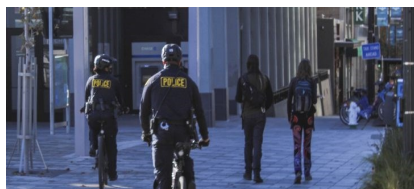


Berkeley Speaks Newspaper is your source for news of social justice in Berkeley.

Berkeley Speaks (previously known as Berkeley Now) was created to shine a light on the struggles for affordable housing, decent healthcare, outstanding education, reimagined public safety, fair employment, and a livable planet for generations to come.

#### Contact

BerkSpeaks@gmail.com  
 for your free subscription, and see the last page of this issue to learn how you can be a part of Berkeley Speaks Newspaper!



## Scandal-Ridden Police Bike Unit Still Patrolling

*How the BPD fails to oversee problem officers*

On November 10, 2022, the Berkeley Police Department's Bike Team was implicated by a former member of the team in a pattern of bias-related misconduct. The whistleblower revealed multiple text messages within the team that exhibited racism, anti-homeless threats, arrest quotas and manipulation of overtime. These texts were disturbing to the city council, and helped to derail the confirmation of Interim Chief Jen Louis as permanent police chief...*Continued on page 7*



## Consider The Homeless Helping Those Who Need Us, One Person At A Time

Consider the Homeless (CTH) stands tall amongst our providers. With a budget under \$65,000 from private donations, the work they do with our unhoused population and with the various city departments and community-based organizations in our city would cost any non-profit \$175,000 and the city twice as much.

*...Continued on page 4*

## April 18<sup>th</sup> 2023 is the 1st Anniversary of Death by Suicide of Berkeley High Student

The City of Berkeley allocation of \$350,000 for additional Mental Health Services sits unspent. The reason given by Berkeley High School (BHS) and the City of Berkeley states that it is very difficult to hire people in the mental health and health professions; also, finding qualified staff who make it to the top of the list don't want the job. *...Continued on page 18*

*Editor's Note: This story contains discussion of suicide and mental illness.*



### Reimagining Berkeley - At the Starting Gate

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#### Berkeley Speaks Newspaper

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As Spring 2023 approaches, how goes the process of putting Reimagining Public safety into practice? In our last issue (November 2022), we explained the landscape of change that emerged from the Reimagining process. In this issue we report on the status of a number of initiatives that the city council has committed to since 2020.

It is exciting to see some of the Reimagining Public Safety recommendations close to coming online, or already in place.

These include:

- The Specialized Care Unit (SCU) to provide non-police responses to mental health crises will be up and running by the summer. In the interim bridge services were funded for peer outreach and services, substance use interventions and recovery options, and outreach to encampments.
- Police officers are now barred from searching civilians on parole or probation for nonviolent offenses, except for reasonable suspicion of a crime.

Other initiatives, however, have been spinning their wheels for months or even years.

- The violence prevention program called Ceasefire, which does not depend on police Intervention, was granted \$2 million in city funding in June 2022, but at this point it is described by a Council aide as “stalled.”
- BPD’s attempt to meet the Council’s mandate to end pretextual traffic stops is flawed. (See our article on the BPD Bike Unit in this issue.)
- Progress on the Early Intervention System (EIS), a program to uncover over-policing of civilians of color and other officer issues, needs to be understood better. (See the Bike Unit article page 1)

These changes, if implemented, could have a huge impact on eliminating racial disparities in stops, searches and use of force. In so doing, they would help relieve the negative legal, physical, financial, psychological, and other burdens carried particularly by African American and Latinx community members.

## Berkeley Speaks Recommends

*Berkeley Speaks Newspaper calls on the city's leaders to move without delay to make sure that neither the Bike Team, nor any other unit of the BPD, are practicing biased policing against unhoused people, particularly using illegal arrest quotas.*

The Berkeley community needs a strong voice with which to influence civic leaders to follow through on their commitments to reimagine public safety and to eliminate racial disparities in policing, including:

- Find out what is stalling the violence prevention program (Ceasefire) and tap into the \$2 million allocated in June to finally get the program going;
- Direct the city manager to revamp BPD stop policies to bring them in line with emerging standards to prevent racial profiling;
- Fully implement the Early Intervention System (EIS) to identify and re-train outlier officers.

This paper recommends that we keep the Warming Center open year-round until we have enough shelter beds or housing affordable to very poor people. We also recommend that Consider the Homeless be awarded \$50,000 for their part in the homeless industry's successes and shortcomings.

## And on the state level

Berkeley has an outside influence in the state government in Sacramento. In this issue we begin a column about pending legislation of particular interest to social justice in Berkeley. One state bill stands out this year as must-pass legislation, along with one that should not pass.

State Senator Steven Bradford's SB50 would halt pretextual police stops that promote racial profiling, and by doing so, jump-start Berkeley's journey to fair and impartial policing.

A Republican anti-homeless bill SB31, would criminalize sitting or lying within a thousand feet of many facilities. These offenses are crimes of poverty. Such bills are scapegoating, they are wrong-headed, and unfortunately, they attract the support of Democrats as well as Republicans.

Contact your legislators and Governor Newsom to say YES on SB50 and NO on SB31.

Governor Gavin Newsom  
1021 O Street, Suite 9000, Sacramento, CA 95814  
(916) 445-2841 [www.gov.ca.gov/contact/](http://www.gov.ca.gov/contact/)







## Consider The Homeless Helping Those Who Need Us, One Person At A Time

[www.considerthehomeless.org](http://www.considerthehomeless.org)

*...Continued from Page 1*

Many of us witness Paul Kealoha Blake, a community icon, present in the community walking and driving miles each day, interacting, making connections, building community with all parts of our community, documenting the conditions our unhoused people live in, visiting folks in encampments, checking on their physical and mental health, providing support. Paul also responds to emergency calls while maintaining a job at the East Bay Media Center.

Paul has been a long-time member of the Berkeley Mental Health Commission where he served as chair and vice chair and currently serves on the Homeless Services Panel of Experts.

When asked about the role of CTH in Berkeley's homeless service delivery industry and how they serve with the unhoused community, Paul gave this answer:

*"They do not have to find their way to us. We go to them...literally and figuratively. We strive to build trusting and long-term relationships with those we serve hot soup and give essential goods to - which is over 100 people a week. We also successfully connect people to appropriate services living in area encampments and on the street. We expanded our services to the City of Berkeley's Warming Center.*

*Every night, our volunteers bring a very humane touch through the humble act of serving soup and connecting as fellow human beings."*

The Berkeley Warming Center where CTH provides soup, bread and other food will remain open until April 2023 providing a warm place to lay your tired bodies, space for people to sleep during this very cold and rainy season. In previous years the city has operated an intermittent warming center. Our community lobbied hard and provided testimony as to the adverse impacts on the health and wellbeing of people who must otherwise sleep in the cold winter and rain due to lack of shelter beds for the city to make the decision to be open not only during inclement weather but into late spring and provide comfort to people.



Paul replied, when asked about CTH's work:

*"We at CTH have no hidden agenda other than to serve Berkeley residents experiencing homelessness with dignity and respect. We are a grassroots community-based group of like-minded neighbors who help those less fortunate! Consider The Homeless is a 501(c)3 nonprofit, a local grassroots organization — 100% volunteer based — we have no paid staff."*

CTH has three programs, a mobile soup kitchen that delivers hot, homemade soup with bread and the "Berkeley Still Cares" program which provides grocery bags of non-perishable proteins, fruits, other

ready-to-eat foods, and clean drinking water as well as socks, shoes, coats, clothes and daily essential necessities. The warming center services include hot

soup and other foods, dedicated volunteers a humane presence every night. *"Our volunteers cook and serve hot, home-made soup. We start serving before nightfall when most folks are settling in for the night. We find our people by slowly driving around the city and reaching out to those living outside or in self-made dwellings."*

Many of us in the community know Paul and have witnessed his high quality of engagement with the unhoused community. Paul's style of de-escalation serves not only unhoused but also local businesses and BPD in the community. Any efforts to keep the peace and humanity.



Continuing with the interview, the subject of organizational values came up and Paul responded:

*"We strive to establish trusted relationships to learn how to best help those we serve according to their individual circumstances and needs. We treat everyone with respect while delivering services with dignity with the intention of extending a "hand up" not a "hand out" approach respecting the individual's Right to Choose and their Right to Live Free. We do NOT compete but collaborate with and complement existing government and non-government Berkeley based Homeless Services."*

In its inception, CTH was called Homeless Lives Matter Berkeley. It was the embodiment of a vision — an idea borne into reality by its founders Barbara Brust and Ingrid Powell. They believed that offering hot homemade soup was a different way to approach those dealing with the stress of living outside. Delivering hot meals to their makeshift camps, or while they remained tucked in their blankets and sleeping bags, was a way to warm their hearts and bellies.

*"We do not dispute the complexities that have vexed homeless experts and policy makers for decades. However, when we see the same vulnerable people week after week on our soup rounds — the elderly, men, and women with spiritual, survival, physical and resolve mental health challenges — we believe that there must be a better way," Paul said.*

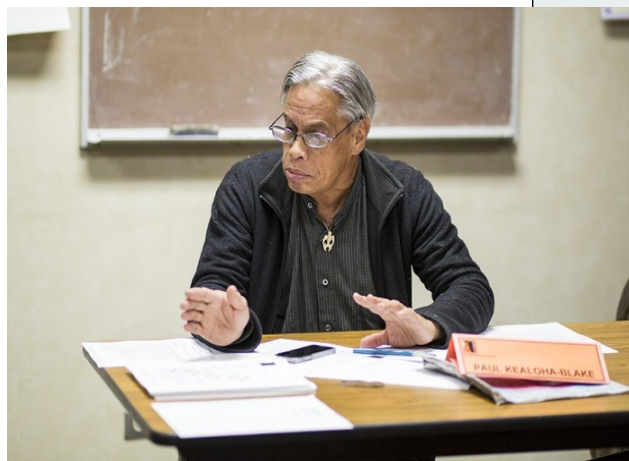
Everyone on the street has good reasons why they may decline a bed; families don't want to be split up, the frail and the elderly are afraid that they will be robbed or worse in a shelter, some do not want to be separated from their pets. On the streets many have formed "families" and support systems where they can look out for each other and have their best friend's human and pets nearby.

*"The City of Berkeley is known for its innovation, compassion, and creativity — together we can find a better way to care for our homeless population year-round. The closing of the Warming Center will be a shock to many of the homeless residents."*

CTH is looking for volunteers who would like to help long-term or occasionally. They need cooks, delivery drivers, help with soliciting donations and administrative support.

Visit CTH at  
[www.considerthehomeles.org](http://www.considerthehomeles.org)  
to donate or volunteer.

*Every small gesture of kindness (even a bowl of soup) can have a big impact - it may equal one less person going hungry. A warm place to sleep each night is necessary in our city to avoid any deaths due to inclement weather.*



Paul K. Blake, Photo credit to Daily Cal

# Scandal-Ridden Police Bike Unit Still Patrolling

## How the BPD fails to oversee problem officers

*...Continued from page 1*

It has now been confirmed by the police chief that the Bike Team continues to function nearly four months after the scandal broke, with most of the same members still actively serving on the team.

When the city council put the Interim Chief's nomination on hold, on November 15, two parallel investigations of these allegations were begun. The City Attorney's office is overseeing an independent investigation of the Bike Team allegations, conducted by the San Francisco legal firm Swanson and McNamara. At the same time, the Police Accountability Board voted to launch its own investigation to be conducted by the Office of the Director of Public Accountability, Mr. Hansel Aguilar.

City leaders have been tight-lipped about the status of the Bike Team beyond confirming that it is still in operation. It is unknown whether the BPD has been able to confirm the whistleblower's allegations, whether any members beyond the unit's leader were disciplined, or whether the alleged improper activities such as arrest quotas continue.

A number of Berkeley community organizations wrote to the city council on February 1, 2023, urging that the governing body fully address the unfolding scandals besetting the police department.

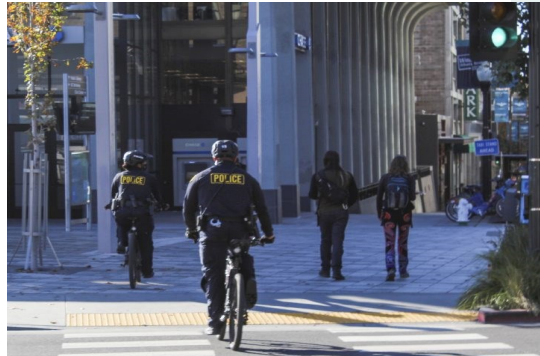


Photo credit to Rowan Kennedy  
Berkeley High Jacket 4/21

See the full letter at [www.bit.ly/BikeTeamLetter](http://www.bit.ly/BikeTeamLetter). Their letter stated:

It must be made a high priority for you to ensure that the reported practices of arrest quotas, overtime abuse, abuse of homeless persons and anti-Black racism do not continue even in the sergeant's absence.

If other squad members are suspected of inappropriate treatment of Berkeley civilians, they should not be in a position to compound the problem by remaining in the same role, nor for that matter, dealing with the public.

Finally, the Downtown Task Force / Bike Detail itself must be either dismantled or completely reformed. The allegations of criminal misconduct against the above referenced social groups render the squad incapable of fairly enforcing the law with respect to the unhoused and the Black community they are supposed to protect and serve.



## How Berkeley City Government Works

Berkeley has a council/manager form of government, as opposed to the “strong mayor” government as bigger cities like Oakland and San Francisco have.

This means that power is divided between the city council, which includes the mayor, and the city manager, who directs the city staff. The council sets city policy, and the manager administers the government according to the law and council policy. The roles of the council and manager are defined in the city charter, which is the constitution of the city.

We also use the term city administration to refer to the city manager and all the city management staff, including the police department leadership.

The city manager is not elected, but is appointed by the city council. But they are effectively the most powerful person in city government. Even the mayor has only one vote on the city council. The only accountability the manager has, as to whether they are actually fulfilling the council's policies, is to the city council, which has the power to remove them by majority vote.

City government responses to *Berkeley Speaks Newspaper* queries focus only on the personnel issues, stating that they cannot be discussed publicly until investigations are complete. There has been no response to the policy issues that the community letter posed.



## Could the Bike Team Scandal Have Been Prevented?

As the two investigations got under way, it was apparent to observers that a pattern of alleged biased policing and illegal procedures in the BPD dated back years.

A Berkeley Speaks investigation has shown that red flags were raised at least as early as 2015 about biased policing in Berkeley. That is when the BPD began posting information about civilian encounters online, revealing stark disparities in police stops, searches, and use of force. The city government's wheels turned slowly, but in early 2018 the City Council directed the City Manager to create an action plan to eliminate racial disparities.

However, to this day the city administration has not implemented the central components of the action plan. Some say the Bike Team texting scandal could well have been prevented if the “Fair and Impartial Policing” action plan had been fully implemented.

*...Continued on page 20*



# The Facts of the Berkeley Police Bike Team Scandal

The bicycle patrol team grew out of the Downtown Streets Team, assigned to patrol the commercial shopping districts in the downtown Shattuck Avenue area and the Telegraph Avenue area. The Bike Team was established in September 2020.

In August 2021 team member Corey Shedoudy was fired from BPD. His termination went to arbitration. On November 10, 2022, as the promotion of interim Chief Louis to permanent police chief was going before the city council, Shedoudy released a "small portion" of improper text messages he says were exchanged among team members between 2019 and 2020.

Shedoudy claimed that he had made Chief Louis aware of the text messages and that the chief had not conducted an investigation. He asserted that this dereliction of duty disqualified her to be police chief.

The leaked text messages display two types of behavior that raised serious concerns for community members: biased statements and potentially illegal behavior:

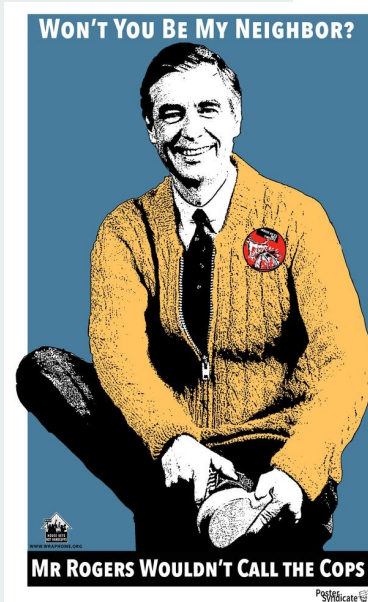
- The texts show contempt and inappropriate humor directed at homeless persons, and indications of antipathy to African Americans.

For example, one message read,

*"someone is gonna come back with a new strain that wipes out the homeless population. We will just ride by the bodies!"*

- Under Sgt. Darren Kacalek, who was also the president of the Police Officers Association, the team was required to arrest 100 people a month. Arrest quotas are illegal under California law. But the texts provide evidence that higher-ups approved the quota system. One example from the sergeant states, "...Dave was there and we briefly talked about DTF. He said *"just kick ass, arrest people, have fun, and get me results and I will never jam you about overtime....keep a smile on the captain's face....special favors are earned!"*

A second blow to the Chief's confirmation was dramatic last-minute city council testimony by Alameda County Public Defender Brendon Woods, who complained that Berkeley police failed to guarantee the Miranda rights of minors in their custody. A third concern was the revelation by the *LA Times* that accusations of several incidents of sexual harassment had been made against interim Chief in 2017. At this time, the decision on who should lead the police department is on hold pending investigation of these issues.



## Social Justice Legislation Pending in Sacramento

*By Tracy Rosenberg*

California's state legislature introduces and debates about 2,500 bills a year. It's safe to say that the average Californian resident will hear about 50 of them, at most. As a grassroots lobbyist for two organizations, Media Alliance and Oakland Privacy, I get to pay attention to a lot more of them, and the somewhat impenetrable process of them becoming, or not becoming, law.

The goal of this column is not just to highlight a few of the more significant bills out there, but to shine some light on how the process works and make it feel less mysterious and more accessible. I would never be so harsh as to say that we get the quality of laws we deserve. But it is true that participation by lobbyists makes outcomes worse and participation by real people makes outcomes better. It's hard, but not impossible, to stay in the loop about what's happening and to intervene when Sacramento decisions have significant impacts on our lives. This column hopes to make it a little easier for more Berkeleyans to do just that.

Up through mid-February, Senate and Assembly members introduce new bills. Bills can be and are introduced at other times, but after mid-February they have to be changes or amendments to other bills which are famously called "gut and amends". An example is when a bill originally about cattle ranching suddenly turns into a bill about police drones by "amending" every single word in it. We will see a few of those as the year progresses.

Here are some early bills that would have big impacts on civil and human rights. You can find the status and text of each bill at [leginfo.legislature.ca.gov](http://leginfo.legislature.ca.gov).



Credit to [www.wraphome.org](http://www.wraphome.org)

SB 50 by Gardena Representative Steven Bradford, who has been responsible for many seminal criminal justice reform bills, would restrict the use of pretextual traffic stops. This bill would have a significant impact on Berkeley's own drive to eliminate pretextual stops (see "Scandal-Ridden BPD Bike Unit Still Operating." Page 1). The language for the bill is similar to the San Francisco proposal recently adopted by the San Francisco Police Commission.

AB 280 by Pasadena Representative Chris Holden would greatly reduce the use of solitary confinement in CA state prisons to no more than 15 consecutive days and eliminate it entirely for people under 26, over 59, or diagnosed with physical or mental disabilities. The Mandela Act was vetoed last year by Governor Newsom after passing both the State Assembly and State Senate.

AB 223 by San Diego representative Chris Ward would require all petitions for gender change filed by a minor under 18 years old to be kept under seal by the court. This protects the safety of trans youth from those that would violently react to their decisions.

SB 254 by hometown Representative Nancy Skinner would mandate media access to all CA state, county and city jails including tours and access to prisoner interviews.

AB 48 by Davis representative Cecilia Aguiar-Curry would require informed consent for the use of anti-psychotic drugs in nursing homes and prevent their use for convenience, discipline and restraint. According to researchers, 20% of nursing home residents are treated with these strong drugs, which are not recommended for dementia-related conditions.

Berkeleyans may also be interested in Matt Haney's AB 12, which would limit landlord demands for security deposits on apartment rentals to no more than one month's rent.

On the bad side, here are a few bills that shouldn't be enacted.

SB 31 from Republican Brian Jones of San Diego would enforce a statewide "Sit/Lie" law to prohibit sitting, lying, sleeping or placing personal property within 1000 feet of a school, park, library or daycare center. Police could issue misdemeanor or infraction charges at their discretion. Governor Gavin Newsom introduced one of California's first sit/lie laws as mayor of San Francisco in 2010.

SB 64 by Orange County Representative Tom Umberg would loosen search warrant requirements which currently require probable cause that a felony has been or will be committed to allow for warrants to be requested for misdemeanor level hate crimes against protected groups.

AB 13 by Riverside rep Bill Essayli would end California's experiment with automatic mail ballots and once again require CA voters to specifically request a mail-in ballot.

In the next issue, we will talk about how to intervene so legislators know what you think about their proposals.

*Tracy Rosenberg is the executive director of Media Alliance, a Northern CA democratic communications advocate and Advocacy Director at Oakland Privacy, a citizens coalition that protects privacy rights. She can be reached at [tracy@media-alliance.org](mailto:tracy@media-alliance.org).*



An experienced provider will be sought in the very near future, with expertise in serving the encampment community and those sleeping in our streets. A Mobile Wellness Center will serve the target population with a menu of customizable support services .

The primary service areas will be as follows:

Food & Hygiene;  
Benefits Enrollment

Service Navigation;  
Trauma-Informed  
Wellness Services;

and Enrichment &  
Community  
Services.

## Innovation in Health: Encampment-Based Mobile Wellness Center

\$2,802,400 has been allocated from the Mental Health Services Act to fund a peer led community based organization which will provide services directly in the encampments to support people's mental health through wellness and recovery supports. This amount is for 5 years for operations.

The unhoused population has significant needs:

- 41% reported a disabling health condition
- 28% reporting chronic health problems.
- (42%) reported a psychiatric or emotional condition,
- 32% reported a substance use disorder, and
- 31% reported Post Traumatic Stress Disorder (PTSD).

Services provided through this project should support wellness in creative ways, without assuming that psychiatric or clinical interventions are appropriate for, or desired by, everyone.

After extensive involvement of the community, receiving feedback at every level of developing this project purpose and its design the city is close to issuing the Request for Proposals (RFP). Staff person Karen Klatt of the Division of Mental Health wrote the initial documents and coordinated feedback from various interested members of the community, impacted people (individuals experiencing homelessness and people living in area homeless encampments) and Community Based Organizations, in addition a small sub-committee of experts was created which worked for over a year with Ms. Klatt whose patience and expertise is to be admired for working with a diverse community of stake holders and creating a project based on consensus that the need for these services is critical.

In addition, an important piece is to increase new learning in the mental health field through short-term strategies or pilot projects that will either improve the access, quality, or outcomes of services, and/or promote community.







Specific services to be provided will be chosen by and based on the needs of individuals living in encampments and others. In addition to hiring individuals with lived or adjacent experiences of homelessness, the wellness center will compensate individuals who reside in encampment communities in Berkeley to support the services. The project will include evaluation and a “Community of Practice” comprised of program staff, consumers, community advocates, and city leaders who will meet on a regular basis to create a learning space to exchange insights and tackle challenges related to the wellness center project

The chosen contractor will purchase a Mobile Van that has been equipped with both private space for one-on-one meetings as well as open areas for group activities.

The chosen contractor will also be mandated to collect and analyze demographic and programmatic data and provide ongoing reporting to the City on agreed upon data elements and outcomes.

Additionally, the chosen contractor will conduct an evaluation to understand the potential impacts of the project on consumer outcomes.

Partnering with people with needs and those with lived experiences will be at the center of this project. This approach is critical in seeing if a peer approach is more successful in engaging people in such a way that they are able and want to access traditional mental health and other social services. There are many in the encampments who might be seen as service resistant through building trust and relationships over time engage in the services they need.

For more information visit:

[MHSA Innovations Encampment-based Mobile Wellness Center Project Plan](#)

## Affordable Housing Preference Policy (HPP)

### From February 21, 2023 Staff Report to City Council (excerpt)

BERKELEY, CA – The City of Berkeley Department of Health, Housing, and Community Services (HHCS) recently submitted an Affordable Housing Preference Policy (HPP) document to City Council that is focused on both preventing displacement in Berkeley and responding to displacement that has already occurred through recent or historical injustices. While the HPP is an important step towards housing equity, implementation remains an open question with unknown timeline. Opportunities to implement policies developed from HPP preferences will be shaped by staffing levels, Fair Housing law, approvals by other government funding sponsors, and City Council's direction.

### Prioritizing Racism-Rooted Displacement

For several years, CBOs in Berkeley had called for a HPP to help address gentrification and displacement in Berkeley, particularly the dramatic loss of the African American residents in South Berkeley. Specific challenges experienced by low income residents and residents of color in the last several decades include:

### From 1990-2018 - Racial Displacement

Berkeley lost 49% of its Black population while other racial groups all grew slightly. In addition, the steady growth of homelessness (up 10% on average every two years between 2006-2019) has disproportionately impacted Black people, who are 65% of service users yet less than 8% of the general population. The most common response to the question of why homeless people chose to sleep in Berkeley was that they grew up in Berkeley.

### Historical Harm to Communities of Color

Racism-based redlining in Berkeley combined with BART's purchase of homes in communities of color through eminent domain in order to construct BART stations have created persistent patterns of disinvestment that enable gentrification. Approximately 83% of today's gentrifying areas in the East Bay were rated as "hazardous" (red) or "definitely declining" (yellow) by the government agency that introduced redlining: these policies limited homeownership and housing stability in these Berkeley neighborhoods with majority residents of color. Individuals who lose their homes due to BART construction lost their opportunities for intergenerational wealth-building.

### Housing Insecurity

and compounding historical racist displacement is the still unresolved crisis of housing affordability. Approximately 49% of low income renters in Berkeley spent more than half their income on rent, putting them at high risk of homelessness, i.e. during economic downturns, job loss, and unforeseen health crises (such as the pandemic).



The Housing Preference Policy (HPP) is intended to address both current and historical displacement—it will apply to units created by the City's Below Market Rate (BMR) and Housing Trust Fund (HTF) programs. Development of the HPP was undertaken by the Department of Health, Housing, and Community Services (HHCS) in partnership with community-based organizations. This work made possible with a Partnership for the Bay's Future (PBF) Challenge Grant awarded in March 2020.

Key areas the HPP recommends for detailed policy development include:

**Displacement due to BART construction (displaced individuals or descendants):**

Acknowledging the harm of BART construction displacement and its impact on generational wealth-building, with the opportunity to return to the community with stable housing.

**Displacement due to foreclosure since 2005:**

Acknowledging the lack of support offered during the foreclosure crisis (which disproportionately impacted communities of color), with support for displaced residents to return.

**Displacement due to eviction within last 7 years:** Support for renters facing challenges in finding new housing due to an eviction (which disproportionately impact Black women), which stays on a record for seven years.

**Displacement or housing insecurity for families with children:** Support for families being displaced, as children are most impacted by displacement, with impacts on education, child care, and peer networks.

**Homelessness or risk of homelessness:**

Those directly affected by redlined areas, and those with parents or grandparents directly affected.

Berkeley's Housing Advisory Commission (HAC) voted on October 6, 2022 to adopt a Housing Preference Policy, recommending action to prioritize new affordable housing for the groups identified above. The HHCS is requesting City Council feedback on which preferences to move forward with for policy development and adoption.

To help Council make this determination, HHCS staff identified several specific considerations related to policy development and implementation:

**Displacement due to BART construction:** How to collect a complete and accurate list of those displaced; whether to focus on those displaced through eminent domain or a broader qualification scope.

**Displacement due to eviction:** Need to identify eviction causes that qualify for this preference (owner move-in, demolition, nonpayment of rent, other causes).

**Homelessness/risk of homelessness:** Review the use of existing City housing resources available to this population; review eligibility criteria and homelessness definitions; how to fund subsidies that are required to maintain units for extremely low income (ELI) residents; how to avoid screening requirements from being overly restrictive; how to demonstrate local ties to establish current or former Berkeley residency.

**Fair Housing Analysis:** Fair Housing law requires disparate impact analysis (DIA) for preferences before a preference policy can be implemented on Housing Trust Fund projects. .

This analysis also determines what percentage of units can receive preferences without creating disparate impacts on projected classes.

**Limiting preferences:** The proposed preferences vary in scope and reach—most jurisdictions surveyed implement 3-4 preferences.

**Sequencing of rollout:** Disparate Impact Analysis is not required for BMR units, so implementing policy on BMR units can be rolled out more quickly.

**Outreach:** Community partners will be needed to conduct outreach and education; staff will issue an RFP to identify a partner(s).

**Reporting:** Need to identify frequency and content of reporting to ensure that anti displacement goals are being met.

**Alignment with State Goals.** In September 2022, SB 649 was adopted which established state policy stating that lower-income individuals residing in neighborhoods and communities experiencing significant displacement need access to housing that is affordable and assists in avoiding displacement, which directly aligns with HPP goals.

A Housing Preference Policy also supports the state's environmental goals: displacement can lead to long commutes as people continue to return to communities of origin for work, school, faith institutions, health care, or social networks. A HPP helps to reduce greenhouse gas emissions associated with longer commutes by reducing or reversing the displacement of those with ties to Berkeley.

**Background.** The development of the HPP began in 2020 with the establishment of a community-driven process to design the policy, led by outreach and data collection partners East Bay Community Law Center (EBCLC) and Healthy Black Families (HBF). Outreach and engagement was conducted through community surveys,

HBF-led outreach in local neighborhoods, and a Community Leaders Group comprised of representatives from local CBOs and community groups.

Specific data points that informed the development of the Affordable Housing Preference Policy included (more details provided in HPP link):



#### Community survey conducted by Healthy

**Black Families:** 93 responses; 70% self-identified as Black, 18% as white, 3% as Latinx, 3% other, 3% Native American/Alaskan, 2% Asian/Indian/Pacific Islander; 65% identified as renters, 25% as homeowners, 4% as living with family, 4% other, 2% homeless.

**Berkeley Considers survey:** 549 respondents; 67% self-identified as white, 7% Black, 3% Latinx, 3% mixed race, 3% Asian/Pacific Islander, 15% declined to state; 59% identified as homeowners, 31% as renters, 4% living with family/friends, 1% unhoused, 5% other.

**Review of preference policies from other jurisdictions,** both in California and nationwide, including East Palo Alto, Oakland, Redwood City, San Francisco, San Jose, Santa Monica, Austin TX, Cambridge MA, New York NY, Portland OR.



## Specialized Care Unit (SCU)

### A 24/7 Mobile Mental Health Service to Begin this Summer 2023

*Reduce Police Footprint in Delivering Mental Health Crisis and Other Services*

Berkeley has granted \$4.5 million to Bonita House Inc. (an Alameda County provider of mental health and housing services ) to create and operate a Specialized Care Unit. The SCU was a key recommendation of the Reimagining Public Safety Task Force. The City hired Resource Development Associates (RDA) to produce reports about all aspects of an SCU and work with a steering committee pulled together by Dr. Lisa Warhuus, Director of Health, Housing and Community Services.

This committee with representatives from Berkeley Community Safety Coalition, Berkeley Mental Health staff, and other subject area experts including the people who will be served have been at work with RDA for two years to get to a final design and its fit in Berkeley.

Bonita House, a Berkeley non profit works countywide providing mental health and housing won the contract. Initially \$7 million was set aside by the City Council. As time passed the need to have bridging services while SCU was being designed and developed was expressed by many - and some of the \$7 million was spent on six nonprofits to increase services in the interim.

Berkeley's excitement was based on researching many such services. A successful model in Eugene, Oregon called CAHOOTS caught everyone's attention as a model to start with and to inspire a Berkeley-appropriate pilot. When it launches this summer, Dr. Warhuus said, there will be numerous learning moments between SCU and law enforcement and between SCU and people in a mental health crisis. There will be other teams on the ground, all responding to multiple calls at the same time and adding to the need for this coordination, partnership and cross systems care. To prepare, some protocols have been developed and reviewed.



Three people will staff each ten hour shift: a mental health/substance use specialist, a medic, and a peer. It is hoped that a unique phone number will be created in the future for the community to call the SCU.

The SCU describes itself as an alternative to police, a model based on using de-escalatory stabilizing tools and techniques. The clinician on the team will be authorized to write 5150 referrals for a 72-hour psychiatric hold.

Community members have expressed the need for an independent oversight body to work with Bonita House. BPD is currently our largest responder to mental health and substance use calls. The paradigm shift of calls from our call center (Dispatch) which now go to BPD to shift to SCU will take time. A major effort will have to be made to secure sustainable funding to continue after the pilot.

In a pilot program with a two year contract period, year 1 is all about setting up the mobile van, working the kinks out, hiring and training staff, a massive shift of calls which come into BPD, putting protocols in place for all who will be providing direct services, signing partner agreements and setting up the program and administrative infrastructure.

## April 18<sup>th</sup> 2023 is the 1st Anniversary of Death by Suicide of Berkeley High School Student

### Opinion / Berkeley High Jacket / Excerpt Health Center Must Be Accessible

"The Berkeley High School Health Center provides first aid, mental health services, and sexual health education. Long wait times and minimal hours make it difficult to find time to go. Teachers are required to give students passes to go to the Health Center at request, but for some, these long waiting times make it hard to justify missing class.

If a student experiences a severe mental health issue, like a panic attack, receiving the help they need from counselors can be very difficult, given the time sensitivity of the problem and lack of flexibility in wait times. Mental health issues can be just as urgent as physical health, but because of their nature, they're more easily placed aside.

BHS is full of teenagers struggling in a post-pandemic, modern age of mental health burdens. The only way to reliably meet with a counselor is by making an appointment, which can take several days to set up. On top of this, closing doors at crucial times makes it almost impossible to seek help in an emergency. Students head to the Health Center for snacks or water, filling up seats and resources. There isn't as much focus on this resource as there should be. Staggering lunches would be just one way of easing the burden that is the lack of hours, including the gap for half of student lunch.

A tool offered in other schools referred to as a "wellness center," typically consists of a designated room, with soft lighting and a relaxing environment that is used as a place of refuge for anxious students or anyone that needs a break. It would be a refuge for non-emergency mental health issues and could also serve as a place to go for the students utilizing the health center for breaks from the stress of school.

SOURCE LINK by Charlie Tamagno

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This staffing was to have been available last fall. These funds are to resource BHS to have more capacity to serve students who are facing mental health crisis. It is rumored, but not confirmed, that a city staff person or consultant has been hired. These funds are to resource BHS to have more capacity to serve students who are facing mental health crisis.

Berkeley High School students grieved the death of their friend, protested, organized and then went into action and created a Berkeley Mental Health Resource Guide created by and for Youth of Berkeley. This guide is overflowing with accurate and useful links to services.

BHS is at the beginning of visioning a sustainable Wellness Center with input from students, parents, the city and other stake holders.

### Current Need

According to the National Center for Children in Poverty, *one in five teenagers struggle or will struggle with a serious mental illness*. For many young people, the isolation of the pandemic severely exasperated feelings of anxiety and thoughts of suicide.

The BHS student paper, the Berkeley High Jacket, ran an opinion written by Charlie Tamagno on how to improve mental health services for students. "Health Center Must be Student Accessible." dated January 14, 2023. (see sidebar)

## Mental Health Resource Guide

Lives are at Stake. This guide will save lives.

The students met with Berkeley Youth Alternatives (BYA) on a regular basis. Kevin Williams, Executive Director of BYA, and everyone who participated in this venture is to be applauded.

This guide is an incredible resource yet to be printed due to lack of funds or no designated funds available. The guide is laid out in an extremely accessible format. The various sections are:

### Crisis Lines

National Mental Health Crisis and Suicide Prevention, Teen Line, Crisis Text Line, Trans Lifeline, Racial Equity Support Line, Panic Attack Hotline, Crisis Support Services of Alameda County and more.

### Mental Health Information

In this Section one can find descriptions of definitions and terms, types of therapy, signs of emotional distress, facts and statistics, advice for patients, health insurance information, substance use and a section on mental health care and a list of providers.

## Know Your Rights Section

This section covers mandated reporting, the right to a second opinion, the right to participate in creating personalized treatment plans, the right to be served by trained, culturally and gender sensitive mental health professionals.

If you are a Berkeley High School student in need of services for yourself or someone you know call (510) 981-5240 or visit the [Berkeley High School Health Center](#).

### Suicide Prevention Hotline

Call 988

[www.988lifeline.org](http://www.988lifeline.org)

### Teen Line

1 (800) 852-8336

Text TEEN to 839863

[www.teenline.org](http://www.teenline.org)

### Racial Equity Support Line

(503) 575-3764



Berkeley High students painted a mural in Downtown Berkeley for classmate who died by suicide. 4/22

## Scandal-Ridden Police Bike Unit Still Patrolling

*...Continued from page 7*

Let's look at some of the key components of the plan.

**Early Intervention:** The Fair and Impartial program, known as F&I, was mandated by the city council in February 2021. At the core of the F&I program is the Early Intervention System, or EIS, called Early Warning System (EWS) by the BPD. This goal of the program, which has worked successfully in Oakland, is to identify individual officers and potentially departmental teams or units that may be contributing to racially disparate policing, to enable management to address the causes of the biased behavior.

The police department has modified its Early Warning System (EWS) policy 1041 to include "irregular demographic stop data" to the types of employee behavior that is subject to review.

For the EIS/EWS program to work successfully, the police department leadership needs to take a broad and thoughtful approach. While the starting point was racial disparities in stops and searches, the concern ran deeper than just a statistical anomaly, or even the treatment of automobile drivers. The numbers pointed to a need for an examination of officers' approach to policing people of color.

California Attorney General Rob Bonta has recently called for strengthened oversight of policing at all levels of governments.

Our investigation shows that the Police Accountability Board does not yet have full insight into the role and the functioning of the Early Warning System. It is possible for civilian oversight to engage with the police department on policy and process questions without exposing protected information on individual employees.

**Pretext Stops:** A second important initiative of the city council's Fair and Impartial Policing mandate was to direct the police to stop pulling cars over for minor issues unrelated to safety. National studies have shown that police stops often run the risk of turning into a negative, even dangerous encounter, and this is especially true when drivers of color are stopped. The tragic case of Tyre Nichols, who died at the hands of Memphis police in January 2023, underscores the risk of such encounters. In light of this history, the council decided that officers should "focus the basis for traffic stops on safety" and "minimize or de-emphasize as a lowest priority stops for low-level offenses" such as expired tags or a non-working tail light.



East Bay Community Law Center, Berkeley CA



Police officers often use a minor infraction as a “pretext” to justify a pullover of a car, or a search, in the expectation of finding evidence of a more serious offense. Pretextual stops greatly increase the risk of racial profiling. This risk can come from unconscious (“implicit”) officer bias or even conscious bias. There is also a built-in poverty bias to these stops, as low-income drivers may find it more difficult to afford keeping cars maintained.

It is important to understand the reasons why officers pull a person over. Under the Fourth Amendment, police need at least reasonable suspicion that a person has committed a crime in order to even temporarily “detain” them. For a search or an arrest, the standard is even higher probable cause to believe the person has committed a crime.

If any other factor is the primary reason for a non-consensual stop, it becomes an illegal detention, a violation of the civilian’s constitutional rights. One example of such a violation is using a pretext for a stop, or a search, if the motive is racial profiling. Another example is arrest quotas, which are illegal under California law. Requiring cops to make a certain number of arrests, rewarding them for doing so, or punishing them for not doing so is an encouragement to make bad arrests that are not backed up by probable cause. That is one reason that the Bike Team texts depict unconstitutional behavior.

In a separate action also related to reducing police stops of people of color, the city council decided shortly after the George Floyd killing in 2020 to create a non-police Berkeley Department of Transportation, or BerkDOT. When it is established, the new department would handle many interactions with drivers when crime and violence are not at issue.

In Berkeley, as in other cities including San Francisco, the local government is working out what types of police stops should be eliminated. Berkeley’s city manager established a traffic safety working group composed of ten police officers, then added one transportation manager after advocates protested the working group’s insular makeup. The group has proposed a three-pronged model, including the primary collision factors, “calls of community concern,” and a third bucket of other, non-primary collision factors called “Community Caretaking” that is loosely defined to include issues such as seatbelt violations, distracted driving, and DUI, or others. See the new policy at [www.bit.ly/BPDStopsPolicy2022](http://www.bit.ly/BPDStopsPolicy2022).

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Berkeley's new rules went into effect in 2021 and 2022, so a preliminary evaluation is now possible. Every police stop is listed online along with multiple details, including the reason that prompted the stop. A Berkeley Speaks review of the data reveals an outcome that runs counter to the city council's intention to reduce stops for low-level offenses:

In the stops listed for the period from July through December 2022, numerous stops show the main reason for stopping as either registration issues, or equipment violations such as missing lights. Initial reviews show as many as 13% of auto stops may be for issues that are neither primary collision factors nor community calls for service.

According to Liza Lutzker, a UC Berkeley public health researcher and safe streets advocate with Walk Bike Berkeley, the city's Vision Zero program has already have identified the small number of traffic violations that are responsible for the vast majority of fatal and severe collisions in this city. *"By continuing to perform traffic stops for violations outside of these identified safety issues, we are both failing to make safety our highest priority and continuing to allow too much discretion in who the police detain for a traffic stop."*

**Elite/Special Units:** Just two months after the alleged misconduct of Berkeley's Bike Team unit went public, the police killing of Tyre Nichols by members of the Memphis Police Department's "SCORPION" unit shocked the whole country.

Mr. Nichols' death underscored the risks posed by "elite" police units when they operate without rigorous oversight from within the department and from civilians.

It brought to light allegations of previous misconduct by the same unit. Community members stated that the MPD did not respond to those prior complaints, and expressed that this failure of accountability led directly to the tragic killing of Tyre Nichols.

The conversations we are having about reimaging and fair and impartial policing focus mostly on racial disparities in stops, the inappropriate reliance on police to address issues with the mentally ill and the unhoused, and the financial waste from the over-reliance on expensive police force. Occasionally, there are more extreme outcomes. While it has been years since there was a death in custody in Berkeley, there have been multiple examples of excessive force against African Americans.

This raises the question: to what extent do special, elite units foster abuses, such as excessive force, racial discrimination or profiling, or bending the rules to promote arrest quotas or manipulation of overtime?

Radley Balko, author of *"Rise of the Warrior Cop: The Militarization of America's Police Forces"*, wrote in the New York Times that:

"Stephen Downing, a retired Los Angeles deputy police chief and former SWAT officer, once told me, 'The guys who really want to be on the SWAT team are the last people you should be putting on the SWAT team.' These units tend to attract aggressive, rules-skirting officers who then bring in like-minded colleagues to join them." In the Memphis case, the Tyre Nichols family attorney revealed that multiple community members had previously complained to MPD's Internal Affairs Bureau of abuse by SCORPION members, without receiving any response from IAB.

The Bike Team is not a SWAT team, but it has functioned to crack down on unhoused persons. It encouraged stereotyped attitudes and violent fantasies toward the homeless and African Americans, and rewarded those who excelled in the official goal of maximizing arrests. The clubby internal nature of special units can reinforce negative behavior of its members, and as Balko wrote, “shatter the community trust that police forces require to keep people safe.”

But at least as great a concern is that the teams are often protected by higher-ups as long as they fulfill a priority goal of the department. The leaked texts indicate that the former sergeant of the Bike Force and police association president was given support from a police commander for the arrest quotas and overtime abuse.

Four months ago the Berkeley whistleblower warned the community of the dangerous behavior that his former team engaged in. As the Memphis PD failed to take action when warned by their community members about abusive behavior by SCORPION members, the city administration has kept the Bike Team active and basically intact. This unresolved situation has led some community members to fear that if police do not heed the warnings, this time coming from within their own department, the next we hear of the team may be news of a tragedy.



Source: Newsweek/ Getty



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