



Rashi Kesarwani
Councilmember, District 1

ACTION CALENDAR

July 14, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Resolution Rescinding Resolution No. 51,408-N.S.
Restricting the Use of Air Support and Canine Units
And Updating Mutual Aid Policies

RECOMMENDATION

Adopt a resolution to rescind Resolution No. 51,408-N.S. which currently restricts the use of helicopters and police canine units by the Berkeley Police Department (BPD) and to update policies authorizing BPD to deploy these resources through mutual aid agreements directly with external agencies. Under the revised policy framework, mutual aid requests for air support resources will require pre-deployment approval by the Watch Commander or their designee and will be followed by post-deployment notification to the City Manager, comprehensive incident documentation, and annual public reporting to the City Council and Police Accountability Board. The policy will continue to explicitly prohibit the use of canines for crowd control and will codify additional categorical prohibitions on canine deployments for low-level offenses.

POLICY COMMITTEE RECOMMENDATION

On Monday, March 23, 2026, the Public Safety Policy Committee took the following action: 11 speakers. M/S/C (Blackaby/O'Keefe) to send the item with a Qualified Positive recommendation to Council that includes: 1) clarifying Section 3(a) to more clearly define the purposes for which the canine team may be deployed, and 2) attaching the communication from the Police Accountability Board to the agenda item for consideration by the full City Council. Vote: All Ayes.

This staff report incorporates both elements of the Committee's qualified positive recommendation: the canine deployment purposes have been clarified, with both authorized uses and categorical prohibitions specified, and the March 17, 2026 letter from the Police Accountability Board is attached for the Council's consideration.

CURRENT SITUATION AND ITS EFFECTS

Resolution No. 51,408-N.S., passed on July 15, 1982, establishes the current framework governing when BPD may request helicopter and canine mutual aid from outside law enforcement agencies. As written, the resolution permits canine mutual aid only to apprehend specified suspects, locate missing persons, or locate crime scenes, and explicitly prohibits canine use in crowd control. It permits helicopter mutual aid only to assist in disaster response, rescue efforts (excluding hostage rescue), and locating missing persons. In every case, the resolution requires pre-deployment approval by the City Manager, or by the Chief of Police if the City Manager is not immediately available. This item proposes both modernizing the approval process and updating the list of permitted purposes to reflect current operational best practices.

In practice, the 1982 canine apprehension authority is rarely usable in the incidents for which canine support would be most appropriate. It requires BPD to simultaneously confirm a threat to human life, that the suspect is armed, that the suspect is in a controlled and contained area, and that no one else is present— conditions that almost never align at the moment a request must be made. A residential burglary with a barricaded suspect, a high-risk warrant on a subject with a documented firearms history, and pursuit of a violent fleeing felon each fail at least one of these elements, leaving BPD unable to request canine assistance in many of the very scenarios where it would reduce risk to officers, bystanders, and suspects.

The 1982 resolution also contains no authority for canine explosives detection—a defensible omission at the time—but a meaningful gap given Berkeley's role as host to frequent large public events and demonstrations. BPD has no in-house explosives detection capability and relies on mutual aid from the Alameda County Sheriff's Office or other regional partners. Under the current resolution, those requests run through the same multi-step pre-approval chain during incidents for which delay carries direct public-safety consequences.

This item proposes that the authorized uses, and the corresponding categorical prohibitions, be clarified as follows:

Canine teams may be deployed to locate or apprehend a suspect in any of the following circumstances:

- The suspect is wanted for a violent felony; or
- There is a reasonable belief that the suspect possesses a weapon likely to cause serious bodily injury; or
- The suspect is wanted in connection with a residential burglary; or
- The deployment supports the service of a warrant on a subject who is wanted for a violent felony, has a documented history of violent offenses, has a documented history involving firearms, or has a documented history of felony evasion or physical assault against law enforcement.

Canine teams may also be deployed for purposes not involving the apprehensions of a suspect, including:

- Locating crime scenes or physical evidence;
- Locating missing persons; or
- Detecting explosives.

Canine teams shall not be deployed in any of the following circumstances:

- Infractions;
- Misdemeanor offenses not involving a weapon likely to cause serious bodily injury;
- Flight from an officer absent any additional factor that would independently justify canine deployment under this resolution;
- Thefts that escalate to a robbery solely as a result of a suspect's resistance to the victim's effort to stop the theft, absent the use of a weapon or actions causing great bodily injury;
- Stolen vehicle incidents involving a named suspect or that are civil in nature; and
- Crowd control.

Under this proposal, the Berkeley Police Department may request and deploy helicopter assistance from external law enforcement agencies with whom mutual aid agreements exist, for any of the following purposes:

- To assist in disaster response;
- To assist in rescue efforts;
- To locate missing persons;
- When the safety of law enforcement personnel is in jeopardy and aerial presence may reduce that hazard;
- To aid in the apprehension of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community;
- To locate a person who is missing and whose continued absence constitutes a serious health or safety hazard; and
- To provide aerial coordination during a vehicle pursuit, where such coordination can reduce collision risk to bystanders or improve incident resolution.

The 1982 resolution also requires the pre-approval of the City Manager in order to deploy both helicopters and canine units, which imposes a time-intensive effort during emergency situations.¹ Limiting the Department's ability to quickly deploy hinders response times and reduces operational flexibility. This limitation can compromise both the public and officer safety by preventing rapid access to resources that could significantly enhance situational awareness of the high-risk incident as well as on-scene effectiveness.

While BPD requests helicopter mutual aid approximately 4–5 times per year and canine mutual aid approximately 8–10 times per year, these requests are not routine. Each one represents a critical incident in which on-scene supervisors have determined that the resource is operationally necessary to protect life, most often an armed suspect who has fled containment, a missing child or at-risk adult whose location is rapidly becoming unrecoverable, a suspicious device requiring explosives detection, or a vehicle pursuit in which aerial coordination materially reduces collision risk to bystanders. In these incidents, the current multi-step pre-approval process, Sergeant to Watch Commander to Patrol Captain to Chief to City Manager and then back down the chain of command typically consumes 20 to 30 minutes before a request can even

¹ See attachment 2, Resolution No. 51,408-N.S. as found in the annotated agenda from the July 15, 1982 City Council meeting.

be transmitted to a mutual aid partner. Those minutes are not administrative; they are operational. Containment perimeters fail in that window. Scent tracks cool. Suspects reach freeways and residential interiors. People at risk move further from rescue. Further, over the course of at least the last five years, and likely longer, there has never been an occasion where the City Manager has denied such a request from the Chief of Police. The infrequency of these requests is not an argument against modernizing the approval process; it is the reason modernization is justified. When BPD needs these resources at all, the need is acute, time-bound, and life-safety driven.

To address the time sensitivity and public safety concerns inherent with these types of incidents, requests for helicopters and canine mutual aid will require pre-deployment approval by the on-duty Watch Commander or their designee. Following deployment, the Watch Commander or designee will notify the Chief of Police who will provide post-deployment notification to the City Manager. This structure preserves a sworn supervisory check on every deployment while eliminating the procedural delay associated with City Manager approval mid-incident.

BACKGROUND

Resolution No. 51,408-N.S. was originally enacted on July 15, 1982, in response to concerns about the use of specialized law enforcement resources from outside agencies within Berkeley. The values that motivated its adoption: local oversight, narrow tailoring of authorized uses, and explicit prohibition of canine deployment in crowd control, remain sound and are preserved in this proposal. The procedural mechanism it created, however, no longer reflects current operational practice or the broader accountability architecture now in place, which includes Lexipol aligned policy manuals, body-worn camera coverage, Police Accountability Board review of complaints, and the City's Surveillance Technology Use and Community Safety Ordinance (BMC Chapter 2.99). BPD does not own helicopters or maintain a canine unit; all such resources are obtained through mutual aid through mutual aid agreements with regional partners, including the Oakland Police Department, the Alameda County Sheriff's Office, the East Bay Regional Park District Police, and the Emeryville Police Department.

PROPOSED CHANGES AND RATIONALE FOR RECOMMENDATION

Resolution No. 51,408-N.S. is recommended for rescission so BPD can match the operational tempo of the incidents in which mutual aid air and canine support are actually requested. The number of such requests is small, but each request is made because the on-scene supervisor has already concluded that ground resources alone cannot safely resolve the incident in the time available. Updating the city policy framework to permit Watch Commander pre-approval, rather than City Manager pre-approval, aligns Berkeley with regional mutual aid best practices, with current professional standards for law enforcement, and with the City's own updated mutual aid agreements with other law enforcement agencies adopted on July 22, 2025.²

² July 22, 2025 Public Hearing: Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations;
<https://berkeleyca.gov/sites/default/files/documents/2025-07->

Replacing pre-deployment City Manager approval with a post-deployment notification preserves the City Manager's visibility into every deployment while removing a procedural delay that does not change the outcome of the approval decision; it only shortens the window in which the resource can still be operationally useful to victims, bystanders, officers, and the community. Expanding the listed purposes for air support to align with current professional standards ensures that when mutual aid is activated, its permitted uses reflect modern operational practice rather than the 1980s era restrictions. Updating the policy modernizes Berkeley's law enforcement capabilities while preserving accountability through pre-deployment supervisory approval, post-deployment notification, comprehensive documentation, and annual public reporting.

FISCAL IMPACTS

No significant new expenditures are expected from this rescission. Any costs incurred for mutual aid support will be managed through established reimbursement agreements. The policy revision is anticipated to deliver operational benefits without imposing undue financial burden on the City.

CONTACT PERSON

Rashi Kesarwani, Councilmember, District 1

(510) 981-7110

ATTACHMENTS

- 1) Resolution
- 2) Resolution No. 51,408-N.S.
- 3) March 17, 2026 letter from Chair Cayetano, Police Accountability Board

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

RESOLUTION MODERNIZING BERKELEY POLICE DEPARTMENT POLICIES
GOVERNING THE USE OF MUTUAL AID HELICOPTER AND CANINE SUPPORT
RESOURCES

WHEREAS, Resolution No. 51,408-N.S., adopted on July 15, 1982, imposes outdated procedural restrictions that delay the Berkeley Police Department's ability to request mutual aid air support and canine resources from outside law enforcement agencies during critical law enforcement operations; and

WHEREAS, these restrictions hinder the Berkeley Police Department's ability to secure essential resources in high-risk incidents, thereby reducing operational flexibility and potentially compromising public and officer safety; and

WHEREAS, mutual aid agreements with external agencies providing access to helicopter support as well as police canine units are now standard practice nationwide, enhancing situational awareness, effective suspect apprehension, and search-and-rescue capabilities; and

WHEREAS, requests for mutual aid air support and canine resources are infrequent, averaging approximately 4 to 5 helicopter requests and 8 to 10 canine requests per year, each such request arises from an active life-safety incident in which procedural delay measurably increases risk to victims, bystanders, officers on scene, and the surrounding community; and

WHEREAS, replacing the existing requirement for pre-deployment City Manager approval with a structure of pre-deployment Watch Commander approval and post-deployment notification to the City Manager will facilitate rapid response during emergencies while ensuring accountability through sworn supervisory review, comprehensive documentation, and annual public reporting to the City Council and the Police Accountability Board;

NOW, THEREFORE, BE IT RESOLVED BY THE BERKELEY CITY COUNCIL
THAT:

1. Resolution No. 51,408-N.S. is rescinded in full. All prior limits on the use of outside helicopter support and police canine units are nullified.
2. The Berkeley Police Department may request and deploy canine teams from external law enforcement agencies only as follows:
 - a. Authorized deployments involving suspect apprehension. Canine teams may be deployed to locate or apprehend a suspect when any of the following is true:
 - i. The suspect is wanted for a violent felony; or
 - ii. There is a reasonable belief that the suspect possesses a weapon likely to cause serious bodily injury; or
 - iii. The suspect is wanted in connection with a residential burglary;
or

- iv. The deployment supports service of a warrant on a subject who is wanted for a violent felony, has a documented history of violent offenses, has a documented history involving firearms, or has a documented history of felony evasion or physical assault against law enforcement.
 - b. Authorized deployments not involving suspect apprehension. Canine teams may be deployed to locate crime scenes or physical evidence, to locate missing persons, or to detect explosives.
 - c. Categorical prohibitions. Canine teams shall not be deployed in connection with: infractions; misdemeanor offenses not involving a weapon likely to cause serious bodily injury; flight from an officer absent an independent justification under this section; thefts that escalate to robbery solely from a suspect's resistance to the victim's effort to stop the theft, absent use of a weapon or actions causing great bodily injury; stolen vehicle incidents involving a named suspect or that are civil in nature; or crowd control.
3. The Berkeley Police Department may request and deploy helicopter assistance from external law enforcement agencies with whom mutual aid agreements exist, for any of the following purposes:
 - a. To assist in disaster response;
 - b. To assist in rescue efforts;
 - c. To locate missing persons;
 - d. When the safety of law enforcement personnel is in jeopardy and aerial presence may reduce that hazard;
 - e. To aid in the apprehension of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community;
 - f. To locate a person who is missing and whose continued absence constitutes a serious health or safety hazard; and
 - g. To provide aerial coordination during a vehicle pursuit, where such coordination can reduce collision risk to bystanders and improve incident resolution.
4. The Berkeley Police Department may enter into and use mutual aid partnerships with outside agencies for all helicopter support and canine deployments described in this resolution.
5. The former requirement for pre-deployment City Manager approval is replaced with the following framework:
 - a. Pre-deployment supervisory approval. Each deployment of mutual aid helicopter support or canine resources under this resolution shall require the pre-deployment approval of the on-duty Watch Commander or their designee.
 - b. Post-deployment notification. Within 72 hours of any deployment, the Chief of Police or a designee shall notify the City Manager in writing. The notification shall include the date, time, and location of the deployment; the requesting BPD supervisor and the assisting agency; the operational purpose; and a brief summary of the outcome.

- c. Incident documentation. All deployments shall be documented in the originating incident report consistent with existing Berkeley Police Department records practices.
- d. Annual public reporting. Annually, the Chief of Police shall transmit to the City Council and the Police Accountability Board a public report summarizing all deployments of mutual aid helicopter support and canine resources during the preceding calendar year, including aggregate counts by category of use, assisting agencies utilized, and any incidents resulting in injury or formal complaint.

RESOLUTION NO. 51,408 -N.S.

ESTABLISHING POLICIES FOR USE OF DOGS AND HELICOPTERS BY THE POLICE DEPARTMENT OF THE CITY OF BERKELEY, AND RESCINDING THE PROVISIONS OF RESOLUTION NO. 48,630-N.S. AS THEY APPLY TO THE USE OF DOGS AND HELICOPTERS.

BE IT RESOLVED by the Council of the City of Berkeley as follows:

That the following policies for use of dogs and helicopters by the Police Department of the City of Berkeley are hereby established:

1. Police use of dogs from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

a. To apprehend suspects

(1) Where there is a threat to human life, and

(2) Where the suspect is reasonably believed to be armed with a deadly weapon, and

(3) Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect; or

b. To locate missing persons; or

c. To locate crime scenes.

Provided, however, that the use of dogs is explicitly prohibited for use in crowd control.

2. Police use of helicopters from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

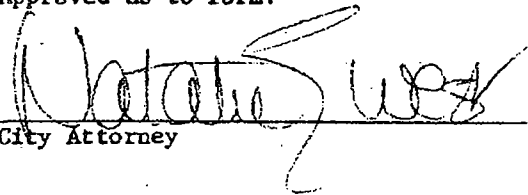
a. To assist in case of a disaster; or

b. To assist in rescue efforts (specifically excluding the rescue of hostages); or

c. To assist in locating missing persons.

FURTHER, RESOLVED, that the provisions of Resolution No. 48,630-N.S. as they apply to the use of dogs and helicopters are hereby rescinded.

Approved as to form:



City Attorney



Joshua Cayetano | Chair
Police Accountability Board
JCayetano@berkeleyca.gov

March 17, 2026

VIA ELECTRONIC MAIL [Email]

Hon. Members of the Public Safety Policy Committee
PolicyCommittee@berkeleyca.gov
2180 Milvia Street
Berkeley, California 94704

**Re: PAB Response to the Proposed Resolution Rescinding Resolution No. 51,408-N.S.
Restricting the Use of Air Support and Canine Units and Updating Mutual Aid
Policies**

Honorable Chair Blackaby and Members of the Public Safety Policy Committee:

On behalf of the Police Accountability Board (PAB), I would like to first express our appreciation to the Public Safety Policy Committee (PSPC) for granting the PAB additional time to review this item. The PAB met on March 11, 2026, to discuss the proposal, directing its review to two key questions:

1. Whether the PAB supports, opposes, or declines to comment on replacing the requirement for City Manager (or Chief of Police) approval of helicopter or canine (K9) use with an after-action notification to the City Manager.
2. Whether the PAB supports, opposes, or declines to comment on the proposed expansion and revision of the list of permissible uses for helicopters.

City Manager Approval vs. After-Action Notification for Helicopter and K9 Use

After reviewing the proposal to remove City Manager (or, in the City Manager's absence, Chief of Police) approval for both helicopters and K9 deployments, the PAB does not support this change. The PAB's position is based on the following considerations:

- **Lack of Demonstrated Need:** The PAB believes that no evidence has been presented showing that the current process imposes an undue burden on the Berkeley Police Department (BPD) that would warrant such a change in approval procedures. The PAB understands that requests for helicopter support occur approximately 4–5 times per year,

while canine units are requested about 8–10 times annually, most often for search operations, which does not indicate a frequency that would necessitate modifying the existing approval framework.

- **Preservation of Oversight:** The existing approval requirement provides an important oversight safeguard prior to the deployment of specialized policing resources. Replacing that requirement with an after-action notification reduces that oversight.
- **General Concern About Reduced Oversight:** The PAB notes a pattern of expanding police tools and/or authorities without sufficient justification or oversight.

Expansion of Permissible Uses for Helicopters

The PAB does not support the proposed expansion and revision of the list of permissible uses for helicopters. The PAB's position is based on the following considerations:

- **Lack of Demonstrated Need:** The proposal did not include supporting data, operational analysis, or documented incidents demonstrating a need to broaden the circumstances under which helicopters may be deployed.
- **Relationship with Proposed Drone Technology:** The City is currently considering a proposal regarding the use of police drone technology. While the PAB acknowledges that drones would not be capable of performing all functions that a helicopter can provide, some of the expanded uses contemplated for helicopters appear to overlap with operations described in the drone proposal.
- **Need for Clear Policy Rationale:** Any expansion of permissible helicopter use should be supported by a clearly articulated operational rationale and relevant data regarding current deployment practices to ensure that these resources are used only when necessary and in a manner consistent with the City's objectives.

Conclusion

For the reasons outlined above, the PAB respectfully opposes the proposed rescission of City Manager approval for helicopter and K9 deployments, as well as the proposed expansion of permissible helicopter uses. The Board emphasizes the importance of maintaining appropriate oversight and requiring a clearly demonstrated operational need for changes to these longstanding policies. The PAB appreciates the opportunity to provide its input and looks forward to continuing to work with all stakeholders to ensure that policies governing specialized police resources remain effective, accountable, and transparent.

Respectfully submitted,


Joshua Cayetano, Chair

Police Accountability Board

Cc: Paul Buddenhagen, City Manager
David White, Deputy City Manager
Jennifer Louis, Chief of Police
Jen Tate, Deputy Chief of Police
Jose Murillo, Acting Director of Police Accountability

