



Police Review Commission (PRC)

March 8, 2018

To: Honorable Mayor and Members of the City Council  
From: Sahana Matthews, Chair, Police Review Commission *SM/SP*  
Re: Police Review Commission Recommendation for a Financial and Performance Audit of the Berkeley Police Department

In light of the Berkeley Police Department's current difficulties in maintaining its sworn staff at budgeted levels, the Police Review Commission believes that this is an opportune time for an in-depth assessment of how the BPD is using its financial and human resources.

The members of the PRC read with interest the City Auditor's report to the City Council of April 30, 2002, regarding a Police Staffing Audit, and a Status Report of that audit dated May 29, 2012. The purpose of the audit was to determine if Community Service Officers (CSOs) could perform tasks performed by sworn officers to alleviate the shortage of sworn officers at that time, and if civilians could perform specific tasks then performed by sworn officers. Additional CSOs were not hired due to budget reductions, but at least two civilian positions – a Business Manager and Communications Center Manager – were created from formerly sworn officer positions.

The Commission's recommendations in the attached resolution are made in a similar vein, in that they call for an examination of whether some tasks performed by sworn officers could be done by non-sworn personnel. In light of the considerable level of sworn officer resources currently devoted to calls involving people with mental health challenges, the Commission has identified the possible use of mental health professionals to respond to such calls as a specific area to be assessed.

The Commission is asking that, beyond the use of personnel, other inquiries be undertaken, such as establishing performance measures, examining whether the BPD is using best practices, and looking at management of costs. The goal of all these measures, taken together, should give everyone – policymakers and staff alike – a complete picture of an appropriate level of sworn and non-sworn staffing and efficient allocation of other resources within the BPD.

The attached resolution was passed unanimously by the Police Review Commission at its February 28, 2018 meeting. Moved/Seconded

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(Prichett/Roberts) Ayes: Allamby, Lippman, Matthews, Prichett, Roberts,  
Sherman, and Yampolsky; Noes: None; Abstain: None; Absent: Perezvelez.

Attachment

cc: Dee Williams-Ridley, City Manager  
Andrew Greenwood, Chief of Police  
Christian Stines, President, Berkeley Police Association  
Jovan Grogan, Deputy City Manager  
PRC Commissioners



## BART PRESS RELEASE

**Release Date:** 3/9/2018

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### **BART Board approves dozens of modifications to strengthen police oversight**

The BART Board of Directors has unanimously approved 39 recommendations meant to strengthen the BART Citizen Oversight Model for the BART Police Department. The modifications include clarifications and operational suggestions that will impact both the Office of the Independent Police Auditor (OIPA) and the BART Police Citizen Review Board (BPCRB). Notable changes include a more expansive definition of eligible complainants and enabling the Independent Police Auditor to investigate any type of misconduct allegations.

"I'm pleased the Board saw fit to approve these improvements to the oversight system," said BART Independent Police Auditor Russell Bloom. "These revisions help BART keep pace with best practices in the arena of police oversight, which will help maintain accountability and improve community trust," said Bloom.

"It's a great step in moving the BART Police Department in line with progressive policing practices insuring greater transparency and community engagement," said BART Police Citizen Review Board Chair George Perezvelez.

The 39 recommendations approved by the BART Board come from a list of 54 proposals submitted by the OIR Group in June and July of 2017. The OIR Group is a civil rights consulting firm that was brought in to review the structure and functionality of the BART Police Oversight Model. The BART Board intends to discuss and consider implementing the additional 15 recommendations at a future meeting.

The reforms approved by the BART Board will allow the Independent Police Auditor to review all BPD use-of-force incidents. Other changes are intended to bring the oversight

system in line with best practices in the field of civilian oversight of law enforcement. That includes the incorporation of understandings acknowledged in President Obama's Task Force on 21<sup>st</sup> Century Policing.

Additional revisions approved by the BART Board include:

- Any person will now be permitted to file a complaint of misconduct and OIPA shall ensure that a timely, thorough, complete, objective and fair investigation is conducted. The current Model allows only victims, witnesses, and parents/guardians of minor victims to file a complaint with OIPA.
- The revised Model will provide OIPA the ability to investigate any allegation of misconduct that implicates the policies of BPD. The current Model provided that OIPA would conduct an independent investigation only where allegations of misconduct included excessive force, racial profiling, sexual orientation bias, sexual harassment, and the use of deadly force, and suspicious and wrongful deaths.
- While the current Model authorizes OIPA to monitor any allegation that is handled by BPD, the revised Model will expressly confer upon OIPA the authority and responsibility to review all use of force incidents by BPD regardless of whether the incident is the subject of a complaint. This revision will also allow OIPA to review uses of force that come to its attention in any manner, including via social media and news outlets.
- The Board voted to implement the recommendation that OIPA should publicly report on the internal review of any officer-involved shooting, in-custody death, or serious uses of force. Because OIPA is already authorized to require BPD to conduct follow-up investigation into any allegation or citizen complaint that is handled by BPD, OIPA is now granted the express authority to publicly report any resistance by BPD to such requests.
- OIPA will operate under an investigative paradigm under which BPD may avoid duplicative or parallel investigations of a single complaint by deferring such investigations to OIPA.
- The BPCRB shall report on each member's vote regarding whether to agree with findings and recommendations from OIPA. In cases where a vote is not unanimous, the dissenters should set out their rationale for diverging from the majority's determination.
- The current Model provides that the Chief of Police may appeal findings and recommendations from OIPA and the BPCRB in a confidential meeting with the BART General Manager whose decision on the matter shall be final. Under the revised Model, the General Manager shall convene a meeting to receive input from OIPA and the BPCRB prior to rendering a written decision on the appeal.

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