

**WALK BIKE BERKELEY**

**EAST BAY**   
**FOR EVERYONE**



**EAST BAY**  
**COMMUNITY**  
**LAW CENTER**



July 10, 2020

Dear Mayor Arreguin and Councilmembers,

**Our organizations call on the City of Berkeley to de-police transportation as part of the process of reimagining public safety in Berkeley.** Police involvement in traffic law enforcement has too often harmed Black communities - presenting a barrier to safe mobility in Berkeley. We support Councilmembers Robinson, Droste, Bartlett, and Mayor Arreguin's proposal to transfer police traffic duties to an equity-focused Berkeley Department of Transportation (BerkDOT) ([7/14 agenda item 18e](#)).

We suggest following the National Institute for Criminal Justice Reform's (NICJR's) [Reduce, Improve, Reinvest](#) framework for transforming policing and improving public safety on Berkeley's streets.

**Reduce police involvement in transportation issues: transfer police traffic duties to unarmed civilians.**

In recent years, the [Berkeley NAACP](#), [Ella Baker Center for Human Rights](#), [ACLU NorthEastBay](#), [Center for Policing Equity](#), [Police Review Commissioners](#), and others have called out racial bias in Berkeley Police traffic stops and use of force. [Data show](#) that Black people are the only racial group disproportionately stopped for traffic violations while on foot or bike in Berkeley. Though they make up only 9% of the city's population, Black people experience 33% and 36% of pedestrian and bicycle traffic stops respectively. This trend also applies to vehicle stops.

Police involvement in collision response results in underreporting of injuries (in part because Black and brown people might seek to avoid interactions with police). Further, while police

currently conduct collision investigations, traffic planners and engineers are responsible for designing safe roadways. Without police, the City can collect more comprehensive and accurate collision and injury data and make the engineering improvements needed to prevent collisions.

For too long, police traffic law enforcement models have served as a barrier to mobility justice and safety, especially for our most vulnerable community members. Decades of police reform efforts have failed - it's time to transfer police traffic duties to unarmed civilians in a new Berkeley Department of Transportation (BerkDOT).

### **Improve policing through policy, training, and accountability reforms: end “broken taillight” policing.**

Leverage recommendations from Berkeley’s Police Review Commission, the forthcoming process of reimagining public safety, and [NICJR](#), among others to reform, refocus, and improve a smaller Berkeley Police Department’s work.

In tandem with transferring traffic enforcement duties to unarmed civilians, the City should prohibit police from conducting discretionary traffic stops for minor (i.e., non-life threatening) traffic law violations. Nationwide, police [routinely use](#) traffic laws for racially-biased pretext stops - disproportionately exposing Black people to police searches, arrests, and violence. Such “broken taillight” policing has [no proven traffic safety benefit](#).

### **Reinvest in safe, sustainable mobility: center equity in creating BerkDOT**

The City should center equity in the process of creating BerkDOT: prioritizing engineering, education, and community engagement to enhance sustainable transportation and eliminate severe and fatal collisions, consistent with our [Vision Zero goals](#).

The City should develop and use data-driven, [equitable enforcement](#) strategies only as a backstop. Enforcement of traffic and non-traffic laws can have devastating direct and collateral consequences on poor Black individuals, families, and communities, including enormous financial penalties, suspended driver’s licenses, vehicle towing, escalating criminal penalties, and violence and premature death at the hands of police.

We recommend combining within BerkDOT the Public Works Department’s above-ground street and sidewalk planning, maintenance, and engineering responsibilities and the following police functions:

- Parking enforcement
- Traffic law enforcement
- School crossing guard management
- Collision response, investigation, data collection, analysis, and reporting

BerkDOT should also have clear guidelines for calling on BPD for support in the rare instances it's needed.

We believe that these measures can help move Berkeley closer to its goals of being a safe, just, vibrant, and sustainable city.

Thank you for your consideration.

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