



**POLICE ACCOUNTABILITY BOARD  
REGULAR MEETING AGENDA PACKET  
Wednesday, June 5, 2024  
6:30 P.M.**

**Board Members**

John Moore III (Chair)  
Kitty Calavita  
Brent Blackaby  
Alexander Mozes

Leah Wilson (Vice-Chair)  
Juliet Leftwich  
Joshua Cayetano

**MEETING LOCATION**

2020 Milvia Street, Suite 250  
Berkeley, CA 94704

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# **Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023**

The policy below applies to in-person meetings of Berkeley Boards and Commissioners held in accordance with the Government Code (Brown Act) after the end of the State-declared emergency on February 28, 2023.

**Issued By:** City Manager's Office

**Date:** February 14, 2023

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## **I. Vaccination Status**

All attendees are encouraged to be fully up to date on their vaccinations, including any boosters for which they are eligible.

## **II. Health Status Precautions**

For members of the public who are feeling sick, including but not limited to cough, shortness of breath or difficulty breathing, fever or chills, muscle or body aches, vomiting or diarrhea, or new loss of taste or smell, it is recommended that they do not attend the meeting in-person as a public health precaution. In these cases, the public may submit comments in writing in lieu of attending in-person.

If an in-person attendee has been in close contact, as defined below, with a person who has tested positive for COVID-19 in the past five days, they are advised to wear a well-fitting mask (N95s, KN95s, KF94s are best), test for COVID-19 3-5 days from last exposure, and consider submitting comments in writing in lieu of attending in-person.

Close contact is defined as someone sharing the same indoor airspace, e.g., home, clinic waiting room, airplane, etc., for a cumulative total of 15 minutes or more over a 24-hour period within 2 days before symptoms of the infected person appear (or before a positive test for asymptomatic individuals); or having contact with COVID-19 droplets (e.g., being coughed on while not wearing recommended personal protective equipment).

A voluntary sign-in sheet will be available at the meeting entry for in-person attendees. This will assist with contact tracing in case of COVID-19 contact resulting from the meeting.

Members of City Commissions are encouraged to take a rapid COVID-19 test on the day of the meeting.

# **Health and Safety Protocols for In-Person Meetings of Berkeley Boards and Commissions February 2023**

### **III. Face Coverings/Mask**

Face coverings or masks that cover both the nose and mouth are encouraged for all commissioners, staff, and attendees at an in-person City Commission meeting. Face coverings will be provided by the City and available for attendees to use at the meeting. Members of Commissions, city staff, and the public are encouraged to wear a mask at all times, except when speaking publicly from the dais or at the public comment podium, although masking is encouraged even when speaking.

### **IV. Physical Distancing**

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting.

Audience seating capacity will be at regular allowable levels per the Fire Code. Capacity limits will be posted at the meeting location. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as “distanced seating” to accommodate persons that need to distance for personal health reasons.

Distancing will be implemented for the dais as space allows.

### **V. Protocols for Teleconference Participation by Commissioners**

Upon the repeal of the state-declared emergency, all standard Brown Act requirements will be in effect for Commissioners participating remotely due to an approved ADA accommodation. For Commissioners participating remotely, the agenda must be posted at the remote location, the remote location must be accessible to the public, and the public must be able to participate and give public comment from the remote location.

- A Commissioner at a remote location will follow the same health and safety protocols as in-person meetings.
- A Commissioner at a remote location may impose reasonable capacity limits at their location.

### **VI. Hand Washing/Sanitizing**

Hand sanitizing stations are available at the meeting locations. The bathrooms have soap and water for handwashing.

### **VII. Air Flow/Circulation/Sanitizing**

Air filtration devices are used at all meeting locations. Window ventilation may be used if weather conditions allow.

ITEM 2 - June 5, 2024 Regular Meeting Agenda



**POLICE ACCOUNTABILITY BOARD**  
**REGULAR MEETING AGENDA**  
**WEDNESDAY, JUNE 5, 2024**  
**6:30 P.M.**

Board Members

John Moore III (Chair)  
Kitty Calavita  
Brent Blackaby  
Alexander Mozes

Leah Wilson (Vice-Chair)  
Juliet Leftwich  
Joshua Cayetano

**MEETING LOCATION**

2020 Milvia Street, Suite 250  
Berkeley, CA 94704

**PUBLIC NOTICE**

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/82653396072>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on “rename” to rename yourself to be anonymous. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1 669 900 6833** and enter Meeting ID **826 5339 6072**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized.

## LAND ACKNOWLEDGMENT

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 (Chochen-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.

## AGENDA

1. **CALL TO ORDER AND ROLL CALL** (2 MINUTES)
2. **APPROVAL OF AGENDA** (2 MINUTES)
3. **PUBLIC COMMENT** (TBD)

*Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the Board's jurisdiction at this time, except confidential personnel matters.*

4. **APPROVAL OF MINUTES** (5 MINUTES)
  - a. Minutes for the Regular Meeting of May 22, 2024

5. **ODPA STAFF REPORT** (10 MINUTES)

Announcements, updates, and other items.

6. **CHAIR AND BOARD MEMBERS' REPORTS** (10 MINUTES)

Announcements, updates, and other items.

**7. CHIEF OF POLICE'S REPORT (10 MINUTES)**

Crime/cases of interest, community engagement/department events, staffing, training, and other items of interest.

**8. SUBCOMMITTEE REPORTS (10 MINUTES)**

Report of activities and meeting schedule for all subcommittees, possible appointment or reassignment of members to subcommittees, and additional discussion and action as warranted for the subcommittees listed on the PAB's Subcommittee List included in the agenda packet.

**9. NEW BUSINESS (50 MINUTES)**

- a. Discussion and action relating the interconnection between the Specialized Care Unit (SCU) and the BPD (Calavita) – (10 MINUTES)
- b. Section 125(19)(e) - (h) Training with DPA Aguilar: Option to contest the Chief of Police's determination to the Director of Police Accountability (ODPA) – (15 MINUTES)
- c. Discussion and action concerning the status of pending policy reviews undertaken by the PAB (ODPA) - (15 MINUTES)
- d. Overview of the Berkeley Police Accountability Webpage (ODPA) - (10 MINUTES)

**10. PUBLIC COMMENT (TBD)**

*Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on any matter within the Board's jurisdiction at this time, except confidential personnel matters.*

---Continued on the following page---

**11. CLOSED SESSION**

**CLOSED SESSION ITEMS**

Pursuant to the Court’s order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002-057569, the Board will recess into closed session to discuss and act on the following matter(s):

a. Case Updates and Recommendations Regarding Complaints Received by the ODPa:

- |      |              |       |              |
|------|--------------|-------|--------------|
| i.   | 2023-CI-0009 | viii. | 2024-CI-0003 |
| ii.  | 2023-CI-0012 | ix.   | 2024-CI-0004 |
| iii. | 2023-CI-0014 | x.    | 2024-CI-0005 |
| iv.  | 2023-CI-0016 | xi.   | 2024-CI-0006 |
| v.   | 2023-CI-0017 | xii.  | 2024-CI-0009 |
| vi.  | 2023-CI-0019 | xiii. | 2024-CI-0011 |
| vii. | 2024-CI-0001 | xiv.  | 2024-CI-0012 |

**END OF CLOSED SESSION**

**12. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)**

**13. ADJOURNMENT (1 MINUTE)**

**Off Agenda Reports**

1. Legislative Updates Relevant to the PAB’s Work

### **Communications Disclaimer**

Communications to the Police Accountability Board, like all communications to Berkeley boards, commissions, or committees, are public records 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 Board Secretary. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the Board Secretary for further information.

#### Communication Access Information (A.R. 1.12)

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 business days before the meeting date.

#### SB 343 Disclaimer

Any writings or documents provided to a majority of the Board regarding any item on this agenda will be made available for public inspection at the Office of the Director of Police Accountability, located at 1947 Center Street, 5th Floor, Berkeley, CA.

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#### **Contact the Director of Police Accountability (Board Secretary) at:**

1947 Center Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

TEL: 510-981-4950 TDD: 510-981-6903 FAX: 510-981-4955

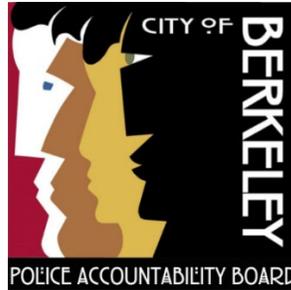
Website: <https://berkeleyca.gov/safety-health/police-accountability>

Email: [dpa@berkeleyca.gov](mailto:dpa@berkeleyca.gov)

#### **NOTICE OF TEMPORARY LOCATION**

Please note that the ODPa is currently operating from a temporary location at **2020 Milvia Street, Suite 250, Berkeley, CA**. For in-person visits, appointments are strongly encouraged and can be made by calling our main line. Mail can still be received at 1947 Center Street.

ITEM 4.a. - Minutes for the Regular Meeting of May 22, 2024



**POLICE ACCOUNTABILITY BOARD**  
REGULAR MEETING AGENDA  
**WEDNESDAY, May 22, 2024**  
**6:30 P.M.**

Board Members

John Moore III (Chair)  
Kitty Calavita  
Brent Blackaby  
Alexander Mozes

Leah Wilson (Vice-Chair)  
Juliet Leftwich  
Joshua Cayetano

**MEETING LOCATION**

2020 Milvia Street, Suite 250  
Berkeley, CA 94704

Meeting Recording: <https://youtu.be/ygMB1ar95aQ>

MINUTES

**1. CALL TO ORDER AND ROLL CALL AT 6:32 PM**

**Present:** Board Member John Moore (Chair).  
Board Member Leah Wilson (Vice-Chair)  
Board Member Calavita.  
Board Member Juliet Leftwich  
Board Member Brent Blackaby  
Board Member Joshua Cayetano  
Board Member Alexander Mozes<sup>1</sup>

**Absent:** None.

**ODPA Staff:** Hansel Aguilar, Director of Police Accountability  
Jose Murillo, Policy Analyst  
Jayson Wechter, Investigator  
Keegan Horton, Investigator

**BPD Staff:** Chief Louis  
Lt. Montgomery

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<sup>1</sup> Board Member Mozes participated remotely based on the emergency circumstances clause of the Brown Act due to a physical medical condition impeding him from attending the meeting in person.

**CAO Staff:** DCA Laura Iris Mattes  
**CMO Staff:** Dr. Carianna Arredondo, Assistant to the City Manager  
Rex Brown, DEI Officer

## 2. APPROVAL OF AGENDA

**Motion to amend the agenda to include as Item 3 the consideration of Board Member Mozes' request to participate remotely based on the emergency circumstances clause of the Brown Act due to a physical medical condition impeding him from attending the meeting in person.**

Moved/Second (Wilson/Blackaby) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: Mozes.<sup>2</sup>

**Motion to approve the amended agenda.**

Moved/Second (Blackaby/Leftwich) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: Mozes.

## 3. CONSIDERATION OF BOARD MEMBER MOZES' REQUEST TO PARTICIPATE REMOTELY BASED ON THE EMERGENCY CIRCUMSTANCES CLAUSE OF THE BROWN ACT DUE TO A PHYSICAL MEDICAL CONDITION IMPEDING HIM FROM ATTENDING THE MEETING IN PERSON.

**Motion to approve Board Member Mozes' request to participate remotely based on the emergency circumstances clause of the Brown Act due to a physical medical condition impeding him from attending the meeting in person.<sup>3</sup>**

Moved/Second (Blackaby/Cayetano) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Moore, and Wilson.

Noes: None. Abstain: None. Absent: Mozes.

## 4. PUBLIC COMMENT

1 Physical Present Speaker(s)

0 Virtually Present Speaker(s)

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<sup>2</sup> Board Member Mozes is considered absent until the Board formally approves his request to participate remotely.

<sup>3</sup> Board Member Mozes is marked as present upon approval of the motion.

**5. APPROVAL OF MINUTES (5 MINUTES)**

- a. Minutes for the Regular Meeting of May 8, 2024

**Motion to approve the revised Regular Meeting Minutes of May 8, 2024.<sup>4</sup>**

Moved/Second (Calavita/Leftwich) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Moore, Mozes, and Wilson.

Noes: None. Abstain: None. Absent: None.

**6. ODPa STAFF REPORT (10 MINUTES)**

ODPA staff provide the Board with announcements, updates, and other items. Dr. Arredondo announces that the City Manager's Office provided an update on Reimagining Public Safety to Council on May 14, 2024<sup>5</sup>. DEI Officer Brown responds to an inquiry regarding the status of the selection of an Interim City Manager, stating that there is no additional public information at this time.

**7. CHAIR AND BOARD MEMBERS' REPORTS (10 MINUTES)**

Chair Moore encourages Board Members to participate in the Juneteenth tabling event on June 16, 2024. Staff will circulate a sign-up sheet.

**8. CHIEF OF POLICE'S REPORT (10 MINUTES)**

Chief Louis provides updates on staffing, training, and cases of interest.

**9. SUBCOMMITTEE REPORTS (10 MINUTES)**

Subcommittees report on their activities.

**10. NEW BUSINESS (1 HOUR)**

- a. Discussion and action on the Board's authority under Section 125(4)(b) of the Berkeley City Charter to propose an operational budget to the City Council.

**Motion to request that the Director of Police Accountability forward the Police Accountability Board's recommendation to the City Council for an additional full-time employee to support the Board's work.**

Moved/Second (Wilson/Calavita) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Moore, Mozes, and Wilson.

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<sup>4</sup> The minutes were revised to correct the record regarding the motion on item 10.c. of the May 8th regular meeting. The correction specifies that Vice-Chair Wilson moved the motion and Board Member Mozes seconded it.

<sup>5</sup> The May 14, 2024 Reimagining Public Safety Update can be found here:  
<https://berkeleyca.gov/sites/default/files/city-council-meetings/2024-05-14%20Annotated%20Agenda%20-%20Council.pdf#Page=12>

Noes: None. Abstain: None. Absent: None.

- b. Discussion and action on a proposal to systematize Board training as authorized by Section 125(12) of the Berkeley City Charter.

No actions were taken.

- c. Discussion and recommendation on ODPAs proposal to the PAB for delegating the investigation or research of AI-assisted police reports to the ODPAs.

**Motion to accept the ODPAs proposal to the PAB to delegate the investigation and research of AI-assisted police reports to the ODPAs.**

Moved/Second (Moore/Blackaby) Motion carried.

Ayes: Blackaby, Cayetano, Leftwich, Moore, and Mozes.

Noes: None. Abstain: Calavita, and Wilson. Absent: None.

- d. Discussion and action on presenting the PABs report, "2024 Police Accountability Board Report: Fair and Impartial Policing Implementation," to the City Council. (Calavita) – (15 MINUTES)

No actions were taken.

**11. PUBLIC COMMENT (TBD)**

1 Physical Present Speaker(s)

0 Virtually Present Speaker(s)

**12. CLOSED SESSION**

**CLOSED SESSION ITEMS**

Pursuant to the Courts order in *Berkeley Police Association v. City of Berkeley, et al.*, Alameda County Superior Court Case No. 2002-057569, the Board will recess into closed session to discuss and act on the following matter(s):

- a. Case Updates and Recommendations Regarding Complaints Received by the ODPAs.

Director Aguilar provides case updates to the PAB. No actions were taken.

**END OF CLOSED SESSION**

**13. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)**

Chair Moore reports that no actions were taken during the closed session.

**14. ADJOURNMENT (1 MINUTE)**

**Motion to adjourn.** Moved/Second (Wilson/Calavita) The meeting was adjourned at 8:36 PM by unanimous consent.

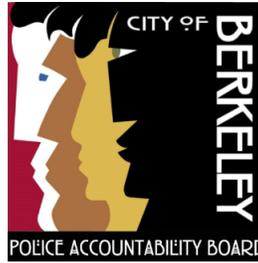
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Minutes Approved on: \_\_\_\_\_

Hansel Aguilar, Commission Secretary: \_\_\_\_\_

DRAFT

ITEM 8 - List of Current PAB Subcommittees



**SUBCOMMITTEES LIST**  
As of 04/12/2024

<b>Subcommittee</b>	<b>Board Members</b>	<b>Chair</b>	<b>BPD Reps</b>
<b>Regulations</b> Formed 7-7-21 Renewed 6-7-2023	Calavita Leftwich  <u>Public members:</u> Kitt Saginor	N/A	Lt. Dan Montgomery
<b>Fair &amp; Impartial Policing Implementation</b> Formed 8-4-21 Renewed 6-7-2023	Calavita Wilson  <u>Public members:</u> George Lippman	Calavita	Sgt. Peter Lee
<b>Surveillance Technology Policy</b> Formed 6-7-2023	Calavita Moore	N/A	N/A
<b>Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations</b> Formed 11-15-22	Calavita Moore	Calavita	N/A
<b>Body-Worn Camera Policy</b> Formed 03-15-23	Leftwich Cayetano	Leftwich	N/A
<b>Conflict of Interest</b> Formed 03-29-23	Leftwich Wilson	Leftwich	N/A
<b>Policy Reviews</b> Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Lexipol Review"	Leftwich Cayetano Mozes  <u>Public members:</u> Kitt Saginor	Leftwich	N/A

<b>Budget &amp; Metrics</b> Formed 11-08-2023 Scope Expanded 03-02-2024	Wilson Blackaby	N/A	N/A
<b>Outreach &amp; Engagement</b> Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Commendations"	Moore Blackaby	N/A	N/A
<b>Off-Duty Conduct</b>	Cayetano Leftwich	N/A	Lt. Rittenhouse
<b>Operations &amp; Processes</b> Formed 03-02-2024	Wilson Mozes	TBD	TBD

ITEM 9.a. - BPD Policy 409 on "Crisis Intervention" and an excerpt from the May 14, 2024 Reimagining Public Safety Update concerning the progress of implementing the Specialized Care Unit.

## SPECIALIZED CARE UNIT IMPLEMENTATION

**Department Lead: Health, Housing and Community Services Department**

**Status Update: *In Progress***

**Overview:**

In **Phase I** of the Mayor's Reimagining Public Safety initiative, the Berkeley Specialized Care Unit (SCU) was developed through extensive community engagement and research. Guided by a SCU Steering Committee with diverse representatives and informed by research from Resource Development Associates (RDA), the SCU model aligns with Berkeley-specific needs. In 2022, the Health, Housing, and Community Services (HHCS) department bolstered its staff and collaborated with community organizations to provide bridge services for crisis support as the SCU stood up. Bonita House, Inc., selected in December 2022, is implementing the SCU, which began operating in September 2023 and is working towards 24/7 service. The SCU pilot program is funded by various sources, including the American Rescue Plan Act and the California Department of Health Care Services.

Since beginning operations in September 2023, the Specialized Care Unit has provided services to over 200 community members, averaging approximately two to five calls for service each day. SCU services commonly include creating safety plans, which are structured plans for individuals in crisis to follow to seek support in the event of another crisis, as well as providing transportation and referrals to community-based resources, when accepted. The SCU has written less than twenty 5150 psychiatric holds, only using these holds when necessary, and has focused most of its work on de-escalation and creating safety plans.

The SCU currently operates from 6am to 4pm daily and has been working to expand hours into the evening, eventually operating 24/7. Community members can call the SCU through 10-digit phone number that is separate from 911. The SCU will conduct a quick intake to confirm the call is appropriate, and then send the team to the location. HHCS is working with Bonita House to expand these hours of operation as soon as possible to be able to provide this service to community members during the evening

**Key Accomplishments and Next Steps:**

RPS Phase	Timeline	Milestone
Phase I (2020-2022)	December 2020	SCU Steering Committee Formed.
	January 2021	Contract with RDA Initiated.
	March 2022	RDA Completes Report & Presents to Council.
	May 2022	City Council informed of Reimagining Public Safety Framework for SCU design.

**Key Accomplishments and Next Steps (Continued):**

RPS Phase	Timeline	Milestone
Phase 2 (2022-2024)	October 2023 - ongoing	The SCU continues to hire and train staff to build toward 24/7 operations. Additionally, HHCS and Bonita House have initiated conversations about using a MediCal billing model to contribute to longer term program costs.
	March 2024	Purchased SCU vans arrive at the Berkeley Corporation Yard and are deployed to the SCU team for operations.

**Fiscal Summary:**

Category	Amount	Source	Description of Use
Policy Consideration Tier 2 Recommendation	\$3,600,000.00/ year	To be determined	HHCS anticipates that all grants will be expended at the end of the SCU pilot program in June 2025. For FY26 and beyond, the unbudgeted need to support the SCU program will be approximately \$3.6M. While MediCal reimbursement may offset some of this cost, the exact reimbursement rate continues to be determined.

**Considerations:**

- **Scaling Up:** The SCU continues to operate in a ramp-up state as Bonita House continues to hire and train staff for the program. As staff are hired and trained, they can start providing services in the field. The SCU will continue to expand their hours, as staffing allows, to operate a 24/7 non-police response to mental health and substance use crises. Due to the field-based nature of the SCU, there have been some challenges hiring staff who are willing to work in-person for each shift. While this has delayed the expansion of the SCU, it has helped the SCU hire staff who are a good fit for the program to support ongoing operations and expansion.
- **Grants and Long-term Funding:** As grant funding is of a limited-term nature, HHCS is actively pursuing additional funding opportunities, including through the Department of Health Care Services, to sustain and improve the SCU over time. HHCS is working closely with Bonita House to determine potential MediCal billing, but anticipates that there will be an unbudgeted need of approximately \$3,600,000/year to sustain the SCU program once the pilot period ends on June 30, 2025.
- **Leadership Changes:** In early 2024, there have been multiple leadership transitions within HHCS and within Bonita House. Program services have remained consistent, but the leadership changes have impacted the rate of expansion. While the direct program management has stayed consistent, these transitions can impact the speed of expansion.

**Next Steps & Timeline:**

- **January 2024 – ongoing:** The SCU will continue to hire and train staff to build toward 24/7 operations. Additionally, HHCS and Bonita House have started initial conversations about using a MediCal billing model to contribute to longer term program costs.

## Crisis Intervention

### 409.1 PURPOSE AND SCOPE

This policy provides guidelines for utilizing the Department's Crisis Intervention Team and interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to evaluate a person's mental state and intent in order to effectively and legally interact with the individual.

#### 409.1.1 DEFINITIONS

Definitions related to this policy include:

**Mental Health Consumer** - A description commonly used within the mental health community when referring to an individual diagnosed with a mental illness, who is involved in a mental health crisis, and/or utilizes mental health services.

**Mobile Crisis Team** - The Mobile Crisis Team (MCT) is a mobile emergency mental health service staffed by licensed mental health professionals and interns. The MCT offers crisis intervention, counseling follow-up and consultation services. The MCT work collaboratively with police personnel, including CIT officers, and act as professional adjuncts. MCT clinicians may be used by CIT officers as consultants regarding crisis intervention. The MCT may also generate referrals for mental health consumers and disposition recommendations for CIT officers.

**Person in Crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

### 409.2 POLICY

The Berkeley Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

### 409.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory

# Berkeley Police Department

## Law Enforcement Services Manual

### *Crisis Intervention*

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- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

#### **409.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Personnel and Training Officer will collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

#### **409.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available cover officers and specialized resources, such as the Mobile Crisis Team and/or a CIT member (if available), as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident if possible.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
  1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the

# Berkeley Police Department

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California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) If feasible, employ tactics, such as time, distance and cover, to preserve the safety of all involved parties.
- (h) Determine if a crime(s) has been committed and what course of action should be followed based on the circumstances presented.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

#### **409.6 DE-ESCALATION**

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area, if possible.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

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### **409.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
- (c) Contact information for a treating physician or mental health professional.
- (d) Whether there are guns registered to the person.
- (e) What, if any, vehicles are registered to the person.
- (f) Information regarding additional persons at the location of the incident.

Additional resources and a supervisor should be requested as warranted.

### **409.8 SUPERVISOR RESPONSIBILITIES**

Upon request, a supervisor should respond to the scene of interactions with those in crisis. Responding supervisors should:

- (a) Attempt to secure appropriate and sufficient resources such as additional officers, the Mobile Crisis Team and/or a CIT member.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

### **409.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and shall exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis shall keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

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#### 409.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

#### **409.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS**

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, fingerprinting, jail booking procedures, releasing property and responding to records requests.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the Professional Staff feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the Professional Staff to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

#### **409.11 EVALUATION**

The Department's Crime Analyst should ensure an annual report documenting the number of mental health related calls for service is completed and submitted to the Chief of Police through the chain of command.

#### **409.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to assist them in effectively interacting with persons in crisis.

The Berkeley Police Department will strive to provide available Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

ITEM 9.b. - Systematizing Contestations to Chief of Police's  
Determinations



## Memorandum

**Date:** May 31, 2024  
**To:** Honorable Members of the Police Accountability Board (PAB)  
**From:** Hansel Aguilar, Director of Police Accountability (DPA) *HA*  
**Subject:** Systematizing Contestations to Chief of Police's Determinations

This memorandum aims to draw the Police Accountability Board's (PAB) attention to Berkeley Charter Section 125(19)(e)-(h) and recommend the development of a systematic approach to handling contestations of the Chief of Police's determinations. Specifically, the memo suggests considering a review rubric, inspired by a similar tool developed during my tenure in Charlottesville, to ensure fairness and consistency in the review process.

### Background:

Berkeley Charter Section 125(19)(e)-(h) outlines the process for complainants to contest the Chief of Police's determinations in cases where the findings are "not sustained," "unfounded," or "exonerated." The section mandates specific timelines and procedural steps, including the Director of Police Accountability's (DPA) review and the potential involvement of the PAB. To enhance the fairness and consistency of this process, it is crucial to establish a systematic approach.

### Charter Requirements:

#### Section 125(19)(e)-(h) Key Provisions:

##### 1. Complainant's Contestation Option:

- Complainants can contest the Chief of Police's determination within 20 days of notification.
- The DPA may request to review all related files and records.

## 2. DPA's Discretionary Actions:

- Notify the complainant that their objection has been accepted and that the PAB will conduct a review.
- Notify the complainant that their objection has been dismissed, with written notice to the PAB within 30 days.

## 3. PAB Review Timeline:

- Within 45 days of the DPA's notification to the complainant, the PAB may dismiss the objection, agree with the Chief of Police, or disagree if legal or evidential standards are not met.

## 4. Final Determination:

- If the PAB disagrees, the City Manager makes the final determination within 25 days, after considering reports from both the Chief of Police and the PAB.
- The Chief of Police's determination does not become final until the objection is resolved, with all cases concluded within 240 days unless exceptions apply.

### Sample Rubric Highlights from Charlottesville:

1. **Thoroughness:** Evaluates whether all necessary investigative steps were taken.
2. **Completeness:** Assesses if all relevant information and evidence were considered.
3. **Accuracy:** Checks for factual correctness and consistency in the investigation.
4. **Objectivity:** Ensures the investigation was unbiased and impartial.
5. **Impartiality:** Confirms that the investigation was free from internal or external influences.

Using this rubric or a similar one designed by the Board, the PAB can systematically review each case, ensuring that all aspects of the investigation meet established standards. This methodical approach can enhance the transparency and accountability of the review process, fostering greater public trust.

### Recommendation:

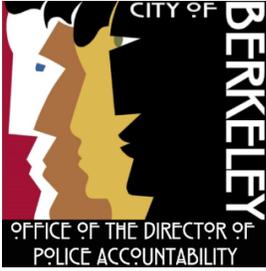
To ensure a structured and equitable review process, the PAB should consider developing a systematic approach for contestations. As a resource in developing a tool, the PAB can consider the rubric used in Charlottesville, VA developed by DPA Aguilar to evaluate Internal Affairs (IA) cases. The rubric focuses on key investigative elements such as: thoroughness, completeness, accuracy, objectivity, and impartiality.

**Sample Rubric** (EXHIBIT K pg. 55):

Neutral Evaluation Report: IN RE CIVILIAN COMPLAINT BROUGHT BY JEFF FOGEL

<https://www.charlottesville.gov/DocumentCenter/View/8695/Completed-Neutral-Evaluation-Report-by-Executive-Director-Aguilar-PDF>

ITEM 9.c. - Memorandum from the ODPA to PAB Titled “[Status Update-Q2] PAB Policy Review”



## MEMORANDUM

**Date:** May 31, 2024  
**To:** Honorable Members of the Police Accountability Board  
**From:** Hansel A. Aguilar, Director of Police Accountability *HA*  
Jose D. Murillo, ODPa Policy Analyst *JM*  
**Subject:** [Status Update-Q2] PAB Policy Review

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This memorandum aims to present the PAB with an overview of the policy reviews they have undertaken<sup>1</sup> and to provide a status update.

### Background:

Section 125(3)(a)(1) of the Berkeley City Charter authorizes the PAB to "make recommendations to the public, City Council, and City Manager regarding the operation of the Berkeley Police Department, including all written policies, practices, and procedures related to the Berkeley Police Department." Additionally, Section 17(a) of the Charter allows the Board to review the Police Department's policies, practices, and procedures at its discretion, upon request from a member of the public, due to a policy complaint, or following a complaint against an officer. In exercising this authority, the PAB established a procedure for reviewing policy complaints and practices, outlined in Section G, "Policy Complaints and Reviews," of their standing rules, which were ratified by the Council on December 14, 2021.

### Policy Review Status:

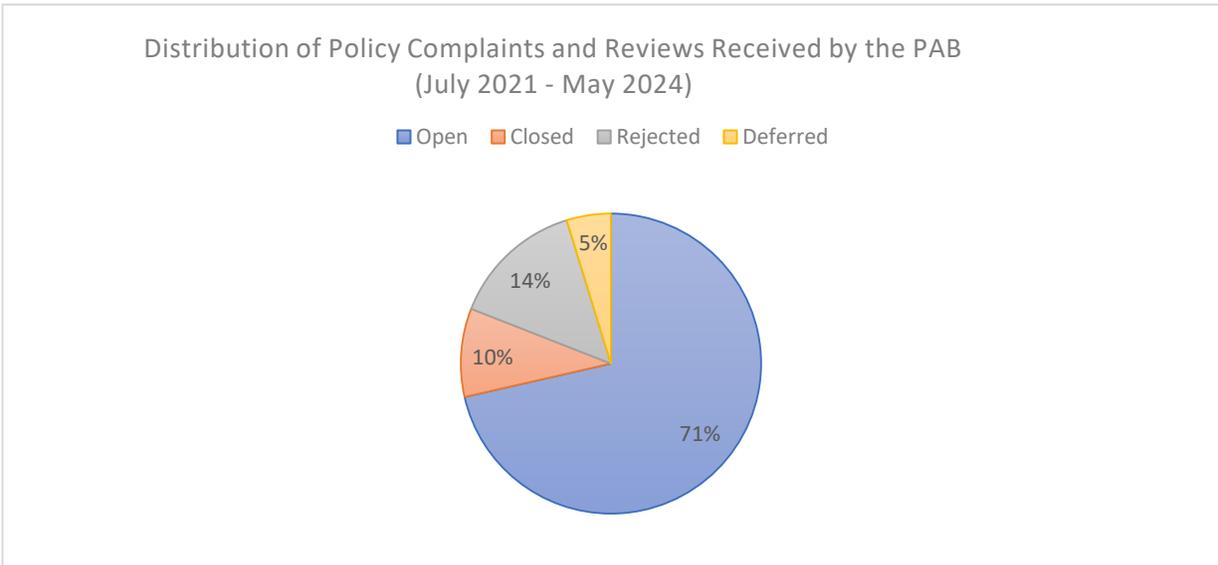
Since its inception in July 2021, the PAB has received or initiated twenty-one policy reviews. Currently, fifteen (71%) are open, two (10%) are closed, three (14%) were

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<sup>1</sup> This memorandum does not include routine policy reviews mandated by the Berkeley Municipal Code or other authority.

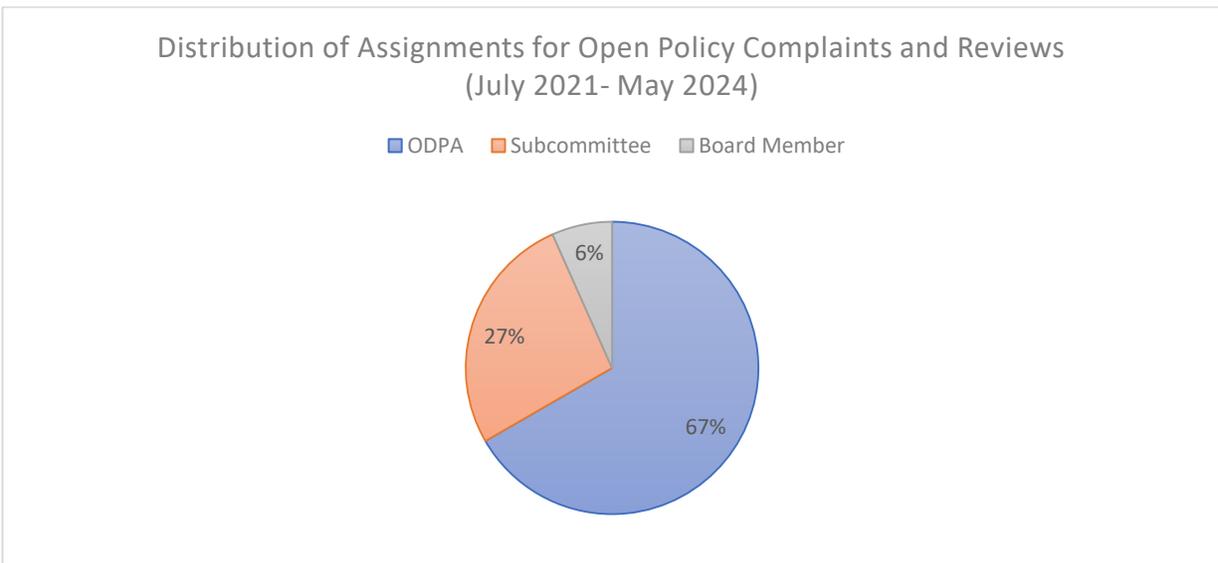
rejected, and one (5%) is deferred. See Figure 1 for the distribution of policy complaints and reviews received by the PAB between July 2021 and the end of May 2024. The status of individual policy complaints and reviews is detailed in Appendix 1.

Figure 1. Policy Complaints or Reviews Received by the PAB (July 2021 - May 2024)



Among the fifteen open policy complaints and reviews, ten (67%) have been assigned to ODPa staff, four (27%) have been delegated to a subcommittee, and one (6%) has been allocated to a Board Member for review. Please refer to Figure 2 for the breakdown of assignments for open policy complaints and reviews.

Figure 2. Distribution of Assignments for Open Policy Complaints and Reviews



**Appendix 1. Policy Complaints and Review Summary for July 2021 to May 2024.**

<b>Policy Review Number</b>	7
<b>Date Presented to PAB</b>	September 29, 2021
<b>Status</b>	Closed.
<b>Review Details</b>	<p>The Policy Complainant requested a review of BPD Policies 309.3, 309.4, 309.5, and 311.3 concerning responses to non-violent mental health calls. The PAB accepted the complaint and formed the Mental Health Response Subcommittee, appointing former Board Members Levine and Harris and a public member. On March 9, 2022, a Board member motioned to expand the subcommittee's jurisdiction to include crisis stabilization. The PAB dissolved the subcommittee on June 7, 2023, due to capacity issues.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2021-09-29%20approved%20minutes.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2021-09-29%20approved%20minutes.pdf</a></p>
<b>Assigned to</b>	SUBCOMMITTEE
<b>Projected completion timeline</b>	End of Quarter 3 2024.

<b>Policy Review Number</b>	N/A
<b>Date Presented to PAB</b>	January 12, 2022
<b>Status</b>	Open.
<b>Review Details</b>	<p>This Policy Review was initiated by the PAB. It was prompted by a personnel complaint where ODPa staff observed what seemed to be BPD officers directing paramedics to inject a substance into the complainant. The review aimed to examine whether BPD was authorizing paramedics to inject suspects with a substance, possibly a sedative.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-01-12.approved.RegMtg.minutes.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-01-12.approved.RegMtg.minutes.pdf</a></p>
<b>Assigned to</b>	ODPA
<b>Projected completion timeline</b>	End of Quarter 3 2024.

<b>Policy Review Number</b>	11
<b>Date Presented to PAB</b>	January 22, 2022
<b>Status</b>	Rejected.
<b>Review Details</b>	Rejected by the PAB on January 26, 2022.  Meeting Minutes: <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-01-12.approved.RegMtg.minutes.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-01-12.approved.RegMtg.minutes.pdf</a>
<b>Assigned to</b>	N/A
<b>Projected completion timeline</b>	N/A

<b>Policy Review Number</b>	12
<b>Date Presented to PAB</b>	January 22, 2022
<b>Status</b>	Rejected.
<b>Review Details</b>	Rejected by the PAB on January 26, 2022.  Meeting Minutes: <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-01-12.approved.RegMtg.minutes.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-01-12.approved.RegMtg.minutes.pdf</a>
<b>Assigned to</b>	N/A
<b>Projected completion timeline</b>	N/A

<b>Policy Review Number</b>	19
<b>Date Presented to PAB</b>	July 27, 2022
<b>Status</b>	Open.
<b>Review Details</b>	This Policy Review began as a personnel complaint. self-initiated by the PAB. It concerned the discharge of inebriated individuals from BPD custody, including policies I-15, 900, and 411. The complaint was converted to a policy review after the PAB determined it could not self-initiate personnel complaints.  Meeting Minutes: <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-07-27.RegMtg.approved.minutes-AR_SIGNED.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2022-07-27.RegMtg.approved.minutes-AR_SIGNED.pdf</a>
<b>Assigned to</b>	ODPA
<b>Projected completion timeline</b>	End of Quarter 4 2024.

<b>Policy Review Number</b>	N/A
<b>Date Presented to PAB</b>	November 15, 2022
<b>Status</b>	Open.
<b>Review Details</b>	<p>On November 10, 2022, former BPD officer Corey Shedoudy alleged that the Downtown Task Force exhibited racist attitudes, animus towards the unhoused, and pressure to meet arrest quotas, supported by incriminating text messages. The PAB established a subcommittee with Chair Moore, Board Member Calavita, and former Board Member Owens to investigate.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/cc.2022-11-15-SpecMtg.approved.minutes%281%29.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/cc.2022-11-15-SpecMtg.approved.minutes %281%29.pdf</a></p>
<b>Assigned to</b>	SUBCOMMITTEE
<b>Projected completion timeline</b>	End of Quarter 3 2024.

<b>Policy Review Number</b>	31
<b>Date Presented to PAB</b>	January 11, 2023
<b>Status</b>	Closed.
<b>Review Details</b>	<p>The PAB considered the Policy Complaint on October 25, 2022. The ODPA was asked to conduct a fact finding inquiry into the alleged used of drones by BPD during the Solano Stroll event. Upon review, it was found that the BPD did not operate the drones nor were the drones actually operated within Berkeley. As such, the policy review was closed.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-01-11.Reg_.Meeting.Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-01-11.Reg_.Meeting.Min_Approved.pdf</a></p>
<b>Assigned to</b>	ODPA
<b>Projected completion timeline</b>	N/A

<b>Policy Review Number</b>	2488
<b>Date Presented to PAB</b>	January 31, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>Initially a personnel complaint, the PAB converted this case into a policy review. The complaint was administratively closed at the complainant's request, as they were incarcerated for two years after the incident and did not wish to proceed. However, the PAB remained interested in the policy implications.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-01-31.RegMtg.Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-01-31.RegMtg.Min_Approved.pdf</a></p>
<b>Assigned to</b>	ODPA
<b>Projected completion timeline</b>	End of Quarter 1 2025.

<b>Policy Review Number</b>	17
<b>Date Presented to PAB</b>	January 31, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>This Policy Review was initially a personnel complaint self-initiated by the PAB but later converted to a policy review. The complaint had alleged improper use of force and/or handcuffs by Berkeley Police Officers. The review also incorporated a response to individuals in crisis.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-01-31.RegMtg.Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-01-31.RegMtg.Min_Approved.pdf</a></p>
<b>Assigned to</b>	ODPA
<b>Projected completion timeline</b>	End of Quarter 4 2024.

<b>Policy Review Number</b>	2023-PR-0001
<b>Date Presented to PAB</b>	February 22, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>After the Complainant's personnel complaint expired, she submitted a policy review requesting the PAB to recommend amending BPD Policy 1010.7.3. The proposed amendments included allowing officers time off for PAB hearings during work hours and requiring officers to make good faith efforts to cooperate promptly with the ODPa and the Board during investigations and hearings.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023.02-22..Reg_.Meeting.Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023.02-22..Reg_.Meeting.Min_Approved.pdf</a></p>
<b>Assigned to</b>	ODPA
<b>Projected completion timeline</b>	End of Quarter 3 2024.

<b>Policy Review Number</b>	N/A
<b>Date Presented to PAB</b>	March 15, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>At the request of former Vice-Chair Harris, the PAB formed a subcommittee to review the Body-Worn Camera (BWC) policy. This subcommittee has been collaborating with the BPD to update the BWC policy. Current subcommittee members include Board Member Leftwich and Board Member Cayetano.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-03-15..RegMtg.Min_approved..pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-03-15..RegMtg.Min_approved..pdf</a></p>
<b>Assigned to</b>	SUBCOMMITTEE
<b>Projected completion timeline</b>	End of Quarter 1 2025

<b>Policy Review Number</b>	2023-PR-0002
<b>Date Presented to PAB</b>	April 26, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>At the request of the PAB, ODPa staff conducted further fact finding before the PAB made a decision. The topic of the complaint concerned the BPD's alleged lack of response to the complainant's emails via the BPD's general email.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-04-26%20RegMtg.Min_approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-04-26%20RegMtg.Min_approved.pdf</a></p>
<b>Assigned to</b>	ODPA
<b>Projected completion timeline</b>	End of Quarter 3 2024.

<b>Policy Review Number</b>	2023-PR-0003
<b>Date Presented to PAB</b>	June 21, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>The complainant's neighbor reported a property crime to the BPD and found the dispatcher insolent, asking impractical questions like the car's color in the dark. When the neighbor called back about the suspect moving to another vehicle, the dispatcher allegedly hung up and denied receiving the call. The complainant was not informed that more urgent calls were prioritized. An officer contacted the complainant but offered little assistance, suggesting unclear BPD policies for handling property crimes in progress. The complainant requested call transcripts but was told they were exempt from disclosure without a subpoena. The PAB established a subcommittee with former Board Member Harris and Vice-Chair Wilson.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-06-21%20RegMtg.Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-06-21%20RegMtg.Min_Approved.pdf</a></p>
<b>Assigned to</b>	SUBCOMMITTEE
<b>Projected completion timeline</b>	End of Quarter 1 2025.

<b>Policy Review Number</b>	2023-PR-0004
<b>Date Presented to PAB</b>	September 27, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>The Policy complaint provided a data analysis and recommendations to the PAB regarding the Downtown Task Force and Bike Unit Allegations. The PAB accepted the complaint and referred it to the Policies and Practices of the Downtown Task Force Subcommittee.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-09-27%20Regular%20Meeting%20Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-09-27%20Regular%20Meeting%20Min_Approved.pdf</a></p>
<b>Assigned to</b>	SUBCOMMITTEE
<b>Projected completion timeline</b>	End of Quarter 3 2024.

<b>Policy Review Number</b>	2023-PR-0005
<b>Date Presented to PAB</b>	October 11, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>This Policy Complaint deals with the BPD's response to calls for service regarding noise complaints. The policy complaint states that the BPD does not respond to calls for service regarding noise complaints properly.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-10-11%20Regular%20Meeting%20Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-10-11%20Regular%20Meeting%20Min_Approved.pdf</a></p>
<b>Assigned to</b>	ODPA
<b>Projected completion timeline</b>	End of Quarter 3 2024.

<b>Policy Review Number</b>	2023-PR-0006
<b>Date Presented to PAB</b>	October 11, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>This Policy Complaint asserts that the BPD has established a "permission structure" by not issuing tickets to out-of-state vehicles for parking violations. The review was accepted and taken on by Chair Moore.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-10-11%20Regular%20Meeting%20Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-10-11%20Regular%20Meeting%20Min_Approved.pdf</a></p>
<b>Assigned to</b>	PAB MEMBER

<b>Projected completion timeline</b>	End of Quarter 3 2024.
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<b>Policy Review Number</b>	2023-PR-0007
<b>Date Presented to PAB</b>	October 11, 2023
<b>Status</b>	Deferred.
<b>Review Details</b>	<p>This complaint requested a review of the BPD’s approach to restraining orders. The complaint was deferred pending a personnel investigation.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-10-11%20Regular%20Meeting%20Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-10-11%20Regular%20Meeting%20Min_Approved.pdf</a></p>
<b>Assigned to</b>	N/A
<b>Projected completion timeline</b>	N/A

<b>Policy Review Number</b>	2023-PR-0008
<b>Date Presented to PAB</b>	October 11, 2023
<b>Status</b>	Open.
<b>Review Details</b>	<p>This complaint pertains to off-duty conduct. The policy review was assigned to Board Member Cayetano, and a subcommittee was created on November 8, 2023, to further review the issue.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-10-11%20Regular%20Meeting%20Min_Approved.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-10-11%20Regular%20Meeting%20Min_Approved.pdf</a></p>
<b>Assigned to</b>	SUBCOMMITTEE
<b>Projected completion timeline</b>	End of Quarter 4 2024.

<b>Policy Review Number</b>	2023-PR-0009
<b>Date Presented to PAB</b>	January 10, 2024
<b>Status</b>	Open.
<b>Review Details</b>	<p>This policy review encompassed an evaluation of the BPD's handcuffing and restraints policy. Board Member Calavita was tasked with this review and presented her findings to the PAB. The PAB, in collaboration with the ODP, incorporated this review into a broader discussion about the joint BPD and ODP review of the Use of Force policy. Meeting Minutes:</p>

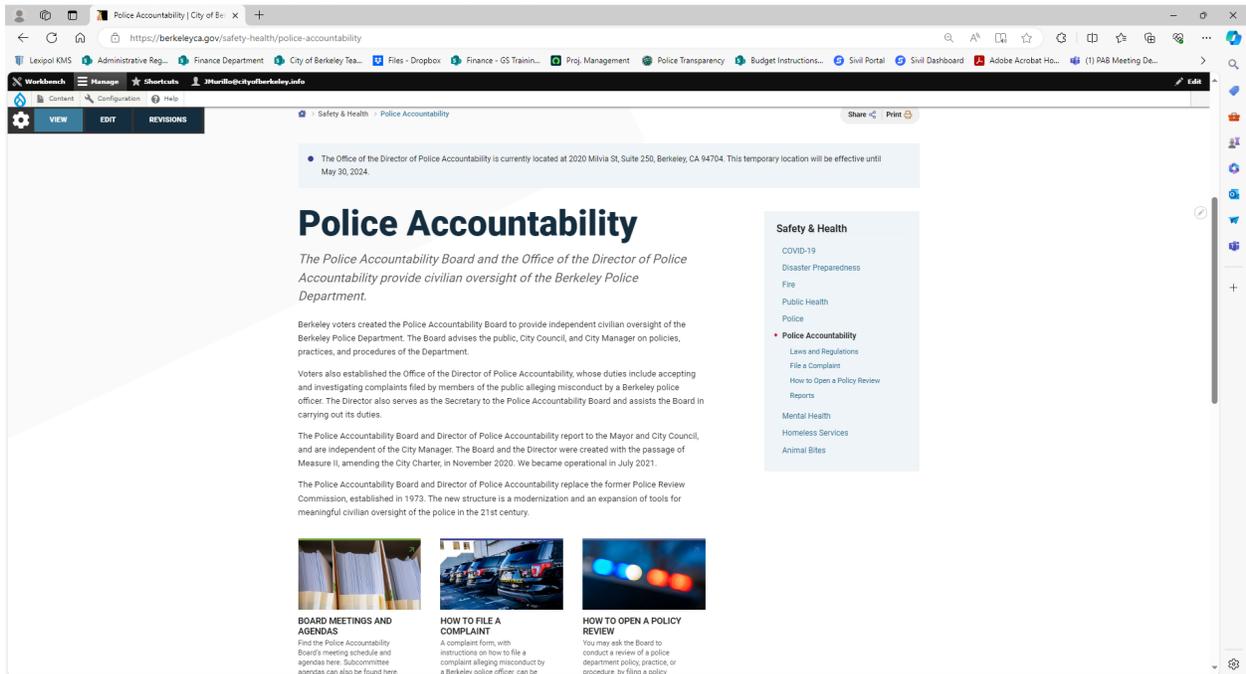
	<a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-01-10%20Regular%20Meeting%20Min_Signed.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-01-10%20Regular%20Meeting%20Min_Signed.pdf</a>
<b>Assigned to</b>	ODPA; PAB MEMBER
<b>Projected completion timeline</b>	End of Quarter 4 2024.

<b>Policy Review Number</b>	2024-PR-0001
<b>Date Presented to PAB</b>	February 7, 2024
<b>Status</b>	Open.
<b>Review Details</b>	<p>The policy review investigated the deployment of less-than-lethal munitions. The complaint was incorporated into the Use of Force Review.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-02-07%20Regular%20Meeting%20Min_Final.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-02-07%20Regular%20Meeting%20Min_Final.pdf</a></p>
<b>Assigned to</b>	ODPA; PAB MEMBER
<b>Projected completion timeline</b>	End of Quarter 4 2024.

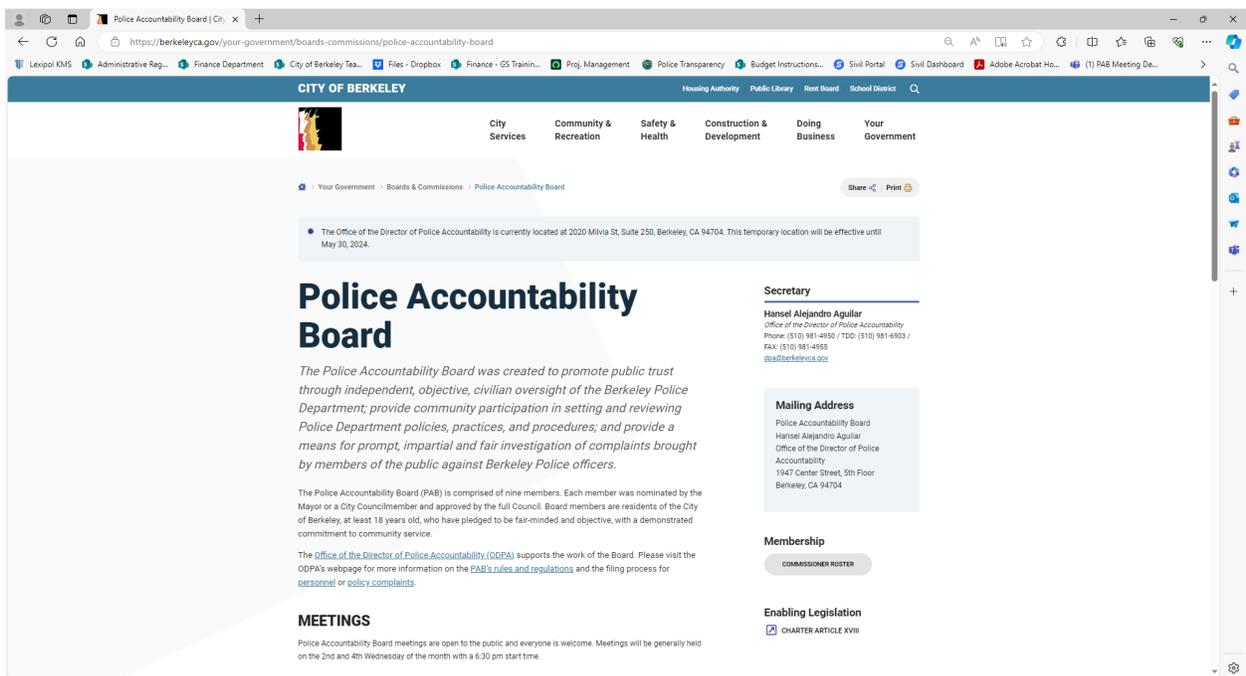
<b>Policy Review Number</b>	2024-PR-0002
<b>Date Presented to PAB</b>	February 7, 2024
<b>Status</b>	Rejected
<b>Review Details</b>	<p>The Policy Review inquired on whether the Berkeley Fire Department are required to be identified by a badge or number when working with BPD. It further inquired on the BPD's procedures for the displaying of badges and correct badge number. After context was provided by the BPD, the complaint was rejected.</p> <p>Meeting Minutes:  <a href="https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-02-07%20Regular%20Meeting%20Min_Final.pdf">https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2024-02-07%20Regular%20Meeting%20Min_Final.pdf</a></p>
<b>Assigned to</b>	N/A
<b>Projected completion timeline</b>	N/A

ITEM 9.d. - Berkeley Police Accountability Webpage Links

To access the Berkeley Police Accountability landing page, which includes complaint forms, reports, and other resources, please visit: <https://berkeleyca.gov/dpa>



To access the Police Accountability Board's website, where you can find meeting agendas and other materials, please visit: <https://berkeleyca.gov/your-government/boards-commissions/police-accountability-board>



Legislative Updates Relevant to the PAB's Work



## MEMORANDUM

**Date:** May 30, 2024  
**To:** Honorable Members of the Police Accountability Board  
**From:** Hansel Aguilar, Director of Police Accountability *HA*  
Keegan Horton, ODPa Investigator *KH*  
Jose Murillo, ODPa Policy Analyst *JM*  
**Subject:** Legislative Updates

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The purpose of this memorandum is to provide a legislative update to the PAB, enabling them to stay informed about changes in local, state, and federal law.

### **State Legislative Updates**<sup>1</sup>

The ODPa has identified the following state legislation as relevant to the work of the PAB:

- **AB-2020 “Survivors of Human Trafficking Support Act.”** This bill would require a county that has an interagency sexual assault response team to establish a survivor review board.  
Status: Referred to Com. On PUB S.
- **AB-2042 “Police canines: standards and training.”** Would require the Commission on Peace Officer Standards and Training to develop standards and training guidelines for the use of canines by law enforcement.  
Status: In Senate. Read first time. To Com. On RLS. for assignment.
- **AB 2541 “Peace officer training: wandering.”** Would require POST to develop guidelines addressing wandering associated with Alzheimer’s disease, autism, and dementia.  
Status: From committee: Do pass and re-refer to Com. On APPR with recommendation to Consent Calendar. (Ayes 4. Noes 0.) Re-referred to Com on APPR.

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<sup>1</sup> <https://post.ca.gov/Status-of-Current-Legislation>

- **AB-2621 “Law Enforcement Training.”** This bill would require instruction to include identifying when a gun violence restraining order is appropriate to prevent a hate crime and the procedure for seeking a gun violence restraining order.  
Status: From committee chair, with author’s amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. On PUB S.
- **AB-3021 “Criminal Procedure: interrogations.”** This bill would require a peace officer, prosecuting attorney, or investigator for the prosecution, prior to interviewing a family member of a person who has been killed or seriously injured by a peace officer, to clearly identify themselves, if the interview takes place in person, to show identification, and to state specified information.  
Status: Referred to Com. On PUB S.
- **AB-3241 “Law Enforcement: police canines.”** Would require the Commission on Peace Officer Standards and Training to adopt uniform, minimum guidelines regarding the use of canines by law enforcement.  
Status: In Senate. Read first time. To Com. On RLS. for assignment.

### Lexipol Policy Update

The following updates have been made to the BPD's Lexipol KMS system:

- **BPD Policy 1023: Uniform Regulations:** Updated to reflect the Personnel and Recruitment Bureau name change.
- **BPD Policy 206: Retiree Concealed Firearms:** Updated to reflect the Personnel and Recruitment Bureau name change.

### City of Berkeley Council Meeting Update

The following items being considered by the City Council are relevant to the PAB:

- **June 4, 2024 City Council Regular Meeting Agenda Packet<sup>2</sup>**
  - **Consent Calendar**
    - Item 4 - Amendment to Commissioner Leave of Absence Process
    - Item 31 - 2023 Police Equipment & Community Safety Ordinance Annual Report
    - Item 33 - Authorize Purchase Order with National Auto Fleet Group for Twenty Ford Police Interceptor Utility (K8A) AWD Vehicles
    - Item 34 - Contract: Edgeworth Integration, LLC for Installation of Security Cameras at Council-Approved Intersections; and Authorizing Additional External Fixed Video Surveillance Cameras

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<sup>2</sup> <https://berkeleyca.gov/sites/default/files/city-council-meetings/2024-06-04%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf>

Public

- Item 38 - Amendments to Berkeley's Municipal Code Chapter 2.24 to Establish Whistleblower Program Authority
- Item 39 - Appointment of Interim City Manager
- Item 40 - Appointment of City Manager

## Communications

## Murillo, Jose

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**From:** Kitt Saginor <[ksaginor@gmail.com](mailto:ksaginor@gmail.com)>  
**Sent:** Wednesday, May 22, 2024 5:49 PM  
**To:** Office of the Director of Public Accountability  
**Subject:** Berkeley Police DUI Checkpoint May 24

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please forward to the Board members - This is not urgent

Relevant to your discussion of the policy for reasons for traffic stops, I am forwarding an email I just received about a planned DUI Checkpoint. I expect that this activity will result in more stops than would otherwise occur at that time, and I note that the location chosen (Ashby Avenue near San Pablo) is in a neighborhood with a higher proportion of Black residents.

I receive announcements of this sort not infrequently, and it's my impression (although I haven't counted) that the locations are in South or West Berkeley more often than not. Perhaps there is a chain of cause and effect that goes something like this:

the freeway and major roads were built in the the flatter parts of town - easier for fast roads. A large percentage of African Americans live in the flatter parts of town - historical racism prevented them from living in other neighborhoods - historical discrimination led to economic disadvantages that have continued to drive neighborhood patterns - the interplay of these has continued the pattern of more unsafe roads, more older cars with fewer safety features, more crashes etc. in neighborhoods with a higher percentage of Black residents.

I'm not telling you anything you don't know.

Kitt Saginor  
[ksaginor@gmail.com](mailto:ksaginor@gmail.com)  
415-860-4173

----- Forwarded message -----

From: **Berkeley Police Department** <[berkeley-police-department@emails.nixle.com](mailto:berkeley-police-department@emails.nixle.com)>  
Date: Tue, May 21, 2024 at 3:30 PM  
Subject: Community Message: Berkeley Police Department Holding DUI Checkpoint May 24  
To: <[ksaginor@gmail.com](mailto:ksaginor@gmail.com)>

Message sent via Nixle | [Go to nixle.com](#) | [Unsubscribe](#)

Tuesday May 21, 2024, 3:30 PM

**Berkeley Police Department**  
Integrity, Safety, Respect, Diversity & Professionalism



## Community: Berkeley Police Department Holding DUI Checkpoint May 24

Dear Kitt Saginor,

On **May 24, 2024**, the Berkeley Police Department will conduct a driving under the influence (DUI) Checkpoint from 8:00 PM to 2:00 AM on Ashby Avenue near San Pablo Avenue.

DUI checkpoint locations are determined based on data showing incidents of impaired driving-related crashes. The primary purpose of DUI checkpoints are to promote public safety by taking suspected impaired drivers off the road.

“Impaired drivers put others on the road at significant risk”, Sergeant Dave Harston said. “Any prevention measures that reduce the number of impaired drivers on our roads significantly improves traffic safety.”

Berkeley Police Department reminds the public that impaired driving is not just from alcohol. Some prescription medications and over-the-counter drugs may interfere with driving. While medicinal and recreational marijuana are legal, driving under the influence of marijuana is illegal.

Drivers charged with a first-time DUI face an average of \$13,500 in fines and penalties, as well as a suspended license.

Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.



For full details, [view this message on the web](#).

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Sent by **Berkeley Police Department**  
2100 Martin Luther King Jr Way, Berkeley, CA 94704

To manage your email settings, [click here](#). To update your account settings, [login here](#).  
If you prefer not to receive future emails, [unsubscribe here](#).

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