



Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
April 15, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author)

Subject: Resolution: Affirming Support for Berkeley Police Department, Police Accountability Board, and Office of the Director of Police Accountability in Response to Downtown Task Force Texting Offenses Investigation

RECOMMENDATION

Adopt a Resolution affirming our community's support for the Berkeley Police Department (BPD) and acknowledging the work of the Police Accountability Board (PAB) & the Office of the Director of Police Accountability (ODPA) in investigating BPD's Downtown Task Force texting offenses, ultimately making recommendations to increase trust, transparency, and accountability. Additionally, the Resolution condemns any and all racism and misconduct, affirms the City Council's opposition to arrest quotas, and asks the California Legislature to extend the prohibition on arrest quotas, which are currently limited to the California Vehicle Code.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

Council's Public Safety Policy Committee reviewed Item #3: *Berkeley Police Department Texting Offenses: An Independent Investigation by the Police Accountability Board* at its February 25, 2025 meeting and voted to return it to Council with a negative recommendation.

Instead, this resolution serves to acknowledge the importance of the Police Accountability Board and the Director of Police Accountability and the critical role they play in ensuring the Berkeley Police Department's accountability to the community as well as identifying & resolving policy or personnel issues as they occur. Berkeley has been a leader in police accountability, and that is a history to honor. The resolution also affirms our confidence in BPD, PAB, and ODPA.

The City of Berkeley condemns any and all racism and misconduct. Misconduct of any kind—whether on-duty or off-duty—is unacceptable behavior from anyone in our community, particularly from those who are sworn to protect vulnerable populations. This is especially true regarding racial, economic, or other types of bias.

BACKGROUND

The Police Accountability Board (PAB) submitted a report on the Downtown Task Force Texting Offenses Investigation for the City Council's October 1, 2024 agenda, which the Agenda Committee referred to the Public Safety Policy Committee (PSPC). The item was withdrawn from the PSPC as requested by a PAB vote during their September 25, 2024 meeting. The Office of the Director of Police Accountability and the Police Accountability Board submitted a new report for the January 21, 2025 Council Meeting. The Agenda and Rules Policy Committee referred the item to the Public Safety Policy Committee. The PSPC heard the item on February 25, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

Attachments:

1: Resolution

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

AFFIRMING SUPPORT FOR BERKELEY POLICE DEPARTMENT, POLICE
ACCOUNTABILITY BOARD, AND OFFICE OF THE DIRECTOR OF POLICE
ACCOUNTABILITY IN RESPONSE TO DOWNTOWN TASK FORCE TEXTING
OFFENSES INVESTIGATION

WHEREAS, community safety is best served when the Berkeley Police Department (BPD), the Police Accountability Board (PAB), and the Office of the Director of Police Accountability (ODPA) are all operating at their best; and

WHEREAS, we have full confidence in the Berkeley Police Department and Chief Louis and are proud of the work of our Department and its dedication to keeping the community safe; and

WHEREAS, citizen oversight plays a critical role in ensuring BPD's accountability to the community and identifying & resolving policy or personnel issues as they occur. Through the PAB, ODPA, and previously the Police Review Commission (PRC), Berkeley has long been a leader in police accountability; and

WHEREAS, the PAB and ODPA contributed countless hours of work to the investigation of texting offenses in BPD's Downtown Task Force that occurred between 2019 and 2020 and became public in November 2022, making thoughtful recommendations to mitigate future instances of potential misconduct. Reading the text messages identified instances of racial insensitivity and poor judgment, highlighting the need for increased awareness and sensitivity to issues of race and inclusion; and

WHEREAS, whether on-duty or off-duty, misconduct of any kind is unacceptable behavior for our Police Officers. This is especially true with regard to racial, economic, or other types of bias; and

WHEREAS, we are grateful that BPD and PAB are working together with the Berkeley Police Association (BPA) to implement an Early Intervention System that will help identify personnel concerns, stresses, or challenges much earlier, before they materialize into misconduct or other problems in our community; and

WHEREAS, the City encourages BPD and PAB to work together through their existing collaborative process to make any needed changes to existing BPD policies on the use of personal communications devices, off-duty conduct, traffic function and responsibility and other important areas.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that we encourage the Berkeley Police Department, the Police Accountability Board, and the Office of the Director of Police Accountability to continue to work together in good faith in order to keep our community safe. The successful missions of each of these organizations are essential to maintaining the trust of all Berkeley residents.

BE IT FURTHER RESOLVED that the Berkeley City Council has full confidence in Berkeley's Police Accountability Board, the Office of the Director of Police Accountability, and the Berkeley Police Department.

BE IT FURTHER RESOLVED that the Berkeley City Council affirms the PAB's ability to access relevant information to conduct specific investigations, under authority granted by the Charter. The particular types of documents that should be accessible during different types of investigations (i.e., personnel misconduct, policy reviews, policy & practice reviews) are necessarily limited by state law and due process considerations. Therefore, we urge the PAB, OPDA, and BPD to adopt their final regulations as expeditiously as possible, after completing the "meet and confer" process with the BPA, to clarify how investigations will be conducted with appropriate information provided by BPD.

BE IT FURTHER RESOLVED that the Berkeley City Council condemns any and all racism and misconduct.

BE IT FURTHER RESOLVED that the Berkeley City Council affirms its strong opposition to arrest quotas and supports BPD's existing practice against using arrest quotas.

BE IT FURTHER RESOLVED that the Berkeley City Council urges the California State Legislature to extend the prohibition on arrest quotas, which are currently limited to the California Vehicle Code (Section 41600-41603) to all types of arrests in California.