



SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1

Meeting Date: September 29, 2026

Item Number: 36

Item Description: Surveillance Technology Ordinance Submission for Mutual Aid Air Support, Pursuant to Council Action of July 14, 2026

Submitted by: Katherine Lee, Interim Director of Police Accountability

The attached letter from the Police Accountability Board indicates its approval of the Surveillance Acquisition Report and Surveillance Use Policy for Mutual Aid Air Support, with one revision.



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

September 21, 2026

VIA ELECTRONIC MAIL [Email]

Berkeley City Council
Council@berkeleyca.gov
2180 Milvia Street
Berkeley, California 94704

Re: Surveillance Technology Ordinance Submission for Mutual Aid Air Support

Honorable Mayor Ishii and Members of the City Council,

On behalf of the Police Accountability Board (PAB), I am writing to communicate the Board's recommendation as provided under BMC 2.99.030 regarding the Berkeley Police Department's (BPD) Acquisition Report and Policy 1308 concerning mutual aid air support. The PAB received the materials from the BPD on August 28, 2026, and reviewed them at its regular meeting on September 9, 2026.

Following a majority vote, the PAB recommended approval of the Acquisition Report and Policy 1308 with a minor amendment to Section 1308.11. The amendment is intended to clarify the reporting requirements and eliminate potential ambiguity. The Board's recommended redline is included as Attachment 1.

Accordingly, the PAB respectfully recommends that the City Council approve the Acquisition Report and Policy 1308, subject to the amendment to Section 1308.11 reflected in Attachment 1.

Respectfully submitted,

A handwritten signature in black ink that reads "Joshua Cayetano".

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
Katherine Lee, Interim Director of Police Accountability

Attachments: 1. PAB's Redline of Policy 1308 Section 11

Attachment 1. PAB's Redline of Policy 1308 Section 11

1308.11 AUDITING AND OVERSIGHT

The Office of Strategic Planning and Accountability (OSPA) shall audit all air support deployments at least twice per year. As part of the audit, OSPA will confirm that BPD has not entered any direct data-sharing arrangements inconsistent with this policy.

BPD will enforce against prohibited uses of Mutual Aid Air Support pursuant to Policy 1010, Personnel Complaints, or other applicable law or policy. The City Manager shall enforce against any prohibited use of air support data by other City of Berkeley personnel.

The audit shall be documented in the form of an internal department memorandum to the Chief of Police. After review by the Chief of Police, the memorandum and any associated documentation shall be placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020(2) and published on the City of Berkeley's website. **The annual report shall include the results of any nonprivileged internal audits, information regarding any violations or potential violations of this policy, and any responsive actions taken.** The annual public report on air support deployments required by the July 14, 2026 resolution shall be transmitted to the City Council and the Police Accountability Board.