



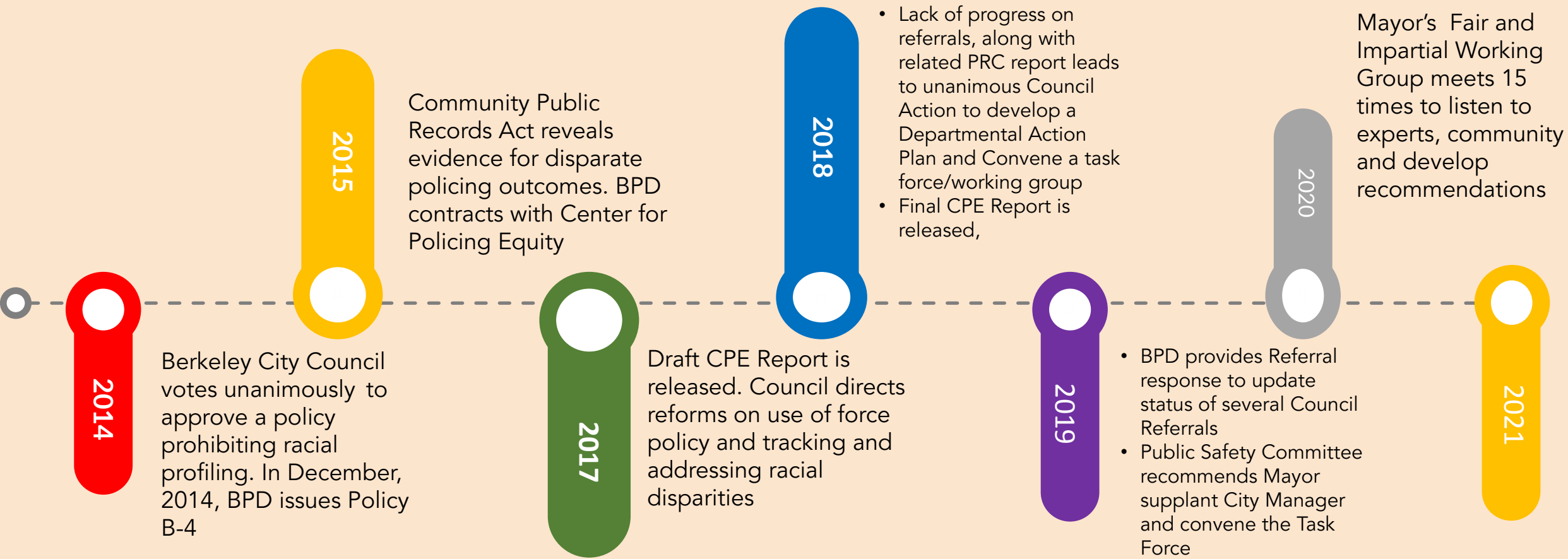
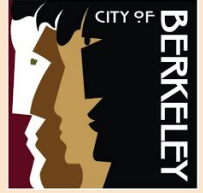
Fair & Impartial Policing Working Group

February 23, 2021



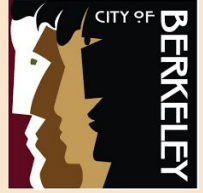
Background

History of Fair and Impartial Policing Actions Leading to Working Group Initiation



Composition of Working Group

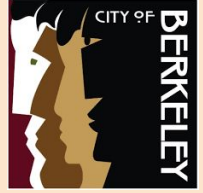
Membership developed based on initial Council Referral



- **Berkeley Police Department**, Chief Greenwood, Capt. Rolleri, Lt. Tate, Lt. Montgomery, Officer Matt Yee, Arlo Malmberg
- **Police Review Commission** Izzy Ramsey, Kitty Calavita, Nathan Mizell
- **ACLU Northern California, Berkeley Chapter** Elliot Halpern
- **Civil Rights Attorney** Jim Chanin
- **NAACP, Berkeley Chapter** Mansour Id-Deen
- **Latinxs Unidos de Berkeley** Héctor Malvido
- **Berkeley Community Safety Coalition** Moni Law
- **Associated Students of University of California**, Nathan Mizell
- **Academic Expert, PhD Candidate, UC Berkeley** Perfecta Oxholm

Process

Year long, five-phase process



Phase 1

Phase 2

Phase 3

Phase 4

Phase 5

Reviewing Objectives, Developing a Workplan

Working Group focused on building a common understanding of past work surrounding this issue and progress that has been made in this field.

Quantitative Analysis

Working Group focused on analysis of possible drivers of disparity as well as the appropriate and available metrics to analyze them

Qualitative Analysis

COVID-19 and limited resources complicated this effort.

Formulating Recommendations Based on Expert Input Including:

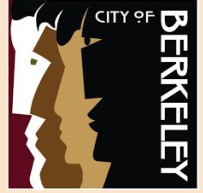
- Dr. Frank Baumgartner
- OPD Captain Chris Bolton
- Scott Meadors, Stockton PD
- Brandon Anderson, Raheem

Developing Final Report and Next Steps

Draft recommendations developed by a subcommittee and discussed in detail

Recommendations finalized through a consensus process

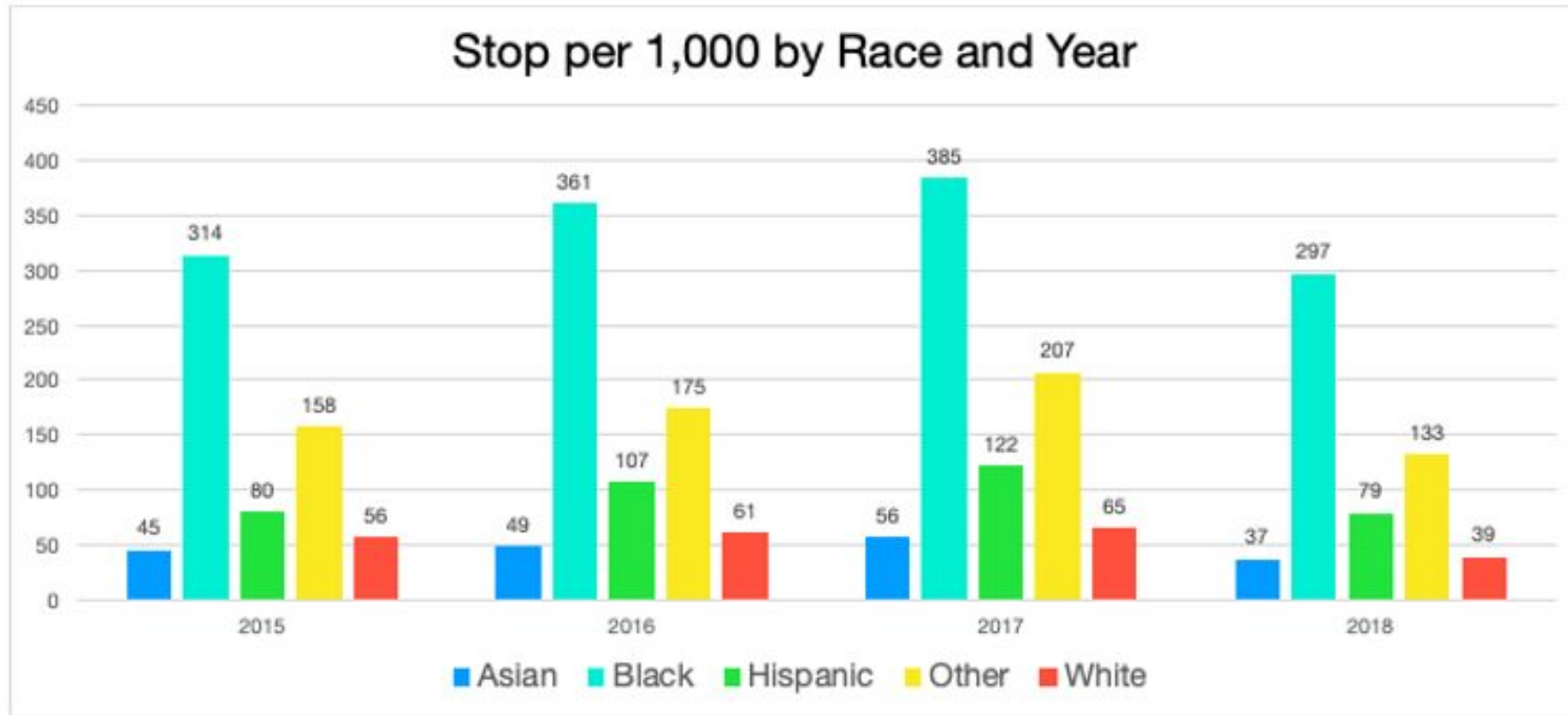
Key Recommendations



Recommendations in **bold** will be highlighted by presenters

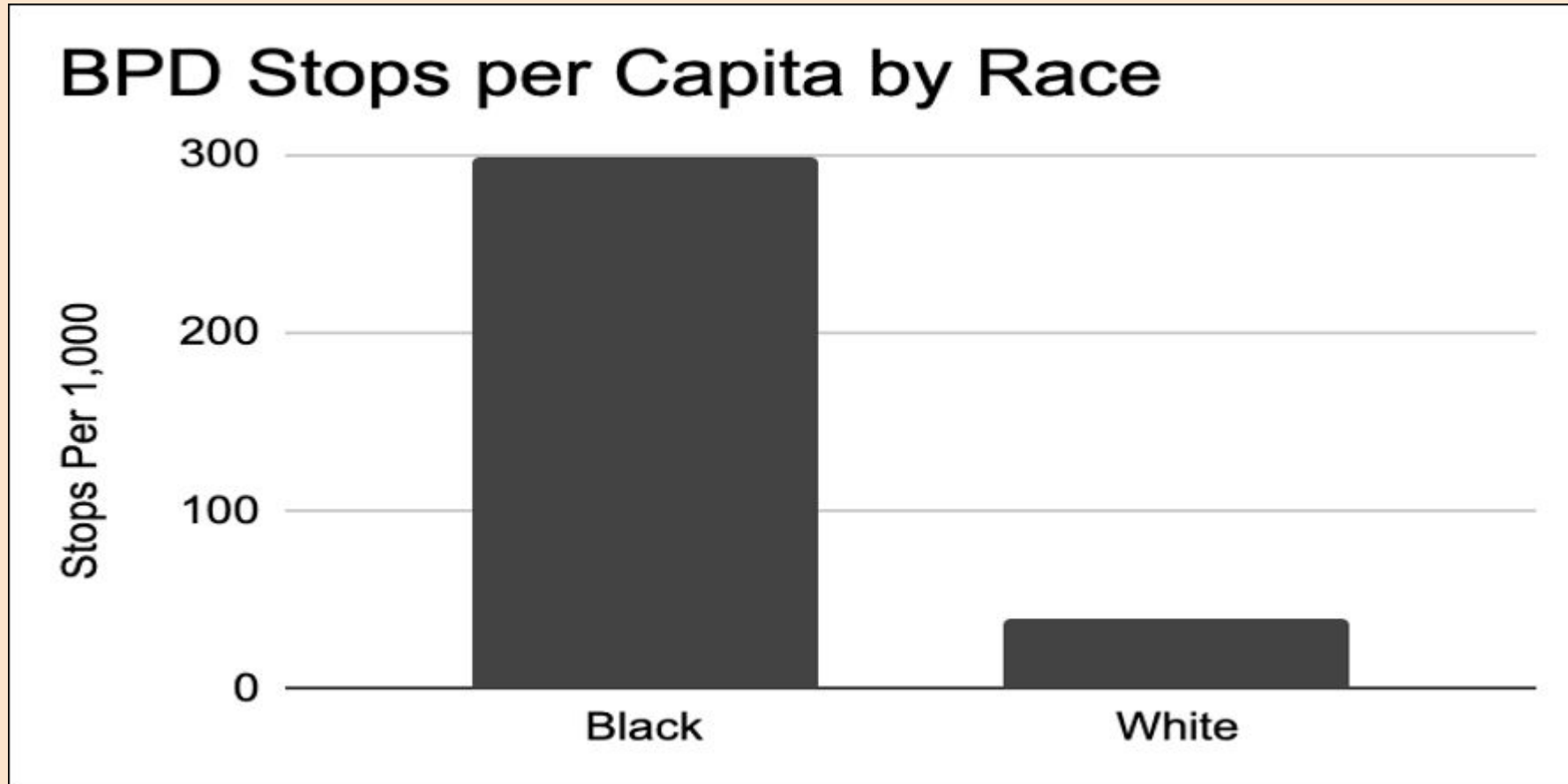
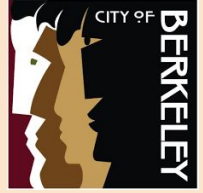
1. **Focus traffic stops on safety**
2. **Use a clear, evidence-based definition for stops of criminal suspects**
3. **Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria**
4. **Eliminate stops for low-level offenses**
5. **Implement an Early Intervention System (EIS) and a risk-management structure**
6. Immediately release stop, arrest, calls for service and use of force data from 2012 to present to the Working Group
7. Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole
8. **Require written consent for all consent searches**
9. **For any individual detained, BPD officers shall provide a business card with info on a website similar to RAHEEM and info on complaint process with PAB**
10. Address Profiling by Proxy (PAB Policy Development, Dispatcher Training)
11. Fire racist police officers identified through social media and other media screens
12. Address Profiling by Proxy (Council develop & pass CAREN policy)
13. Require regular analysis of BPD stop, search, and use of force data
14. Make resources on police-civilian encounters more publicly available such as RAHEEM.org
15. Adopt Compliance and Accountability Mechanisms (NM)
 - Hire consultant to develop implementation plan

Stops per 1,000 by Race and Year 2015-2018



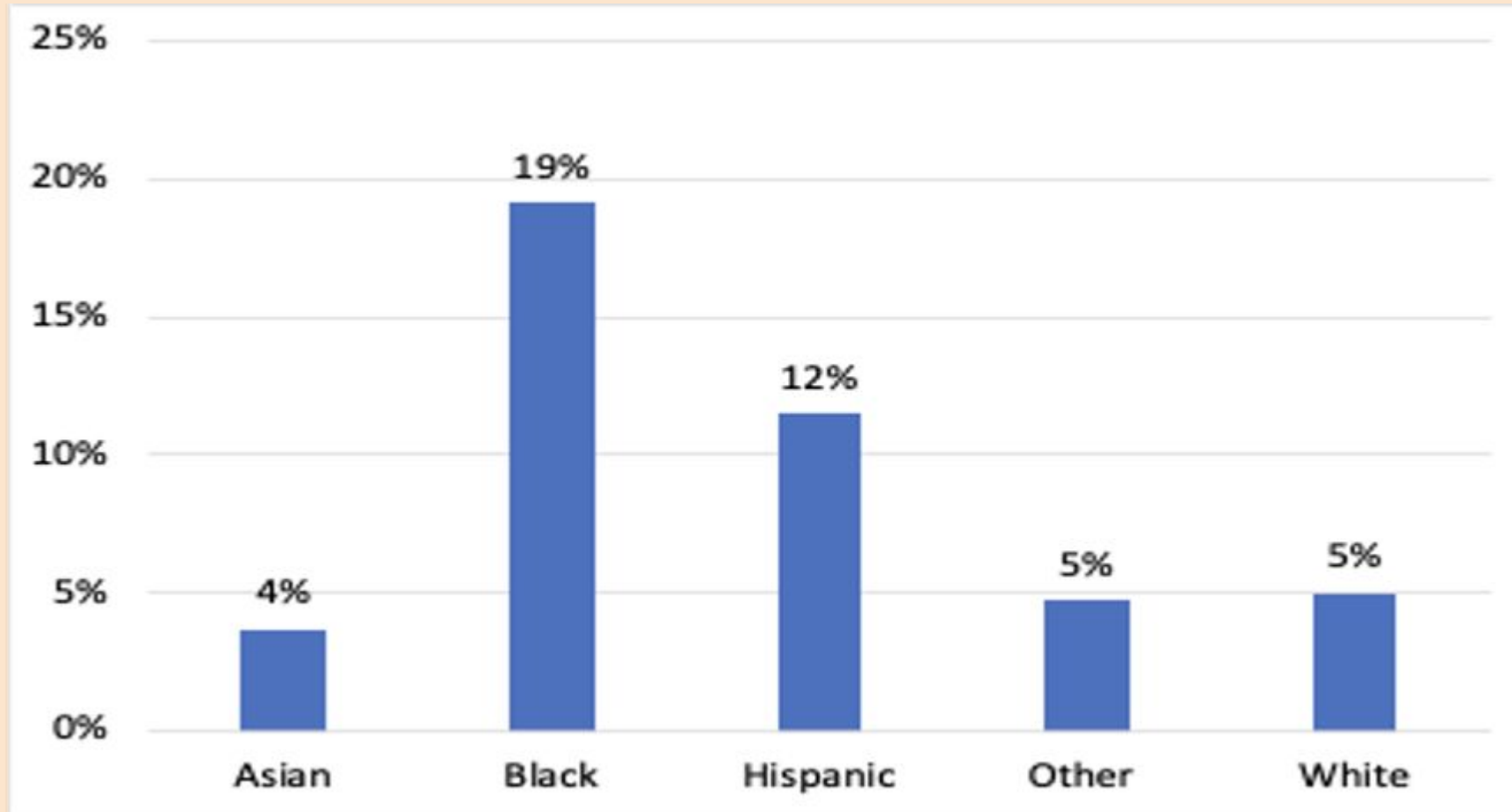
Source: BPD data; analysis provided by Perfecta Oxholm, Goldman School of Public Policy, UC Berkeley

BPD Stops per Capita by Race 2018



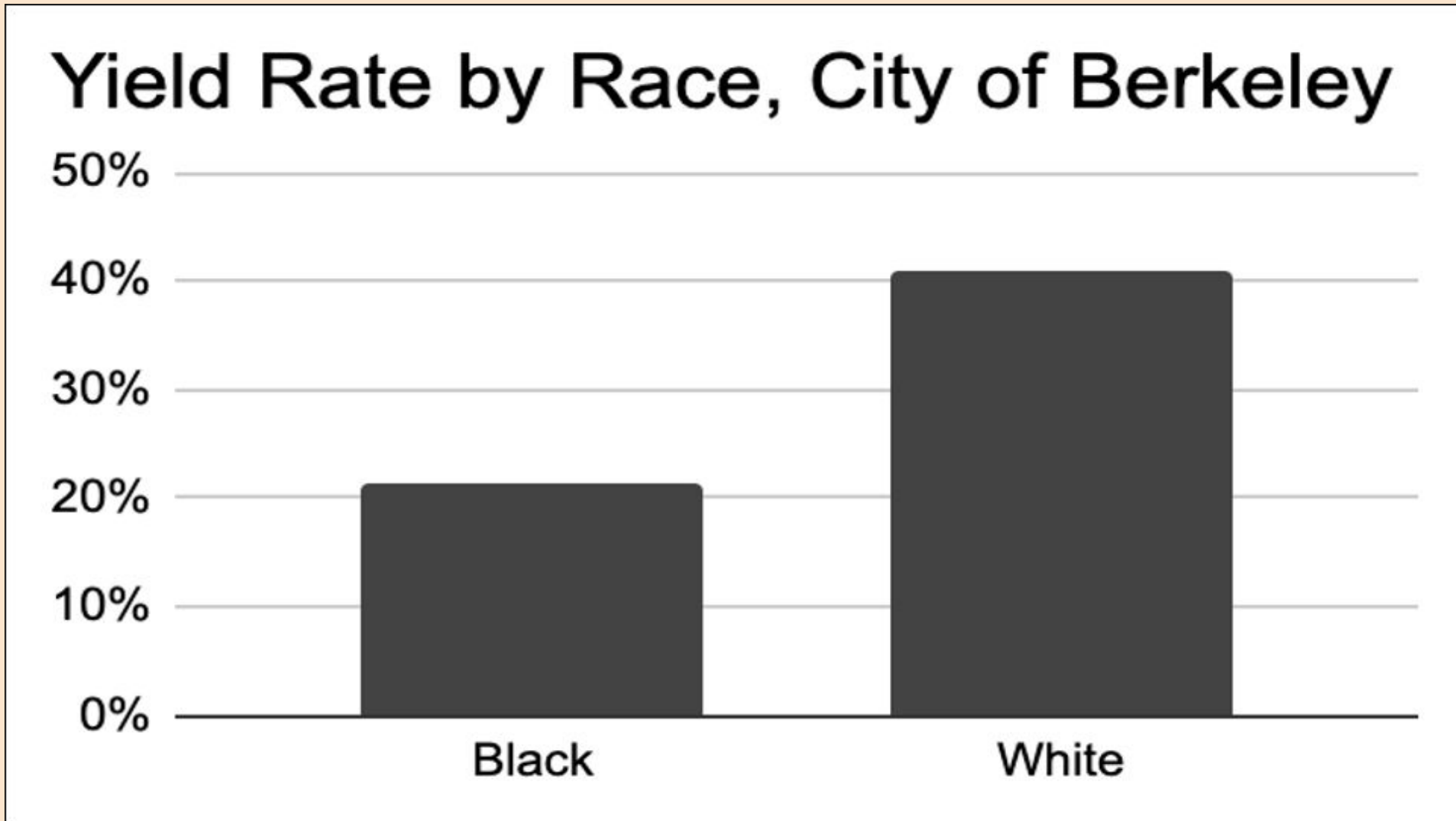
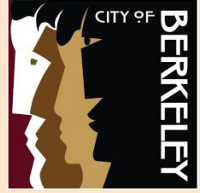
Source: BPD data; analysis provided by George Lippman

BPD Traffic Stops that Included a Search, by Race: 2015-2020



Source: BPD data; analysis provided by Perfecta Oxholm, Goldman School of Public Policy, UC Berkeley

Yield Rate in Traffic Stops, by Race: 2015-2020



Source: BPD data; analysis provided by George Lippman

Recommendations 1 & 4



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- 1. Focus traffic stops on safety (Page 15 of the Packet)**

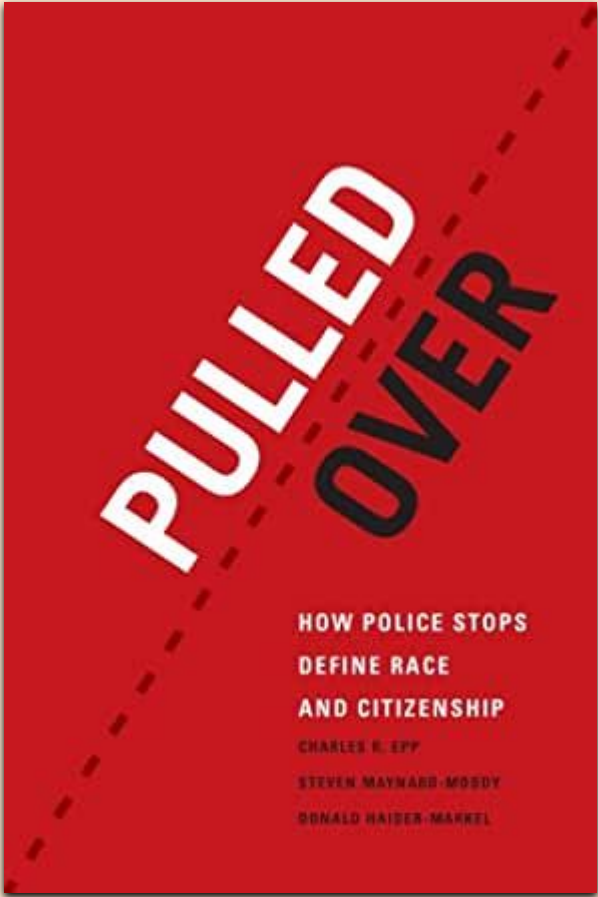
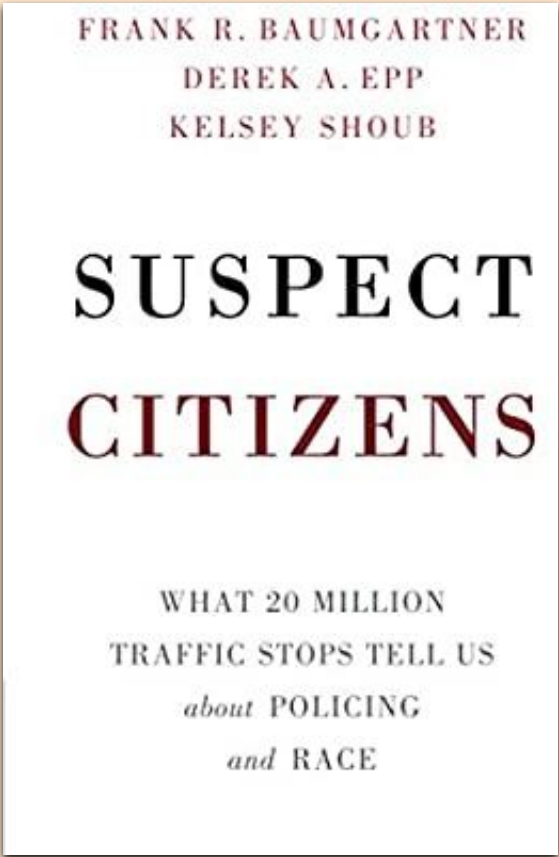
 - 4. Eliminate stops for low-level offenses (Page 16 of the Packet)**

References::

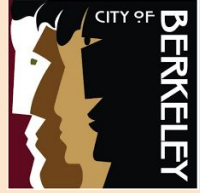
“An Empirical Assessment of Pretextual Stops and Racial Profiling,” by Stephen Rushin and Griffin Sims Edwards, forthcoming in *Stanford Law Review*, 2021.

Captain Bolton presentation to Working Group. See also, Oakland Police Department, “2016-2018 Racial Impact Report.”

Impact of Racially Disparate, Low-Level Stops on Trust



Community Relations Are Key

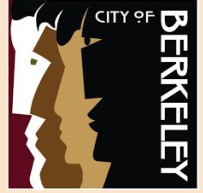


The Center for Policing Equity, 2018, p. 4:
“Research shows that positive police-community relations are crucial for safer communities.”



The Science of Justice:
Berkeley Police Department
National Justice Database City Report
May 2018
www.policingequity.org

Recommendations 2, 5 & 9



Pages 15-18 in the Packet

2. Use a clear, evidence-based definition for stops of criminal suspects

- Since the Oakland Police Department (OPD) has implemented evidence-based methods, the number of African American civilians stopped by the OPD has declined. Since Oakland Police Department has implemented evidence-based methods, the number of African American civilians stopped has declined from 19,185 in 2017 to 7,346 in 2019, a drop of 62% and a stop disparity rate reduction of almost 60%,^[1] with no corresponding increase in crime.

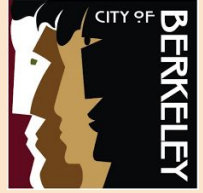
5. Implement an Early Intervention System (EIS) and a risk-management structure

- These measures to ensure individual accountability have operated successfully in Oakland and many other localities for some time. They involve identifying officer outliers in stops, searches, and use of force and their outcomes and examining the reasons for racial disparities. Existing software programs to assist BPD in implementing an EIS could be utilized or BPD can build its own system.
- These programs operate to identify officers who are a danger either to themselves or to the public. They are referred to as “risk management” systems because they help limit the financial liability of the City and hence its taxpayers.

9. For any individual detained, BPD officers shall provide a business card with the following information on the back

- a) A website similar to RAHEEM that collects information on police-civilian encounters.^[1]
- b) Contact information for filing a complaint with the PRC or its successor, the Police Accountability Board.

Recommendations 3 & 8



Pages 15 and 18 in the Packet

3. Use race and ethnicity as relevant factors when determining law enforcement action only when provided as part of a description of a crime and suspect that is credible and relevant to the locality and timeframe of the crime and only in combination with other specific descriptive and physical characteristics.

Specific descriptive and physical characteristics may include, for example: the gender, age, height, weight, clothing, tattoos and piercings of the suspect, the make and model of the car, and the time and location of the crime. Simple race and ethnicity alone are not satisfactory as bases for reasonable suspicion under the law, and amount to racial profiling.

8. Require written consent for all consent searches

- The Working Group recommends that the BPD adopt the written consent form used in North Carolina
 - Baumgartner (pp. 195-209) and his team found that in cities requiring written consent to perform a consent search, these searches declined by 75%. Since people of color are disproportionately the subjects of these searches, it makes sense that a significant reduction would lead to fewer consent searches for people of color.
 - Examining three cities in North Carolina, Baumgartner found that in cities where there was resistance by leadership to the new written-consent policy, there was a substitution effect, such that as consent searches went down, probable cause searches went up. However, the substitution effect seemed to be directly correlated with leadership priorities. The chapter concludes, “We showed that a combination of leadership directives and simple initiatives can alter the relationship a department can have with their community” (pg. 213). *This speaks to the need for clear buy-in from BPD leadership.*

Written Consent Search Forms



Berkeley vs Durham, N.C.

BERKELEY POLICE DEPARTMENT
CONSENT SEARCH FORM

Date: _____

I, _____
have been informed of my constitutional right not to have a search made of the premises and/or vehicle hereinafter mentioned, or my person, without a search warrant and of my right to refuse to consent to such a search. I hereby authorize

Officer(s): _____

of the Berkeley Police Department, and any other law enforcement agent, to conduct a complete search of my person, residence located at

Location(s): _____

and the following vehicles:

Vehicle(s): _____

I authorize these agents to take from the above locations and vehicles any letters papers, materials, or other property which they may desire.

I give this written permission to the above named police officers voluntarily. No threats or promises of any kind have been made to me.


(Signed) _____

Witness: _____
Witness: _____
Witness: _____



DURHAM
1869
CITY OF MEDICINE

Durham Police Department
505 W. Chapel Hill St. Durham, NC 27701
919-560-4427



Consent to Search Form

Person to be Searched IR#: _____

Person

I, _____, agree to allow law enforcement to perform a complete search of my person, including all property on my person.

Property to be Searched

Vehicle Plate: _____ VIN: _____
Make: _____ Model: _____

Premises Address: _____
Description: _____

Electronic Device Type of Device: _____
Make: _____ Model: _____
Serial Number: _____

Passwords/log-ins/specific directions for entry: _____

Other (Describe property): _____

I, _____, own, possess, or have authority over the property described above and do hereby agree to allow law enforcement to perform a complete search of the property listed above, to include all property located on or within the vehicle, premise, electronic device, or other property listed above.

I have been advised of my right to refuse to consent to this search. I give this consent voluntarily, without any promises made to me, or threats of any kind made against me. I understand any evidence of a crime may be seized as a result of this search.

Signature: _____ Date/Time: _____

Check if consent denied

Person Authorizing

Name: _____
Date of Birth: _____ Age: _____ Phone Number: _____
Address: _____

Officer Name: _____ Employee ID#: _____
Division/District/Unit: _____ Contact #: _____
Officer Signature: _____ Date/Time: _____

General Order 4004 A-1 R-1 Submit original to records.
REV 8/14 Copies may be kept with case file.

Questions

