Housing, and Community Services⁴³; and

WHEREAS police budgets have increased steadily, both in terms of per capita spending and police share of total spending, there is no correlation between an increased investment in policing and reductions in crime⁴⁴; and

WHEREAS a reallocation of part or all of police budgets offer enough funding to comprehensively address many inequities that underlie calls to the police, and to create non-police interventions. Models do already exist, and many involve partnerships with community groups and providers, such as the CAHOOTS program in Eugene, OR., which has been successfully in place for some three decades⁴⁵ and is now inspiring reforms in San Francisco⁴⁶ and elsewhere; and

WHEREAS police misconduct has minimal consequences for police departments because settlements are often paid out of general funds rather than police budgets⁴⁷, putting financial pressure on other city services. Some cities resort to issuing bonds to cover settlements, which the Action Center on Race and the Economy (ACRE) call "Police Brutality Bonds"⁴⁸, and these drastic measures are more common in recessions like the one that we are currently facing as a result of COVID-19; and

WHEREAS according to Berkeley officers, more than 35% of police calls related to mental health⁴⁹ and the presence of armed police officers can significantly escalate these situations. As recently as 2013, a Black, transgender Berkeley resident with a history of schizophrenia died in police custody after her roommate called 911 to request assistance for her mental health crisis⁵⁰; and

WHEREAS armed police pose a significant danger to people experiencing mental health crises: in 2015, at least 1 in 4 victims of fatal killings by police in the United States were adults with mental illness⁵¹; and

⁴³ City of Berkeley Budget. (n.d.). Retrieved from <https://www.cityofberkeley.info/citybudget/>

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NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley, California, support Redistribution of City Resources and Operations from the Berkeley Police, and taking the following actions:

1. Request that any function that is currently served by Berkeley Police but would be better served by trained city staff or community partners should be transferred out of the police department with all due haste.
2. These functions include all non-emergency calls, mental health calls (including wellness checks), calls related to intoxication, calls related to homelessness, calls involving domestic violence, and any other calls that can be served by any other city resource.
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