



**POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA PACKET
Wednesday, July 24, 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
David Williams

MEETING LOCATION

2020 Milvia Street, Suite 250
Berkeley, CA 94704

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	No communications to the PAB were received.	-

Health and Safety Protocols for In-Person Meetings of Berkeley Boards
and Commissions

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

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.

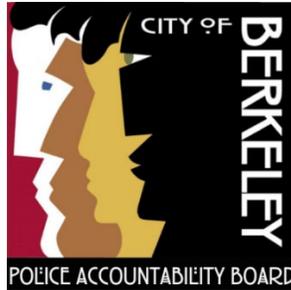
VI. Hand Washing/Sanitizing

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 - July 24, 2024 PAB Regular Meeting Agenda



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, JULY 24, 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
David Williams

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 July 10, 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 (1 HOUR 30 MINUTES)

- a. Discussion and action regarding Policy Complaint 2023-PR-0007 in accordance with Section G, "Policy Complaints and Reviews," of the PAB's Standing Rules (15 Minutes)
- b. Continuation of the discussion and action relating to the interconnection between the Specialized Care Unit (SCU) and the BPD. (ODPA- HHCS) – (30 MINUTES)
 - i. Relationship between SCU and select CFS
 - ii. Relationship between SCU and dispatch
 - iii. Status of Measure FF Dispatch redesign
 - iv. Final plans and expected outcomes of new systems
 - v. Experiences and observations from SCU Steering Committee Member Andrea Prichett
- c. Continuation of the discussion and action on a proposal to systematize Board training as authorized by Section 125(12) of the Berkeley City Charter (ODPA) – (15 Minutes)
- d. Discussion and action on the ODPAs proposed schedule for presenting policy reviews (ODPA) – (15 MINUTES)
- e. Discussion and action on adjusting the PAB's work plan for the rest of the year and identifying topics to address before year-end (ODPA) – (15 MINUTES)
 - i. Commendations
 - ii. Policy Reviews
 - iii. Board Training
 - iv. Annual Retreat Planning
 - v. Annual Report Preparation and Review
 - vi. 2025 Regular Meeting Schedule

vii. Other Topics

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.

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-0012 | vi. | 2024-CI-0006 |
| ii. | 2023-CI-0014 | vii. | 2024-CI-0009 |
| iii. | 2023-CI-0016 | viii. | 2024-CI-0011 |
| iv. | 2024-CI-0003 | ix. | 2024-CI-0012 |
| v. | 2024-CI-0004 | x. | 2024-CI-0013 |

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.

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

1947 Center Street, 5th 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

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 - Minutes for the Regular Meeting of July 10, 2024



POLICE ACCOUNTABILITY BOARD
REGULAR MEETING AGENDA
WEDNESDAY, JULY 10, 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
David Williams

MEETING LOCATION

2020 Milvia Street, Suite 250
Berkeley, CA 94704

Meeting Video: <https://www.youtube.com/watch?v=grquJ3hUenQ>

MINUTES

- 1. THE MEETING WAS CALLED TO ORDER AT 6:31 PM**
- 2. ADMINISTER OATH OF OFFICE & CONFIDENTIALITY TO NEW MEMBERS**

Policy Analyst Murillo administers the Oath of Office and Confidentiality to newly appointed Board Member Williams.

3. ROLL CALL

Present: Board Member John Moore (Chair)¹
Board Member Leah Wilson (Vice-Chair)
Board Member Brent Blackaby
Board Member Kitty Calavita
Board Member Joshua Cayetano

¹ Chair Moore participated remotely on a just cause provision.

Board Member Juliet Leftwich
Board Member Alexander Mozes
Board Member David Williams

Absent: None.

ODPA Staff: Jose Murillo, Policy Analyst
Jayson Wechter, Investigator
Keegan Horton, Investigator

Absent: Hansel A. Aguilar, Director of Police Accountability²

BPD Staff: Deputy Chief Tate
Sgt. Edwards

CAO Staff: DCA Mattes

CMO Staff: Dr. Carianna Arredondo, Assistant to the City Manager
Rex Brown, DEI Officer

4. APPROVAL OF AGENDA (2 MINUTES)

Motion to approve the agenda.

Moved/Second (Calavita/Leftwich) Motion carried.

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

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

5. PUBLIC COMMENT (TBD)

3 Physical Present Speaker(s)

6 Virtually Present Speaker(s)

6. APPROVAL OF MINUTES (5 MINUTES)

a. Minutes for the Regular Meeting of June 26, 2024

Motion to approve the minutes for the regular meeting of June 26, 2024

Moved/Second (Leftwich/Wilson) Motion carried.

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

Noes: None. Abstain: Calavita, Mozes, Williams. Absent: None.

7. ODPa STAFF REPORT (10 MINUTES)

Policy Analyst Murillo provides a brief update on the progress of the ODPa's new office space, the preparations for the July 18th presentation at the Hope Center, and the

² Policy Analyst Murillo served as secretary of the PAB during this meeting in the absence of Director Aguilar.

implementation of Sivil. Investigator Horton gives an overview of recent trainings received by the investigative division.

8. CHAIR AND BOARD MEMBERS' REPORTS (10 MINUTES)

Chair Moore acknowledges the Board's work and welcomes the new board member. Board Member Williams introduces himself, and the other members welcome him.

9. CHIEF OF POLICE'S REPORT (10 MINUTES)

Deputy Chief Tate reports on notable crimes and cases, as well as other items of interest to the PAB. Arlo Malmberg, the newly appointed Strategic Planning and Accountability Manager, provides an overview of the Office of Strategic Planning and Accountability (OSPA).

10. SUBCOMMITTEE REPORTS (10 MINUTES)

Subcommittees report on their activities.

11. NEW BUSINESS (1 HOUR 45 MINUTES)

- a. Discussion and action on the "Policy and Practices Related to the Downtown Task Force and Bike Unit Allegations" Subcommittee's report (Calavita) – (30 Minutes)

Motion to accept the report contingent upon Board Member Calavita making necessary revisions, and to forward it to the Council, requesting their acknowledgment of the report and acceptance of the recommendations for reform, with the understanding that the PAB will collaborate with the Berkeley Police Department to finalize the policy recommendations.

Moved/Second (Calavita/Leftwich) Motion carried.

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

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

- b. Discussion and action on the PAB Policy Review Subcommittee's proposal to submit a Public Records Act request to the California Highway Patrol for vehicle pursuit data submitted by the BPD. (Leftwich) – (15 Minutes)

Motion to accept the PAB Policy Review Subcommittee's proposal to submit a Public Records Act request to the California Highway Patrol for vehicle pursuit data submitted by the BPD.

Moved/Second (Wilson/Blackaby) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, Williams, Moore, and Wilson
Noes: None. Abstain: None. Absent: None.

- c. Discussion and action on a proposal to systematize Board training as authorized by Section 125(12) of the Berkeley City Charter (ODPA) – (15 Minutes)

Motion to table item 11.c. to a future meeting.

Moved/Second (Wilson/Blackaby) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, Williams, Moore, and Wilson
Noes: None. Abstain: None. Absent: None.

- d. Discussion and action on the BPD's 2023 Annual Military Equipment Report (ODPA) – (15 Minutes)

Motion to accept the ODPAs recommendation to submit notice to Council to direct BPD to hold a required community meeting.

Moved/Second (Cayetano/Moore) Motion carried.

Ayes: Blackaby, Calavita, Cayetano, Leftwich, Mozes, Williams, and Moore.
Noes: Wilson. Abstain: None. Absent: None.

- e. Discussion and action on the introduction of the Office of Strategic Planning and Accountability (OSPA) – (15 minutes)

No action taken.

12. PUBLIC COMMENT (TBD)

1 Physical Present Speaker(s)

1 Virtually Present Speaker(s)

13. 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:

Motion to reject the ODPa's findings for Allegation 3 and to accept the findings for Allegations 1, 2, and 4 as presented in the ODPa's Findings and Recommendations Report for Case Number 2023-CI-0019.

Moved/Second (Cayetano/Wilson) Motion carried.

Ayes: Cayetano, and Wilson.

Noes: Blackaby, Leftwich, Mozes, and Moore

Abstain: Calavita, and Williams.

Absent: None.

Motion to accept the ODPa's Findings and Recommendations for Case Number 2023-CI-0019.

Moved/Second (Blackaby/Leftwich) Motion Fails.

Ayes: Blackaby, Leftwich, Mozes, and Moore

Noes: Cayetano, and Wilson

Abstain: Calavita, and Williams

Absent: None

Motion to hold a hearing for ODPa Case Number 2024-CI-0004.

Moved/Second (Wilson/Leftwich) Motion carried.

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

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

Motion to hold accept the ODPa's Findings and Recommendations for Case Number 2024-CI-0001.

Moved/Second (Wilson/Leftwich) Motion carried.

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

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

END OF CLOSED SESSION

14. ANNOUNCEMENT OF CLOSED SESSION ACTIONS (1 MINUTE)

Chair Moore announces the closed session actions.

15. ADJOURNMENT (1 MINUTE)

Motion to adjourn. Moved/Second (Leftwich/Wilson) The meeting was adjourned at 10:00 PM by unanimous consent.

DRAFT

Item 8 - List of PAB Subcommittees



SUBCOMMITTEES LIST

Subcommittee	Board Members	Chair	BPD Reps
Regulations Formed 7-7-21 Renewed 6-7-2023	Calavita Leftwich <u>Public members:</u> Kitt Saginor	N/A	Lt. Dan Montgomery
Fair & Impartial Policing Implementation Formed 8-4-21 Renewed 6-7-2023	Calavita Wilson <u>Public members:</u> George Lippman	Calavita	Sgt. Peter Lee
Surveillance Technology Policy Formed 6-7-2023	Calavita Moore	N/A	N/A
Policy and Practices relating to the Downtown Task Force and Bike Unit Allegations Formed 11-15-22	Calavita Moore	Calavita	N/A
Body-Worn Camera Policy Formed 03-15-23	Leftwich Cayetano	Leftwich	Cpt. Okies Lt. Cummings
Conflict of Interest Formed 03-29-23	Leftwich Wilson	Leftwich	N/A
Unnamed – Policy Complaint 2023-PR-0003 Formed June 21, 2023	Wilson [Vacant]	Wilson	N/A

Updated on 07/19/2024

Policy Reviews Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Lexipol Review"	Leftwich Cayetano Mozes <u>Public members:</u> Kitt Saginor	Leftwich	Deputy Chief Tate Sgt. Speelman
Budget & Metrics Formed 11-08-2023 Scope Expanded 03-02-2024	Wilson Blackaby	N/A	N/A
Outreach & Engagement Formed 11-08-2023 Scope Expanded 03-02-2024 Formally "Commendations"	Moore Blackaby	N/A	N/A
Off-Duty Conduct	Cayetano Leftwich	N/A	Lt. Rittenhouse
Operations & Processes Formed 03-02-2024	Wilson Mozes	TBD	TBD

LIAISON LIST¹

Liaison Name	Assignment
Cayetano	Represent the PAB in the EIS Request for Proposal Process

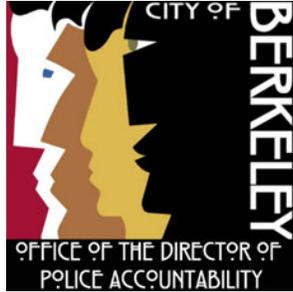
POLICY COMPLAINTS ASSIGNED TO INDIVIDUAL BOARD MEMBERS²

Policy Review Number	Assigned Board Member
2023-PR-0006	Chair Moore
2024-PR-0003	Chair Moore

¹ Liaison list does not include topics that were originally assigned to a Board Member but later assigned to a subcommittee.

² This list does not include policy complaints that were originally assigned to an individual Board Member but later assigned to a subcommittee.

Item 9.a. - Preliminary memorandum for Policy Complaint 2023-PR-0007



MEMORANDUM

Date: Friday, July 19, 2024

To: Honorable Members of the Police Accountability Board (PAB)

From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
Jose Murillo, ODPa Policy Analyst *JM*

Subject: Policy Complaint No. 2023-PR-0007

The purpose of this memorandum is to provide the PAB with a preliminary analysis of Policy Complaint No. 2023-PR-0007 to assist in their decision on whether to accept or reject the policy complaint.

Background:

On September 22, 2023, a policy complaint form was filed with the Office of the Director of Police Accountability (ODPA). The policy complaint was mailed to the ODPa along with several personnel complaint forms related to the same incidents. A redacted version of the policy complaint is attached to this memorandum as Attachment 1. The policy complaint was first presented to the PAB on October 11, 2023. Due to the active investigation of the personnel complaints submitted along with the policy complaint, the PAB voted to defer their decision until the investigation was concluded¹.

Factual Summary:

¹ PAB Regular Meeting Minutes: [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%20Approved.pdf)

The complainant has been involved in a six-year dispute with the apparent caretaker of one of her neighbors. She states that this caretaker has been causing disturbances and engaging in hostile behavior towards her, including blocking her car, disabling security gates, and verbally assaulting her. Additionally, the complainant reports instances of property damage, harassment, and physical assault by the caretaker. She has filed for a restraining order against the neighbor's caretaker, and her Homeowner's Association (HOA) has issued a notice to perform covenant against the individual. See Attachment 1.

Despite these orders, the complainant contends that enforcement has been inadequate, with the Berkeley Police Department failing to take effective action. She recounts multiple encounters with her neighbor's caretaker and numerous attempts to seek assistance from the BPD, culminating in the issuance of a new restraining order on June 6, 2023, for elder abuse without exemptions. However, in filing the present policy complaint, the complainant continued to report sightings of her neighbor's apparent caretaker on the property and violations of the restraining order. She alleges that responding officers appeared to misunderstand or disregard the terms of the restraining order, suggesting that the neighbor's caretaker had an exemption as an employee. These interactions resulted in no immediate action to remove the caretaker from the property.

The complainant's communications with the police underscore her growing frustration with how the BPD has handled her case. Her detailed accounts aim to highlight what she perceives as negligence and discrimination in the BPD's response, specifically questioning the officers' comprehension and enforcement of restraining orders. Her narrative concludes with the following statement:

"I submit that the Berkeley police takes elder abuse so lightly, or has such a discriminatory attitude toward elderly women, or toward me, or all three, that even the strongest restraining order available under the law – according to the judge – is rendered useless. I am in danger in my home, getting my mail, entering or exiting my apartment, getting safely to my car, that I am currently having to leave – again – for another period of time staying out of state until someone somewhere in the City of Berkeley clarifies that [REDACTED] should have been arrested for the most recent assault on me (on January 3, 2023, an assault which I reported, included photos of my

injuries, documentation of my concussion, names of witnesses, etc.) and checks with the courts, not with restrained party [REDACTED], regarding any honest questions they may have about the restraining order.”

See Attachment 1.

Preliminary Analysis:

The complainant raises several initial policy and procedural concerns in this complaint for the PAB to consider reviewing. Those concerns are the following:

1. **Enforcement of Restraining Orders:** The complainant asserts that the Berkeley Police Department (BPD) has inadequately enforced restraining orders despite multiple incidents and legal actions, including a new restraining order for elder abuse. Concerns have been raised about the interpretation and application of restraining orders by police officers. The complainant alleges misunderstandings or disregard of these orders, indicating a potential need for improved communication and training in legal order enforcement.
2. **Communications Elders and Dependent Adults and Response to Potential Abuse:** Based on the complainant's written statement, there are indications of potential shortcomings in the BPD's response to alleged abuse against elders and dependent adults. The complainant suggests there may be issues with the sensitivity and understanding required to protect the elderly and dependent adults.

Each issue underscores potential deficiencies in policy and practice that warrant careful consideration and may necessitate reforms to ensure law enforcement responses are effective and equitable.

Since the establishment of the PAB and ODPa, 10 out of 54 personnel complaints have involved allegations of mistreatment due to age, either mentioned by the complainant or noted by ODPa staff as officers appearing insensitive to the community member's age, potentially leading to dismissal or escalation of the situation. The ODPa staff also carried out an initial review of BPD's call for service data to gain insights into the age demographics of callers and their corresponding outcomes; however, data on the caller's age was not readily accessible. In the context of this complaint, the perceived lack of enforcement of the restraining order is only one aspect of a potentially broader issue.

If the PAB decides to formally accept this policy review, it may consider focusing on Policy 313, “Senior and Disability Victimization,”² as well as any established training or practices regarding BPD’s interactions with elders or dependent adults. Part of the review will include analyzing whether BPD’s policy aligns with the best practices of the California POST’s 2024 Guidelines on Elder and Dependent Adult Abuse³ and an analysis of the BPD’s response to the relevant call for service type.

Recommendation:

Upon receiving a policy complaint, the Board can choose from several potential courses of action⁴, which include:

1. Accepting the policy complaint and assigning a Board member to investigate.
2. Accepting the policy complaint and directing ODPa staff to carry out an investigation.
3. Accepting the policy complaint and establishing a subcommittee to investigate the matter.
4. Temporarily deferring acceptance of the policy complaint and assigning a Board member to investigate it before formal acceptance.
5. Temporarily deferring acceptance of the policy complaint and instructing ODPa staff to investigate the matter.
6. Rejecting the policy complaint.

If the Board decides to undertake this review, the ODPa recommends assigning it to the ODPa staff.

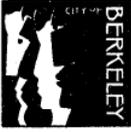
Attachments:

1. Policy Complaint 2023-PR-0007

² BPD Policy 313 “Senior and Disability Victimization”:
https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf

³ 2024 POST Guidelines “Elder and Dependent Adult Abuse”:
https://post.ca.gov/Portals/0/post_docs/publications/Elder_Dependent_Adult_Abuse.pdf

⁴ Section G. "Policy Complaints and Reviews" of the PAB's Standing Rules:
https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf



POLICY COMPLAINT FORM

Office of the Director of Police Accountability (DPA)

1947 Center Street, 5th Floor, Berkeley, CA 94704

Web: www.cityofberkeley.info/dpa

E-mail: dpa@cityofberkeley.info

Phone: (510) 981-4950 TDD: (510) 981-6903 Fax: (510) 981-4955

Received by DPA
Date Received:

SEP 22 2023

DPA Case # 2023-PR-0007

1

Name of Complainant: Denney Carol Ruth
Last First Middle

Mailing Address: [REDACTED]
City State Zip

Primary Phone: [REDACTED] Alt Phone: ()

E-mail address: [REDACTED]

Occupation: retired Gender: F Age: 69

Ethnicity: Asian Black/African-American Caucasian
 Latino/Hispanic Multiethnic: Other:

2

Identify the Berkeley Police Department (BPD) policy or practice you would like the Police Accountability Board to review.

police practice regarding restraining orders

3

Location of Incident (if applicable) [REDACTED], Berkeley

Date & Time of Incident (if applicable) June 6, 2023 through the present

Provide a factual description of the incident that forms the basis of your complaint. Be specific and include what transpired, and how the incident ended.

See attached

4 What changes to BPD policy, practice, or procedure do you propose?

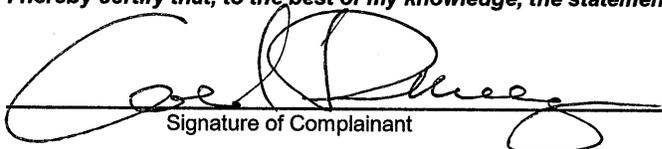
see attached

5 Use this space for any additional information you wish to provide about your complaint. (Or, attach relevant documentation you believe will be useful to the Police Accountability Board in evaluating your complaint.)

see attached

6 CERTIFICATION

I hereby certify that, to the best of my knowledge, the statements made on this complaint are true.


Signature of Complainant

Sept 18, 2023
Date

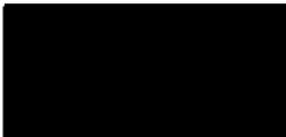
7 How did you hear about the Director of Police Accountability or Police Accountability Board?

- Internet
- Berkeley Police Dept.
- Newspaper: _____
- Referred by: _____
- Other: _____



NOTICE TO PERFORM COVENANT

February 5, 2023



Please take notice that you are in violation of the [REDACTED] Housing Association Building Rules (Section 6: Guests *and* Gate Entry Instructions, pg. 9) which states the following:

GUESTS

1. Tenants will be responsible for informing their guests of any building rules that apply to the situation.
2. Tenants are responsible for the actions of their guests, including property damage or injury caused by the guest.
3. Visitors are required to use the San Pablo Avenue entry gate system rather than standing outside the gate, shouting to be let in. It is the tenant's responsibility to explain to desired guests how to use the system (see below).

Due to recent and ongoing events involving your guest and employee, [REDACTED] and other tenants in the property, the Board of Directors has deemed that the aforementioned guest poses serious legal and safety concerns for [REDACTED]. For this reason, the board requires that [REDACTED] be restricted access to the premises, including keys to your unit, and the parking garage remote.

You are hereby required within FIVE (5) days to perform the aforesaid covenant(s) and to respond to the requirements described above. Failure to respond to this notice within the allotted time will or to deliver up possession of the above-described premises which you currently hold and occupy.

If you fail to do so, legal proceedings will be instituted against you to recover said premises and such damages as the law allows.

Thank you,
Board of Directors

Policy Complaint Form - Submission from Carol Denney

#3. The Berkeley police, who repeatedly treated a previous restraining order against [REDACTED] as if it were inapplicable whenever he was on the property, are doing the same thing with my present restraining order, deciding unilaterally and in violation of the court's orders that the friend's apartment he sneaks into at the end of the corridor where I live is his "workplace."

Each responding officer, Officers [REDACTED], [REDACTED], [REDACTED] etc., have a variety of excuses for allowing a violent man who has repeatedly assaulted me and vandalized not just my property but that belonging to our entire building to remain on the property.

They in no particular order and despite the evidence in the court case itself, suggest that he is a tenant (he is not), that he is an employee (he is not), that I am obligated to find out his birthday (which I easily obtained from the District Attorney's office and gave to them), that I am somehow obligated to correct some misinformation in their police records regarding his birthday and/or name (which I have no legal authority to do), that the presence of his vanity-plated car under my bedroom window is not a restraining order violation, that he was never served in the first place, or that they're honestly confused (Officer [REDACTED] said this) by the existence of another man named [REDACTED] who was born in 1924. My attorney and I have repeatedly supplied the Berkeley Police Department with copies of the restraining order, with copies of the service documents, with copies of the Notice to Perform Covenant issued February 5, 2023 by our Board of Directors (we own our building) prohibiting [REDACTED] from the property entirely, which should have ended immediately any implication that he can be employed here by anyone for any reason.

Their interpretation of the current restraining order apparently has no effect, no protections for me in my home, or for my vehicle which is parked in the garage, the used vehicle I had to acquire after [REDACTED] completely destroyed my first vehicle by filling it with feces and urine, scraping off the registration tags, spraypainting "Bitch" and "CUNT" all over it, painting out the windows so that it was undriveable, smashing the windshield repeatedly. My insurance company told me that it was a total loss. [REDACTED], despite giving my apartment front door, front windows, and potted plants the same treatment, has never been arrested for any of these assaults or any of his extreme vandalism despite my pleas for help, video evidence, etc. ***The Berkeley police's decision to unilaterally and privately conclude that he is an employee means the court order of protection issued by the judge has no protection whatsoever.***

I submit that the Berkeley police takes elder abuse so lightly, or has such a discriminatory attitude toward elderly women, or toward me, or all three, that even the strongest restraining order available under the law - according to the judge - is rendered useless. I am in danger in my home, getting my mail, entering or exiting my apartment, getting safely get to my car, that I am currently having to leave - again - for another period of time staying out of state until someone somewhere in the City of Berkeley clarifies that [REDACTED] should have been arrested for the most recent assault on me (on January 3, 2023, an assault which I reported, included photos of my injuries, documentation of my concussion,

names of witnesses, etc.) and checks with the courts, not with restrained party [REDACTED], regarding any honest questions they may have about the restraining order.

I have included a portion of a chronology of contemporaneous notes with goes back six years.

----- Incidents ongoing, 2023 continuing Chronology of vandalism and incidents- ----

September 17, 2023- reported violation to BPD, who did not get [REDACTED] off property. Responding Officer [REDACTED] suggests *that I said he was an employee*. I specifically corrected him, noting the Notice to Perform Covenant, he says that [REDACTED] has some kind of proof that he is an employee, and the RO exempts him as an employee. He checks with Sgt. [REDACTED], who affirms, they leave him on the property. I convey this to [REDACTED], to [REDACTED], to [REDACTED], to [REDACTED]. It makes no sense that [REDACTED] filed to contest the restraining order, which he did, if he really believes he has an employee exemption. [REDACTED] will call this afternoon.

September 16, 2023 - reported violation to BPD, who did not get [REDACTED] off property.

September 8, 2023, Friday " Received this voicemail from Officer [REDACTED] "Hi Miss [REDACTED] it's officer [REDACTED] from Berkeley PD again calling you back I've been working with my dispatcher here and looking in the computer and I don't see that the restraining order tht the newest one you tried to get against [REDACTED] has been served yet him he does need to be served with him before I can file charges on _____ will do an incident report for you though and document everything going on but I know the paperwork you show me it said that you were president Court but I didn't see anything on there saying that he was served and then one of the dispatcher's look up all of his information they don't see a restraining order on file and I don't see it either so I hink that's because he still needs to be served for your most recent restraining order but anyways I'm still gonna do an incident report for you it's just not gonna go to the DAs office so when you see him again please call the police so we can serve them with yourrestraining order OK thank you bye..."

I called [REDACTED], who says he will take care of it. Also talked to Kaiser to document.

Thursday, September 07, 2023 4:44 pm - returned home. no police calls, or etc. yet.

Officer [REDACTED] responds by phone 9:45 pm. Officer [REDACTED] comes by with Officer _____. They look at the restraining order. They went to Apt. 1 to knock on the door.

Thursday, September 07, 2023 12:00 noon- I saw [REDACTED] exit from our back garage door through the Wells Fargo Banks' small gate into the parking lot, where he had parked his car with the [REDACTED] plates. I photographed the car while he was in it, he spoke to me and I videotaped that, while he backed out and drove off. He was wearing a grey hoodie pulled low over his head, and had gone down through the garage gate to the first floor, which, if entered through the garage door (he still has his garage door opener), can easily be left ajar.

He is in violation of the "Notice to Perform Covenant" from the board dated February 5, 2023, as well as the elder abuse Restraining Order [REDACTED] by being on the property.

Thursday, August 31, 2023: Spoke with Sergeant [REDACTED], Officer [REDACTED]'s supervisor. Sent him the Notice to Perform Covenant, the Restraining Order, and the service documents in an effort to clarify that [REDACTED] does not live here, does not work here, and was forbidden to have keys or be here five days after February 5, 2023.

Spoke to [REDACTED] at the District Attorney's office, who routed me to [REDACTED] at the charging office where I left a message. She is also giving my number to [REDACTED], another person there, in case that can be helpful. She says another advocate, [REDACTED] will call. She called, and just said, no, they can just go ahead and arrest him. I sent an email to Sgt. [REDACTED] conveying that information, cc'd [REDACTED].

August 30, 2023: [REDACTED] at the DA's charging office, says there's no discrepancy regarding [REDACTED] birthday, which is [REDACTED]. And there are no records of any reports of any assault by [REDACTED] on me on January 3rd, 2023. No photographs, no concussion medical record, nothing. I called Officer [REDACTED] and let him know that, also Officer [REDACTED] and let him know, asking him to send the records again. Sgt. [REDACTED] called me at 5:00 pm saying that the DA's office had just mixed things up, but that he had gotten confirmation that the records are there. I will call tomorrow. I am so exhausted.

August 28-30, Monday through Wednesday, vandalism and surveillance camera on window sill of Spt. 1 moved to face in different directions. Called [REDACTED] Berkeley police, and tried to leave messages on [REDACTED]'s phone but his mailbox is too full day after day. Officer [REDACTED] says there's a wrong birthday in the system, that someone named [REDACTED] from 1924 is confused with [REDACTED]. He implies that I have to figure this out and fix it.

August 22, 2023, Tuesday: Saw [REDACTED] entering Apt. #1 at 9:30 am. Reported it to [REDACTED], Building Manager [REDACTED] and the Berkeley police. Incident report # [REDACTED]

(June 6, 2023 -- New restraining order issues- elder abuse Restraining Order [REDACTED]- issued for five years with no exemptions)

May 17, 2023 - 1:30 am more smashing, same sounds as from #16 about a week ago, called 9-11

Monday, May 8, 2023 - Avenue Tow ([REDACTED]) agreed to come and tow the vehicle on Sunday, May 7, which is here now. I called to ask the police to come and assist with this, and Sgt. [REDACTED] sounds dubious about doing this, serving him if he comes out, etc. He says call him when the tow company comes.

May 7, 2023 8:13 am - [REDACTED]'s car is not in the garage. About six police officers, including Officer [REDACTED], the officer who came Friday night, came last night to try to serve him again and asked me to let them into the garage to leave a note on his car. So now he has the note

May 5, 2023 - Friday 7:15 pm - [REDACTED]'s car is here, door of #1 open, he screams at me, goes in. I called the police to serve him and evict him, his car, get our keys and garage door opener back. The police can't get him to open the door, but at least now they have the February 5, 2023 letter saying he's prohibited from the property.

April 29, 2023, Friday - I went to the market nearby in the afternoon and [REDACTED] was in the market. **When he saw me he screamed "You ruin everything!" across the whole market, startling everyone.** I had to maneuver behind the counter away from him, and videoed him so at least he would quiet down. When I left the market I spoke to a neighbor by the bus stop and he was waiting for me there and ran up to us yelling at me. I moved away and down the block, videoing him. He hadn't been waiting for the bus, as his groceries made clear; he was waiting for me. This is not illegal, but it is more proof of my need for a very strong, very protective restraining order. He finally crossed the street and went into our building. I went in after about 10 minutes up the side door stairs to avoid him and managed to get to my apartment. It was terrifying.

#4. Do something, anything, to allow people who understand the purpose of a restraining order to respond to restraining order violations instead of these officers. These officers think it is some kind of fun game, apparently do not coordinate or investigate at all, and apparently have no idea that the purpose of such documents are to protect me.

#5. Let me know if you need anything beyond the documents BPD already has; the restraining order¹, the Notice to Perform Covenant dated February 5, 2023, and the proof of service documents my attorney [REDACTED] of the Family Violence Appellate Project and I have both supplied repeatedly to the Berkeley Police.

Sincerely,



Carol Denney



¹ (June 6, 2023 -- New restraining order - elder abuse Restraining Order [REDACTED] - issued for five years with no exemptions)

Item 9.b. - Memorandum from Dr. Carianna Arredondo, Assistant to the City Manager for Reimagining Public Safety Titled “Reimagining Public Safety Update and Presentation on Specialized Care Unit, Crisis and Dispatch Needs Assessments”



Office of the City Manager

July 19, 2024

To: Office of the Director of Police Accountability and Police Accountability Board

From: Carianna "Cari" Arredondo, Assistant to the City Manager, Reimagining Public Safety

Subject: Reimagining Public Safety Update and Presentation on Specialized Care Unit, Crisis and Dispatch Needs Assessments

Dear Director Aguilar,

I am writing to follow up on Item 9a. 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 that was discussed at the June 5, 2024, Regular Police Accountability Board (PAB) Meeting.

We appreciate your interest in the Specialized Care Unit, Crisis Needs Assessment, and Dispatch Needs Assessment, which are key components of the Reimagining Public Safety Initiative and would like the opportunity to deliver an educational and informative presentation on these topics.

This presentation (attached) will provide a comprehensive overview and will serve as a platform for feedback, questions, comments, and concerns. The Police Accountability Board's input will be carefully considered and integrated into City staff's next status update and subsequent presentation to the Berkeley City Council, anticipated in Fall 2024.

Thank you for your continued dedication and engagement in the City of Berkeley's Reimagining Public Safety Initiative.

Respectfully,

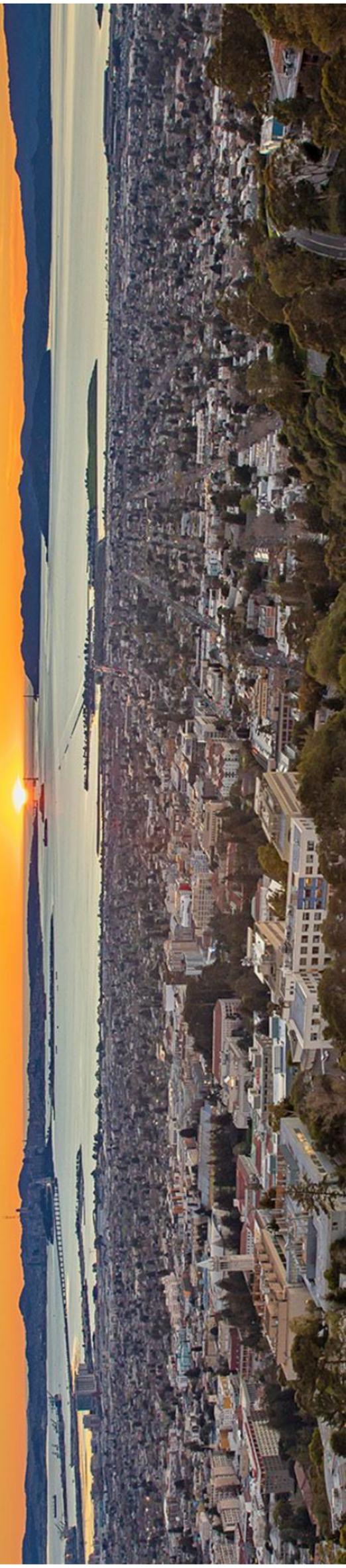
Carianna Arredondo, EdD
Assistant to the City Manager - Reimagining Public Safety
City of Berkeley
2180 Milvia St, 5th Floor | Berkeley, CA 94704
Email: carredondo@berkeleyca.gov

2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7000 • TDD: (510) 981-6903 • Fax: (510) 981-7099
E-Mail: manager@cityofberkeley.info Website: <http://www.cityofberkeley.info/manager>

Reimagining Public Safety Update and Presentation on Specialized Care Unit, Crisis and Dispatch Needs Assessments

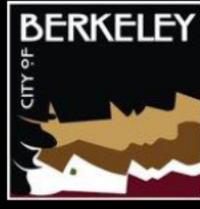
CITY OF BERKELEY

Reimagining Public Safety



Police Accountability Board
Specialized Care Unit, Crisis Needs Assessment, and Dispatch Needs Assessment
Review & Discussion

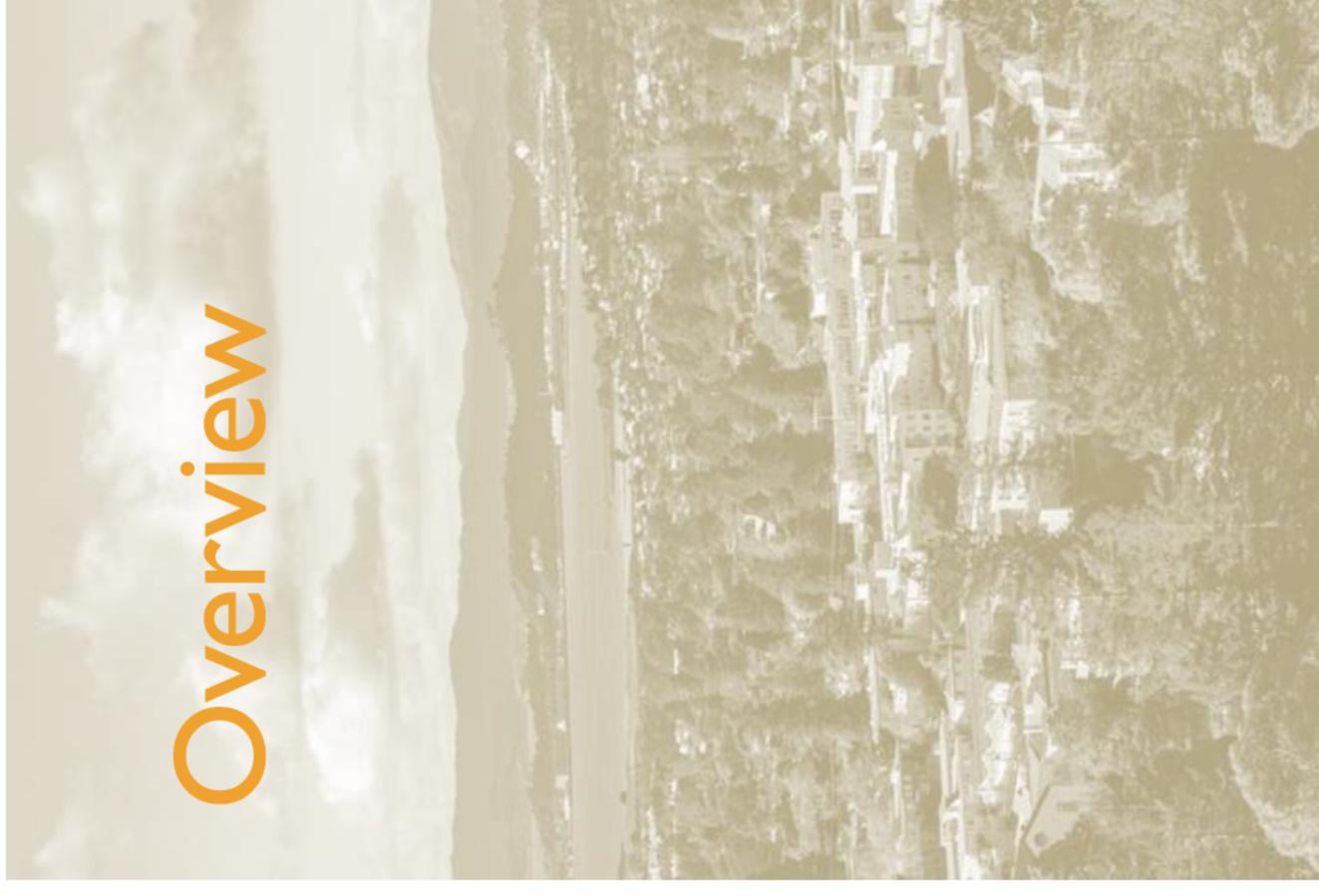
July 24, 2024



Reimagining Public Safety Presentation

- Reimagining Public Safety Background
 - Deliverables & Timeline
- Status of Reimagining Public Safety Initiatives
 - Specialized Care Unit
 - Crisis Needs Assessment
 - Dispatch Needs Assessment
- Considerations and Next Steps
 - Considerations/Challenges
 - Next Steps

Overview



Deliverables & Phased Timeline

Completed

- Staffing Hires:**
 - Reimagining Public Safety Coordinator
 - Diversity, Equity, and Inclusion Officer
 - DEI Administrative Assistant
 - Vision Zero Coordinator
 - Community Services Specialist II
- Milestones:**
 - SCU Development (Phase I)**
 - Dispatch Needs Assessment (Phase I)**
 - Dispatch Needs Assessment Validation**
- Milestones Nearing Completion:**
 - Crisis Response Bridge Services (Phase I)
 - Violence Prevention and Youth Services
 - Youth Peers Mental Health Response
 - Police Staffing Assessment
 - Wellness Funding
 - Collision Analysis
 - Language Equity

In Progress

- Specialized Care Unit Implementation (Phase I)**
- Crisis Needs Assessment**
- Dispatch Needs Assessment Presentation**
- Respite from Gender Violence
- Fair and Impartial Policing (Phase I)
- Staffing (CSO & Dispatchers)
- BerkDOT Development (Phase I)
- Office of Equity
- Grant Assistance
- Transportation Fines/Fees Analysis
- Gun Violence Prevention Program Implementation

To Be Initiated/Pending Funding

- Department of Community Safety
- Expand Downtown Streets Teams
- Alternatives to Sanctions/Fines
- BerkDOT Implementation



May 14, 2024 Spring Update



July 2020 – July 2022
Community Process & Research



July 2022 – July 2024
Continued Analysis & Implementation



July 2024 – July 2026
Continued Implementation & Expansion

Specialized Care Unit

Specialized Care Unit (SCU) -- Berkeley's first independent crisis response team. **The SCU responds to non-violent crisis calls without involving law enforcement.**

Specialized Care Unit

Overview & Implementation Progress

Deliverable/Recommendation:

Implement the Specialized Care Unit -- Berkeley's first independent crisis response team:

- 1 EMT
- 1 Peer Support Specialist
- 1 Clinician

For mental health or substance use crises, call **(510) 948-0075**. The SCU is available:

- 24 hours Sunday to Wednesday
- 6:00 am to 4:00 pm Thursday to Saturday

Goals/Outcomes:

Ensure responsive crisis intervention, promoting community well-being, and enhancing public safety. (See pp. 30-31 of the [RPS Status Report](#))

Milestone	Status
SCU Design Process (Phase I)	Complete
Hiring and Training of initial SCU Staff.	Complete
Community Engagement.	In Progress Ongoing
Soft launch of SCU with alternative number.	In Progress September 2023
Ongoing Staff Recruitment to start 24/7 Operations.	In Progress Fall 2023 – ongoing

Crisis Needs Assessment

Analyze 911 call data to assess calls for service that could apply to the Specialized Care Unit (SCU) and other crisis programs.

Crisis Needs Assessment

Overview & Implementation Progress

Deliverable/Recommendation:

Analyze 911 call data to assess calls for service that could apply to the Specialized Care Unit and other crisis programs focusing primarily on:

- **Quality Improvement:** Identify opportunities to enhance SCU services by providing specific 911 call types that could be routed to the SCU or other crisis service providers.
- **Assessing Results:** Provide recommendations based on data analysis for increased effectiveness of crisis call response options.

The broader SCU program evaluation will recommend strategies for expansion and long-term sustainability

Goals/Outcomes:

Enhance effectiveness and optimization of crisis response in Berkeley. (See pp. 42-43 of the [RPS Status Report](#))

Milestone	Status
Contract with Resource Development Associates.	Complete
Data collection and systems planning.	In Progress Ongoing
Reporting.	In Progress Ongoing

Dispatch Needs Assessment

Evaluate current Fire and EMS dispatch capabilities.

Make recommendations on implementing a priority dispatch system that follows nationally recognized standards to include:

- *Pre-arrival instructions*
- *Dispatching of alternate resources*
- *Staffing models*
- *Infrastructure*
- *Software*
- *Training*
- *Quality improvement and assurance*

Dispatch Needs Assessment Overview & Implementation Progress

Deliverable/Recommendation:

Assessment to examine existing dispatch capabilities and the City's goals to develop a gap analysis and path forward.

Goals/Outcomes:

Enhance the City's Dispatch center:

- to allow for the **systematic triage** of emergency calls,
- to provide **pre-arrival emergency medical instructions** to callers, and,
- to create the opportunity to **send alternate resources** like an alternative mobile health unit (BFD Advanced Medical Unit) or the Specialized Care Unit (SCU).

(See pp. 48-50 of the RPS Status Report)

Milestone	Status
Dispatch Needs Assessment (DNA).	Complete
Validation Report Complete.	Complete
Assessment Validation report and staff presentations.	In Progress Spring/Summer 2024
Discussion with City project stakeholders of reports to determine next steps for the DNA.	In Progress Spring 2024 – ongoing

Staffing Vacancies and Attrition

- **Challenge:** High turnover for a stable workforce.
- **Proactive Efforts:** Employer of Choice initiative.

Implementation Timeline

- **Challenge:** Navigating the dynamic timeline.
- **Proactive Efforts:** Strategic project management and assessment time.

Ongoing Funding

- **Challenge:** Managing budgets and grant uncertainties.
- **Proactive Efforts:** Effective grants management with RPS allocation.

Regulatory Compliance

- **Challenge:** Meeting all-level regulations.
- **Proactive Efforts:** Ongoing partnership with the City Attorney's Office.

Shared Considerations & Challenges



Next Steps and Discussion

Summer 2024

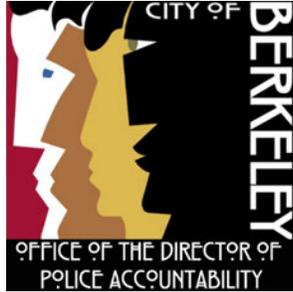
- Continued Phase 2 work and engagement, transitioning to Phase 3.

Fall/Winter 2024

- Third progress update on Reimagining Public Safety

Comments, Questions, and Concerns received today will be brought to respective staff and incorporated into the next Reimagining Public Safety Status Update.

Item 9.c. - Memorandum from the ODPa Titled “[RECOMMENDATION]
2024 Board Training as Authorized by Section 125(12) of the Berkeley City
Charter”



MEMORANDUM

Date: Friday, July 19, 2024

To: Honorable Members of the Police Accountability Board (PAB)

From: Hansel Aguilar, Director of Police Accountability (DPA) *HA*
Jose Murillo, Policy Analyst *JM*

Subject: [RECOMMENDATION] 2024 Board Training as Authorized by Section 125(12) of the Berkeley City Charter

The purpose of this memorandum is to follow up on the May 17, 2024 proposal to systematize the training of PAB members, in line with Section 125(12) of the Berkeley City Charter.

Background

In February 2023, the DPA presented a proposed curriculum¹ modeled after the National Association for Civilian Oversight of Law Enforcement (NACOLE) training recommendations² and tailored to Berkeley's specific needs. In a memo dated May 17, 2024³, the DPA followed up with a proposal to systematize the training for Board adoption. At the request of PAB members⁴, the DPA refined the proposal to address the completed training of various Board members⁵, highlighting gaps in collective training and prioritizing their interests. The refined training plan on the following page endeavors to fulfill this request.

¹ https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2023-02-08%20PAB%20Regular%20Mtg.Pkt_.pdf

² <https://www.nacole.org/recommended-training-for-board-and-commission-members>

³ https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-05-22%20PAB%20Regular%20Meeting%20Packet.Final_.pdf

⁴ <https://www.youtube.com/watch?si=Cd4Awb02jVgAaLBI&v=ygMB1ar95aQ&feature=youtu.be>

⁵ See Attachment A

Proposed Training Plan for September 2024- December 2024

Meeting	Charter Section(s)	Synchronous Training (30 minutes)	Asynchronous Training (1.5 hours)	Facilitators/ Stakeholders
1	125(12)(a)(2); 125(12)(a)(3)	Overview of Constitutional rights and civil liberties; Fundamentals of procedure, evidence, and due process (Discussion on the “spectrum of stops” to include consensual and non-consensual police-citizen encounters; When is Miranda applicable)	Detailed study materials and case studies on Constitutional rights and civil liberties; Online modules on procedure, evidence, and due process	BPD, CAO, other stakeholders
2	125(12)(a)(1);	General introduction to Quasi-judicial duties and obligations; (expectations from: Charter; Board and Commissioner Manual; Regulations; and other policies)	Reading assignments and practical exercises on Quasi-judicial duties; Video lectures	BPD, CAO, other stakeholders
3	125(12)(a)(4)	The Public Safety Officers Procedural Bill of Rights Act (how they relate to investigations, interviews, hearings, etc.)	Comprehensive guide and analysis of the Public Safety Officers Procedural Bill of Rights Act;	BPD, BPA, CAO, other stakeholders
4	125(12)(a)(2)	Further insights into Constitutional rights and civil liberties;	Detailed study materials and case studies on Constitutional rights and civil liberties; Online modules on procedure, evidence, and due process	BPD, BPA, CAO, other stakeholders
5	125(12)(a)(5)	Police Department operations, policies, practices, and procedures; (Insights to current operational state of BPD)	Review of select BPD Lexipol Policies	BPD, CAO, other stakeholders
6	125(12)(a)(6)	Duties, responsibilities, procedures and requirements associated with all ranks and assignments.	Review of select BPD Lexipol Policies	BPD, CAO, other stakeholders

Conclusion

By adopting this tailored proposal, we can ensure that all members are equipped with the baseline knowledge and skills necessary to fulfill their oversight responsibilities diligently.

Recommendation

- Approve the proposal for board training for the remainder of the year.

- Implement the training curriculum as outlined in the attached document.

Alternative Recommendations

- Refer matter to specific Board member or subcommittee to explore further how to systematize Board training.

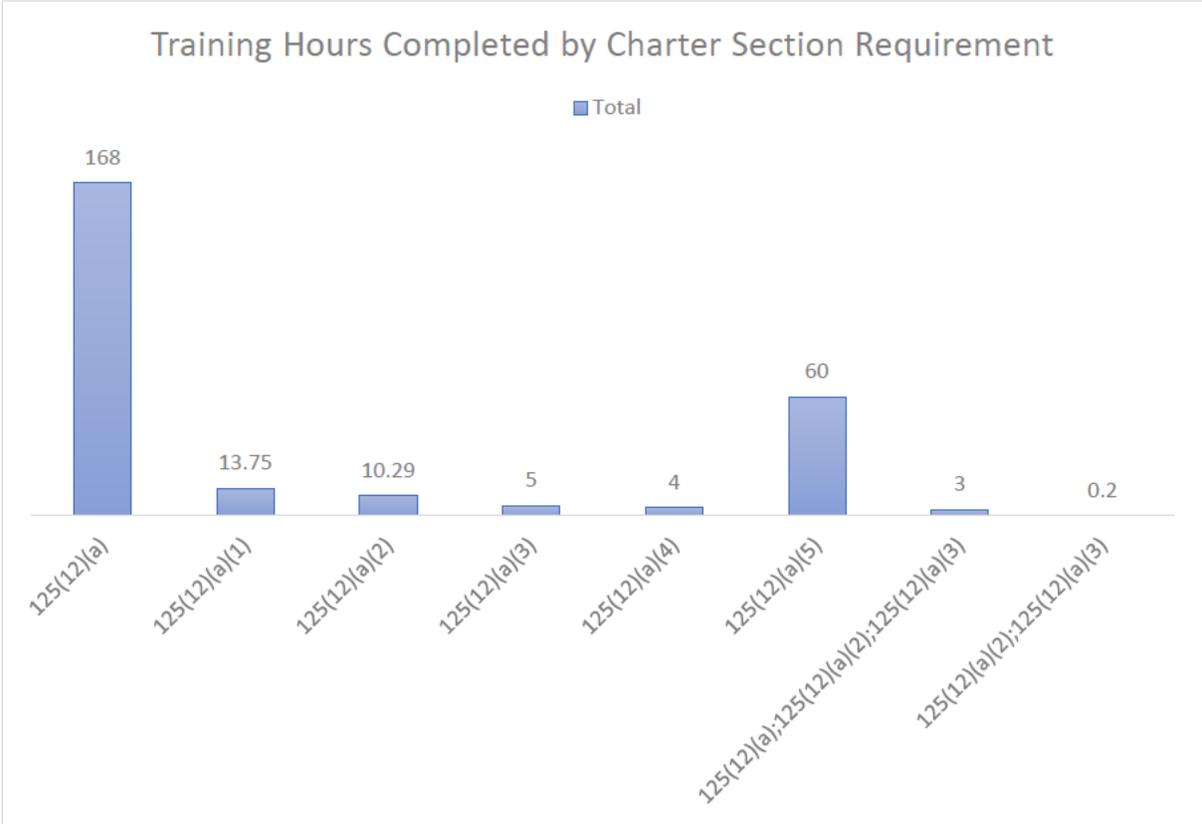
Attachments:

- A. PAB Completed Training Log Summary

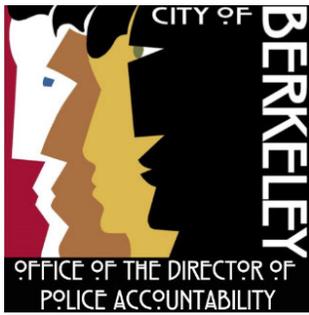
Attachment A

PAB Completed Training Log Summary

1. Training Hours Completed by Charter Section Requirement as of July 12, 2024



Item 9.d. - Memorandum from the ODPA Titled “Projected Presentation
Timeline for Policy Reviews Assigned to the Office of the Director of Police
Accountability (ODPA)”



MEMORANDUM

Date: July 19, 2024
To: Honorable Members of the Police Accountability Board (PAB)
From: Hansel A. Aguilar, Director of Police Accountability *HA*
Jose D. Murillo, ODPa Policy Analyst *JM*
Subject: Projected Presentation Timeline for Policy Reviews Assigned to the Office of the Director of Police Accountability (ODPA)

The purpose of this memorandum is to outline the proposed presentation schedule for policy reviews assigned to the ODPa, which will be presented to the PAB.

Background

The Berkeley City Charter, under Section 125(17)(a)¹, empowers the PAB to “review policies, practices, and procedures of the Police Department at its discretion, or at the request of a member of the public, due to a policy complaint, or a complaint from a member of the public against an officer.” The PAB’s Standing Rules, approved by the Council on October 27, 2021, provide guidelines for handling policy complaints and reviews, detailed in Section G, “Policy Complaints and Reviews.”² According to Section G(3)(a) of the PAB’s standing rules, the PAB may choose to undertake reviews by considering the issue as a whole Board, assigning a Board member to research the issue, asking staff to investigate or research the issue, or establishing a subcommittee. Currently, there are 10 active policy reviews which have been assigned to the ODPa under this provision.

¹ Berkeley City Charter Section 125(17)(a): [https://berkeley.municipal.codes/Charter/125\(17\)\(a\)](https://berkeley.municipal.codes/Charter/125(17)(a))

² PAB Standing Rules Section G: https://berkeleyca.gov/sites/default/files/2022-02/PoliceAccountabilityBoard_StandingRules.pdf#Page=4

The ODPa is submitting to the PAB a proposed schedule for these reviews across the PAB's remaining regular meetings in 2024. The presentation schedule is included as Attachment 1.

Recommendation

The ODPa recommends that the PAB adopt the proposed presentation schedule for policy reviews, as outlined in Attachment 1, for the remaining regular meetings in 2024. Alternatively, the Board may consider an alternative schedule that aligns with its current workload and priorities for the rest of the year.

Attachments:

1. Proposed Policy Review Presentation Schedule by ODPa

Attachment 1

Proposed Policy Review Presentation Schedule by ODPa

Policy Complaint Number	Projected Presentation Date	Projected Presentation Time	Summary
2023-PR-0001	9/11/2024	15 minutes	The policy review was initiated by a complainant after their personnel case had expired, requesting a review of BPD Policy 1010, particularly Section 1010.7.3, which addresses officers' obligations for PAB hearings. The proposal suggested adding a requirement for officers to "make good faith efforts to comply and cooperate in a timely manner" with ODPa and the Board, alongside changes proposed through the Police Review Project for processing complaints.
2023-PR-0002	9/11/2024	10 minutes	The policy complaint alleges that BPD failed to respond to emails sent by the complainant, including one expressing fear for his life. After confirming the complainant's intention to file a policy review during an intake session on April 14th, ODPa staff presented the complaint to the PAB, but the complainant did not attend. The PAB voted to have staff look further into the issue before formally accepting the review.
2023-PR-0005	10/9/2024	20 minutes	The complainant alleges that her family has faced ongoing harassment, noise, and vandalism from neighbors, and claims that BPD has inadequately addressed their repeated requests for help. ODPa identified four review areas: Berkeley Municipal Code and California Noise Law, Police Jurisdiction, BPD Noise Policies, and Field Mediation by Officers.
2023-PR-0009	10/30/2024	15 minutes	This policy complaint concerns an incident on October 7, 2023, at University Avenue and California Street, where a BPD officer stopped, handcuffed, interrogated, and then released a cyclist. The review focused on use of force and was included in the annual use of force review.
2024-PR-0001	10/30/2024	15 minutes	This policy complaint requests a review of BPD Policy 300, "Use of Force," focusing on the use of less-lethal munitions. The complainant seeks clarification on whether officers can point or display less-lethal weapons at close range, from a vehicle, or without justification. The PAB decided to review the entire policy, including these concerns, as part of the mandated annual review and update under SB 230 (Caballero).
2487	11/13/2024	15 minutes	A personnel complaint alleging improper force by officers, resulting in minor injuries, led to a policy review initiated by the PAB at ODPa's request. Despite the complaint being closed due to the complainant's non-cooperation, the review proceeded after body-worn camera footage suggested an officer directed paramedics to inject a substance into the complainant.
19	11/13/2024	20 minutes	On January 8, 2022, Berkeley Police responded to a call about an intoxicated individual, providing assistance but ultimately releasing them without a medical evaluation due to a rash. Later found in distress and pronounced dead, the incident prompted the Police Accountability Board to convert their investigation into a review of BPD's policies on medical treatment for arrestees and the release of intoxicated individuals.
2488	12/11/2024	15 minutes	The policy review began from a complaint alleging excessive force by BPD during an arrest, which was paused for a criminal matter. After the complainant's release on April 15, 2022, the investigation resumed, leading to the complaint being closed and a policy review initiated to further verify and specify the use of force incident.
17	12/11/2024	20 minutes	The policy review began from a self-initiated complaint about an individual's death at Alta Bates Summit Medical Center, alleging improper use of force or handcuffs by BPD. The complaint was closed administratively, and while the ODPa has not verified the allegations, Berkeleyside reported that BPD stated the DA's office found no force was used and did not classify it as an in-custody death.
2024-PR-0004	To be Presented in 2025	15 minutes	On May 22, 2024, the PAB approved the ODPa's proposal to research AI-assisted police reports.

Item 9.e. - PAB Regular Meeting Schedule

2024 Commission Meeting Schedule

Name of Commission: Police Accountability Board
Commission Secretary: Hansel A. Aguilar, Director of Police Accountability

Month	Meeting Day	Meeting Date	Time
January 2024	Wednesday	January 10	6:30 PM
	Wednesday	January 24	6:30 PM
February 2024	Wednesday	February 14	6:30 PM
	Wednesday	February 28	6:30 PM
March 2024	Wednesday	March 13	6:30 PM
	Wednesday	March 27	6:30 PM
April 2024	Wednesday	April 17	6:30 PM
May 2024	Wednesday	May 8	6:30 PM
	Wednesday	May 22	6:30 PM
June 2024	Wednesday	June 5	6:30 PM
	Wednesday	June 26	6:30 PM
July 2024	Wednesday	July 10	6:30 PM
	Wednesday	July 24	6:30 PM
August 2024	No Meeting		
September 2024	Wednesday	September 11	6:30 PM
	Wednesday	September 25	6:30 PM
October 2024	Wednesday	October 9	6:30 PM
	Wednesday	October 30	6:30 PM
November 2024	Wednesday	November 13	6:30 PM
December 2024	Wednesday	December 11	6:30 PM

Legislative Updates Relevant to the PAB's Work



MEMORANDUM

Date: July 18, 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

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 Updates¹

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

- **AB 2042 “Police Canines: Standards and training.”** Would require POST to develop standards and training guidelines for the use of canines by law enforcement.
Status: Read second time and amended. Re-referred to Com. on APPR.
- **AB-3241 “Law Enforcement: police canines.”** Would require POST to adopt uniform, minimum guidelines regarding the use of canines by law enforcement and to certify courses of training for all law enforcement canine handlers and those law enforcement supervisors directly overseeing canine programs.
Status: Read second time and amended. Re-referred to Com. on APPR.

Lexipol Policy Update

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

- **BPD Policy 1204 Enforcement of Isolation and Quarantine Orders.** Removal of policy.

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

- **Occupational Disease and Work-Related Injury Reporting.** Language updates to reflect new bureau names, removal of Chief’s review, and reorganization of form requirement paragraph.

City of Berkeley Council Meeting Update

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

July 23, 2024 City Council Regular Meeting Agenda Packet²

Consent Calendar:

- **Item 3.-Municipal Code Amendments for Measure KK Compliance and Updated Settlement Authority**
From: City Attorney
Recommendation: Adopt first reading of an Ordinance amending Chapter 2.56 and Sections 2.36.040, 4.04.100, 4.04.110, and 7.12.020 of the Municipal Code to conform to Section 113 of the City Charter (Measure KK), and to increase the City Attorney’s authority to settle claims up to \$50,000.
- **Item 10.-Assembly Bill 481, 2023 Annual Military Equipment Report**
From: City Manager
Recommendation: Adopt a Resolution approving the 2023 Annual Military Equipment Report.
- **Item 16.-Lease for Office Space for the Office of the Director of Police Accountability (ODPA) at 1900 Addison Street**
From: Director of Police Accountability
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a ten-year lease agreement with The Shamszad Family Living Trust for the property located at 1900 Addison Street, Suites 300 and 350, with a lease term beginning on September 1, 2024.

July 15, 2024 Public Safety Committee Meeting Agenda Packet³

Scheduled Items:

- (Relevant to all stakeholders) **Item 2.** First Draft 2024 Local Hazard Mitigation Plan
From: Office of Emergency Services
Recommendation: Discussion on the first draft 2024 Local Hazard Mitigation Plan.

² July 23, 2024 PAB Regular Meeting: <https://berkeleyca.gov/city-council-regular-meeting-eagenda-july-23-2024>

³ July 15, 2024 Public Safety Committee Meeting: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2024-07-15%20Agenda%20Packet%20-%20PUBLIC%20SAFETY.pdf>

Unscheduled Items

- **Resolution:** Opposition to Police Brutality and Use of Force on Nonviolent Protesters From: Councilmember Harrison (Author)
Referred: November 20, 2023 Due: September 12, 2024
Recommendation: Adopt a Resolution reaffirming the City of Berkeley's opposition to and condemning police brutality towards nonviolent protesters and discouraging use of "less-lethal" weapons for crowd control.

July 15, 2024 Agenda & Rules Committee Meeting Agenda Packet⁴

Items on Draft Agenda for July 30, 2024 Council Meeting

Consent Calendar:

- **Item 12.** Purchase Order: National Auto Fleet Group for Prisoner Transport Vehicle Body Assembly Upgrade
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Source well bid procedures and authorize the City Manager to execute a purchase order for one Prisoner Transport Vehicle Body Assembly Upgrade with National Auto Fleet Group in an amount not to exceed \$340,000.
- **Item 13.** Purchase Order: Turf Star, Inc. for Go-4 Parking Enforcement Vehicles
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the City Manager to participate in Source well bid procedures and authorize the City Manager to execute a purchase order for Go-4 Parking Enforcement Vehicles with Turf Star, Inc. in an amount not to exceed \$400,000.

⁴ July 15, 2024 Agenda & Rules Committee Meeting Agenda: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2024-07-15%20Agenda%20Packet%20-%20Agenda%20Committee.pdf>