CITY OF BERKELEY

Office of the City Manager

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Andrew Greenwood, Chief of Police

Subject: 2019 Crime Report and Five Year Use of Force Report

PART 1: CRIME REPORT

INTRODUCTION
At the request of City Council, the City Manager provides regular reports on crime in Berkeley and strategies undertaken by the Berkeley Police Department to safeguard our community. This report includes 2019 Part One crime information, and 2020 year-to-date (YTD) Part One crime information, as compared to the same time period in 2019.

This report also includes the first annual Use of Force Report, covering 2015-2019.

CURRENT SITUATION AND ITS EFFECTS
In 2019, total Part One crime in Berkeley increased by 15.6% overall. Part One Violent Crime increased by 3.2% (19 crimes) and Part One Property Crimes increased by 17% (921 crimes).

In 2019, (and for the second year in a row) there were no Homicides. However, increases in Part One Crimes were seen in Rape, Robbery, Aggravated Assault, and Larceny (Grand Theft, Petty Theft and Auto Burglary). Decreases were seen in Burglary, Auto Theft, and Arson.

In 2020 YTD, total Part One crime in Berkeley is down 1% overall. Part One Violent Crime decreased by 6% (23 crimes) and Part One Property Crimes is nearly identical, with 3,905 in 2019 YTD, and 3,888 in 2020 YTD.

Homicides
In 2019, there were no homicides in Berkeley.

In 2020 YTD, there have been three homicides. All three homicide investigations resulted in the arrest and charging of the suspects.

Robberies
In 2019, Robberies increased by 2.5% with 364 incidents as compared to 355 in 2018. 2019 data show an increase of 7.9% in pedestrian robberies and a decrease of 10.2% in commercial robberies. While the overall robbery numbers only increased slightly in 2019, laptop computer thefts/robberies continued to increase at a higher rate. Laptop thefts/robberies from Cafes and Restaurants increased by 39.3% for a total of 85 incidents versus 61 in 2018.

In 2020 YTD, Robberies are down 16% as compared to 2019 YTD. Pedestrian robberies were down sharply during the initial shelter order, and have started to rise over the summer. Estes robberies (where force is used during a shoplifting crime) have grown during the pandemic, and contributed to the increase in Robberies.

Aggravated Assaults
Aggravated Assaults increased 2.9% in 2019, with 175 reports, compared to 170 in 2018. There were 28 confirmed shooting incidents in 2019 versus 20 in 2018. Confirmed shooting incidents include loud report calls where shell casings or other evidence of gunfire is found. Arrests were made in at least eight of these incidents.

In 2020 YTD, Aggravated Assaults are up 17%, with 20 more reports thus far. There were 21 confirmed shooting incidents through the first eight months of 2020. Arrests have been made in eight shooting cases thus far.

Rape
In 2019, reported rapes increased 7.7%, with 70 reports as compared to 65 in 2018. Six of these cases were classified as stranger attacks.

In 2020 YTD as compared to 2019 YTD, rapes are down 21%, with 33 reports, as compared to 42 last year. None of these cases are classified as stranger attacks

Burglary, Larceny and Auto Theft
In 2019, Burglaries decreased by 5.2%, with 788 reports as compared to 831 reports in 2018. Residential burglaries decreased by 19.6% while commercial burglaries increased by 23.8%. Larcenies increased by 25.5% to 5,029 cases as compared to 4,007 in 2018. The larceny figures include Auto Burglary which increased 42.2% from 1,739 cases in 2018 to 2,473 cases in 2019. Auto Thefts decreased 9.3% from 548 cases in 2018 to 497 this year.

In 2020 YTD, burglaries are nearly even from the same period in 2019 YTD, with larcenies overall down 9%. Catalytic converter thefts, with approx. 362 this year have accounted for 45% of grand thefts.

In 2020 YTD, Auto Thefts have risen sharply, up 66%, with 211 more auto thefts this year.

Arson
In 2019, reported arsons decreased from 33 reported incidents in 2018 to 26 reported incidents in 2019, a 21% reduction. Most of the arson incidents were minor incidents.

In 2020 YTD, arsons are up by 23 incidents, with 34 in 2020 YTD, as compared to 11 in 2019 YTD.

Data
Data on serious crime is collected annually by the Federal Bureau of Investigation (FBI) from over 17,000 law enforcement agencies representing over 90% of the U. S. population. The FBI's primary objective in the Uniform Crime Report (UCR) is to generate a reliable set of crime statistics for use in law enforcement administration, operation, and management in the United States. The UCR tracks the following crimes:

Violent Crimes   Property Crimes
Murder   Burglary
Rape   Larceny (petty and grand theft, auto burglary)
Robbery   Auto Theft
Aggravated Assault   Arson*

Arson is a UCR crime tracked separately from violent and property crime. It is included in the accompanying graphs.

The UCR data provides the Berkeley Police Department the ability to analyze national and local crime trends, determine the effectiveness of response to crime, and conduct future planning and potential resource allocation. The FBI UCR handbook discourages using UCR statistics to compare crime rates of one jurisdiction to another because of the complex variables affecting crime and crime reporting practices.

BPD Strategies and Accomplishments
For 2019, the Berkeley Police Department's goal was to reduce the level of Part One Crime experienced in 2018 and previous years. The Department continued to implement strategies focused on reducing crime and community engagement. In 2020, the Department's work and resources have been impacted by the COVID-19 Pandemic. Some of the strategies and accomplishments are listed below:

- Downtown Task Force
- Continued focus on gun violence and gun crimes
- Continued work on Sexual Assault cold cases
- COVID Impacts on Engagement "Coffee with a Cop", Pride Parade

- Responded to changing trends in crime during COVID
- Began Bike Patrol training and equipment acquisition
- Selection and implementation planning for recording stop data
- Bicycle theft cases (Bicycle thefts have decreased in each of the past 5 years. 2015-774, 2016-607, 2017-524, 2018-420, 2019-401)
- Staffing Focus
- Continued collaboration with the Berkeley Unified School District supporting the fifth year of Law and Social Justice classes for Berkeley High School

Included below are the annual totals of UCR data for Part One Violent and Property Crimes for 2018 and 2019 in Berkeley, as well as five-year trends in Part One Violent Crimes and Part One Property Crimes. Part One Crime data for 2020 year-to-date is also included.

Graphs below include:
- UCR Part One Violent and Property Crime, two year trend
- UCR Part One Violent and Property Crime, five year trend
- UCR Part One Violent Crime, five year trend
- UCR Part One Property Crime, five year trend
- UCR Part One Violent and Property Crime, Jan-Aug 2019-2020
- UCR Part One Violent, Jan-Aug 2019-2020
- UCR Part One Property Crime, Jan-Aug 2019-2020

Total Part One Crime
## 2018-2019
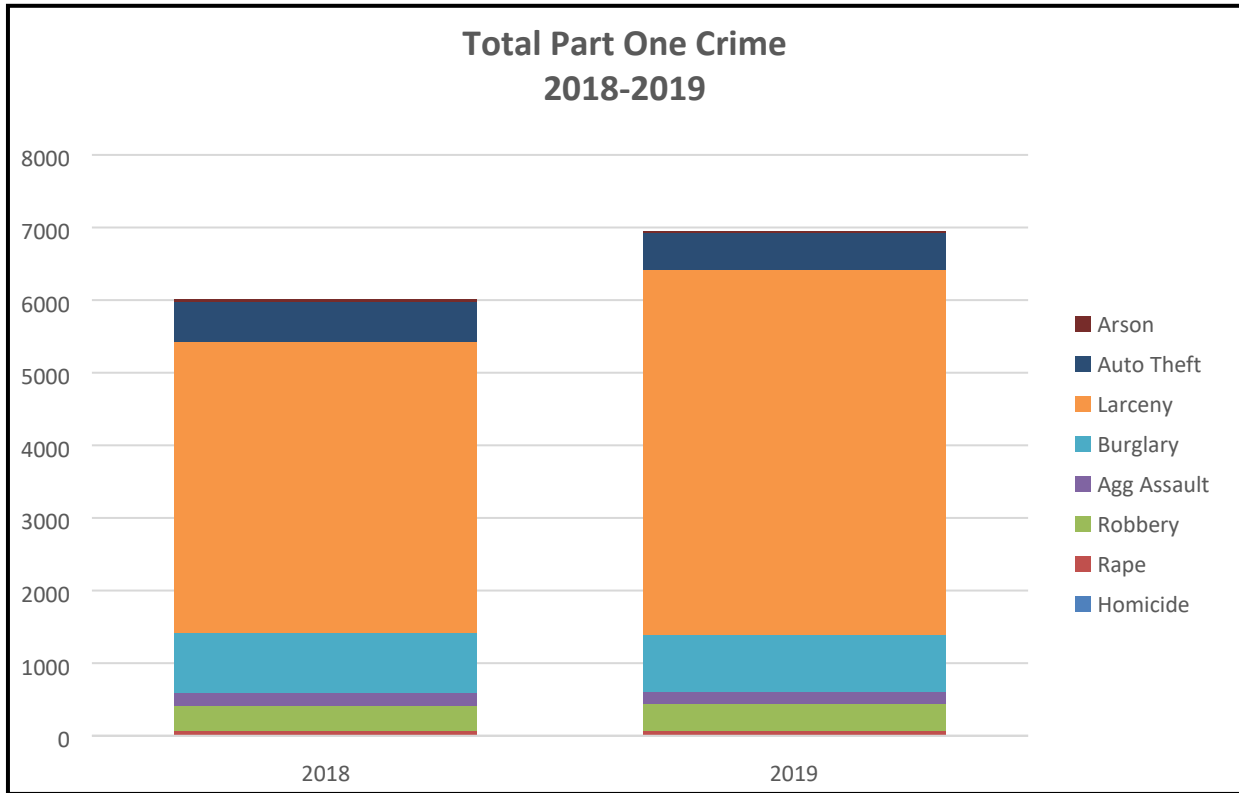
	Homicide	Rape	Robbery	Agg Assault	Burglary	Larceny	Auto Theft	Arson
2018	0	65	355	170	831	4007	548	33
2019	0	70	364	175	788	5029	497	26

Total Part One Crimes 2015-2019
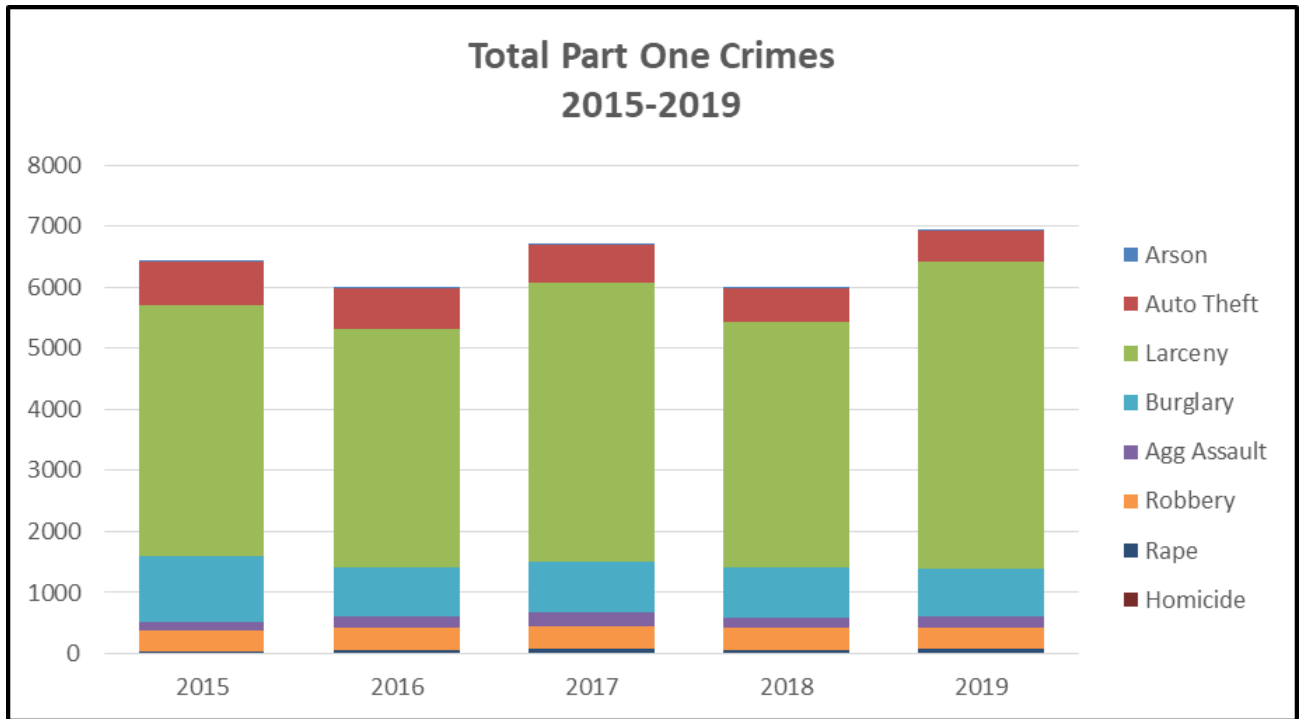
	Homicide	Rape	Robbery	Agg Assault	Burglary	Larceny	Auto Theft	Arson
2015	1	41	331	135	1089	4118	713	20
2016	2	53	362	182	803	3927	647	20
2017	1	87	364	218	841	4556	619	33
2018	0	65	355	170	831	4007	548	33
2019	0	70	364	175	788	5029	497	26

Total Part One Violent Crimes 2015-2019
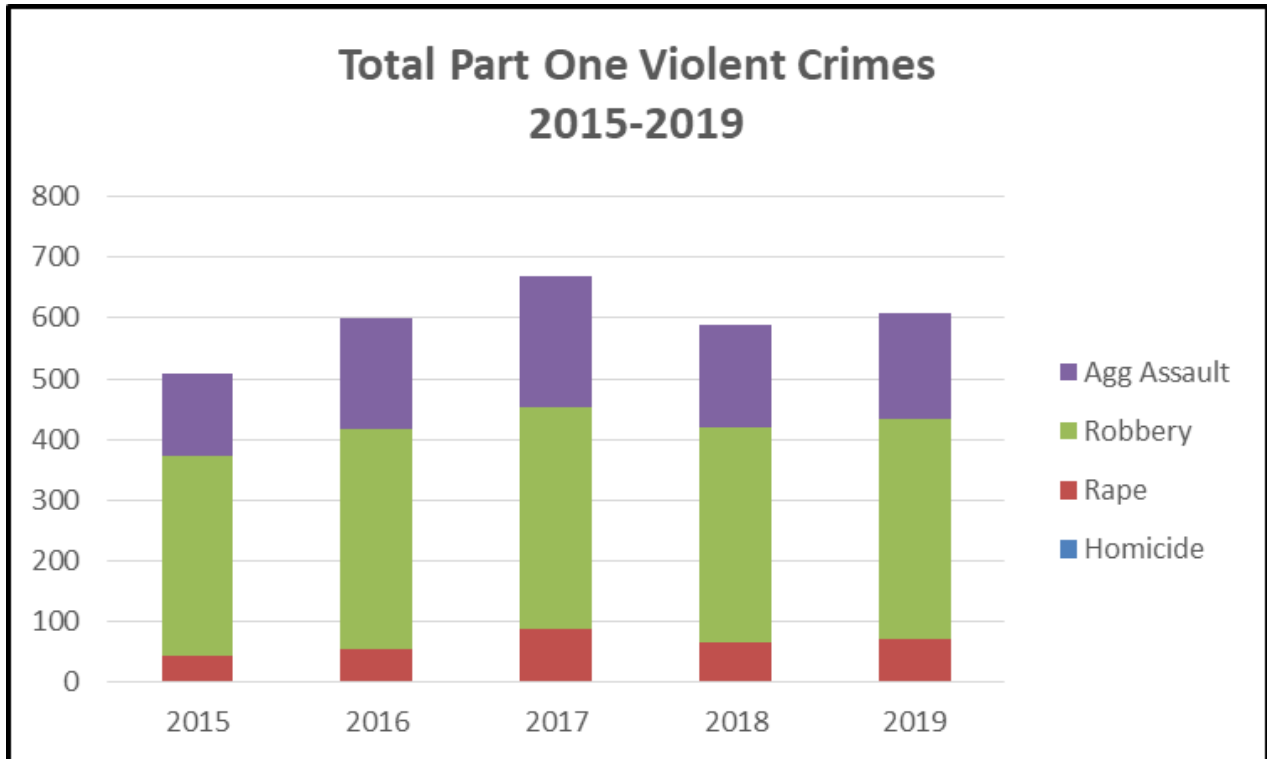
	Homicide	Rape	Robbery	Agg Assault
2015	1	41	331	135
2016	2	53	362	182
2017	1	87	364	218
2018	0	65	355	170
2019	0	70	364	175

**Total Property Crimes
2015-2019**
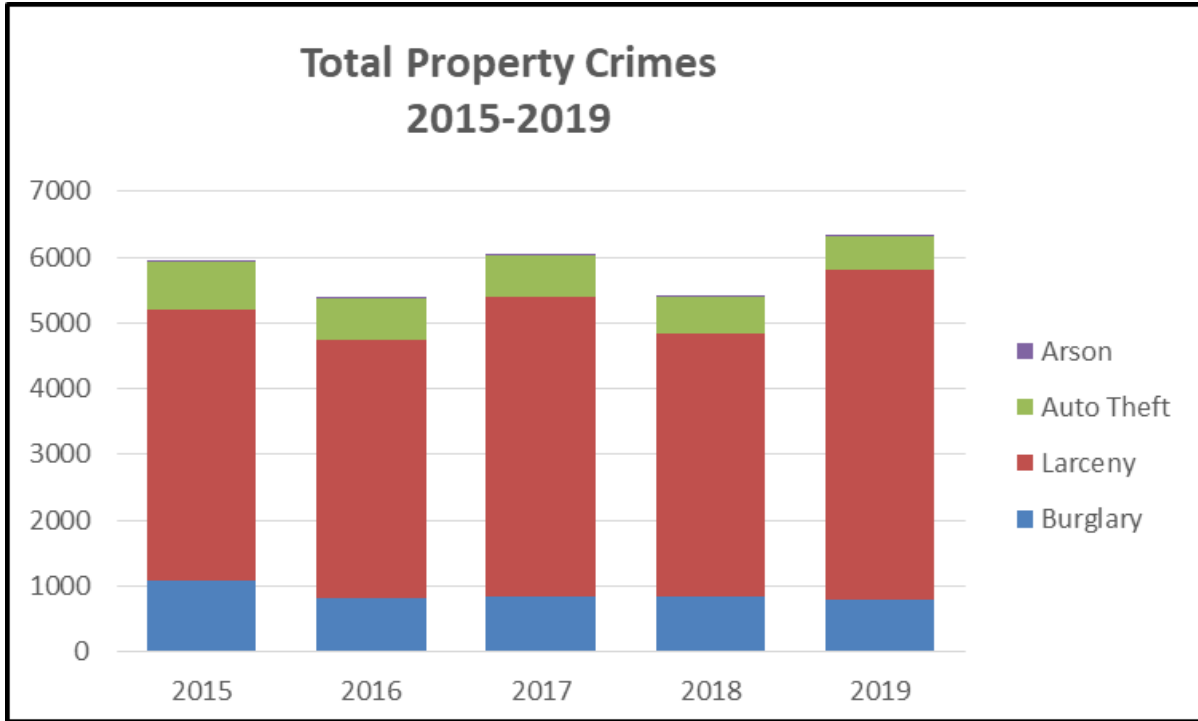
	Burglary	Larceny	Auto Theft	Arson
2015	1089	4118	713	20
2016	803	3927	647	20
2017	841	4556	619	33
2018	831	4007	548	33
2019	788	5029	497	26

Total Part One Crime
January - August
2019 & 2020

	2019	2020
Arson	11	34
Auto Theft	322	533
Larceny	3053	2793
Burglary	519	528
Agg Assault	115	135
Robbery	232	195
Rape	42	33
Homicide	0	3
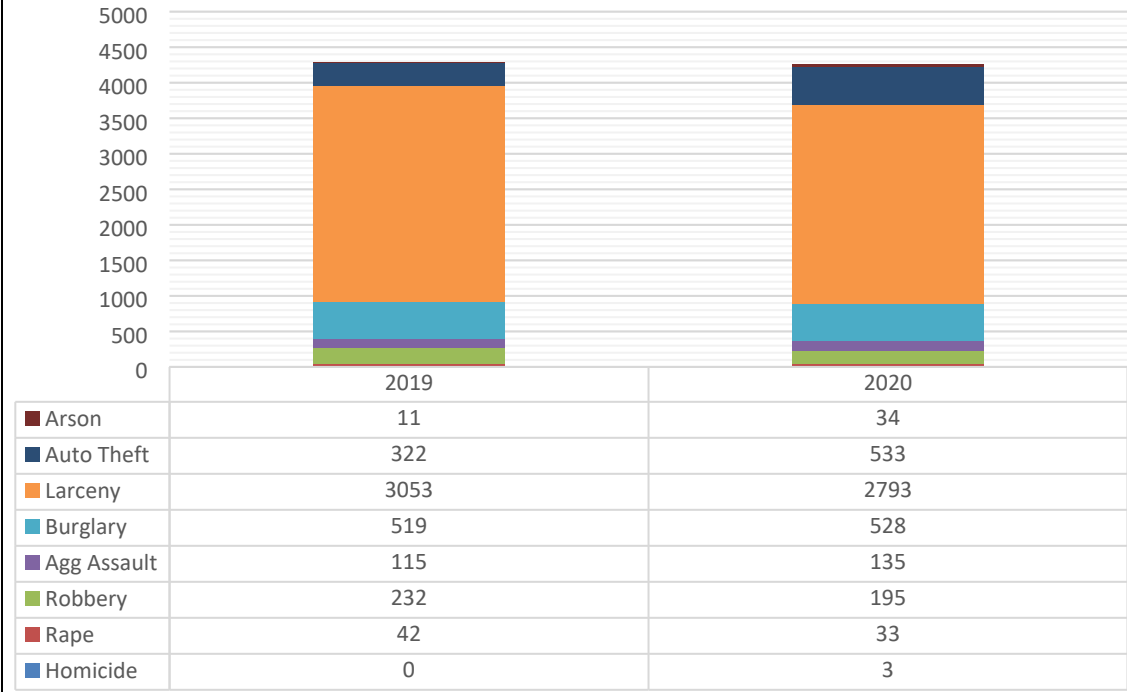
Total Part One Violent Crimes
January - August
2019 & 2020

	2019	2020
Agg Assault	115	135
Robbery	232	195
Rape	42	33
Homicicde	0	3
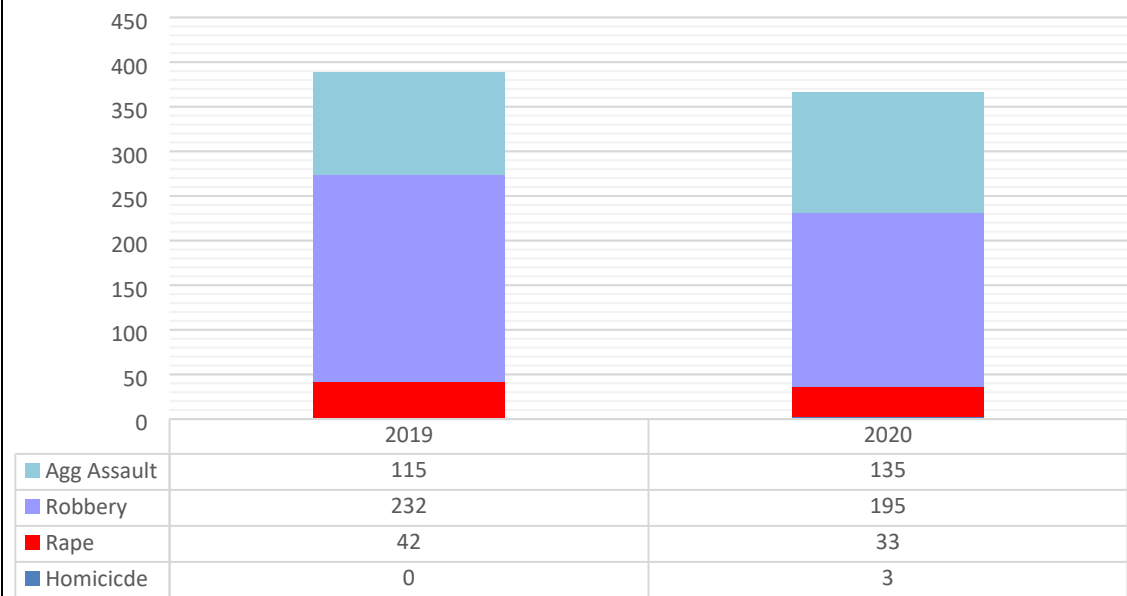
Total Part One Property Crimes
January - August
2019 & 2020

	2019	2020
■ Arson	11	34
■ Auto Theft	322	533
■ Larceny	3053	2793
■ Burglary	519	528
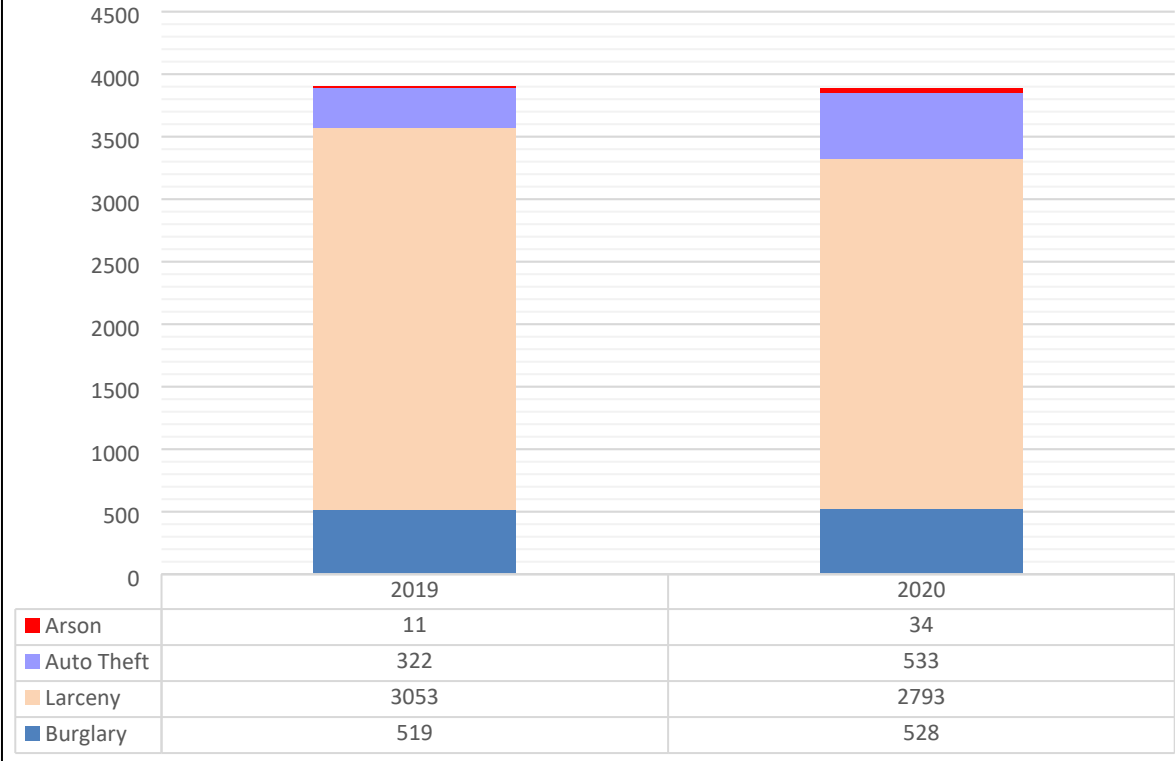
PART 2: USE OF FORCE ANNUAL REPORT

This report provides information for the past five years on all uses of force which involve an officer's use of any weapon, or where a suspect has a visible injury, or complains of pain as a result of force used by officers.

The Berkeley Police Department serves the community with a minimal reliance on force. Amidst Berkeley's challenging environment of crime and community safety issues, Berkeley Police officers responded to an average of 76,896 calls for service over the five year period of 2015-2019. During the same period, officers made an average of 3,017 arrests, and issued thousands of citations.

Officers accomplished their work with an average of 31.8 uses of force incidents per year from 2015 through 2019, that is, in .04% (four hundredths of one percent) of all incidents, and in 1% of all arrests.

Officers accomplish their work with a minimal reliance on force, through approaches including but not limited to using de-escalation techniques, an awareness of mental health crisis issues and appropriate responses, and treating people with dignity and respect.

California Penal Code section 835a authorizes sworn peace officers to use force to effect arrest, overcome unlawful resistance, and prevent escape. Under certain specific and narrow circumstances, deadly force may be used. The vast majority of uses of force represented in this report are situations where suspects fled, resisted and fought being taken into custody. In some instances, force was used are in response to attacks on officers.

By way of context, from 2015 through 2019, Berkeley Police Officers respond to an average of 76,896 calls for service a year. Officers may contact multiple people in the course of responding to incidents.

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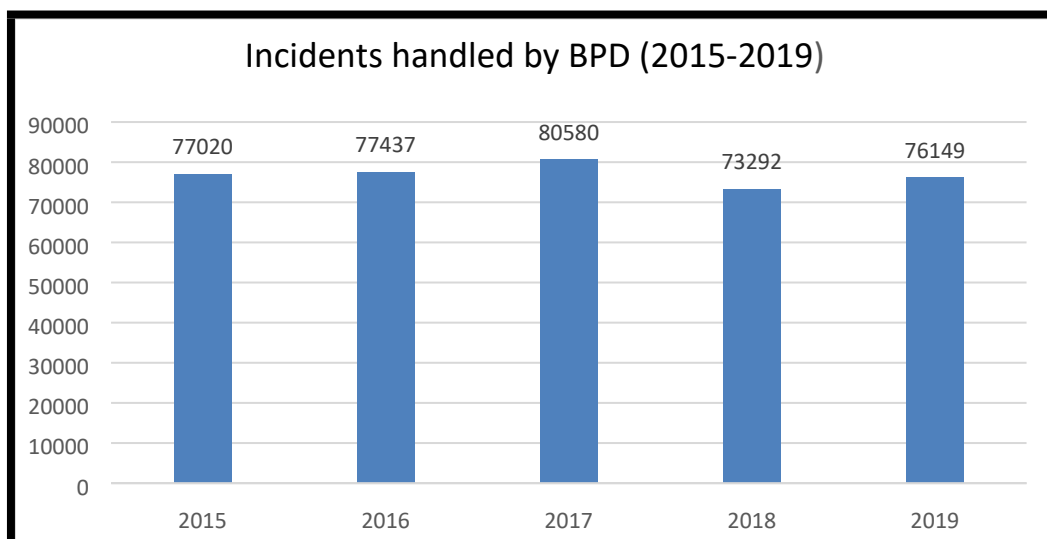
From 2015-2019, Berkeley Police officers made an average of 3,016 custodial arrests annually, and issued thousands of citations.
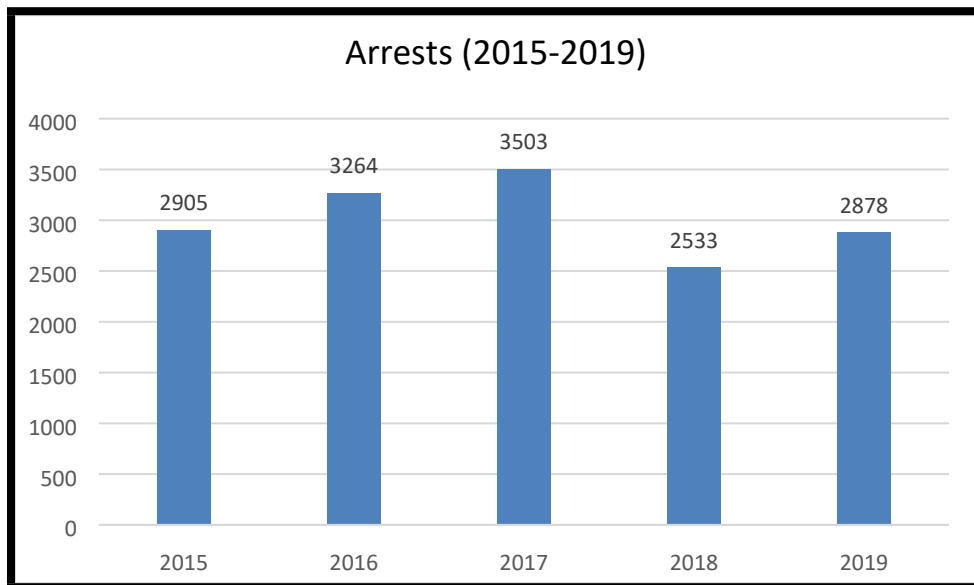
From 2015-2019, Berkeley Police officers used force on average in 31.8 incidents per year, or an average of one use of force incident in every 95 arrests.

Types of Force Used 2015-2019
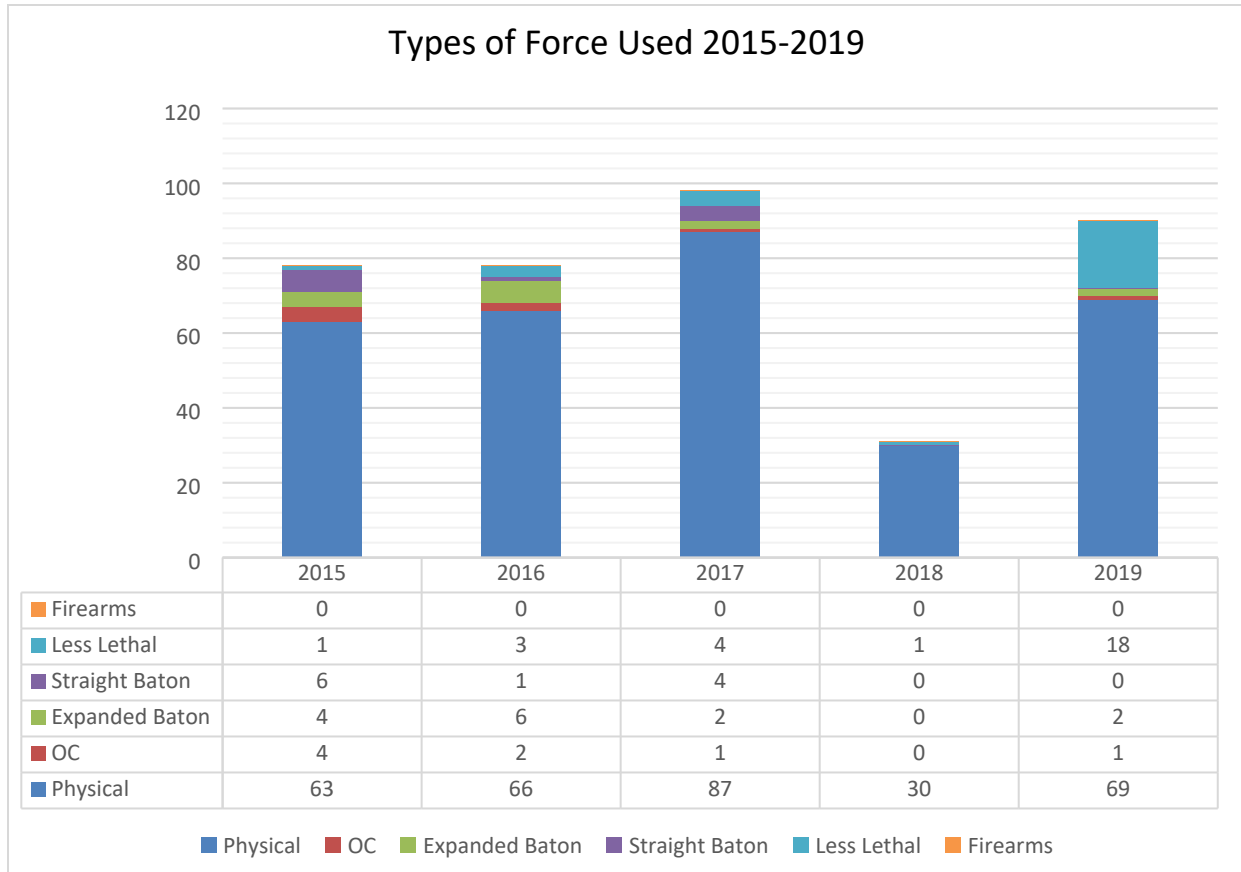
	2015	2016	2017	2018	2019
■ Firearms	0	0	0	0	0
■ Less Lethal	1	3	4	1	18
■ Straight Baton	6	1	4	0	0
■ Expanded Baton	4	6	2	0	2
■ OC	4	2	1	0	1
■ Physical	63	66	87	30	69

■ Physical ■ OC ■ Expanded Baton ■ Straight Baton ■ Less Lethal ■ Firearms
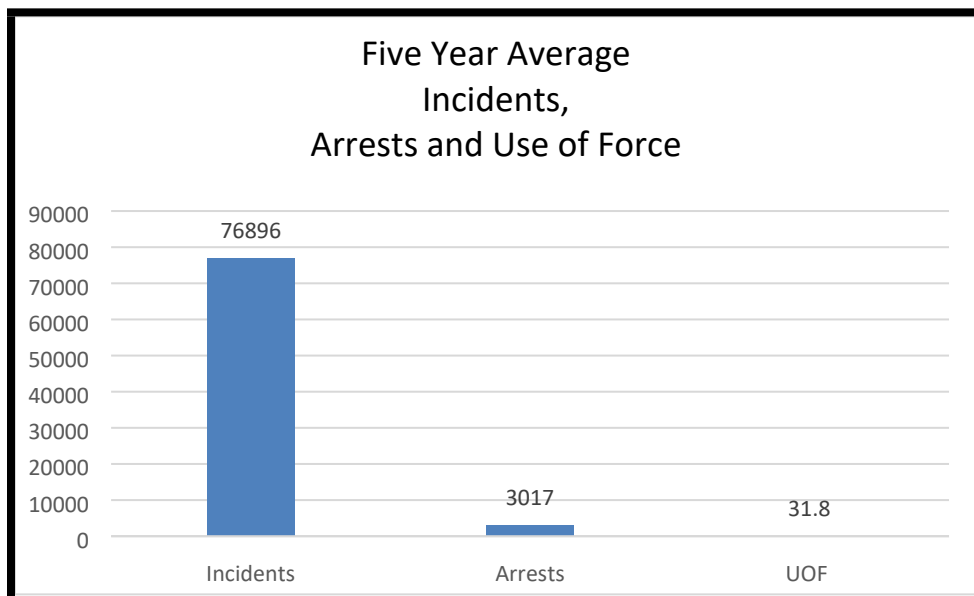
The Berkeley Police Department tracks the use of force in accordance with General Order U-02 Use of Force. This policy requires that officers complete formal Use of Force reports whenever force results in complaint of injury, visible injury, or any weapon is used. In a given incident, more than one technique or type of force may be used to bring a resistant or combative individual into custody, and more than one officer may use force during the incident. There were an average of 75 applications of force per year across 31.8 incidents.

Each Use of Force report is reviewed by the involved officer's chain of command, from Sergeant to Lieutenant, to Captain, to the Chief of Police. Review includes review of body worn camera footage, the related crime report, and the Use of Force report.

Officers most often used physical force (e.g. control holds or physical techniques) to overcome resistance and combative behavior to effect arrests. Officers' uses of force involving weapons (e.g. straight baton or expandable baton, pepper spray and less lethal projectiles) are less common. Use of less lethal systems are limited to specially trained officers. There were no uses of firearms in the five years covered by this report.

In situations where officers are able to create opportunities for de-escalation, time, distance and cover help to minimize uses of force. When subjects are armed and combative, less lethal launchers allow officers to intervene and prevent violence at a distance. Employing less lethal launchers allow officers to use distance to reduce

threats arising out of close proximity contact, and help to reduce or prevent lethal force encounters, and community members' and officer injuries. Increased distances also may make batons and pepper spray out of range or ineffective.

The Berkeley Police Department was the first police department in California to receive POST certification for an all-day De-escalation course, including class lecture and scenario based training. De-escalation has become prominent in our use of force culture and practice. Officers use de-escalation tactics constantly in their work, through our training and practice.

Demographic Information

Use of Force demographic information will reflect to an extent overall arrestee demographic information.

ETHNICITY/GENDER	2015	%	2016	%	2017	%	2018	%	2019	%
Asian Male	1	2.9%	1	3.2%	0	0.0%	0	0.0%	0	0.0%
Black Male	10	28.6%	15	48.4%	15	37.5%	7	50.0%	16	41.0%
Hispanic Male	2	5.7%	0	0.0%	2	5.0%	1	7.1%	8	20.5%
White Male	11	31.4%	8	25.8%	12	30.0%	5	35.7%	11	28.2%
Other Male	3	8.6%	2	6.5%	0	0.0%	0	0.0%	1	2.6%
Unknown Male	0	0.0%	1	3.2%	4	10.0%	0	0.0%	0	0.0%
Asian Female	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Black Female	3	8.6%	0	0.0%	2	5.0%	1	7.1%	2	5.1%
Hispanic Female	2	5.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
White Female	2	5.7%	2	6.5%	5	12.5%	0	0.0%	1	2.6%
Other Female	1	2.9%	1	3.2%	0	0.0%	0	0.0%	0	0.0%
Unknown Female	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Other	0	0.0%	1	3.2%	0	0.0%	0	0.0%	0	0.0%
Total	35		31		40		14		39	

Age of Citizen	2015	%	2016	%	2017	%	2018	%	2019	%
Under 20	6	17.1	3	9.7%	0	0.0%	1	7.1%	4	10.3%
20-29	8	22.8	7	22.6%	14	35.0%	4	28.6%	11	28.2%
30-39	9	25.7	4	12.9%	13	32.5%	4	28.6%	13	33.3%
40-49	9	25.7	8	25.8%	3	7.5%	2	14.3%	7	17.9%
50+	3	8.6	7	22.6%	5	12.5%	3	21.4%	4	10.3%
Unknown	0	0	2	6.5%	5	12.5%	0	0.0%	0	0.0%
Total	35		31		40		14		39	

Conclusion: The above data provide information on uses of force reported under current policy. The Berkeley Police Department is currently working to implement a new

Use of Force policy which will report lesser uses of force not currently captured in the data. These lesser uses of force, which will be those in which there is no visible injury, no complaint of pain, and no weapons used, will result in more uses of force reported in the next annual report. Future reports will distinguish between the legacy force report data, and the "new" force data, so that comparisons over a multi-year period can be clearly made.

<u>ENVIRONMENTAL SUSTAINABILITY</u>
There are no identifiable environmental opportunities or impacts associated with the subject of this report.