



[First Last name]
Councilmember District [District No.]

REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: December 15, 2020

Item Number: 7

Item Description: Contract: National Institute for Criminal Justice Reform to Manage and Lead a Community Engagement Process to Develop a New Paradigm of Public Safety in Berkeley

Submitted by: Dee Williams-Ridley, City Manager

Attached is a revised staff report and a revised resolution for Item Number 7 on the City Council Agenda for December 15, 2020. The staff report has been revised to remove a redundant sentence. At the request of the City Auditor, the resolution has been revised to reflect the role of the City Auditor's Office.



Office of the City Manager

CONSENT CALENDAR
December 15, 2020

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: David White, Deputy City Manager
Subject: Contract: National Institute for Criminal Justice Reform to Manage and Lead a
Community Engagement Process to Develop a New Paradigm of Public
Safety in Berkeley

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments with the National Institute for Criminal Justice Reform in an amount not-to-exceed \$270,000 for the period beginning January 1, 2021 and ending June 30, 2022.

FISCAL IMPACTS OF RECOMMENDATION

The total amount of the contract is not-to-exceed \$270,000. A General Fund appropriation for this contract will be included in the First Amendment to the FY 2021 Annual Appropriations Ordinance. Given their experience in Oakland facilitating the re-imagining public safety initiative, the National Institute for Criminal Justice Reform has indicated that there is the potential to pursue philanthropic resources to augment the scope of work especially as it pertains to the communications effort and community engagement process. City staff have agreed to work collaboratively with the National Institute for Criminal Justice Reform and their team to pursue additional funding opportunities.

CURRENT SITUATION AND ITS EFFECTS

On July 14, 2020, in Resolution No. 69,501-N.S., City Council passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley. As part of the items that were adopted, City Council adopted [Item 18c](#) ("Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley") and [Item 18d](#) ("Transform Community Safety and Initiate a Robust Community Engagement"), which directs the City Manager to engage a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley. In response to the legislative package adopted by City Council, on September 8, 2020,

the City issued a Request for Proposal (Attachment 2) to solicit proposals from firms and/or individuals who can manage and lead this assignment.

A review panel consisting of city staff, community, and other stakeholders was convened to review and interview the firms that submitted proposals to the City. Of the six (6) firms that submitted proposals, four (4) were interviewed. Of the four (4) firms that were interviewed by the review panel, two were interviewed by the City Manager. A consensus was reached to recommend the National Institute for Criminal Justice Reform and their team to the City Council to lead the community engagement effort.

The contract with the National Institute of Criminal Justice Reform will provide for the following:

- Working with the City Auditor on the assessment of emergency and non-emergency calls for service.
- Developing a summary and presentation of new and emerging models of community safety and policing.
- Developing and implementing a communications strategy to ensure that the community is well informed, a robust community engagement process, and managing the Task Force to be established by the City Council.
- Identifying the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations.
- Developing a final report and implementation plan that will be used to guide future decision making.

BACKGROUND

In response to a culmination of events -- the deaths of George Floyd and Breonna Taylor, as well as the use of force by Police Departments throughout the country in responding to community gatherings demanding change – along with concerns raised by citizens and community stakeholders, on July 14, 2020, the City Council passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley that is summarized below:

- Having the City's elected Auditor perform an analysis of City's emergency 9-1-1 calls-for-service and responses, as well as analysis of the Berkeley Police Department's (BPD) budget.
- Evaluate initiatives and reforms that reduce the footprint of the Berkeley Police Department and limit the Berkeley Police Department's scope of work primarily to violent and criminal matters.
- Aspire to reduce the Berkeley Police Department's budget by 50% to generate resources to fund the following priorities:
 - Youth programs;
 - Violence prevention and restorative justice programs;
 - Domestic violence prevention;
 - Housing and homeless services;
 - Food security;
 - Public Health and Mental Health services including a specialized care unit;
 - Healthcare;
 - New city jobs;
 - Expanded partnerships with community organizations, and
 - Establishing a new Department of Transportation to administer parking regulations and traffic laws.
- Create plans and protocols for calls for service to be routed and assigned to alternative preferred responding entities and consider placing dispatch in the Fire Department or elsewhere outside the Police Department. The Fire Department is leading this effort.
- Analyze and develop a pilot program to re-assign non-criminal police service calls to a Specialized Care Unit. This work is being led by our Health, Housing and Community Services Department and a [contract with Resource Development Associates to facilitate the design of the Specialize Care Unit is on the December 1, 2020 agenda](#).
- The City will align its work with the school district's commitment to look at exploring and reducing policing in the schools.

- Analysis of litigation outcomes and exposure for city departments in order to guide the creation of city policy to reduce the impact of settlements on the General Fund. This work is being led by the City Attorney.
- Pursue the creation of a Berkeley Department of Transportation to ensure a racial justice lens in traffic enforcement and the development of transportation policy, programs and infrastructure, and identify and implement approaches to reduce and/or eliminate the practice of pretextual stops based on minor traffic violations. This work is being led by our Public Works Director.

In addition to the items listed above, on July 14, 2020, the City Council adopted [Item 18c](#) ("Referral to City Manager to Re-imagine Policing Approaches to Public Safety Using a Process of Robust Community Engagement, to Develop a Path Forward to Transforming Public Safety and Policing in Berkeley") and [Item 18d](#) ("Transform Community Safety and Initiate a Robust Community Engagement"), which directs the City Manager to engage a qualified firm(s) or individual(s) to lead a robust, inclusive, and transparent community engagement process with the goal of achieving a new and transformative model of positive, equitable and community-centered safety for Berkeley.

In response to the legislative package adopted by City Council, on September 8, 2020, the City issued a Request for Proposal (Attachment 2) to solicit proposals from firms and/or individuals who can plan, develop, and lead an inclusive and transparent community engagement process to help the City achieve a new paradigm of public safety in Berkeley. The City received a total of six (6) proposals that were deemed to be complete and met the submittal requirements outlined in the Request for Proposal.

In order to ensure a thorough review of the proposals, the City convened a team that consisted of 13 individuals (6 city staff and 7 members of the community and other stakeholders). The following outlines the individuals that reviewed the proposals:

Elana Auerbach
LaTanya Bellow
Farimah Brown
Kitty Calavita
Shamika Cole
Lupe Gallegos-Diaz
Alecia Harger

Kathy Lee
Emily Murphy
Andrea Pritchett
Kevin Schofield
Marc Staton
David White

As summarized in regular updates provided to the City Council, the proposal review team met on three occasions. At the first meeting, the team discussed the proposals that were submitted to the City and ultimately selected four (4) out of the six (6) teams to be interviewed. At the second meeting, the proposal review team convened to discuss the format of the interviews and develop a set of questions that will be asked of

each of the teams invited to participate in the interviews. The review panel met for a third and final time on Thursday November 12, 2020 from 5:00 pm to 10:30 pm to conduct interviews of the four teams on the zoom platform, rank the teams, and discuss perceived “Strengths” and “Concerns”. The City Manager interviewed the top two firms on Friday November 20, 2020.

Based on the strength of its team, subject matter expertise, familiarity with the City, and robust community engagement process, the National Institute for Criminal Justice Reform and the team that they have assembled is being recommended to the City Council to lead the community engagement effort. Working with the National Institute for Criminal Justice Reform includes the following team members:

- Analysis Group, Inc.
- Berkeley Youth Alternatives
- Bright Research Group
- Pastor Michael Smith
- Reverend Michael McBride
- The Justice Collaboratory
- Renne Public Law Group

The Scope of Work for this assignment includes the following:

- Working with the City Auditor on the assessment of emergency and non-emergency calls for service. As necessary, the National Institute for Criminal Justice Reform will build on the work of the City Auditor to provide additional mapping and analysis to provide a strong analytical framework for this assignment.
- Developing a summary and presentation of new and emerging models of community safety and policing.
- Developing and implementing a communications strategy to ensure that the community is well informed and a robust community engagement process to ensure that a diversity of perspectives are heard, especially the voices of our Black, Native American/First Peoples and other communities of color, LGBTQ+ people, survivors and victims of harm and other stakeholders that have been historically marginalized and under-served. The National Institute for Criminal Justice Reform will also manage the Task Force being considered by the City Council on December 15, 2020.
- Identifying the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations. The National Institute for Criminal Justice Reform and its team will

coordinate with City departments that are leading work surrounding priority / emergency medical dispatching, the Specialized Care Unit, and BerkDoT.

- Developing a final report and implementation plan that will be subject to public review prior to being finalized.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the action requested in this report.

RATIONALE FOR RECOMMENDATION

The National Institute for Criminal Justice Reform and its team was selected as the vendor for this contract through a competitive RFP process, and the evaluation panel for the RFP included both City Staff and community stakeholders.

ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to approve the attached Resolution and the City could restart the RFP process. This is not recommended due to the need to provide timely recommendations to City Council. Alternatively, the City Council could decide not to approve the contract at a level that exceeds the \$200,000 in funds that were allocated to this assignment as part of the adopted FY 21 budget. In this case, city staff would work with the National Institute for Criminal Justice Reform and its team to reduce the scope of work to align with available resources. In the event city staff cannot negotiate a scope of work that is in line with City Council direction, city staff would approach the other firm that was interviewed by the City Manager.

CONTACT PERSON

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Shamika Cole, Associate Management Analyst, (510) 981-7043

Attachments:

- 1: Resolution
- 2: Request for Proposal

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

CONTRACT: NATIONAL INSTITUTE FOR CRIMINAL JUSTICE REFORM TO
MANAGE AND LEAD A COMMUNITY ENGAGEMENT PROCESS TO DEVELOP A
NEW PARADIGM OF PUBLIC SAFETY IN BERKELEY

WHEREAS, on July 14, 2020, the City Council of the City Berkeley passed a package of items providing direction for the development of a new paradigm of public safety in Berkeley that included direction to the City Manager to hire a firm to lead a robust community engagement effort; and

WHEREAS, City of Berkeley issued a Request for Proposal on September 8, 2020 and the National Institute for Criminal Justice Reform and their team was selected through a competitive Request for Proposal process; and

WHEREAS, the National Institute for Criminal Justice Reform is being recommended to the City Council based on the strength of their team, subject matter expertise, familiarity with the City, and robust community engagement process; and

WHEREAS, at the request of the City Council of the City of Berkeley, the City Auditor is performing an assessment of the City's emergency and non-emergency 9-1-1 calls-for-service; and

WHEREAS, the National Institute for Criminal Justice Reform has agreed to perform the work necessary for this assignment including, but not limited to:

- Working with the City Auditor on the assessment of emergency and non-emergency calls for service.
- Developing a summary and presentation of new and emerging models of community safety and policing.
- Developing and implementing a communications strategy to ensure that the community is well informed, a robust community engagement process, and managing the Task Force to be established by the City Council.
- Identifying the programs and/or services that are currently provided by the Berkeley Police Department that can be provided by other City departments and / or organizations.
- Developing a final report and implementation plan that will be used to guide future decision making.

December 15, 2020

WHEREAS, the services to be performed by the National Institute for Criminal Justice Reform and their team align with the Strategic Plan goal to champion and demonstrate social and racial equity.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley:

Section 1. The City Manager or her designee is hereby authorized to execute a contract and any amendments with National Institute for Criminal Justice Reform to manage and lead a community engagement to develop a new paradigm for public safety in the City of Berkeley for a total contract not-to-exceed \$270,000 from the General Fund for the period beginning January 1, 2021 and ending June 30, 2022. A General Fund appropriation for this contract will be included in the First Amendment to the FY 2021 Annual Appropriations Ordinance.

Section 2. The City Manager will include in the Scope of Work for the National Institute of Criminal Justice Reform that they will work with the City Auditor's Office on the assessment of emergency and non-emergency calls-for-service to ensure that there is no duplication of work. The City Auditor has agreed to be available and review its work with the National Institute for Criminal Justice Reform.

Section 3. A record signature copy of the contract and any amendments between the City and the National Institute for Criminal Justice Reform shall be on file in the Office of the City Clerk.