



Peace and
Justice
Commission

PEACE & JUSTICE COMMISSION MEETING
Monday, March 9, 2026 – 6:30 p.m.
South Berkeley Senior Center
2939 Ellis St. Berkeley, CA 94703

AGENDA

Mayor Adena Ishii:
Andrea Cassidy
Vice-Chair

Rashi Kersarwani:
Selim Yasavul

Terry Taplin:
Adam Weisberg

Ben Bartlett:
Carole Marasovic

Igor Tregub:
Deborah Fink

Shoshana O’Keefe:
Nimrod Pitsker Elias

Brent Blackaby:
Robin Mencher

Cecilia Lunaparra:
Luke Taylor

Mark Humbert:
Ilene Lee

BUSD:
Appel- Grace Morizawa
Shanoski- Jeannette McNeil
Chang- Babak Sani
Vasudeo- George Lippman
Babitt- Pastor Dwayne L. Phillips- **Chair**
Clark- Vacant

SECTION A. PRELIMINARY MATTERS

1. Call to Order and Roll Call
2. Land Acknowledgement
3. Announcements
4. Review and approval of Agenda. Discussion and possible action.
5. Approval of Minutes: Minutes from the February 6, 2026 Peace and Justice Commission Meeting
6. Comments from the Public on non-agenda items. Public Comment is subject to time limits applicable to all speakers as necessary.
7. Commission Updates & Chairperson’s Report
 - The Chair reports on PJC activities and informal ad hoc subcommittees

8. Secretary's Report

SECTION B. DISCUSSION/ACTION ITEMS

1. Adopt a Recommendation to the City Council to reaffirm its commitment to international peace, opposing the war on Iran and expressing solidarity with the people of Iran and their right to self-determination.
2. Discuss potential dates for one additional meeting to utilize the 10th meeting option for the Commission due to the cancellation of the January meeting. Action is acceptable if a date is proposed.
3. Recommendation to Council that the City of Berkeley be declared a sanctuary city for LGBTQIA+ persons including recommendations as to proposed City mandates to protect, and expand, the rights of trans persons. Discussion and possible action.
4. Commission authorization for Commissioners Luke Taylor and Carole Marasovic to present LGBTQIA+ recommendation to City Council and Council Policy Committees on behalf of the Peace and Justice Commission.
5. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools: Adopt a Resolution approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:
 - a. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
 - b. Retain the 1997 requirement for public reporting of each use of pepper spray.
6. Social Justice Implications of contracts with the immigration data broker Flock Safety: Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.

SECTION C. COMMUNICATIONS

Communications submitted to the Peace and Justice Commission are on file in the City Manager's Office at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the Secretary at or ttervalon@berkeleyca.gov

SECTION D. ADJOURNMENT

SECTION D. ATTACHMENTS

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*



Meeting Access: To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

Communications Disclaimer

*Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.*

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Old City Hall located at 2180 Milvia Street, Berkeley, CA 94704.

Commission Contact Information

*Tasha Tervalon
Peace and
Justice
Commission
City of Berkeley
2180 Milvia
Street, 5th Floor
Berkeley, CA
94704*



Peace and Justice Commission

PEACE & JUSTICE COMMISSION MEETING

Monday, February 2, 2026 – 6:30 p.m.

South Berkeley Senior Center

2939 Ellis St. Berkeley, CA 94703

Draft Minutes

Meeting began at 6:30 PM with Cahir Phillips presiding. Tasha Tervalon as Secretary

SECTION A. PRELIMINARY MATTERS

1. Roll Call

Present: Commissioners Phillips, Sani, McNiel, Lippman, Schwartz, Remler, Marasovic, Fink, Taylor, Cassidy

Arrived at 6:30: Commissioners Mascarenhas-Sawn and Elias

Arrived at 6:33: Commissioner Marizawa

Arrived at 6:37: Commissioner Mencher

Arrived at 6:44: Commissioner Lee

Absent: None

Leave of Absence: Commissioners Yasavul and Weisberg

2. Announcements

3. Review and approval of Agenda.

Motion to approve amended agenda:

M/S/C: Taylor/ Cassidy

Ayes: Commissioners Phillips, Sani, McNiel, Lippman, Schwartz, Remler, Marasovic, Fink, Taylor, Cassidy, Mascarenhas-Sawn and Elias, and Marizawa

Noes: None

Abstain: None

Absent: Commissioner Lee

Excused: Commissioners Yasavul and Weisberg

4. Comments from the Public on non-agenda items. Public Comment is subject to time limits applicable to all speakers as necessary.

Public Attendance: 4

Public Comments: 0

5. Commission Updates & Chairperson's Report
6. Secretary's Report

SECTION B. DISCUSSION/ACTION ITEMS

1. A Conversation with Irma Gallego Chavez on her LGBTQIA experience in Mexico and immigrant experience emigrating from Mexico to the United States under political asylum grounds. Client, East Bay Sanctuary Covenant. **Item was discussion only.**
2. Presentation with Q and A on Privacy and Surveillance in the Current Immigration Era, Brian Hofer, Executive Director, Secure Justice. **Item was discussion only.**
3. Selection of commissioners or commissioners to present at council on March 10th (and Council Committee if the item is referred to Committee)
 - a. Alien Enemies Act: refer to the City Manager to refer to the appropriate department or division to develop an educational event, whether a panel of speakers, a film, a play or some combination of these, for the Berkeley community so that the broader community can be made aware of the impact of the Alien Enemies Act and its impact on Berkeley community members during World War II. Such event shall be free of charge and well-promoted.
 - b. Re-Affirming Commitment to Free Speech: Adopt this recommendation re-affirming the City of Berkeley's commitment to Free Speech and Assembly and its opposition to the detainment and deportation of immigrants without due process, violating their constitutionally protected speech.

Motion: Move that Commissioners Marasovic and Morizawa speak on behalf of the commission for the item as passed on June 2025 (item A Above) including speaking at agenda committee.

M/S/C: Marasovic and Cassidy

Ayes: Commissioners Phillips, Sani, McNiel, Lippman, Schwartz, Remler, Marasovic, Fink, Taylor, Cassidy, Mascarenhas-Sawn, Elias, Morizawa and Lee

Noes: None

Abstain: None

Absent: None

Excused: Commissioners Yasavul and Weisberg

Motion: Commissioners McNiel and Taylor present item "Re-Affirming Commitment to Free Speech" and speak on behalf of the commission to the council and council policy

committees

M/S/C: Marosovic and Mascarenhas-Sawn

Ayes: Commissioners Phillips, Sani, McNiel, Lippman, Remler, Marasovic, Taylor, Cassidy, Mascarenhas-Sawn, Elias, Morizawa and Lee

Noes: None

Abstain: Commissioners Schwartz, Remler, Fink and Lee

Excused: Commissioners Yasavul and Weisberg

4. ICE Killings in Minneapolis. **Item was discussion only.**
5. Revised letter to Council recommending LGBTQIA persons receive needed services under County Measure W to incorporate use of Proposition 1 (BHSA) to meet LGBTQIA needs.

Motion: Move to adopt letter as written and presented to the commission.

M/S/C: Taylor and Morizawa

Ayes: Commissioners Phillips, Sani, McNiel, Lippman, Morizawa, Schwartz, Marasovic, Fink, Taylor, Cassidy, Mascarenhas-Sawn, and Lee

Noes:

Abstain: Commissioners Remler, Elias and Mencher

Excused: Commissioners Yasavul and Weisberg

6. Chair and Vice Chair Elections.

Motion: Move to Elect Pastor Dwayne Phillips as chair, amendment by Elias and seconded by Taylor to add 10 minutes of discussion and add potential candidates, amendment accepted by Cassidy.

Motion: Move to Elect Pastor Dwayne Phillips as Chair of the Peace and Justice Commission.

M/S/C: Cassidy and Fink

Ayes: Commissioners Phillips, Schwartz, Remler, Marasovic, Fink, Elias, Mencher, Lee and Cassidy

Noes: None

Abstain: Commissioners Sani, McNiel, Lippman, Morizawa, Mascarenhas-Swan, Taylor

Absent: None

Excused: Commissioners Yasavul and Weisberg

Motion: Move to nominate George Lippman as Vice Chair of the Peace and Justice Commission.

M/S/C: Fink and Remler

Ayes: Commissioners Phillips, Sani, McNeil, Lippman, Morizawa, Mascarenhas-Swan, Taylor

Noes: Commissioners Schwartz, Remler, Marasovic, Fink, Elias, Mencher, Lee,

Cassidy

Abstain: None

Absent: None

Excused: Commissioners Yasavul and Weisberg

Motion: Move to nominate Andrea Cassidy as Vice Chair of the Peace and Justice Commission.

M/S/C: Fink and Marasovic

Ayes: Commissioners Phillips, Sani, Lippman, Morizawa, Schwartz, Remler, Marasovic, Fink, Elias, Mencher, Taylor, Lee, and Cassidy

Noes: Commissioners McNeil, Mascarenhas-Swan

Abstain: None

Absent: None

Excused: Commissioners Yasavul and Weisberg

7. Rejecting militarization in Iran. **Item was discussion only.**
8. Discuss potential dates for one additional meeting to utilize the 10th meeting option for the Commission due to the cancellation of the January meeting. Action is acceptable if a date is proposed. Item not discussed.

Meeting Adjourned at 9:30

Respectfully Submitted, _____

Tasha Tervalon,

Secretary Peace and Justice Commission

Minutes – February 2, 2026



[Commission Name]

[CONSENT OR ACTION]

CALENDAR

[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor Ishii and Members of the Berkeley City Council
From: Peace and Justice Commission
Submitted by: Rev. Dwayne Phillips, Chairperson, Peace and Justice Commission
Subject: Reaffirm City of Berkeley Commitment to International Peace, Opposing War on Iran & Standing in Solidarity with the People of Iran

RECOMMENDATION

Adopt a Resolution reaffirming the commitment of City of Berkeley to international peace, opposing the war on Iran and expressing solidarity with the people of Iran and their right to self-determination.

FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impact on the City.

CURRENT SITUATION AND ITS EFFECTS

On Saturday February 28, 2026, with negotiations underway between the United States and the Islamic Republic, the United States and Israel launched a major military campaign against Iran, prompting Iranian retaliatory strikes on U.S. bases in the region and on Israel. Within the first 48 hours scores of civilians were reported killed in Iran¹ as well as multiple American personnel² and Israeli civilians³. There is undoubtedly a high risk of expanding military mobilization, destabilization of global energy markets and elevated cybersecurity vulnerabilities, the effects of which will have domestic reverberations in the U.S.

BACKGROUND

Beginning in late December 2025, massive nationwide anti-regime protests erupted in Iran, driven largely by a deepening economic crisis and rising prices. The protests, which included calls for regime change, became the largest in scale since the 1979 revolution. The response of the Iranian authorities was brutal and unprecedented. According to independent human rights monitors, the crackdown resulted, within a matter of two to three days (January 8 to 10) under total internet blackout, in thousands, and possibly tens of thousands of deaths and even more arrests, followed by arbitrary

¹ Washington Post: [Reported airstrike hits Iranian girls' school](#)

² New York Times: [U.S. Military Death Toll Rises to 6](#)

³ BBC: [Nine dead in missile attack on Israel as Iran strikes region](#)

mass detention, torture, and intimidation of victims' families.⁴ As the protests swelled to a scale never before witnessed, Iran once again stood at a defining crossroads in its history. During this period, the Trump administration commenced preparations for a massive assault against Iran and launched joint U.S.-Israeli strikes on February 28th that is ongoing. The stated justification, "imminent Iranian threat," is refuted by senior U.S. defense officials and intelligence sources.⁵

The U.S.–Israel war on Iran has already unleashed severe humanitarian, social, and infrastructural devastation, with early reporting painting a picture of widespread civilian suffering and destabilization across the country and the region.⁶ Initial field data documented at least 333 civilian casualties in the first day alone, alongside extensive damage to homes, schools, and essential public infrastructure such as hospitals, educational centers and communications networks.⁷ Strikes on civilian sites have been especially catastrophic: one of the deadliest incidents within hours of the start of the war was the bombing of a girls' primary school in Minab, where more than 100 children were reportedly killed.⁸ The devastation and number of casualties are expected to rise on all sides in the coming days.

The people of Iran have spent decades challenging authoritarian rule risking imprisonment, torture, and death for the chance to shape a freer and more dignified future. U.S. government intervention throughout these decades has made that struggle harder to sustain. From derailing Iran's democratic trajectory in the 1950's,⁹ to imposition of broad and indiscriminate sanctions that punish ordinary Iranians while fueling rampant corruption by state actors,¹⁰ to the bombings in June of 2025 and now full-scale military assault, the U.S. government policy toward Iran has exacerbated social and economic distress among ordinary citizens. And under a war of aggression waged against the country, the Iranian government weaponizes the crisis to brand dissent as treason, drives society into survival mode, and extinguishes demands for political and social reform. The Iranian people's struggle for freedom has never been passive or abstract; it has been lived through decades of protest, bloodshed, and extraordinary courage. But war shifts the terrain in favor of those who fear that freedom most.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

⁴ Amnesty International: [What happened at the protests in Iran?](#)

⁵ CNN: [Trump has claimed Iran is building missiles that could soon hit the US. Sources say that's not backed up by US intelligence](#); International Business Times: [Defense Officials Undercut 'Imminent Threat' Narrative, Say Iran Had No Pre-Strike Plans Against US](#).

⁶ United Nations: [Iran crisis: Nuclear watchdog urges restraint amid ongoing strikes](#)

⁷ [The First Day of the U.S.–Israel and Iran War: Initial Report on the Scope of Attacks and Their Human Consequences](#).

⁸ [UNESCO: Deadly bombing of Iran primary school 'a grave violation of humanitarian law'](#)

⁹ The National Security Archive: [Mohammad Mosaddeq and the 1953 Coup in Iran](#)

¹⁰ Human Rights Watch: ["Maximum Pressure," US Economic Sanctions Harm Iranians' Right to Health](#)

RATIONALE FOR RECOMMENDATION

Berkeley has long been a national symbol of principled resistance to unjust wars, and the Peace and Justice Commission was created precisely to ensure that this legacy guides the city's actions. Today, as an illegal war of aggression threatens the lives and liberties of not just millions in Iran and across the region but the lives of Americans serving in the military, the City Council is called to uphold that mandate.

Berkeley is home to a strong and vibrant Iranian American community numbering well over a thousand,¹¹ many of whom are experiencing deep distress as the war makes it difficult or impossible to reach loved ones back home, leaving many in a state of fear and uncertainty.

By taking a stand against this illegal and already deeply unpopular¹² war the City of Berkeley would not only honor Berkeley's history but also affirm solidarity with the Iranian people, whose decades-long struggle for freedom is being suffocated by conflict. A resolution from Berkeley would show that the City's commitments to peace and justice remain living values, not historical artifacts.

ALTERNATIVE ACTIONS CONSIDERED

CITY MANAGER CONTACT PERSON

¹¹ [Iranian Population in Alameda County, CA by City: 2025 Ranking & Insights](#)

¹² The Hill: [Just a quarter of Americans back Iran strikes: Poll](#)

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

Opposing the War on Iran and Standing in Solidarity with the People of Iran

WHEREAS, the City of Berkeley has, for generations, stood firmly against wars of aggression and has consistently affirmed that peace, diplomacy, and respect for international law are essential to human dignity and global security; and

WHEREAS, the ongoing United States war on Iran constitutes a unilateral act of aggression that has caused widespread civilian casualties, mass displacement, destruction of homes, schools, hospitals, cultural sites, and essential infrastructure, and has deepened an already severe humanitarian crisis affecting millions; and

WHEREAS, the people of Iran—who have endured decades of political repression, economic sanctions, and regional instability—are now suffering the devastating consequences of war, including shortages of food, medicine, clean water, and essential services, conditions that amount to collective punishment; and

WHEREAS, Article 2(4) of the United Nations Charter prohibits the threat or use of force against the territorial integrity or political independence of any state, and the Nuremberg Principles, affirmed by the United States, define aggressive war as “the supreme international crime”; and

WHEREAS, the War Powers Resolution of 1973 requires explicit congressional authorization for sustained military action, mandating timely consultation with Congress, yet the current military assault on Iran has proceeded without congressional approval, constituting a breach of the War Powers Resolution and a violation of constitutional checks and balances; and

WHEREAS, the continuation of this war undermines the democratic rights and aspirations of the Iranian people, strengthens authoritarian repression, and obstructs the possibility of peaceful, just, and democratic change within Iran; and

WHEREAS, Iranian Americans in Berkeley and throughout the Bay Area are experiencing fear, grief, and trauma as their families and communities are directly affected by the war, and many face increased discrimination, surveillance, and xenophobia at home; and

WHEREAS, the City of Berkeley affirms that true security is achieved not through militarism, but through diplomacy, justice, human rights, and the protection of civilian life;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley unequivocally opposes the ongoing United States war on Iran and calls for an

immediate cessation of hostilities, withdrawal of U.S. forces, and an end to all military actions that endanger civilian populations.

BE IT FURTHER RESOLVED that the City Council urges the President, Congress, and all relevant federal agencies to pursue diplomacy, de-escalation, and multilateral conflict resolution, and to support humanitarian relief efforts for the people of Iran.

BE IT FURTHER RESOLVED that the City of Berkeley stands in unwavering solidarity with the people of Iran in their pursuit of peace, justice, human rights, and self-determination, and affirms the rights and dignity of Iranian Americans in our community.

BE IT FURTHER RESOLVED that the City Clerk shall transmit copies of this resolution to the President of the United States, the Vice President, the Secretary of State, the Majority and Minority Leaders of the U.S. Senate, the Speaker and Minority Leader of the U.S. House of Representatives, and Berkeley's representatives in Congress.

To: Mayor and Members of the City Council

From: Peace and Justice Commission

Submitted by: Pastor Dwayne Phillips, Chair

Subject: Resolution Opposing War on Iran and Standing in Solidarity with the People of Iran

Dear Mayor and Council:

On Saturday February 28, 2026, with negotiations underway between the United States and the Islamic Republic, the United States and Israel launched a major military campaign against Iran, prompting Iranian retaliatory strikes on U.S. bases in the region and on Israel. Within the first 48 hours scores of civilians were reported killed in Iran¹ as well as multiple American personnel² and Israeli civilians³. There is undoubtedly a high risk of expanding military mobilization, destabilization of global energy markets and elevated cybersecurity vulnerabilities, the effects of which will have domestic reverberations in the U.S.

Beginning in late December 2025, massive nationwide anti-regime protests erupted in Iran, driven largely by a deepening economic crisis and rising prices. The protests, which included calls for regime change, became the largest in scale since the 1979 revolution. The response of the Iranian authorities was marked by extraordinary and unprecedented violence. According to independent human rights monitors, the crackdown resulted, within a matter of two to three days (January 8 to 10) under total internet blackout, in thousands, and possibly tens of thousands of deaths and even more arrests, followed by arbitrary mass detention, torture, and intimidation of victims' families.⁴ As the protests swelled to a scale never before witnessed, Iran once again stood at a defining crossroads in its history. During this period, the Trump administration commenced preparations for a massive assault against Iran and launched joint U.S.-Israeli strikes on February 28th that is ongoing. The stated justification, "imminent Iranian threat," is refuted by senior U.S. defense officials and intelligence sources.⁵

¹ Washington Post: [Reported airstrike hits Iranian girls' school](https://www.washingtonpost.com/world/2026/02/28/iran-airstrike-girls-school-deaths/)

(<https://www.washingtonpost.com/world/2026/02/28/iran-airstrike-girls-school-deaths/>)

² New York Times: [U.S. Military Death Toll Rises to 6](https://www.nytimes.com/2026/03/02/world/middleeast/us-military-death-toll-iran.html) (<https://www.nytimes.com/2026/03/02/world/middleeast/us-military-death-toll-iran.html>)

³ BBC: [Nine dead in missile attack on Israel as Iran strikes region](https://www.bbc.com/news/articles/c363zpk1pgxo)

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⁴ Amnesty International: [What happened at the protests in Iran?](https://www.amnesty.org/en/latest/campaigns/2026/01/what-happened-at-the-protests-in-iran/)

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⁵ CNN: [Trump has claimed Iran is building missiles that could soon hit the US. Sources say that's not backed up by US intelligence](https://www.cnn.com/2026/02/27/politics/iran-missiles-trump-intelligence-nuclear) (<https://www.cnn.com/2026/02/27/politics/iran-missiles-trump-intelligence-nuclear>);

International Business Times: [Defense Officials Undercut 'Imminent Threat' Narrative, Say Iran Had No Pre-Strike Plans Against US](https://www.ibtimes.co.uk/intelligence-contradicts-trump-iran-strikes-1782532?utm_source=copilot.com) (https://www.ibtimes.co.uk/intelligence-contradicts-trump-iran-strikes-1782532?utm_source=copilot.com)

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The people of Iran have spent decades challenging authoritarian rule risking imprisonment, torture, and death for the chance to shape a freer and more dignified future. U.S. government intervention throughout these decades has made that struggle harder to sustain. From derailing Iran’s democratic trajectory in the 1950’s,⁹ to imposition of broad and indiscriminate sanctions that punish ordinary Iranians while fueling rampant corruption by state actors,¹⁰ to the bombings in June of 2025 and now full-scale military assault, the U.S. government policy toward Iran has exacerbated social and economic distress among ordinary citizens. And under a war of aggression waged against the country, the Iranian government weaponizes the crisis to brand dissent as treason, drives society into survival mode, and extinguishes demands for political and social reform. The Iranian people’s struggle for freedom has never been passive or abstract; it has been lived through decades of protest, bloodshed, and extraordinary courage. But war shifts the terrain in favor of those who fear that freedom most.

Berkeley has long been a national symbol of principled resistance to unjust wars, and the Peace and Justice Commission was created precisely to ensure that this legacy guides the city’s actions. Today, as an illegal war of aggression threatens the lives and liberties of not just millions in Iran and across the region but the lives of Americans serving in the military, the City Council is called to uphold that mandate.

⁶ United Nations: [Iran crisis: Nuclear watchdog urges restraint amid ongoing strikes](https://news.un.org/en/story/2026/03/1167064)

(<https://news.un.org/en/story/2026/03/1167064>)

⁷ [The First Day of the U.S.–Israel and Iran War: Initial Report on the Scope of Attacks and Their Human Consequences](https://www.en-hrana.org/the-first-day-of-the-u-s-israel-and-iran-war-initial-report-on-the-scope-of-attacks-and-their-human-consequences/?utm_source=copilot.com). (https://www.en-hrana.org/the-first-day-of-the-u-s-israel-and-iran-war-initial-report-on-the-scope-of-attacks-and-their-human-consequences/?utm_source=copilot.com)

⁸ [UNESCO: Deadly bombing of Iran primary school ‘a grave violation of humanitarian law’](https://news.un.org/en/story/2026/03/1167063)

(<https://news.un.org/en/story/2026/03/1167063>)

⁹ The National Security Archive: [Mohammad Mosaddeq and the 1953 Coup in Iran](https://nsarchive2.gwu.edu/NSAEBB/NSAEBB126/?utm_source=chatgpt.com)

(https://nsarchive2.gwu.edu/NSAEBB/NSAEBB126/?utm_source=chatgpt.com)

¹⁰ Human Rights Watch: [“Maximum Pressure,” US Economic Sanctions Harm Iranians’ Right to Health](https://www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health)

(<https://www.hrw.org/report/2019/10/29/maximum-pressure/us-economic-sanctions-harm-iranians-right-health>)

Berkeley is home to a strong and vibrant Iranian American community numbering well over a thousand,¹¹ many of whom are experiencing deep distress as the war makes it difficult or impossible to reach loved ones back home, leaving many in a state of fear and uncertainty.

By taking a stand against this illegal and already deeply unpopular¹² war, the City of Berkeley would not only honor Berkeley's history but also affirm solidarity with the Iranian people, whose decades-long struggle for freedom is being suffocated by conflict. A resolution from Berkeley would show that the City's commitments to peace and justice remain living values, not historical artifacts.

Thank you for your consideration.

Respectfully Submitted:

Pastor Dwayne Phillips, Chair

Peace and Justice Commission

¹¹ [Iranian Population in Alameda County, CA by City: 2025 Ranking & Insights](https://www.neilsberg.com/insights/lists/iranian-population-in-alameda-county-ca-by-city/?utm_source=copilot.com)

(https://www.neilsberg.com/insights/lists/iranian-population-in-alameda-county-ca-by-city/?utm_source=copilot.com)

¹² The Hill: [Just a quarter of Americans back Iran strikes: Poll](https://thehill.com/homenews/administration/5762380-public-opinion-us-iran-conflict/?utm_source=copilot.com)

(https://thehill.com/homenews/administration/5762380-public-opinion-us-iran-conflict/?utm_source=copilot.com)



Peace and Justice
Commission

[CONSENT OR ACTION]
CALENDAR

March 9th, 2026

DRAFT

To: Honorable Mayor and Members of the City Council

From: Peace and Justice

Submitted by: Rev. Dwayne Philips, Chair, Peace and Justice Commission

Subject: On Declaring Berkeley a Sanctuary City for the LGBTQI+ Community

RECOMMENDATION

That the City Council declare Berkeley a **Transgender Sanctuary City** and adopt a comprehensive policy to protect and support transgender, non-binary, and gender-nonconforming (TGNC) residents through the following actions:

- **Non-Cooperation and Protection of Resources:** Refer to the City Manager to have the City Lawyer conduct an analysis of how anti-trans laws in other jurisdictions impact Berkeley, and consider formally prohibiting the use of City resources—including staff time, equipment, and databases—to assist out-of-state or federal agencies in investigating, detaining, or prosecuting individuals for seeking, providing, or assisting in lawful gender-affirming care.
- **Privacy:** Direct City departments to refuse requests for personal or medical information from jurisdictions with anti-trans laws on the books, except where explicitly required by California or higher federal law.
- **Gender-Neutral Bathrooms:** Update the Berkeley Building Code to require all newly constructed or majorly renovated commercial and public buildings to include gender-neutral or all-gender multi-stall facilities (non-retrospective).
- **Employment:** Refer to the City Manager to utilize available Workforce Innovation and Opportunity Act (WIOA) grants for the development of TGNC-specific fair-chance hiring initiatives.
- **Anti-discrimination in housing:** Recommend that Council amend related ordinances to provide for the First-In-Time standard to be applied to all rental housing in the City of Berkeley. Refer to the City Manager and the Rent Stabilization Board to

- develop implementation and enforcement procedures and return them to Council.
- Access to Mental Health Services: Urge the prioritization of Mental Health Services Act (MHSA) and upcoming Behavioral Health Services Act (BHSA) funds to bridge the June 2026 funding gap for the Pacific Center and other TGNC-specific mental health lifelines.
 - Housing Safety Protocols: Refer to the City Manager to direct the inclusion of TGNC-specific safety protocols in all capital-funded transitional housing and shelters, ensuring identity-respecting placement and anti-violence training for staff.
 - Work with other East Bay cities to explore the possibility of opening a trans shelter that trans individuals facing challenges in other shelters can be referred to.
 - Have SB 1343 employer sexual harassment training requirements sent out to all Berkeley businesses in a flyer during license renewal.
 - Include an addendum in all city vendor contracts with the following language: "Contractor shall ensure that all services and benefits provided under this agreement are administered in a gender-neutral manner. Contractor is prohibited from discriminating against any person on the basis of actual or perceived gender identity, including non-binary and transgender status, in the provision of services, facilities, or employment opportunities related to this City contract."
 - Update language in the city code that discriminates on the basis of sex and gender.

SUMMARY

In response to an unprecedented federal assault on transgender rights, this recommendation codifies Berkeley's role as a haven. By declaring sanctuary status, Berkeley joins California cities including Sacramento and West Hollywood in refusing to comply with out-of-state "gender ideology" investigations. Berkeley continues its long tradition of standing at the vanguard of Civil Rights movements during moments of state-sanctioned bigotry.

FISCAL IMPACTS OF RECOMMENDATION

None to the General Fund. All recommended actions utilize regulatory updates, existing departmental staff time, or restricted funding sources. Mental health support is directed from MHSA/BHSA state allocations, and employment initiatives are to be funded through federal workforce grants or capital project budgets.

CURRENT SITUATION AND ITS EFFECTS

The TGNC community is under a state of emergency due to coordinated federal actions since January 2025:

- Executive Order 14168 (signed Jan 20, 2025) redefined "sex" as a biological binary at conception for all federal agencies, stripping TGNC individuals of legal recognition in passports, federal housing, and healthcare. Executive Orders 14190,

14201, 14183, and 14187 each seek explicitly to erase transgender people from various areas of public and professional life.¹

- A December 2025 CMS rule proposed denying Medicare/Medicaid funding to any hospital providing gender-affirming care to minors. This threatens de facto bans on care at Berkeley-area hospitals.
- BPD reports indicate that hate crimes involving gender and sexual orientation were the second highest category of reported incidents in 2024, with anti-transgender events increasing statewide by 12.3% in 2025.^{2, 3}
- The Pacific Center faces a critical funding expiration in June 2026 as existing MHSA cycles transition to BHSA.
- In response to threats from the Federal Government, many medical facilities throughout California have ended their gender affirming care services, endangering the lives of countless people, particularly trans youth.

Precedence:

Multiple cities in California have taken similar steps to declare themselves havens for the trans community. West Hollywood in 2023, Sacramento and San Francisco in 2024, Richmond in 2025 and others all passed city resolutions reaffirming their commitment to the trans community and taking measures to materially protect and support TGNC individuals.

Rationale:

The federal characterization of gender-affirming care (GAC) as "junk science" is directly contradicted by the nation's leading medical authorities:

- American Academy of Pediatrics (AAP): Maintains that evidence-based GAC is medically necessary and life-saving. In December 2025, the AAP called federal restrictions a "baseless intrusion into the patient-physician relationship."⁴
- American Medical Association (AMA): Reaffirms that GAC—including hormones and social transition—is associated with significant decreases in anxiety, depression, and suicidal ideation.⁵
- The American Psychological Association (APA): issued a May 2025 statement criticizing the lack of transparency in federal reports and reaffirming that supportive

¹ <https://lgbtqbar.org/programs/advocacy-resources/trump-executive-order-tracker/>

² <https://berkeleyca.gov/sites/default/files/documents/BPD%202024%20Annual%20Report.pdf>

³

<https://oag.ca.gov/news/press-releases/attorney-general-bonta-releases-third-annual-state-pride-report-honor-pride#:~:text=In%202024%2C%202.8%20million%20people,hate%20crimes%20please%20visit%20here.>

⁴

<https://publications.aap.org/aapnews/news/33988/AAP-Proposed-restrictions-to-gender-affirming-care?autologincheck=redirected>

⁵ <https://www.ama-assn.org/public-health/population-health/advocating-lgbtq-community>

mental health care and gender-affirming protocols significantly reduce suicide risk.⁶

Research from UCLA's Williams Institute and local Bay Area studies (2025) shows that LGBTQI+ individuals face a 30% higher rate of housing instability.⁷

A 2019 study of transwomen living in the Bay Area showed that, for every instance of intersectional discrimination, odds of housing instability increased by 1.25%⁸. In Berkeley, gender-nonconforming individuals in shelters report heightened acts of violence and theft when placed in facilities that do not respect their gender identity. Sanctuary status ensures these individuals are not just "housed," but safe.

Studies show that 70% of transgender people have experienced denial of access, verbal harassment, or physical assault in gender-segregated facilities. Furthermore, research from the Williams Institute confirms that inclusive bathroom policies do not increase safety risks for cisgender people.⁹ Conversely, forcing TGNC individuals into non-aligned facilities increases their risk of being victimized by 2.5 times the rate of cisgender peers.¹⁰ Beyond the TGNC community, all-gender stalls provide essential safety for caregivers of a different gender (parents with children or assistants for people with disabilities) who otherwise face exclusion or harassment in binary-gendered spaces.

BACKGROUND

On March 9th, 2026, the Peace and Justice Commission passed a motion as follows:

To adopt the above recommendation as stated above.

M/S:

Yes:

No:

Abstentions:

⁶

<https://updates.apaservices.org/statement-on-access-to-treatment-for-transgender-gender-diverse-and-nonbinary-people>

⁷ <https://williamsinstitute.law.ucla.edu/publications/housing-is-an-lgbtq-issue/>

⁸ <https://www.mdpi.com/1660-4601/16/22/4521>

⁹ <https://williamsinstitute.law.ucla.edu/publications/safety-in-restrooms-and-facilities/>

¹⁰

<https://bjs.ojp.gov/library/publications/violent-victimization-sexual-orientation-and-gender-identity-2017-2020>

Leaves of Absence:

Absences:

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

To be determined by staff.

ALTERNATIVE ACTIONS CONSIDERED

Because the challenges facing the TGNC community are myriad and vast, many possible actions were considered for inclusion in this recommendation. Those chosen strike the best balance between non-capital intensive policy change and important declarations in language that resist the narrative shift the Federal administration is seeking with regards to gender identity.

CITY MANAGER

[The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.]

CONTACT PERSON

[Name], [Title], [Department], [Phone Number]

Attachments: [Delete if there are NO Attachments]

1: [Title or Description of Attachment]

2: [Title or Description of Attachment]

Guidance for Referenced Materials and Attachments

Attachment - BMC Adjustments

BMC 13.32.010 – Current

“It shall be either a misdemeanor or an infraction, in the discretion of the prosecutor, for any person to appear nude in any place open to the public or any place visible from a place open to the public. "Nude" within the meaning of this section means the absence of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person or any portion of the breast at or below the areola thereof of any female person.”

Eliminate “...or any portion of the breast at or below the areola thereof of any female person”.



Peace and Justice
Commission

[CONSENT OR ACTION]
CALENDAR
TBD

To: Honorable Mayor Ishii and Members of the Berkeley City Council
From: Peace and Justice Commission
Submitted by: Pastor Dwayne Phillips, Chairperson, Peace and Justice Commission
Subject: Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools

RECOMMENDATION

Adopt a Resolution approving the following actions with regard to the appropriateness of certain chemical weapons and other tools:

1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters.
2. Retain the 1997 requirement for public reporting of each use of pepper spray.
3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.

SUMMARY

The Peace and Justice Commission recommends applying a social justice lens to policing decisions that could have a significant impact on the lives of Berkeley's residents and visitors, including disparate impact on marginalized, low-income, disabled, elder, and community members of color.

It is the Commission's perspective that human rights must be prioritized above administrative convenience. The Commission further finds that in an era of great polarization, it is essential to build bridges among disparate constituencies, listen to people with diverse points of view, and create solutions that serve all the people in

Berkeley. For that reason, we propose that the City Manager request academic support for an independent study of health effects of the proposed weapons and tools.

FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impact on the City.

CURRENT SITUATION AND ITS EFFECTS

As of the date of this writing, Council members have introduced several ordinances for consideration bearing on BPD chemical weapons and other tools. Three items are currently pending in city council process:

1. "Proposed Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement." This proposal has passed through the Public Safety Committee with a qualified positive recommendation, and has been placed on the March 10 city council agenda.¹

On February 11, the Police Accountability Board (PAB) recommended to Council to continue the requirement for the submission of use of pepper spray reports. The PAB demonstrates that while the proposed resolution is predicated on the existence of redundant reporting, other reports lack narrative information and/or are inaccessible.²

2. "Resolution to Amend Berkeley City Council's 2020 Direction to Reinstate Berkeley Police Department's Use of Tear Gas in Limited Situations and Lift the COVID-19 Moratorium on the Use of Smoke and Oleoresin Capsicum (OC) Spray:" This proposal has passed through the Public Safety Committee with a qualified positive recommendation.³ The Police Accountability Board sent a memorandum to the Public Safety Committee questioning the necessity of resuming use of these chemical agents given how infrequently Berkeley has used them over several decades.⁴

¹ Agenda Committee February 23 2026 agenda, 67-83, berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-02-23%20Agenda%20Packet%20-%20Agenda%20Committee.pdf

² "Re: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement," Police Accountability Board, Feb. 23 2026, berkeleyca.gov/sites/default/files/2026-02/2026-02-23%20PAB%20Letter%20to%20Council_%20Use%20of%20Pepper%20Spray%20Reporting%20%281%29.pdf

³ Public Safety Policy Committee Jan. 29 2026 agenda, item 3, 17, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-02-19%20Agenda%20Packet%20-%20Public%20Safety.pdf>

⁴ "Proposed Resolution to Reinstate Berkeley Police Department's Use of Tear Gas and Related Chemical Agents," Police Accountability Board, Jan. 26 2026, berkeleyca.gov/sites/default/files/2026-01/2026-01-26%20PAB%20Memo%20to%20PSPC_UseofTearGas_Related%20Chemical%20Agents%20%28Final%29.pdf

3. “Resolution Rescinding Res. No. 51,408-N.S. Restricting the Use of Air Support and Canine Units and Updating Mutual Aid Policies”: Scheduled for hearing at the Public Safety Committee at its March meeting.⁵ As of February 24, the resolution is yet to be evaluated by the PAB.

The PAB’s February 11 regular meeting included a table prepared by the Office of the Director of Police Accountability (ODPA). This table describes the key differences between the existing and proposed ordinances with regard to police dogs and helicopters. The table can be found at <https://bit.ly/CopterDogProvisions>. The ODPA gave this interpretation of the table:

“The table ... shows that the primary changes concern the approval process for requesting helicopter and canine use and the circumstances under which helicopter assistance may be requested through mutual aid agreements.

“The previously permissible uses of helicopter assistance were limited to clearly defined humanitarian and emergency purposes, including disaster response, rescue efforts excluding hostage situations, and locating missing persons....

“The proposal introduces new, explicitly enforcement-oriented justifications, including felony suspect pursuits, vehicle chases, and deployments intended to reduce risk to officers, that go beyond the scope of the earlier permissions. Taken together, the proposed resolution reflects a shift in emphasis from primarily emergency assistance toward authorizing helicopter use as a tactical law enforcement tool, should it be adopted.”⁶

BACKGROUND

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Physicians for Human Rights states that chemical irritants including both CS (“tear gas” and OC (pepper spray)” can spread to affect people other than the intended

⁵ Public Safety Policy Committee Jan. 29 2026 agenda, item 3, 21, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2026-02-19%20Agenda%20Packet%20-%20Public%20Safety.pdf>

⁶ “Police Accountability Board Meeting Agenda Packet,” Feb. 11, 2026, 82-83, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2026-02-11%20PAB%20AGENDA%20PACKET.pdf>

target.⁷ CS often has a wide spray pattern. OC is considered more targeted than CS, but wind can affect the direction of the fumes to affect bystanders and even the user.⁸

RATIONALE FOR RECOMMENDATION

1. Pepper Spray (OC) reporting.

The Peace and Justice Commission supports the PAB letter calling for the continuation of pepper spray use reporting. We would add that if the BPD intends to continue or even expand use of pepper spray, it is to their benefit that the community understand the context of its usage.

2. “Tear gas” (CS), Pepper Spray (OC), and Smoke

This is a complex proposal covering multiple chemical weapons.

The Peace and Justice Commission recommends Council retain the ban on CS (“tear gas”) and the moratorium on OC and Smoke for these four reasons:

- A. CS and OC are dangerous weapons that are properly considered “less-lethal,” not “non-lethal.”
- B. CS and OC are particularly dangerous to the health of people with disabilities, especially respiratory or environmental sensitivities, and also those suffering from mental or behavioral disorders.
- C. Approval of chemical weapons such as CS for any use opens the door to the possibility of use for other purposes and in other manners.
- D. Berkeley’s Precautionary Principle ordinance requires showing that actions do no harm to human health or the environment.

Dangers of CS (“tear gas”), particularly to people with disabilities

⁷ “Health Impacts of Crowd-Control Weapons: Chemical Irritants (Tear Gas and Pepper Spray),” Physicians for Human Rights, Jan. 1 2017, <https://phr.org/our-work/resources/health-impacts-of-crowd-control-weapons-chemical-irritants-tear-gas-and-pepper-spray/>

⁸ “Pepper Spray Safety Precautions,” Sept. 12, 2024, <https://www.divasfordefense.com/blogs/self-defense-articles-educational-material/pepper-spray-handling-safety-precautions?srsId=AfmBOops00prGllerpYmjsPYnV5EIGesRj1WXJWr9Xrs5B8cuD6Hwos6>

Over decades of research, scientists have shown a strong potential harm from CS use in policing. An Oakland Police Department policy warns,

“Chemical agents can produce serious injuries, or even death,” and officers are to “use the minimum amount of chemical agent needed to obtain compliance.” Further, “the use of hand-thrown chemical agents or pyrotechnic gas dispersal devices may present a risk of permanent loss of hearing or serious bodily injury from shrapnel.”

The common and incorrect term “tear gas” makes CS seem trivial. It is actually not even a gas but an aerosol, made up of ultra-fine particles, or UFPs. Aerosols are dangerous to lung health because, according to the U.S. National Library of Medicine,

“The small size of UFPs allows them to penetrate deep into the respiratory tract, causing effects from mild respiratory issues to cardiovascular and respiratory mortality, lung cancer, neurological diseases, and mutagenic or carcinogenic impacts.... Substantial evidence links [ultrafine particulate matter] exposure to increased hospital admissions and premature deaths among vulnerable populations, particularly the elderly and those with pre-existing conditions.”⁹

Potential for non-compliant or unauthorized uses of CS

The Commission appreciates the exception to ban use of CS in crowd control.

However, good policy is necessary but not sufficient for good practice. Once a weapon is acquired and approved for limited use, it is almost inevitable that it will be used for out-of-policy use. As an example, we refer to the last large-scale use of CS, the police response to Black Lives Matter protests in December 2014.

On December 6, BPD drove a largely peaceful march almost a mile down Telegraph from the UC campus past the Oakland city line. The direction from BPD command to the officers was to “Get’Um Running!” To implement this direction, officers shot less-

⁹ Damiani, “Aerosol Pollutants and Health: Role of Size and Chemical Composition,” Sept. 26 2025, <https://pmc.ncbi.nlm.nih.gov/articles/PMC12466196/#:~:text=In%20densely%20populated%20areas%2C%20aerosols,COPD%20%5B31%2C%2032%5D>.

For more on the effect of CS on the lung, particularly on “people with preexisting respiratory conditions, see:

American Lung Association, Jan. 20 2026, <https://www.lung.org/clean-air/outdoors/what-makes-air-unhealthy/toxic-air-pollutants/tear-gas>

lethal projectiles into the crowd, hit marchers with batons, and launched some 50 cans of CS gas, such a large amount that they nearly exhausted their supply. The Police Review Commission's (PRC) after-incident report stated:

"The crowd complied with officer demands to move south, but the police continued to pursue them, deploying CS gas at six intersections on Telegraph and using raised batons and baton jabs. No evidence of dangerous crowd activity has been provided to the commission to justify these repeated uses of force.

"The combination of repeated CS gas exposure along with the lengthy walk was extremely impactful, and there were reports of protestors suffering physical and emotional injuries as a result. The marchers were driven over the city line into Oakland around 1:30 AM."¹⁰

For context, in 1991, after an earlier scandal regarding police action against protestors in People's Park, the City enacted a policy that "no crowd could be forced to move faster than they were reasonably capable of moving." But in 2014, the use of mass quantities of CS along with baton strikes were ordered explicitly to drive protestors on a forced run all the way to Oakland.

As Physicians for Human Rights has observed, "The physical symptoms of chemical irritants often result in disorientation and agitation, which can lead to a state of fear, anxiety, and panic."¹¹ The 2014 use of CS was an escalation, not a move toward de-escalation, and made compliance with police orders extremely difficult.

Therefore, while CS use in crowd control was still legal in 2014, the manner of its use was contrary to City policy of that day. This recent history shows that stated policy is not enough to ensure that this department, when in possession of dangerous military armaments, will use them appropriately.

Issues with OC (pepper spray) and smoke; the deadly and racially biased history of OC

¹⁰ "Report of Investigation Into the Response to Protest on December 6, 2014," Berkeley Police Review Commission, Dec. 1 2015, <https://berkeleyca.gov/sites/default/files/2026-01/2015-12-01-Item-32a-Report-of-Investigation.pdf>

¹¹ "Health Impacts of Crowd-Control Weapons: Chemical Irritants (Tear Gas and Pepper Spray)," Physicians for Human Rights, Jan. 1 2017, <https://phr.org/our-work/resources/health-impacts-of-crowd-control-weapons-chemical-irritants-tear-gas-and-pepper-spray/>

The risk of OC should not be cavalierly dismissed by claiming, as the council proposal does, that “the specific health concerns that necessitated the temporary moratorium on smoke and OC spray are no longer present.” The ACLU reported in 1998 that in the first five years since the approval of its use by police, at least 33 people had died in California after being sprayed and restrained. Nearby Antioch paid the family of 29-year-old Derek Wallace \$362,000 after their officers subdued him with the spray.¹²

A Berkeley freelance journalist mapped the use of pepper spray in the mid 1990s and found that they largely affected Black men, in low-income, minority neighborhoods, and primarily an area in South Berkeley, centered on Alcatraz and Sacramento, dubbed the “Pepper Spray Triangle.”¹³

Berkeleyans have long memories. The author of the resolution speaks of a “large-scale riot” in 2014 in which BPD was compelled to use tear gas on residents. Demonstrators for Black Lives Matter remember a largely peaceful march which was provoked by a police gauntlet in which many were beaten with batons. For many in the community, time has not abated the blow. Today, with the federal government at war with the people, may be the worst time to suggest restarting use of CS/tear gas.

Smoke also cannot be called a safe police tool. Health impacts are dependent on the chemicals in the smoke, pre-existing health conditions, location of the smoke, and other police tactics applied. According to medical experts, hexachloroethane smoke is “demonstrably more dangerous” than tear gas. This chemical agent should be studied and proven safe before approved for police use.¹⁴

There appear to be no constraints on the use of either OC or smoke in the proposal before council.

The Commission reminds the Council of the Precautionary Principle that it adopted in 2006. The Principle is an approach to decision-making that prioritizes preventing harm to human health and the environment. The Principle shifts the burden of proof, requiring actions to be proven safe, rather than waiting for proof of damage to restrict them. We recommend that lacking proof of safety, the proposal to authorize CS, pepper spray, and smoke should not be approved.¹⁵

¹² Heredia, “Antioch Settles Pepper Spray Case For \$362,000 / 29-year-old man died after police subdued him,” *SF Chronicle*, Feb 11 1998, <https://www.sfgate.com/news/article/antioch-settles-pepper-spray-case-for-362-000-3013916.php>

¹³ *East Bay Express*, Dec. 12, 1997

¹⁴ Foster, “The US Government Keeps Using Dangerous Chemicals on Protesters,” *Mother Jones*, Feb. 19, 2026, <https://www.motherjones.com/politics/2026/02/ice-facility-portland-what-chemicals-used-tear-gas-hc-smoke-protests/#:~:text=The%20smoke%20releases%20zinc%20chloride,and%20cancer%20with%20repeated%20exposure.>

¹⁵ BMC Chapter 12.29, Precautionary Principle, March 21, 2006, berkeleyca.gov/sites/default/files/documents/Precautionary%20Principle%20Ordinance%20-%206911.pdf

Given the prevalence of Long COVID, Berkeley's rapidly aging population, the large number of environmentally sensitive residents, and the city's legacy as the birthplace of disability rights, it is neither sensitive nor appropriate for the proposal to state that the emergency is over and the health conditions that necessitated the moratorium are no longer present.

3. "Air Support" (police helicopters) and "Canine Support" (police dogs)

The Peace and Justice Commission shares the ODP's concerns about the shift in emphasis in use of helicopters from emergency assistance to tactical law enforcement.

Police helicopters provoke concern in a number of communities for "unhealthy noise pollution, inefficient spending and instances of bias by over-policing certain neighborhoods. Officers in the LAPD often disgracefully go so far as to call the helicopters 'ghetto birds,' sociologist Sarah Brayne wrote in her book *Predict and Surveil*."¹⁶

Berkeley restricted use of police dogs in the aftermath of their brutal use particularly in the South, but across the country as well.¹⁷ In the last two decades, at least two lawsuits were settled by Hayward, one for \$1.5 million. One dog is said to have bitten about 30 people, two or three of them uninvolved bystanders, one an 89-year-old who died of his wounds.¹⁸

The issues raised above with regard to chemical agents, about the Precautionary Principle, building trust between the people and the city government, and the possibility of out-of-policy use, apply also to helicopters and dogs.

The Commission is also concerned about the removal of required pre-approval by the City Manager for both dog and helicopter deployment. When taken as a pattern, the removal of this check combined with the refusal of the police chief to fully cooperate with the PAB/ODPA's City Charter-mandated requests for department records, the chronic under-appointing of the PAB, and the vacant position of Director of Police Accountability, the City risks a public perception that it no longer values civilian oversight.

¹⁶ McQuarrie, "'Ghetto birds': California has yet to reckon with longstanding bias from police helicopters," *CalMatters*, July 3 2024, <https://calmatters.org/commentary/2024/07/california-longstanding-bias-police-helicopters/>

¹⁷ Dowd, "The Violent, Racist History of K-9 Units," *Vice*, Sept. 7 2022, <https://www.vice.com/en/article/k9-unit-history/>

¹⁸ Parr, "Hayward to pay \$1.5 million to settle police dog attack suit," *East Bay Times*, Jul. 17 2013, <https://www.eastbaytimes.com/2013/07/17/hayward-to-pay-1-5-million-to-settle-police-dog-attack-suit/>

ALTERNATIVE ACTIONS CONSIDERED

TBD

CITY MANAGER

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager, Commission Secretary, City Manager's Office, 510-981-5347



[Commission Name]

[CONSENT OR ACTION]
CALENDAR
TBD

To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted by: Pastor Dwayne Phillips, Chairperson, Peace and Justice Commission
Subject: Social Justice Implications of contracts with the Immigration Data Broker,
Flock Safety

RECOMMENDATION

Adopt a Resolution approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage:

Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.

SUMMARY

The Peace and Justice Commission recommends applying a social justice lens to policing decisions that could have a significant impact on the lives of Berkeley's residents and visitors, including disparate impact on marginalized, low-income, disabled, elder, and community members of color.

It is the Commission's perspective that human rights must be prioritized above administrative convenience. The Commission further finds that in an era of great polarization, it is essential to build bridges among disparate constituencies, listen to people with differing perspectives, and create solutions that serve all the people in Berkeley.

Cancel Flock Safety contracts for public surveillance images and video footage, and do not sign any new contracts with Flock for stationary cameras or for drones such as First Responder by Drone, due to Flock's repeated sharing of such data with immigration authorities, and the inherent risk of exposure of "cloud-based" storage to Trump administration access.

FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impacts on the City.

CURRENT SITUATION AND ITS EFFECTS

An outcry is growing around the Bay, as well as nationally, against municipalities contracting with Flock Safety.

Currently, Berkeley contracts with Flock for 52 Automated License Plate Reader cameras. In late 2025, the BPD asked the City to approve adding fixed cameras and drones. A steady drip of revelations prompted opposition from Sanctuary City advocates and civil libertarians, and the proposal was temporarily pulled, but the BPD has repeated calls for its approval.

The following jurisdictions or companies have recently canceled contracts with Flock:

- Ring (owned by Amazon) as of February 12 2026.¹
- In 2025: Austin, Denver, Evanston and Oak Park, Illinois, and Scarsdale, New York
- In 2026: Flagstaff (Arizona), Oak Park (Illinois), Cambridge (Massachusetts), and Olympia (Washington), City of Santa Cruz in January 2026.
- Mountain View, as of February 2026. The city suspended its ALPR cameras “after discovering that federal and out-of-state agencies accessed city data without authorization.”²
- The Alameda County Board of Supervisors has delayed consideration of adding Flock cameras due to its concerns over data sharing with federal agencies, particularly ICE.

BACKGROUND

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Here are some of the disclosures that caused Berkeley’s pullback:

- *Indirect ICE access via cooperating departments:* In May 2025, *404 Media* broke the news that “Local police around the country are performing lookups in Flock’s

¹ Tuohy, “Ring cancels its partnership with Flock Safety after surveillance backlash,” *The Verge*, Feb. 12 2026, <https://www.cnn.com/2026/02/13/tech/amazon-ring-flock-partnership-ice> and <https://www.theverge.com/news/878447/ring-flock-partnership-canceled#comments>

² Macasero, “Mountain View scraps ALPR cameras,” *East Bay Times*, https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=9cf98443-ecf6-4fce-998a-35b5366da2cc&appcode=EAS596&equid=d51113c7-7521-47a5-96dd-1a1a1dd26689&pnum=4#

AI-powered ALPR system for ‘immigration’ related searches and as part of other ICE investigations, giving federal law enforcement side-door access to a tool that it currently does not have a formal contract for.”³

- *Flock misrepresentations to Berkeley about ICE pilot program:* While Flock told Berkeley it was not sharing data with federal agencies, it had an undisclosed pilot program with Homeland Security that “allowed CBP and Homeland Security Investigations (HSI) to regularly search more than 80,000 Flock ALPR cameras.”⁴
- *FISA subpoenas are secret, making appeal virtually impossible:* Foreign Intelligence Surveillance Act (FISA) warrants or subpoenas are a special kind of judicial order. All the judges are appointed by the Chief Justice. The proceedings are secret, as are the subpoenas themselves, to the extent that it is a felony to disclose them. There is virtually no way around compliance with the FISA warrant because we will never know about it.⁵
- *Judicial subpoenas will trump Berkeley’s protective policies:* Chief Louis has stated that “We, not Flock, own the data. And Flock commits to not turning over the data. We will not give immigration records—unless they are subpoenaed. Then we will check with the city attorney.” Unfortunately, this argument is not reassuring. It is predictable that compliance with a judicial order would be found to be mandatory by the city attorney.

The Chief’s position does not recognize the abrogation of normal constitutional order that has taken place. The only way Berkeley can prevent sharing data with ICE is to not hold the data in the first place, and certainly not to store it outside of the BPD’s direct control, especially not with a company already tainted with collaboration with ICE.

Flock Safety is one of a number of companies, including also Palantir, Google, Meta, and Reddit, that work with ICE to “conglomerate” technology to “monitor people’s online activity and potentially hack into phones...combining government and commercial data to identify real-time locations for individuals they are pursuing.”⁶

Berkeley now has the opportunity to opt out of this authoritarian venture. The Sanctuary City Contracting Ordinance (SCCO) states that the City shall not “enter into a...contract

³ Koebler, “ICE Taps into Nationwide AI-Enabled Camera Network Data Shows,” *404 Media*, May 27 2025, <https://www.404media.co/ice-taps-into-nationwide-ai-enabled-camera-network-data-shows/>

⁴ Koebler, “CBP Had Access to More than 80,000 Flock AI Cameras Nationwide,” *404 Media*, Aug. 25, 2025, <https://www.404media.co/cbp-had-access-to-more-than-80-000-flock-ai-cameras-nationwide/>

⁵ Kitt Saginor, “Surveillance in Berkeley -- and more coming?” Feb. 2026. “If Flock receives a FISA warrant, it may not inform the City of Berkeley. If the Berkeley police chief receives the warrant, it may not inform the mayor or the city council. The penalty is up to five years in prison and a \$10,000 fine.” <https://tinyurl.com/4ynbyrs9>

⁶ Frenkel and Krolik, “How ICE Already Knows Who Minneapolis Protesters Are,” *New York Times*, Jan. 30, 2026, <https://www.nytimes.com/2026/01/30/technology/tech-ice-facial-recognition-palantir.html>

with any Person or Entity that provides an Immigration Authority with ‘Data Broker’ services.” Flock Safety acts as a Data Broker to DHS.

Berkeley’s contract with Flock Safety states specifically that a failure on Flock’s part “to comply with the SCCO shall constitute a material breach of the Contract and the City Manager may terminate [the] Contract and bar the Contractor from bidding on future contracts for five years.” There is also a fine of up to \$1,000 for a misdemeanor violation of the SCCO for withholding information about supplying data to ICE.⁷

ALTERNATIVE ACTIONS CONSIDERED

TBD

CITY MANAGER

CONTACT PERSON

Tasha Tervalon, Assistant to the City Manager and Commission Secretary, City Manager’s Office, 510-981-5347

⁷ City of Berkeley Sanctuary City Compliance Statement, berkeleyca.gov/sites/default/files/2022-02/SanctuaryCityComplianceCertification.pdf